



**NDAC**  
NIGER DELTA ALTERNATIVES CONVERGENCE

NIGER DELTA  
**MANIFESTO**  
FOR SOCIO ECOLOGICAL  
JUSTICE



## INTRODUCTION AND BACKGROUND

We are over 40 million people occupying more than 16, 093.44 square kilometres with an estimated shoreline of 321 kilometres along the Gulf of Guinea in the Atlantic Ocean.

Our region is one of the most fragile and sensitive ecosystems in the world, where adverse activity in one place immediately results in impacts across the entire ecosystem. It sits on five distinctive ecological zones; coastal barrier islands, mangrove swamp forests, freshwater swamps, lowland rainforests and a high altitude Montane zone lying at the eastern end of the region around Obudu in Cross River state. Our Niger Delta region is home to the largest mangrove forests in Africa and the fourth largest in the world. It is also enormously bestowed with one of the richest and most robust biodiversity on earth.

On the eastern frontier of the Niger Delta lies the largest remaining pristine rainforest in Nigeria. Of the remaining 10% of Nigeria's forest cover, Cross River State has the largest share, almost 8, 000 Km<sup>2</sup> of forest cover. The ability of the region's ecosystem to support an assortment of flora and fauna species makes its continued survival critical to our survival as a people.

Over 40 ethnic groups and nationalities, speaking hundreds of languages and dialects call this region home. We have all lived in this region for several generations. In this period, we have established our distinctness through our rich heritage of cultural practices, our effective political and economic systems, our unique styles of dressing, our famous cuisines and our bonds of kinship and brotherhood. Through several generations, our nationalities cross-fertilized ideas and developed effective systems that promoted coexistence and growth. Over the centuries, we have partnered and collaborated in trade, travels and cultural exchanges.

Living in harmony with nature and our rich ecosystem, we farmed, fished, crafted and traded. We produced for ourselves and built resilient communities where there were no beggars or destitute. When the first Europeans arrived here in the 15th Century, they were welcomed by organized, productive and progressive kingdoms that were at par with some of their western counterparts.

Kings and Chiefs of the Niger Delta engaged in trade with European powers. Powerful kings like Nana of Itsekiri, Eyo of Old Calabar and Jaja of Opobo participated in large scale international trade and shipping, creating tremendous wealth and employment for our people. Unfortunately, this success in enterprise became the trigger for a wave of repression against our indigenous peoples. In 1857 King Eyo of Old Calabar was forcibly compelled by British military might to sign an undertaking prohibiting him from attempting to directly reach European

markets without the facility of European middlemen. King Eyo had attempted to send a vessel laden with goods directly to England. They feared that direct trade with Europe will ensure greater profits for our people, and make them more independent. The same repressive treatment backed by British military force was meted to King Jaja of Opobo when he also made efforts to break the monopoly of European trade. In the 1880s, he had organized a shipment of Palm oil to Birmingham in England to check price fixing by European middlemen. The Naval power of the British empire was deployed against King Jaja to protect European control of trade. Jaja, who rose from servant boy to become King, was arrested and exiled from his kingdom. The same treatment was meted to King Nana of Itsekiri, another vibrant Niger Delta leader for daring to demand fair trade. King Nana's Kingdom was invaded and he was arrested and exiled. Confrontation in the same vein led to the razing of Akassa by British soldiers in 1895. One after the other, vibrant and progressive Niger Delta Kingdoms were weakened, broken and plundered. Indigenous businesses and sources of wealth were brutally crushed, and replaced with European dominance of all trade, all taxes and all resources. The Royal Niger Company was established and awarded a British royal charter over our people, our lands and our rivers. Prices of African raw produce were deliberately reduced while the cost of British goods were increased as our people came under the mindless taxation of the British crown. Indigenous manufacturing was banned and our people were forced to depend only on European finished products.

