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Fighting elephants, suffering grass: oil exploitation in Nigeria
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Fighting elephants, suffering grass: oil exploitation in Nigeria

Fighting
elephants,
suffering
grass

791

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Abstract

Purpose – The purpose of this paper is to understand the interactions of the different actors – the state, multinational oil and gas companies, environmental advocacy groups and local people – in the oil-rich Niger Delta.

Design/methodology/approach – The paper draws on interviews, observations and focus group discussions, as well as on archival materials relating to the development of the oil and gas industry during the colonial period (i.e. pre-1960 Nigeria).

Findings – A cultural theory-based analysis of the environmental risk perceptions of the different actors reveals a profoundly unconstructive institutional configuration, in which the collusion of two “solidarities – the oil companies (individualism) and the state (hierarchy) – has led to the exclusion of the local communities (egalitarianism) who have found themselves impoverished and marginalised (fatalism). With these two “elephants” – individualism/hierarchy and egalitarianism/fatalism – pitted against each other, it has been the “grass” – the natural environment that has suffered.

Practical implications – Giving the local communities a stake in the wealth-creating process, from which they are at present excluded, would shift the pattern of inter-solidarity engagement from one in which two “active” (i.e. non-fatalist) voices silence the third to one in which each voice is able to make itself heard and is then responsive to the others.

Originality/value – Innovative and current on under-researched topic and geography. The main fieldwork was conducted between 2007 and 2008, with further field visits and updates between 2009 and 2013.

Keywords Conflict, Niger delta, Oil, Cultural theory, Communities, Risk and vulnerability

Paper type Research paper

In Nigeria, the lack of adequate compensation, and the persistent environmental degradation arising from oil and gas exploitation in the Niger Delta, has raised concerns within the local communities about the sustainability of state policies and practices. The controversy between the state, the oil companies and the local communities centres on the sustainability or otherwise of oil exploitation in relation to both the local ecology and the livelihoods of those who are directly dependent on the land. Often the local people view the state’s economic approach to resource exploitation as unsustainable and skewed against indigenous land-use practices and economic survival. The state, in their view, treats their communities as merely economic spaces rather than as human habitations with both life-supporting and mystical significance for the local population (Akpan, 2009, p. 112). The state, on the other hand, views local opposition to its exploitation of oil and gas as a challenge to its political and economic sovereignty over the different segments of the country. The conflicts between the state (in some sort of alliance with the International Oil Companies (IOCs)) and the oil producing communities often emanate from these



disparate perceptions of land-use, ownership rights and governance procedures: a scenario that has been characterised as agitation for good environmental governance and for the payment of just compensation for expropriated and polluted land (Akpan, 2005, p. 135; see also Obi, 2001).

The third set of actors – the IOCs – being essentially business-minded, would normally be at some pains to keep themselves at a safe distance from government (and all the regulations and restrictions that it tends to impose) but, in Nigeria, it has become closely aligned with the state. While the state depends on the rent from oil, which accounts for about 90 per cent of its foreign earnings, the IOCs depend on the state for security and for favourable institutional and legal frameworks to continue their exploitation of petroleum (Kolawole, 2009, p. 2).

The continued degradation of indigenous land by the state and the oil companies, the non-reinjection of profits for the socio-economic development of the region and the continued alienation of the local people from their land have led to mass poverty across the whole Niger Delta region. This has profoundly influenced the way the indigenous people relate to their environment. The gentle, grassroots controls that in the past, were sufficient to discourage harmful land-use practices (by declaring them “taboo”) were simply no match for these massive intrusions from the outside. Avoiding cutting a tree-branch, for fear of offending the ancestors, becomes somewhat pointless when oil is gushing up all around the tree in question! Indigenous practices have thus become every bit as unsustainable as those of the state and the oil companies. The environment, thanks to this convergence in outcome has become “the loser” twice over. In this paper we start from this dynamic and three-cornered contention – the indigenous communities, the state and the IOCs – that, as already indicated, has been the cause of this double environmental whammy and then go on to ask whether it might be possible to craft a clumsy solution – essentially a way of moving towards a different pattern of triangular intervention that would reverse this unwelcome and unsustainable outcome.

Theory behind these triangular interactions

The theory of plural rationality/cultural theory has been set out many times (e.g. Douglas and Wildavsky, 1982; Thompson *et al.*, 1990; Gross and Rayner, 1985; Schwarz and Thompson, 1990; Verweij *et al.*, 2006; Thompson, 2008). Here we will do it in a somewhat minimal way, since we only need to underpin the fundamental nature of our three sets of actors, and to explain how it is that the complex dynamics of their interactions can lead things in sometimes destructive and sometimes constructive directions.

“They will never agree”, said the nineteenth century wit, the Reverend Sidney Smith, when he saw two women shouting at each other from houses on opposite sides of an Edinburgh street, “they are arguing from different premises”. Cultural theorists (Adams, 1995, p. 50; Douglas and Wildavsky, 1982, p. 174) like to use this story as a way of getting to grips with the disputes that characterise environmental policy. The different premises, in these disputes, concern human and physical nature, and cultural theory maps them in terms of a fourfold typology of forms of social solidarity.

Cultural theorists then point out that two of these forms of social solidarity – hierarchy and individualism – have long been familiar to social scientists: all the way back to Sir Henry Maine (1861) and forward to Oliver Williamson (1975) and Charles Lindblom (1977). Maine saw a one-way transition from status to contract (pretty much the same as development theorists’ traditional to modern); nowadays institutionalists

tend to speak of hierarchies and markets, together with the idea that things can go either way (depending, for instance, on whether transaction costs are spiralling up or spiralling down). So the theory's novelty lies in its addition of the other two solidarities – egalitarianism and fatalism – and in its making explicit the different premises – the different social constructions of nature: physical nature and social nature – that sustain these four fundamental arrangements for the promotion of social transactions (by rendering them both rational and morally defensible. See Thompson *et al.*, 2006).