The economic boom in the Niger Delta created by our robust agricultural production and trade was immediately reversed. Large numbers of our people who had prospered in agriculture and trade had to seek employment elsewhere. To pay the colonial taxes, many joined the growing ranks of poorly paid 'white collar' workers, specifically created to service the growing oppressive machinery of colonial subjugation. Several of our city states that had grown in size, population and wealth stagnated and declined. The Niger Delta become just another feather in the royal British crown.

The British conquest and subjugation of our different nationalities and ethnic groups opened the door to an unprecedented looting of our wealth and resources. We were forced into a British created Nigerian state for the administrative convenience of exploiting and plundering our resources. As we were stripped of sovereignty and dignity, imported and unrepresentative colonial institutions were imposed on our people. The state thus became the administrative instrument for our collective repression, expropriation and annihilation.

## THE AGE OF CRUDE

By the early 1900s, the colonial machinery had already turned its focus on the exploration and exploitation of crude oil in the Niger Delta area. A German business firm operating under the name 'Nigeria Bitumen Company' and another called British Colonial Petroleum, were actively exploring for crude oil in present day Ondo state and other parts of the Niger Delta. In 1938, without consultation with our people, or concern over our environment, Shell D' Arcy was given the entire territory of Nigeria as its oil concession. The company was granted leave to probe our creeks, farmlands, and rivers in search of crude oil. By 1956, the Company had successfully drilled its first oil well at Oloibiri. In a short space of two years, more oil drilling sites had been opened at Afam, Bonu, Ebubu, etc. By 1958, on account of the crude oil taken from our territory, Nigeria joined the league of oil exporting countries.

This was the start of an unprecedented penetration of every nook and cranny of our homeland. Enticed by the abundance of crude oil in our home, many other oil companies found their way to the Niger Delta. Without our consent, they invaded our communities, each of them flaunting permits and licenses that stamped their authority to drill for oil in our ancestral lands, farmlands, river and creeks.

Today, the Niger Delta is one vast oil field with over 1,481 wells, 275 flow stations, over 7,000 kilometres of oil/gas pipelines and over 120 gas flare furnaces. Our home is an ecological bomb and one of the most polluted places in the world.

## STATE REPRESSION AND INSECURITY

Today, crude oil and gas extracted from our region accounts for an overwhelming share of Nigeria's revenues. Over the years, as oil companies increased their exploitation, the Nigerian government became richer from oil, while our people became poorer for it. To facilitate their reckless extraction in our region, the Nigerian government has enacted laws and policies which have reversed indigenous land ownership rights, and diminished the capacity of our people to protect their environment and their livelihoods. The government has assumed ownership and control of all resources, and with this, the licence to give away our lands and waters without any consultation with us, to oil companies who extract mindlessly to the detriment of the lives, health, environment and livelihoods of our people.

Supported by their illicit wedlock with the Nigerian state, oil companies have embarked on large scale destruction of the environment of the Niger Delta. In all stages of their operations, they have caused immeasurable damage to our people,

with unrestrained destruction of the natural environment and the livelihood of our people who have depended on the land and rivers for their existence for several generations. Forests and community farmlands are destroyed; creeks and community fishponds are polluted by oil spills, while the air and rainwater are contaminated with the dangerous gases flared by oil and gas producing companies. Over-aged and ill-maintained facilities cause oil spills and blowouts.

For decades, our people have suffered ecological and economic warfare by oil companies, backed by states repression. Efforts to question the terms of trade and achieve a better deal, or the protection and restoration of our environment and livelihoods has always been met by repressive force. When in 1990 the people of Umuechem, a community where Shell has extracted crude oil from non-stop since 1958, demanded ecological and economic justice from the company and the Nigerian government, they were viciously repressed. Shell summoned the most ruthless arm of the Nigerian police against peaceful protesting community people. Umuechem was almost completely destroyed, and the massacre that followed claimed over 100 lives. In the decades following the Umuechem massacre, nobody has been held to account and Shell continues to extract crude oil on its terms there.

When the Ogonis made the same demand on the Nigerian government, the same response followed. Again, acting in the interest of Shell, the Nigerian military unleashed terror on the Ogoni people. As in Umuechem, the people had peacefully demanded a new deal from Shell and the Nigerian state. For daring to demand justice, thousands of community people were killed, raped and exiled. The leadership of the Movement for the Survival of Ogoni People including Ken Saro Wiwa was executed on the recommendations of a stage-managed military tribunal. Till today, many Ogonis remain in exile, too traumatized to return. Till today, nobody has been held to account for those atrocities.

In defence of oil companies and their reckless extraction, the Nigeria state has militarized the region with permanent military tactical units set up in communities where oil is extracted. Their impact has been devastating. In November 1999, 2843 persons were killed in the village of Odi by the Military. In 2005, 17 persons were killed in Odioma for demanding more community benefits. In 2008, Twon Brass, Epebu, Agge and Uzere communities were attacked. In 2019 alone, at least 3 communities in the Niger Delta were attacked and burnt by the military. One such community, Udoda was attacked and bombed in May 2019 by sea, air and land. The assault on our people continues on a daily basis.

## POLLUTION AND LIVELIHOOD LOSSES

The economic and environmental challenges we face in our region are caused by activities associated with crude oil and gas extraction. One of those activities that poison our people is gas flaring. It is estimated that out of the 3.5 billion cubic feet of associated gas produced annually in Nigeria, 2.5 billion cubic feet (or 70%) valued at about \$2.5 billion is burnt off in gas flares. Gas flaring continues in our communities not because there are no alternatives for managing the gas in a way that it does not impact the health of our people, but because oil companies and the Nigerian government have consistently refused to stop it, effectively seeing our people as expendable. Oil companies in particular consider it cheaper and more convenient to continue flaring gas than establishing the infrastructure required to manage it. At least 8 deadlines to end gas flaring have continued to be shifted, from the first in 1984 to the latest planned for 2030. Even after the people of Iwerekan secured a high court judgement in 2005 declaring gas flaring illegal, the government prefers to continue collecting meagre fines paid by oil companies as licence to flare, rather than take any real action to end gas flaring. Flared gas is known to cause our people various illnesses including heart diseases, cancers, birth defects, distortions to the epidermis, lung complications, and other diseases of the respiratory system.

To facilitate their extraction and distribution of crude oil and gas, thousands of kilometres of rusty pipes crisscross the lands, swamps and rivers of the Niger Delta, sometimes right in our farms and backyards. As routine as clockwork, the pipes rupture and release crude oil that pollute our farmlands and our rivers, destroying our ecosystem, our wildlife, our farmlands, our fishing and our lives. It is estimated that as many as 13 million barrels of oil has been spilled into the Niger Delta over the last decades. Even the National Oil Spills Detection and Response Agency (NOSDRA), reports that there were at least 370 oil spills in our environment in 2020 alone. Several more spills, especially those offshore and farther away from community scrutiny are never reported officially. The effects of oil spills on us are immediate and devastating. A few barrels of oil into the river sends thousands of our fishing families into starvation when tens of thousands of fishes die off. Our rich mangroves which are the breeding ground of fish and aquatic life species suffocate, wither and die off. Our rivers can no longer sustain our life.

If there was ever any doubt about the devastation which oil extraction has done to our people, it was put to rest in 2011 when the United Nations Environment Programme, UNEP concluded an assessment of some oil impacted areas in Ogoniland. The UNEP report detailed irrefutable evidence of the devastating impact oil pollution has had on the lives, livelihood, health and ecosystem of the Niger Delta people. In particular, the assessment report showed how pollution has contaminated drinking water sources, and exposed communities to severe health

risks. The report also revealed how oil companies operating in the region perfected a system of systemic failure to address and clean up oil spills for decades. Sites of oil spills which Shell had claimed it cleaned several years back were found to still be heavily polluted.