Hierarchies institute status differences (asymmetrical transactions) and, by requiring forms of behaviour appropriate to those of differing rank and station (accountability), set all sorts of limits on competition. Markets – the transactional arrangements that accompany individualism – do the diametrical opposite; they institute equality of opportunity (symmetrical transactions) and promote competition (no accountability, as in “If I do it someone else will”). The other two permutations: symmetrical transactions with accountability (labelled egalitarianism in the cultural theory scheme), and asymmetrical transactions without accountability (labelled fatalism in the cultural theory scheme) tend to be ignored by social science and policy science in particular.

If there were only hierarchies and markets (i.e. individualism) then the deal over the Delta's oil that was struck between the Nigerian Government (the hierarchical actor) and the various IOCs (the market actors) would have held and everything would then have gone swimmingly. But, of course, the deal has not held and things have not gone swimmingly. The reason is that, no sooner had this hierarchy/individualism alliance been formed that it was confronted by another, as those “excludees” whose land and livelihoods were being destroyed came together in an egalitarian solidarity that then was able to draw on a ready pool of potential recruits among those Niger Delta residents who had found themselves squeezed out into fatalism.

So cultural theory, by doubling – up from two to four, enables us to make sense of something – what is happening, socially and ecologically – that is beyond the explanatory reach of those who have equipped themselves with the conventional social science wisdom. It also, as we will see, allows us to pinpoint all the destructive consequences of these two-by-two dynamics and to set out the essentials of the sort of institutional re- design that could reverse those destructive consequences.

- For upholders of the individualist solidarity, nature is benign and resilient – able to recover from any exploitation (hence the iconic myth of nature: a ball that, no matter how profoundly disturbed, always returns to stability) – and man is inherently self-seeking and atomistic. Trial-and-error, in self-organising ego-focused networks (markets), is the way to go, with Adam Smith's invisible hand ensuring that people only do well when others also benefit. Individualists, in consequence, trust others until they give them reason not to and then retaliate in kind (the winning “tit for tat” strategy in the iterated Prisoner's Dilemma game (Rapoport, 1985)). They see it as only fair that (as in the joint stock company) those who put most in get most out. Managing institutions that work “with the grain of the market” (getting rid of environmentally harmful subsidies, for instance) are what are needed.
- Nature, for those who bind themselves into the egalitarian solidarity, is almost the exact opposite (hence the ball on the up-turned basin) – fragile, intricately interconnected and ephemeral – and man is essentially caring and sharing (until corrupted by coercive and inequalitarian institutions: markets and hierarchies).

We must all tread lightly on the Earth, and it is not enough that people start off equal; they must end up equal as well – equality of result. Trust and levelling go hand-in-hand, and institutions that distribute unequally are distrusted. Voluntary simplicity is the only solution to our environmental problems, with the “precautionary principle” being strictly enforced on those who are tempted not to share the simple life.

- The world, in the hierarchical solidarity, is controllable. Nature is stable until pushed beyond discoverable limits (hence the two humps), and man is malleable: deeply flawed but redeemable by firm, long-lasting and trustworthy institutions. Fair distribution is by rank and station or, in the modern context, by need (with the level of need being determined by expert and dispassionate authority). Environmental management requires certified experts (to determine the precise locations of nature’s limits) and statutory regulation (to ensure that all economic activity is then kept within those limits).
- Fatalist actors (or perhaps we should say non-actors, since their voice is seldom heard in policy debates; if it was they would not be fatalistic!) find neither rhyme nor reason in nature, and know that man is fickle and untrustworthy. Fairness, in consequence, is not to be found in this life, and there is no possibility of effecting change for the better. “Defect first” – the winning strategy in the one-off Prisoner’s Dilemma – makes sense here, given the unreliability of communication and the permanent absence of prior acts of good faith. With no way of ever getting in the sync with nature (push the ball this way or that and the feedback is everywhere the same), or of building trust with others, the fatalist’s world (unlike those of the other three solidarities) is one in which learning is impossible. “Why bother?” therefore, is the rational management response.

These four solidarities, cultural theorists then point out, are clearly discernible, in varying strengths and patterns of pair-wise alliance, almost anywhere you care to look: in debates over water engineering in South East Asia (Gyawali, 2001); in the international fora where delegates struggle to do something about climate change (Thompson *et al.*, 1998); in the different ways international regimes cope with trans-boundary risks such as water pollution (Verweij, 2000) and municipalities go about the business of transport planning (Hendriks, 1994); in the various ways households set about making ends meet (Dake and Thompson, 1999); in the different diagnoses of the pensions crisis in countries with ageing populations (Ney, 1999); and in the different panaceas that are variously championed and rejected by theorists of public administration (Hood, 1998), to mention but a few.

In all these examples we find that each solidarity generates a definition of the problem that contradicts those that are generated by the other solidarities. Indeed, each one’s problem, as we will see, is in large parts constituted by the solutions that are being proffered by the others. Each, unsurprisingly, is then dismissive of the others, with the result that each crafts, and justifies its distinctive and elegant solution: a solution that would work beautifully if: the world, and the people in it, were indeed the way that solidarity has constructed them; and everyone was happy to go along with that solution (or, if unhappy, could be costlessly ignored).

However, since each of these contradictory “storylines” distills certain elements of experience and wisdom that are missed by the others, and since each provides a clear expression of the way in which a significant proportion of the populace feels we should

live with one another and with nature, it is important that they all be taken some sort of account of in the policy process. That in essence, is the case for clumsiness: the case that we will now argue in relation to the Niger Delta.