Our communities suffer an added layer of deprivation as they are exposed to adverse health effects, loss of livelihoods and poverty arising from hydrocarbon pollution. As low as the development indicators are for Nigeria, those indicators are even worse for the Niger Delta where loss of traditional livelihood options have compounded persistent unemployment and underdevelopment.

## **OIL THEFT AND ARTISANAL REFINING**

The challenges of oil producing communities have been further reinforced by new and emerging threats which include the impacts of oil theft and artisanal refining controlled by armed cartels. These activities are not only destroying what is left of farmlands and water bodies, they are also providing an excuse for the criminalization of communities and regular attacked from Nigeria security forces. Our communities are not only exposed to these adverse environmental, economic and health impacts of extraction, their communities have also been militarized with the permanent presence of federal troops posted ostensibly to protect oil infrastructure, but actually there to cement the wedlock between oil companies and the Nigeria state; and repress any dissent by our expropriated and devastated communities. Several research reports have revealed the close collaboration between these security personnel posted in our region and the oil thieves.

While we are aware that some members of our communities have facilitated and been involved in artisanal refining of petroleum products and are therefore culpable in the ecological devastation in the region, we find it important to remember where it all began. Local refining of crude oil into usable petroleum products in our region began first as a response to the acute energy poverty in our communities and then as a way of managing the devastation of oil spills. It is common knowledge that while petrol sells for N165 elsewhere in the country, in our riverine communities that are cut off from infrastructure and sometimes power supply, it sells for triple that amount. When oil spills into rivers and farmlands, and the companies fail to clean up, our communities have had to perform salvage operations themselves. Utilizing local distilling technology to refine spilled crude oil became a smart strategy to address environmental remediation from oil spills and energy poverty at the same time. Unfortunately, these insignificant occurrences have now increased tremendously with public officials including security officers and other nationalities from all over the country invading our communities and establishing artisanal refineries. As usual, the Nigerian government and their oil industry partners have found it useful to hold on to this argument to excuse their non-stop ecological devastation in the last 64 years and pass the blame to communities.

Oil theft may well be as old as the industry considering the fact of lack of transparency in actual volumes of crude oil being extracted on a daily basis from the region. The alarm rose when the activity became more brazen and assumed industrial scale while the facilities aged and rupture with a high-frequency. Artisanal refining has become a huge public relations coup for oil companies who now falsely point to this malfeasance as the source of all the pollution in the Niger Delta. This ignores the fact of equipment failure and negligence as the major culprit in the disastrous pollutions.

## **DIVESTMENT OR CRIMINAL FLIGHT?**

After 64 years of oil extraction with devastating environmental, livelihood and human rights impacts, the three largest transnational oil companies operating in Nigeria's Niger Delta, Shell, ExxonMobil and Total have announced plans to sell off their assets, move into deeper waters or simply leave the region. For our 'host' communities, this news is cause for bewilderment and uncertainty – the fear that after the devastating impacts of oil extraction we have suffered, our quest for ecological justice may never be realized. Oil companies are divesting from onshore oil fields and moving further offshore and away from communities, while national companies are buying off the oilfields left by the oil majors without clear provisions about who is liable for historical contaminations and related socio-ecological issues. Shell says it plans to divest its entire Nigeria joint venture portfolio and make a 'clean break from Niger Delta assets'. For our devastated communities, this so called 'clean break' is an opportunity for the company to abdicate its responsibility for several years of ecocide and releasing several million barrels of crude oil into the swamps, rivers and farmlands of the Niger Delta. This is same for other multinational oil companies. As companies divest, local actors take over oil assets and immediately deny responsibility for historical damages. For our oil producing and impacted communities, divestment means more remote possibilities of holding corporations accountable for pollution.

Unfortunately, Nigeria has continued to fail in establishing frameworks for oil company divestment. According to the head of Nigeria's National Petroleum Corporation in a statement made in 2021, the Corporation 'will ensure that Nigeria's National strategic interest is safeguarded, by developing a Comprehensive Divestment Policy'. Unfortunately, as companies hurriedly sell off assets and leave, such a policy is yet to materialise. There are also indications that even if Nigerian authorities put together a divestment policy, that plan will not address ecological devastation, environmental justice and other oil producing area concerns. According to the NNPC, its divestment policy will pay special attention 'to abandonment and relinquishment costs; severance of operator staff; third party contract liabilities; competency of the buyer; post purchased technical, operational, and financial capabilities especially in the era of activist investor's sentiments

against the funding of fossil fuel projects and alignment with Nigeria national strategic interest'. Nowhere are the concerns for environmental and livelihood restoration mentioned in these plans.

## **THE IMPENDING END OF OIL**

The planned divestment of oil companies has been reinforced by the global bent towards a shift from fossil fuels. In July 2021, the European Union unveiled plans for a radical shift from fossil fuels including the end of sales in the European Union of new fossil powered vehicles in 14 years, and increased the cost of using fossil fuels. In June 2021, G7 leaders began discussing plans to radically cut the consumption of fossil fuels, with proposals seeking to 'shift the balance of car buying away from gasoline to greener vehicles by the end of the decade'. It is expected that G-7 governments would strive to ensure that the majority of all new passenger car sales are not petrol or diesel-powered by 2030 or sooner.

All evidence points at a sharp decline in the appetite for Nigeria's crude oil. One thing is sure, there will never be another 6 decades of oil extraction. While Nigeria and its oil company partners face the risk of managing stranded assets and stranded revenues, our real challenge will be the emergence of stranded communities. Our communities will not only be exposed to graver harms post the fossil age, they will also be left with the devastation of their communities and the loss of their livelihoods. Unfortunately, the Nigerian government has consistently failed to address these concerns in any significant way.

## **THE PETROLEUM INDUSTRY ACT AND COMMUNITIES**

After over a decade of controversies and reversals, in 2021, Nigeria finally approved a new Petroleum Industry Act (PIA), mostly considered a far reaching legislation bringing together all relevant laws in the oil and gas sector into a single policy framework. This key piece of legislation could have been a great opportunity to address issues of ecological and resource justice for our oil producing communities. Regrettably, it did not. What has emerged as the new law for the petroleum sector in Nigeria further compounds the troubles of communities, promising even more intense extraction, reinforcing the dominance of oil companies over our communities, forcing our communities to protect oil installations or be criminalized and denied benefits, and supporting the continuation of the abominable practice of gassing our peoples through gas flaring against our people. The law also reinforces colonial style relations of production between oil companies and communities by making oil companies the protectors and prefects of communities. It even gives oil companies the leverage to define which of our communities qualify as hosting oil production, and allows them decide how we manage development needs and initiatives from a special fund provided by the Act.

The host communities' component of the Act does not allow communities any decent participation in managing the fund. Oil companies are given overriding powers to manage the 3% of operational costs contributed to the trust in any manner they deem appropriate; as well as determine which communities qualify to be 'hosts'.

In an outrageous demonstration of the criminalization of our communities, the PIA says;

*"Where in any year, an act of vandalism, sabotage or other civil unrest occurs that causes damage to petroleum and designated facilities or disrupts production activities within the host community, the community shall forfeit its entitlement to the extent of the cost of repairs of the damage that resulted from the activity with respect to the provisions of this Act within that financial year"*

This provision stems directly from the erroneous view which has been peddled by oil companies that communities are responsible for sabotage on pipelines and oil theft. However, this view has been debunked by the NNPC and even the United Nations Environment Programme. Both blame equipment failure for majority of spills. Criminalizing our communities in this regard is unfortunate and a smokescreen to shield oil companies from responsibility for the ongoing ecocide in the region. This provision will most likely result in consistent denial of benefits which would in turn engender regular conflicts.