Perceptions and solidarities in the Niger Delta

- The nature benign view, in which the natural environment is perceived as robust and able to bounce back from any insults, justifies the laissez faire, technologically innovative and trial-and-error encouraging behavioural approach of those who bind themselves into the individualist social solidarity. In the Niger Delta, this bias is represented by the IOCs: Shell Petroleum Development Company (SPDC), ExxonMobil, Total Petroleum Nigeria, Agip Oil Nigeria (Eni of Italy), Chevron Petroleum, among others. The market orientation of this solidarity also has implications for the way in which it responds to the environmental and compensational needs of the local communities where the oil exploitation takes place. In other words, the companies do not adequately compensate local communities when their land is expropriated or degraded in the process of oil exploration or exploitation because it views corporate relationship with local communities from a market perspective.
- The myth of Nature Ephemeral tells us that the environment is fragile and very much at risk from man-made disturbances. Those who see things this way – the upholders of the egalitarian solidarity – are convinced that self-renewal, in the wake of exploitation, is simply not possible. They therefore hold uncompromising views on eco-maintenance and favour policies that seek to limit ecological intrusion and abuse. According to cultural theory, those who hold this perception of the environment emphasise care and caution in the use of environmental resources, and readily blame inegalitarian institutions, such as markets and hierarchies, for the undue ecological damages that occur in the course of the pursuit of profits and rents. Although this view seems to have become orthodox among the international environmental groups that are active in the Delta, it no longer holds for the local communities in whose names these groups claim to speak. The reason, as we will show later, is that the institutional dynamics that have pitted an individualist/hierarchical alliance against an egalitarian/fatalist one have dislodged many of those in the local communities from the perceptual framing that previously justified and guided their eco-respectful and low-impact behaviour. International eco-centric and human rights groups – Greenpeace, Friends of the Earth, Amnesty International, Human Rights Watch, among others did, however, stimulate the emergence of local environmental groups in Nigeria, especially in the 1990s (Obi, 2001).

The local egalitarian solidarity was clearly represented by indigenous environmental advocacy groups, such as the Movement for the Survival of Ogoni People (MOSOP), Environmental Rights Action (ERA) and certain ethnic-based groups that started off with the environmental agenda, such as the Ijaw Youth Council (IYC), among others. Internally, these egalitarian actors focused their attack on the IOCs, the state, the political class, and the local elite (such as traditional rulers, contractors and subcontractors to oil firms). These groups are often viewed with suspicion in local communities as allies of the state and therefore saboteurs of local aspiration (Jike, 2004).

These egalitarian actors also blamed external actors, such as the US, EU and China, with their ever-expanding appetite for oil and gas. The belief was that the continued demand for oil and gas from these countries contributed to the socio-ecologic pressures in local communities. These external actors were also accused of environmental racism: of being indifferent to situations they would never tolerate in their own countries, those situations having been brought about in Nigeria by companies originating from those countries (Adewale, 1989). The solution to the problem, from this perspective, is therefore that the state should surrender a greater part, or all, of the oil resources in the Niger Delta (resource control) to the local people for them to then manage as their own resources (Azaiki, 2003; Nwokedi, 2003).

- In the nature tolerant/perverse myth, the ecology is seen as existing in the context of a conditional equilibrium. Nature, in other words, hangs in the balance; there is some sort of threshold, and too many human disturbances are seen as capable of leading to a catastrophe (Thompson *et al.*, 1990; Steg and Sievers, 2000). Self-renewal, therefore, is possible but only if the environment is managed in such a way that the threshold is not crossed. Hierarchical actors – governments, bureaucracies, technocrats – tend to hold to this perception, seeing expert – guided regulation as the way to go. In Nigeria, this solidarity animates the three tiers of government: federal, state and local councils, together with the state agencies that are charged with environmental protection, such as the Federal Environmental Protection Agency (FEPA). Although there are fundamental differences in environmental management procedures between the hierarchist and individualist solidarities, the shared interests of the state and the IOCs – rent and profits respectively – have more or less aligned their interests, with the hierarchical actors eager (perhaps over-eager) to judge that the oil companies' essentially individualistic actions are all within the "tolerant" pocket in its supporting myth of nature. This close relationship has made it difficult for the state to be sufficiently strict in its oversight function as the regulator of the oil and gas industry, thereby leading to compromises on environmental best practice.
- In the fatalist solidarity, the world does things to you but nothing that you do seems to make much difference. In the Niger Delta, the local people – subsistent farmers, fishermen, hunters and itinerant traders – have found themselves in this situation. Largely uneducated, they have long been dependent on the watercourses and the intervening land for their subsistence, and they have ensured the sustainability of that subsistence through a low-key and essentially egalitarian management style in which behaviour that is judged detrimental is discouraged by a shared and face-to-face disapproval of "taboo-breaking". In recent decades, however, they have had to bear much of the effects of oil and gas exploitation, and those effects have been very far from low-key. Their land has been largely expropriated for oil and gas exploitation over the last 50 years (since late 1950s), and their fishing waters are regularly polluted by oil spills.

Official land-use policies and practices that do not mesh with indigenous customs and practices are perhaps the major factors contributing to grassroots violence in the Niger Delta. The ownership frameworks of land/mineral resources in Nigeria have undergone several changes since the colonial times (1900-1960). Without going into too much detail

of these legal frameworks, previous minerals laws in Nigeria, such as the Minerals Ordinance Acts of 1914 and 1945, made a distinction between surface and subsurface rights. While the former belonged to the individual owner, the later belonged to the state. It was the Petroleum Act of 1969 and LUD of 1978 that upset this balance by appropriating all ownership of petroleum and land rights for the state. Allott (1978, p. 136) called the LUD the “most revolutionary enactment in Nigeria”. While the Petroleum Act of 1969 expropriated the right of local communities to compensation on petroleum produced, the land surface belonged to communities and individuals – who negotiated compensation on their surface right. However, the LUD expropriated this right from communities and individuals (Ebeku, 2001). In the post-1978 dispensation, the “owner” status has changed to “occupier”, whereby the certified right of an occupier is legally recognised only until such times as the state requires the property for public purpose. Once it is required, the state takes possession of it and pays the “occupier” compensation for any improvements he has made (LUD, 1978: Section 6). In the assessing of the worth of such compensation, the owner no longer has the right to negotiate; rather, state assessors determine what is fair and adequate compensation is. Ogon (2006, p. 5) describes the alienation of indigenous landowners in this way: “It [compensation] created a sense of fulfilment and participation and implicit consent in the process of exploration and exploitation [for crude oil] not necessarily in terms of adequate compensation for the loss of the land but being given a chance to be involved in the unfair bargain” (see also Ebeku, 2001, p. 11).