On gas flaring, while the PIA affirms its illegality, it nonetheless creates a series of exemptions which ensures that the same gas flare regime continues literally unchecked, and empowers the government to give licenses to oil companies to flare. The PIA also does not state a definite date for ending gas flaring. Given the health and environmental challenges associated with the flaring of associated gas, this is an egregious assault on the ecology and health of our people.

Neither will fines paid for gas flaring directly benefit our communities that suffer the impacts. While the Act says that fines for flaring will be used for environmental and health remediation, it prescribes that such payments be made not to the host communities, but to an agency it establishes called the Midstream and Downstream Gas Infrastructure Fund. In actual fact, this Agency has no mandate or function related to environmental remediation. Evidently, the Act considers gas flaring a waste of economic resources which should be paid for, and not an abuse which is impacting the climate, the health and livelihoods of communities.

## **DEVELOPMENT EFFORTS IN THE NIGER DELTA**

Since the late 1950s, the Niger Delta has been recognized and spotlighted as a region requiring 'special' development efforts. The Henry Willinks Commission which was set up in 1957 by the colonial government to ascertain the facts behind the concerns of minorities in Nigeria, and recommend measures of addressing those concerns, identified the Niger Delta region as being poor, backward and neglected. The Commission Report recommended the declaration of the Niger Delta as a "special area for development", stating that "the needs of those who live in the creeks and swamps of the Niger Delta are very different from those of the interior." Since the 1960s to date, intervention efforts have been made to bring about 'special' infrastructural development in the region as a way to placate and assuage the massive harms inflicted on our region.

These efforts have been carried out through various means including oil company driven Memoranda of Understanding with communities, and various government interventions through agencies such as Niger Delta Development Board (NDDDB) established in 1961, the Niger Delta Basin and Rural Development Authority (NDBRDA) established in 1976, the Oil Mineral Producing Areas Development Commission (OMPADEC) established in 1992, the Petroleum Trust Fund (PTF) in 1995, Niger Delta Development Commission (NDDC) established in 2000 and the Ministry of Niger Delta Affairs created in 2009. These bandages have only sought to cover up festering wounds, without dealing with the fundamental ailments that over six decades of disastrous exploitation has wrought. And they have mostly failed.

## **13% DERIVATION AND LOST DEVELOPMENT OPPORTUNITIES**

The 13% derivation formula was first proposed at the Constitutional Conference of 1995 in apparent response to the declining security and development situation in the Niger Delta region coupled with the increasing sense of deprivation by our people. The principle was aimed at financially empowering oil-producing states to tackle the monumental neglect and degradation given the lack of federal presence and ineffectiveness of federal spending in the area. This recommendation was adopted in Nigeria's 1999 constitution.

The Niger Delta states of Akwa Ibom, Abia, Bayelsa, Delta, Edo, Imo Ondo and Rivers benefit from an allocation of 13% of all revenues derived from the sales of crude oil extracted from their domains. This formula has seen them receiving comparatively higher allocations than their less endowed neighbours.

In order to ensure that the revenues accruing from this formula actually benefits communities where oil extraction takes place, some states in the region have

established commissions to administer the funds in the interest of oil producing areas. It is important to note that the 13% derivation fund is the only framework that directly transfers money to oil producing states on account of extraction in their domains. Every other intervention was modelled to carry out intervention programmes under the supervision of the federal government and on behalf of states and communities.

On account of corruption and mismanagement, our communities have not felt the impact of derivation revenues. In the 11-year period 2009 and 2019 for instance, 8 states of the Niger Delta received N6.6 trillion on account of derivation alone, with very little to show for it.