The implication of such exercise of what is generally known as “eminent domain” is that the state could easily expropriate any indigenous land for “public use”, or pass on expropriated land to a multinational firm in the name of “the public good” (Kelly, 2006). In exercising this “right to condemn privately held land for public or quasi-public use” (Uchendu, 1979, p. 63), questions arise as to its justness. Acquisition for “public purpose” means that a piece of property, such as land, could be transferred from a less powerful owner to a big business corporation without the consent of the owner. It is this feature of eminent domain that has been found to constitute its major problem. Gregory (2006, p. 1), for instance, sees the practice as stealing. To him, “Theft is theft, even if for public purpose”.

Both the official and the corporate thinking has been that indigenous lands constitute ordinary economic spaces, and this has largely determined the way in which they have related with the local communities and their land. In particular, in determining what the state/corporate organisations consider as “just compensation” for different trees, crops and physical structures (houses, tombstones, rivers and streams, shrines and so on) they impose a market perception of ecology. In this perception, mystical objects are treated as mundane and, ordinary and hence compensatable. For instance, while the state/oil companies tag an oil palm tree (*Elaeis guineensis*) as just an “economic tree”, certain communities in the lower Niger Delta communities see that tree as the harbourer of mystical meanings and not just as a producer of edible oil and wine (Akpan, 2005, p. 143)

Among the Igbo[1], it is at the base of a specific palm tree that the umbilical cord of a new-born child is buried. This act signifies wishes for a long and prosperous life for the child. The palm tree thus represents fruitfulness and longevity: attributes that are ignored by the state and the corporate actors.

These neoliberal perceptions of the local ecology and structures started in the colonial era (pre-1960). The colonial state and Shell D’Arcy[2] officials kept themselves ignorant of indigenous customs. The colonial separation between “economic trees” and

“non-economic trees”, for instance, ignored the fact that local people often do not make this distinction. To the indigenes, a wide range of trees, shrubs and grasses possess a range of utilities – economic, medicinal, mystical and social. For instance, “non-economic” trees, such as, Udara, Umune and Ofo, are known in Igbo[3] mythology for their mystical values above and beyond any other uses (Akpan, 2005; see www.afrosacredstar.com).

The inability of the state and corporate bodies to evolve a viable framework for dealing with the problems brought about by resource exploitation in local communities has had varying effects on all three sets of actors: the oil companies, the state and the local communities. While the state has lost revenues from oil exports owing to increased grassroots agitation across the Niger Delta region, the communities have suffered environmental devastation from oil exploitation and from the security uncertainties arising from clashes between state security operatives and local resistance movements, and oil companies have fallen way short of their production targets and are experiencing ever-increasing insecurity in relation to their massive investments in the region. The continued alienation of indigenous lands and their associated means of livelihoods has also resulted in unequal relationships to the oil wealth in the region. While local farms, streams and religious sites are often polluted through activities associated with oil production, the environment is not remediated nor are the communities provided with basic socio-economic infrastructures. It is noted that “more than 6,000 oil spills have been recorded since 1976 [of which] less than 25 per cent of spills are remediated” (www.sweetcrudemovie.com).

This neglect has made a paradox of the region: highly endowed with oil resources yet struggling with a high poverty rate. There is the ecological impact on the local economy, which is based primarily on fishing, farming, petty trading and hunting, and there is continuing and escalating joblessness especially among the young. With job openings in fishing and farming disappearing as a result of the ecological impacts of oil extraction, these largely uneducated youths have not been able to find work in the high-skills oil industry. In a situation where, according to Kari (2007, p. 363), illiteracy[4] rates in some parts of rural Niger Delta runs as high as 90 per cent, finding and adapting to alternative careers (other than in the declining occupations of fishing, hunting and trading) is not easy. The result has been a lopsided distribution of the benefits and costs of oil exploitation, with the state and the IOCs reaping the gains and the local communities the losses. Obi (2008, p. 11) has described the relationship as a “skewed distribution of [...] benefits and pernicious liabilities”, while Okonta and Douglas (2003) characterise the Niger Delta as the place “Where Vultures Feast”.

The region’s grassroots rebellion dates back to 1967 when Isaac Adaka Boro led a secessionist movement – Niger Delta Republic (Frynas, 2000, p. 46). Although the rebellion was crushed, the local grievances were not addressed by succeeding administrations. Since then, there continued to be flashes of protest against oil exploitation, until the 1990s when local opposition to the oil and gas companies turned into open conflict.

This period witnessed the internationalisation of the Niger Delta crisis through the activities of international environmental NGOs and human right groups such as: Friends of the Earth, Human Right Watch, Amnesty International, Corpswatch, and the international media (see Obi, 2001). These organisations, it seems, also stimulated the growth of local human rights/environmental groups such as MOSOP (led by the renowned playwright Ken Saro Wiwa), ERA, and also socio-ethnic groups such as the IYC, the Ikwerre Youth Movement (IYM), (see Ikelegbe, 2001; Obi, 2001). In the early

1990s the agitation was largely peaceful and focused on drawing the attention of the international community to the unsustainable activities of the IOCs and the state through the picketing of oil platforms and the chasing away of oil workers from local communities. It was also the era when, in 1995, the repressive military regime of General Sani Abacha hanged Ken Saro Wiwa and eight other leaders of MOSOP. There were also the Choba military incidences^[5] and related violence associated with the military occupation of various communities (see HRW, 1999). This regime of repression, unsurprisingly, resulted in the proliferation of groups opposed to oil exploitation in local communities and also led to the transformation of those groups into organised armed militia (Obi, 2001). The entire region became volatile as grassroots rebellion took on the oil and gas infrastructure. A state-commissioned study in the first-half of 2009 (the study was done by the Niger Delta Presidential Technical Committee) found that between January and September 2008 violence in the region left 1,000 people dead and cost the state 24 billion USD. Nigeria's daily oil output was also cut by 25 per cent, with the international crude oil market suffering continuous price volatility as a result of security uncertainty and cuts in Nigeria's production quota (see www.bbc.co.uk; Kolawole, 2009).

Pair-wise alliances, realigned perceptions and their effects on the environment

Any pair of solidarities, according to cultural theory, can form an "alliance". All it requires is that they foreground what they have in common and background what sets them apart. The hierarchical and individualist risk perceptions, for instance, can be reconciled by the hierarchical actors conceding that none of the behaviours of their individualistic allies will result in a perturbation, so severe as to carry the ball out of the tolerant pocket and into the realm of perversity. Threefold (or fourfold) alliances however, are not possible because when everything that sets them apart has been backgrounded there is nothing left to hold them together! Alliances also come at a price, in the sense that they increase the likelihood of surprise; hierarchical actors, for instance, would have to break their alliance with individualism in order to entertain the possibility that some of the interventions of the alliance were in fact taking things beyond the tolerant limits and into the perverse region.

In the Niger Delta, we have argued, there are two pair-wise alliances, each pitted uncompromisingly against the other, and each repeatedly failing to learn from the surprises it keeps on and running into. In other words, the perceptual realignments that are entailed in the formation and maintenance of these alliances (and of their antagonistic relationship) have led things in an increasingly pathological direction. Indeed, things are now so pathological that Nigeria, and not just the Delta region, is in danger of implosion.

The individualist/hierarchical alliance

Institutionally, the state and the oil companies operate the petroleum sector through joint ventures (JVs) and production sharing contracts. These frameworks are then run through joint operating agreements which specify shared responsibilities – counterpart contributions of partners, percentages of risks and profits. Although the IOCs and the state often disagree on operational terms (the benefits each will reap and the burdens each must shoulder), such disagreements seldom extend to procedures for environmental governance. Hardly surprising, cultural theorists could remark, in view of the perceptual realignment (no interventions carrying things out of the tolerant pocket and into perversity) that is the precondition for the formation of the alliance.

The common interest that drives this alliance is the oil revenue. The state collects rents in different forms from the oil companies: petroleum profit tax, oil bonuses, royalties, profits taxes, government sales of its oil quota, domestic market allocation, together with other less direct ones: education tax and Niger Delta development levies (NEITI, 2005, pp. 6-8). These sources together contribute about 95 per cent of Nigeria's total foreign exchange earnings or over 80 per cent of its annual budget (Kolawole, 2009, p. 2). On the other hand, while profits from their operations in Nigeria sustain the oil companies, the state provides the IOCs with the institutional backing (a favourable legal framework and military protection) needed to continue their operations (Frynas, 2000; Kolawole, 2009). It is this symbiotic relationship between the state and the oil companies that has synthesised their environmental biases. The mutuality ensures that the common interests of the partners are protected, and the perceptual realignment ensures that consequences that might call this cosy relationship into question are backgrounded. For instance, although, the state has several environmental protection laws (most notably, the Federal Environmental Protection Act of 1988), they are not enforced. Enforcing them, would upset the smooth operation of the oil companies and erode the state's revenue base by increasing its counterpart contribution to the JVs (Adewale, 1989).

Egalitarian/fatalist alliance

As we have already mentioned, local people held a more cautious approach towards their physical environment. There were indigenous laws that defined taboos against the land. In certain Igbo oil producing communities (and perhaps in non-Igbo areas), taboos included clearing of woodlands where it was believed certain ancestral spirits lived, improper bush burning, sand excavation without the community's approval, fishing in certain streams and rivers, and the hunting of certain totemic animals, such as python (Achebe, 1958; Ilogu, 1974, pp. 23-24). Those who broke these taboos were effectively sanctioned through locally extracted fines and public disapproval (and even ostracism). However the expropriation of petroleum resources and land through such laws as Petroleum Act of 1969 and Land-Use Decree (LUD) of 1978, and the corporatisation of indigenous land through oil company acquisitions, alienated the local population from the natural resources that were the basis of their physical, social and cultural sustenance. Having lost control of their land (and with that the source of their income) to the state, the local people found themselves headed for destitution and inevitably sought desperate means of sustaining themselves. This desperation meant that the environment became vulnerable to forms of abuse that hitherto had been avoided (Dokubo, 2009). And with that desperation, there came a change in perception, in the sense that it was no longer possible to conform to the requirements of Nature Ephemeral: to "tread lightly on the earth". Nor, since the actors from the individualist/hierarchist alliance were stamping around all over the place, would there have been much point in treading lightly! In this way, many in the local communities found themselves squeezed out into fatalism, with its accompanying perception of nature as capricious: things operate without rhyme or reason, and nothing you do makes much difference. So we get not so much an alliance as an affinity between the two solidarities – egalitarianism and fatalism – that have been excluded by the near-hegemonic individualist/hierarchist alliance. And that affinity, once mobilised by the grassroots activism, became an alliance that has effectively challenged the near-hegemony of the state and the oil companies. The loser in all this, of course, has been the environment.

Hierarchy and individualism, we hasten to add, were also part of the pre-colonial and pre-oil transactional mix in the Delta communities. There were formal courts as well as “courts of public opinion”, and the goods that were so exuberantly traded were private goods and not the common-pool goods that characterise and uphold the egalitarian solidarity. Our point is that, as is the case with many so-called “traditional” societies, a considerable proportion of transactions were parcelled-out to the egalitarian solidarity (see Thompson, 2008). Indeed it will be our argument that the sort of constructive and engaged plurality of solidarities that was destroyed by the incursions of the over-simple individualist/hierarchy alliance is the key to the resolution of the horrendous mess that the Delta, and Nigeria as a whole, is now in.