## **THE WEAKNESSES OF THE NIGER DELTA DEVELOPMENT COMMISSION**

The Niger Delta Development Commission, NDDC was established in 2000 as one of the first tasks of the new democratic government in Nigeria, and conceived as a response to the agitations of our people for greater benefits from their resources and environmental remediation. It was established with the mission of facilitating the rapid, even and sustainable development of the Niger Delta into a region that is economically prosperous, socially stable, ecologically regenerative and politically peaceful. Sadly, the NDDC has consistently failed to live up to this mandate. As at 2021, it is recorded that the commission had about 13,000 abandoned contracts. It is also reported that the NDDC owes contractors up to N1 trillion most of whom have long abandoned projects they were awarded and mobilized for. Despite the huge yearly allocations to the Commission in the last 22 years, poor management and corruption have made it impossible for the agency to exert any reasonable measure of positive impact on the region. A recent National Assembly probe revealed wide scale corruption and mismanagement at the Commission, necessitating a forensic audit process. The report of that audit appears to be barricaded behind guarded doors.

Beyond the high level of corruption and mismanagement, the NDDC is burdened by acute underfunding. Oil companies operating in the region fail to make the required 3% of their annual budget contribution to the Commission. As at 2021, these companies owed the NDDC \$4 billion. This poor level of funds flow also affects statutory transfers to the Commission from the federal government. According to reports, as at 2018, the Federal Government's default in remittances of 15% share of allocation to the Commission stood at N1.317 trillion.

## **MASSIVE DEFORESTATION AND THREATS TO INDIGENOUS LAND AND LIVELIHOOD RIGHTS**

Elsewhere in the region, forest dependent communities have also lost land rights, benefits and traditional livelihoods on account of similar oppressive natural resource management policies. Cross River state located on the eastern end of the Niger Delta has the largest spread of pristine forests left in the country which has largely been preserved and conserved by indigenous communities who live on the fringes of the forests. In 2008, faced with dwindling revenues and attracted by the possibility of financial gains from implementing the United Nation's supported Reducing Emissions from Deforestation and Forest Degradation, UN REDD+ scheme, the sub national government of Cross River imposed a unilateral ban on all activities in the forest, revoked the land rights of forest dependent communities, criminalized forest-based livelihood activities and created a task force to ruthlessly enforce the ban. Vibrant and thriving communities that had depended for centuries on the forests for their existence, became poor and destitute. The revocation of community land rights and the forest ban reduced the agency and incentives of communities to protect the forests, and opened it up to unprecedented logging by foreign smugglers and local profiteers. Officials of REDD+ admit that deforestation has intensified and become seemingly uncontrollable. Available data shows that between 2007 and 2014 the forest cover in Cross River declined by 107,000 ha. Another study between 2014 and 2017 shows even more rapid forest loss which has resulted in a sharp increase in poverty occasioned by livelihood losses. These observations seriously call into question the credibility of current strategies for managing the largest remaining forests in Nigeria, and issues of ecological justice.

Whether in hydrocarbon extraction or in forestry, existing paradigms of natural resource management in the Niger Delta has produced limited benefits for communities, while decreasing their traditional livelihood opportunities and fuelling widespread inequalities.

## **CLIMATE IMPACTS**

The devastation of our region and our people by natural resource extraction activities has been further compounded by the emerging effects of climate change which are fast catching up with many of our communities. Several of our communities lie along coastal plains and in very close proximity to the Atlantic Ocean and other water bodies. Since 2012, these communities have experienced annual floods that overwhelm large areas with devastating impacts. The first major floods occurred in 2012, and in that year, whole communities were submerged, an entire farming season was lost as well as properties. Since then, flooding has become an expected occurrence every year. Without doubt, the floods have exposed our people to tremendous pressures, and negative impacts. When the floods

arrive, members of affected communities who are predominantly fisher folks and farmers are forced to abandon their livelihood sources and exist without income for months. This additional pressure has greatly threatened the food security of our people, and has significantly reduced their ability to produce for themselves, while driving a new wave of poverty, insecurity and migration.

It is particularly ironical that fossil fuels is extracted from most of these communities and the burning of these fuels are driving the climate impacts which they now disproportionately suffer. As these impacts intensify, the government continues to fail in designing responses that are both effective and sustainable.