The mobilisation of the egalitarian/fatalist alliance started with the social and environmental advocacy groups in the 1980s and 1990s, which agitated for corporate “socio-ecologic” responsibility in the host communities. It was initially non-violent in character. However, the continued official neglect of both the campaigners and their message, coupled with the state’s highhandedness against them (in particular the killing of Ken Saro Wiwa and his fellow Ogoni activists in 1995, and several punitive military actions against their village-communities) seem to have forced the alliance into armed resistance against the state. The often charismatic educated class (the egalitarian actors) have been able to inspire the largely uneducated, economically disempowered and fatalised masses: fishermen, jobless youths, petty traders, palm-wine tappers. In successfully bridging the social gap between their educated selves and these largely uneducated ordinary people, they brought about a mass mobilisation against the other alliance: the state and the IOCs. The language of the “struggle” emphasised the message – that the state and oil companies were taking what belongs to the Niger Deltans and destroying their land (Ghazvinian, 2007; Watts, 2007). For instance, in 1998 the IYC issued a declaration – The Kaiama Declaration – in which they emphasised the connections between the alienation of indigenous rights to land and oil resources, the degradation of their ecology, and the struggle to retake what they believed had been stolen from them by the state through the instrumentality of an unjust law. Part of the declaration read:

That the degradation of the environment of Ijawland by transnational oil companies and the Nigerian State arise mainly because Ijaw people have been robbed of their natural rights to ownership and control of their land and resources through the instrumentality of undemocratic Nigerian State legislations such as the Land Use Decree of 1978, the Petroleum Decrees of 1969 and 1991 (Kaiama Declaration, 1998).

This kind of message was readily received by the grassroots, who were already struggling with the challenges posed by oil exploitation in their localities. The local people were thus recruited into the “struggle”, and into the shared conviction that the war was just. As in any grassroots mobilisation, the local people were promised a better future once the oppressors (the state and oil companies) had finally been driven out or made to operate on terms set by the local people (TOQN, 1995). Local people, we found, are beginning to develop a feeling of awakening and emancipation from the years of domination by what they now see as the oppressive regime of the state and oil companies. Their language has changed from fatalistic expressions (often in Pidgin English[6]) such as – *na only dem and God sabi why we de suffer like dis* (Only government and God understand why we are suffering like this) to *Our time don come*, (our time has come), *man go survive* (man must survive – from any source, anyhow). Expressions of a new found-materialism, and rationalisations of desperate/survivalist thinking and actions such as these, now pervade the communities.

An awareness of indigenous “resource rights”, together with illegal access to oil (by pilfering pipelines) and the good leadership strategies of the educated elite, have given the grassroots confidence and spurred its armed militancy against the state and IOCs. The details of the militancy need not detain us, but it should be noted that in the process of resistance, and in the quest for just compensation (or “resource control” as some Niger Deltans put it, see Azaiki, 2003; Nwokedi, 2003), these militants have also compromised their indigenous environmental benchmarks (their traditional dos and don’ts) by engaging in certain unsustainable environmental practices: either for reasons of sheer survival or, more actively, in order to inflict harm on the enemy (see Dokubo, 2009).

One of the main ways in which this egalitarian/fatalist alliance has impacted on the environment, almost in the same manner as the IOCs, is through the illegal bunkering of crude oil from the myriad pipelines in the Delta. This is officially known as “oil-theft”, and the militants have found the vulnerable pipelines to be a ready source of funding. The process is usually simple – cut the oil pipes, siphon as much oil as you can into oil-barges hidden in the creeks and then sail to the sea where many “black-market” dealers wait in their Ocean-going tankers. The stolen oil is paid for in foreign currencies and small arms, with which the militants continue their “struggle”.

This activity, shading away into individualism has now become one of the most lucrative businesses in the Niger Delta, with the ill-equipped Nigerian Navy unable to safeguard the 853 kilometre coastline and its innumerable openings (Nwilo and Badejo, 2001, p. 1). This burgeoning black-market, with its security implications, inevitably adds to the woes that are being visited on the land and ecology of the Delta. In the next section, therefore, we examine how these emergent practices result in oil spillages that have much the same consequences for the environment as have the unsustainable environmental practices of the oil and gas companies. In other words, the rival alliances’ pathologies, in feeding on one another, have now, so far as the environment is concerned, converged. As they say in Kenya: “when two elephants fight, it is the grass that suffers”.

Towards a pluralistic policy: the case for clumsiness

The dynamics of the solidarities in the Niger Delta Region have clearly resulted in a polarised configuration – the two stropy elephants – that is far from satisfactory, both to an outside observer (the position we have tried to adopt) and, increasingly, to those who are caught up in one or other of the elephants. Cultural theory suggests that things begin to go wrong when the solidarities start to undermine their own moralities, and that, as we have seen, is what has happened in both the Delta and Nigeria as a whole. Hierarchical actors, for instance, are supposed to strive for the common good, not feather their own nests through rent-seeking and crony capitalism. Individualistic actors are supposed to do well only when others also benefit, and that is clearly not what is happening with the oil companies. And the egalitarian actors are supposed to be caring and sharing, both with respect to their fellow humans and the environment, not forming themselves into plundering and pollution-spreading gangs.

Cultural theory further argues that we will get the best possible decisions – sequences of what are called clumsy solutions – if the configuration is such that each solidarity is heard and then responsive to the others. So a first essential step will have to be the breaking down of the current polarisation. If we can find a way of doing that

then the way will be open for things to move towards this desirable configuration. How, we will now conclude by asking, can that be done?

Each elephant, at present, forms itself into what, in the Middle East, is called “a rejectionist front”. Each sees the other as the problem, thereby deepening the divide instead of bridging it.

The state/IOCs

The state maintains its claim to supremacy and sovereignty over all the territories and natural resources in Nigeria. Its elegant position is “no negotiation” with militants (whom it considers criminals). Negotiating with the militants is viewed as a sign of weakness and an invitation to anarchy. It would lead, so the reasoning goes, to a multiplication of agitations in various parts of the country, thereby seriously threatening national cohesion. This is the position that has informed the continued use of a joint armed forces and police operation in the region aimed at quashing the grassroots rebellion and achieving the unhindered production of crude oil. It has not worked.

However, since mid 2009, there has been another dimension in the search for a solution to the Niger Delta impasse. In June of that year, the Central Government announced an amnesty for all the militants, even going to the length of dropping the charges that had been made against some of their leaders. Certain militant groups have even turned in their weapons, while major ones such as the Movement for the Emancipation of the Niger Delta (MEND) have refused to surrender their weapons and called instead for an armistice. The Niger Delta People’s Volunteer Force (NDPVF), for instance, sees amnesty as irrelevant. It argues that, since none of its members was convicted by a court of law, there is no need for the granting of an amnesty (Dokubo, 2009). While these views may be contentious, a key observation is that “amnesty”, as pronounced by the state, reflects its usual “top-down” approach. The terms of the offer were not negotiated between the contending parties, and hence could not be said to have had any inputs from the militants or from the communities they claim to be fighting for.

The militants/communities

The elegant position here is “resource control”. It is a framework within which oil and gas wealth is seen as being fully or partially owned by the local communities or by the states within which it is produced. Community-based agitation has moved from an initial quest for higher compensation and better environmental management to a more or less “hands-off-our-oil” demand. This form of agitation actually began with the MOSOP in the early 1990s, when the Ogonis succeeded in denying Shell access to their community. The expulsion of Shell from Ogoniland was a landmark grassroots success, although not without much human and material sacrifice as a result of the punitive retaliatory measures used by the state (Okonta and Douglas, 2003, pp. 116-119).

There is a view among political office holders in the region that an increase in revenue allocation (especially the derivation fund) to the states in the region would assuage grassroots militancy (Nwogwugwu, 2009). The derivation fund is a proportion of revenue derived from natural resources that is allowed by law to accrue to the states where such mineral resources are produced. Since the early 2000s, 13 per cent of the revenue derived from oil and gas has supposedly been given (in proportion to their contributions) to the states where oil and gas are produced. Although this view has

gained acceptability among the political elite in the region and also in certain other parts of Nigeria, there is a strong indication that such an increased disbursement may not be acceptable to the militants who are based in local communities:

- Increments in the revenue sharing formula would only mean that each state (provincial) government in the Niger Delta region would have more revenue from the federal allocation. More money in the coffers of the states, it is alleged simply gives rise to more misappropriation by the politicians (Nwogwugwu, 2009).
- Many of the elders have now lost legitimacy because of their alleged connivance with the state and oil company officials in circumventing community projects or misappropriating largesse that was meant for their people (Jike, 2004).
- The militant leaders/organisations are alleged to have profited from the illegal oil bunkering (oil theft). This would make it difficult for them to explore employment opportunities in other areas.
- There is much uncertainty about how the uncoordinated interests in the area would manage the oil wealth. Social relations in the area are now woven around several networks involving community land tenures, family ownerships and, in certain cases, individual ownerships. There are also group interests that are based on age and on traditional institutions. Oil production cuts across these institutions, and even individuals who may not be described as owners of the land where oil wells are located are connected to one another through their ownership of passage rights for the networks of pipelines that criss-cross the delta. Leaving complete ownership with the local people might result in these interests not being attended to.

Nigeria has evolved a distinctive form of “federalism”. Probably because of its overdependence on crude oil revenue, there is an unusual concentration of economic power at the top, with central government controlling all key revenue earnings from the oil and gas sector. The other two tiers of government – the state and the local councils – then depend on the central government for their monthly fiscal allocations.

Although many analysts have reasoned that the over-concentration of fiscal control at the centre is perhaps the major reason for the agitation in the Niger Delta (Nwokedi, 2003; Zalik, 2004, p. 405), they have ignored the fact that the agitation is a grassroots movement that seeks a total or greater control of “their” oil resources (Obi, 2006). Redressing that imbalance, by increasing the financial allocation to the states (regional) governments, is unlikely to result in life at the grassroots being transformed. In other words, since the state (regional) governments in the Niger Delta are not the direct initiators of the conflict, increasing allocation to those states would not address the problems. The agitation is rooted at an even lower level: in the disaffection among the local people who interact daily with oil-related activities. The solution therefore lies not in increasing financial allocations for the states which local people consider more or less as alien, but in working out a plan that incorporates and addresses these grassroots fears. In other words, a solution must encompass three sets of actors (the federal government, the oil companies and the local communities) in a “horizontal” power structure within which the actors have legal rights to make inputs and to challenge impositions. The *go-between* policies, whereby the states hold brief for the local communities, have proved unsuccessful in allaying the fears of the local people, all the way back to the late 1950s when oil production began in earnest.

So the idea being advocated here involves the incorporation of local communities in: (a) the ownership structure of the oil and gas industry; and (b) the regulation and decision making structures of the oil and gas industry. The former requires the abolition of those legal frameworks that guaranteed exclusive state ownership of land and mineral resources, among which are the Petroleum Act of 1969 and LUD of 1978. It is this institutional structure that has given rise to frameworks in the oil sector whereby “ownership and management” revolve around the state and its partners – the IOCs – to the exclusion of the communities where oil is produced.

The resulting exclusion of the local communities from the JV partnerships has rendered the local people indifferent to the security of oil and gas facilities in their midst, and this attitude has meant that the local people can destroy or plunder the oil infrastructures without much restraint from within their communities. To them, these facilities belong to a distant state[7] and to oppressive oil companies. Having a stake in the ownership and management of the industry, therefore, will not only lead to the economic empowerment of the local people; it could also usher in a change in the way the grassroots perceive the facilities. As stakeholders, rather than excludees, the local people will be disposed to assume responsibility to protect the facilities. So far no concerted mechanism has been put in place in this direction. Although Rita Abrahamsen in her study of the growth of private security firms in certain African states notes the contributions of partnerships between the state and the private security companies, as she put it, “public-private, global-local security” initiative in Niger Delta, her analysis omitted the possible contribution of the grassroots to the security of installations located in their domain (see Abrahamsen, 2008, pp. 2-3).

The recommendation therefore is that the state, after amending or abrogating the Petroleum Act of 1969 and LUD of 1978, should restructure the ownership framework of the oil and gas sector so as to reflect indigenous sensitivity by giving the local people the opportunity to become stakeholders in the ownership of oil resources in their communities. Becoming stakeholders in the ownership of the petroleum sector further implies that both the state and the oil companies must surrender part of their shares in the JVs, which will then be pooled to make up the share for the host communities/families (Table I). These recommendations are based on data from field research in certain Niger Delta communities between November 2007 and March 2008. In addition to secondary sources, qualitative instruments such as, focus group discussions, personal interviews and observations were used. The participants include: community leaders, oil company officials, politicians, and ordinary people and oil sector regulatory officials.

This framework bypasses the states (provinces). Instead the central government relates directly with the local communities. Its features include:

- Giving landowning families a stake in the ownership of oil wealth. Landowning families are of two types: the so-called landlord families (families on whose land oil wells are located) and pipeline families (families that own land through which pipelines pass and where other oil infrastructures such as flow stations, gas flare platforms, etc. are situated) (see also Okafor, 2003).

Table I.
Different
frameworks:
top-bottom
and pluralistic

Prevailing two-way partnership	State 60%	IOCs 40%	Families/communities 0%
Plural Partnership	State 40%	IOCs 30%	Families/communities 30%

- Giving the community a stake. The state, as trustee, holds the 30 per cent “Community Stake” in the JV and pays interests to the families/communities on a yearly or monthly basis after the subtraction of the counterpart fund at the beginning of every financial year.
- Full compensation (that is 100 per cent of the interest) should be paid to the community where land is owned by the community. On the other hand, if the land is owned by a family 40 per cent should be paid to the land-owning family; 25 per cent to the pipeline families; while 35 per cent should be used for community development. The community development union should be responsible for the management of the development fund. It is important to reserve a high proportion of the money for community development because oil production is not strictly limited to a portion of land owned by an individual or family; it often has a community-wide effect (Table II).
- Oil producing communities in each state of the Niger Delta should recruit experts with good knowledge of local socio-ecologic customs and environmental management to liaise with officials of the Department of Petroleum Resources (DPR)[8], and with the relevant departments of each oil company operating in their states, thereby incorporating local sensitivities and ethno-science into the management of environmental risks associated with oil production. These experts should be community-based, liaising with diverse interest groups, inspecting pipelines to report any incidences of oil spillage or threats against pipelines. There should also be a communication hotline between the community-police-DPR-IOC teams so to facilitate both environmental surveillance and the mitigation of impacts when they occur.

Outcomes and responsibilities in a plural framework are as follows:

(1) State:

- Shares regulatory roles with host communities.
- Will have to surrender part of its stake to the communities/families.
- Crude oil exports under state oversight will ensure legitimacy in the international crude oil market on behalf of ordinary people or local communities who are, in part, the exporters of that crude oil. The state provides a national stamp of approval or identity and acceptability in global markets on behalf of individuals or local communities that lack such international recognition.

Ownership of land where oil wells are situated	Entitled compensation from interest on joint venture investment		
	Communities	Landlord families	Pipeline families
Communal land	100%	0%	0%
Landlord families	35%	40%	25%

Table II.
Communal/family participation in ownership and compensation

Notes: Where a community is only a “pipeline community” (that is, it has no oil wells but pipelines pass through it), the JV partners should collectively pay rents to those communities/families whose lands were used. The essence is to incorporate them in the ownership structure of the oil sector and to place on them the obligation for the protection of oil and gas infrastructure in their communities

- State will better dispense penalties to oil majors if they default in their responsibilities to the joint venture and the communities.
- Cessation of conflict and return to a peaceful atmosphere in the Niger Delta.
- Restoration of production capacity, export quota and more revenues.

(2) Local Communities:

- Share regulatory roles with the state.
- Take responsibility for protection of oil installations in their communities. A sense of ownership of the oil wealth in their land will perhaps arouse a feeling of responsibility to offer protection to oil facilities and prevent the sabotage and resultant spillage.
- Oil producing communities become stakeholders in the ownership of crude oil in their communities. Not total control, as certain activists want, and also not the prevailing compensatory framework determined by the state/mining corporations.
- Benefit from corporate social responsibilities. The companies must continue their corporate social responsibilities as a way of winning community trust.
- Benefit from job creation. Priority must be given to community content in employment. This will keep labour in the rural areas and help lessen migration from the countryside.
- Ensure the end of militarisation of the communities in the Niger Delta and the attendant high casualties.

(3) International Oil Companies (IOCs):

- Operate in a relatively peaceful environment with secured installations.
- Have to surrender part of their share in the joint ventures, which will then be pooled with that of the state to make up the share for the communities.
- Must give priority to community content in its workforce at all levels.
- Will be integrated into community domestic affairs, not just as corporate citizens of Nigeria, but as “corporate-indigenous citizens” of the local community where they operate. IOCs can sponsor community cultural activities such as: new yam festivals, masquerade parades, village sporting events.
- Sponsor educational and community development as part of their corporate social responsibility.
- Community license ensures uninterrupted production and enhanced profits.

All the above, of course, is not a final blueprint; it is a starting one!

Notes

1. The Igbo geo-ethnic area such as Imo and Abia States constitute the upper fringes of the Niger Delta and are oil producing states. However, while their terrain is drier than the lower Delta where Ijaws, Ibibio, Urhobo, among others occupy, all the communities suffer similar effects of oil production. Culturally, the Igbo are distinct from the Ijaws and their southern neighbours, however, it is not uncommon to see similarities among these peoples as a result of inter-ethnic associations of several centuries (see Dike, 1956; Uchendu, 1979; Akpan, 2005).

2. Shell came into Nigeria as Shell D'Arcy. Now it trades as, Shell Petroleum Development Company (SPDC).
3. The communities where the fieldwork of this paper was done such as Egbema and Oguta are Igbo and lie within the Niger Delta region.
4. Illiteracy here is defined in terms of ones inability to read and write.
5. There was accusation of human rights abuses against the military after a spell of "occupation" in the aftermath of grassroots disruption of oil production.
6. Pidgin English is the lingua franca in the Niger Delta among the about 40 different ethnic groups in the area.
7. Distant or external state' as used in this paper captures indigenous peoples' perception of colonialism. The local people saw the imposition of foreign rule as a temporary external burden that will wear out and restore their freedom and landownership rights. This expectation did not materialise as the conceived "external state" crystallised into a nation-state, which still practices forceful land acquisition and other polices thought to be repressive (see Davidson and Munslow, 1990).
8. DPR is the official petroleum industry regulatory agency.

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