## OUR RESOLUTION

While oil has been extracted from our lands and rivers for the last 64 years, our people have become significantly poorer, less developed and more insecure in that period. Despite these notable problems, the next decade looks primed to bring even greater challenges and negative impacts. The increasing rate of pollution of the lands and water, the new wave of oil colonialism brought about by the PIA, the emerging impacts of climate change, the loss of indigenous forests and land rights, the failure of regional development interventions, the new wave of criminalization of our oil producing communities, the impending decline in global appetite for fossils and the flight of oil companies under the guise of divestment, are all causes for deep rooted concerns. Without doubt, our oil producing communities require urgent attention to address the massive challenges we are confronted with. These responses must necessarily take resource and ecological justice dimensions, and must seek to ensure accountability, restoration and reparations for years of destruction and neglect; as well as protection against the emerging impact of climate change.

The communities that have borne the brunt of oil extraction and Nigeria's oil economy for over six decades deserve urgent and immediate attention.

This is not charity, this is justice.

## OUR DEMANDS

As people of the Niger Delta, we collectively note and resolve to demand and work for the achievement of the following:

1. We note that the findings of UNEP in 2011, following scientific examination of the soil and water in parts of Ogoniland revealed widespread contamination and destruction of the natural environment. This assessment provided irrefutable evidence of the devastation caused by extraction. While that report was only based on sample from Ogoniland, we know that the same ecological destruction exists in all parts of the region where oil is extracted. We equally note that 11 years after the release of that report, the Nigerian government has not deemed it appropriate or expedient to commence an all-Niger Delta assessment of the ecological damage caused by extraction. Our people cannot continue to live in poisoned environments with all the hazards that come with it. To this effect, we demand the following;
  - a. An immediate and comprehensive audit of entire Niger Delta region. This audit should cover environmental, livelihood, health, social and economic impacts of crude oil and gas extraction.
  - b. This audit should be immediately followed by a the remediation of impacted places, restoration of the human and ecological damages causes by extraction activities, and reparations for the irreversible damages our people have had to endure for the last 64 years.
2. We note that multinational oil companies that have operated in our communities for over 6 decades with devastating ecological footprints, are making frantic efforts to sell off their asset and leave. We also note that these divestment moves are happening without any clear provision about who is responsible for remediating the massive ecological and human damages that have attended 6 decades of oil extraction. It is evident that as the global appetite for oil declines and the importance and value of the product also declines, communities will be left with derelict oil equipment including abandoned pipes crisscrossing our communities. Our people will also be left with destroyed livelihood systems, destroyed habitats and destroyed health. To account for these, we demand the following;
  - a. That the federal government immediately produces a framework and guide for how oil companies disengage from areas where they have operated. This divestment framework must contain the following requirement for oil companies;
    - i. A post hydrocarbon impact assessment report that examines the ecological and livelihoods impacts of oil extraction.

- ii. A health audit of people located in close proximity to extraction sites, and others exposed to oil contamination. This audit will aim at unravelling the negative health impacts of exposure to hydrocarbons.
  - iii. A detailed plan and costing for remediating the ecological, livelihood and health impacts of extraction.
3. We note that artisanal refining as it is currently done in our region is a desperate survival measure by impoverished Nigerians who lack jobs and have lost livelihood opportunities. These are Nigerians whom the poor management of the economy is daily driving below the poverty line and into the growing army of poor people that has made Nigeria the poverty capital of the world.

We also note that artisanal refining thrives because the government has been unable to manage refineries in the country and has consistently failed to provide adequate petroleum products for local use. These artisanal refineries have become big business to fill a gap created by government inefficiency.

We equally note that artisanal refineries and the low level oil theft that supplies it, is merely a tiny fraction of the larger oil theft that goes on in Nigeria with the active collaboration of government officials and oil company officials.

Beyond the usual repressive military response, it is important that the government identifies the underlying issues that drive artisanal refining as the only survival option for our people, despite the alarming risks of fire blowouts and deaths associated with it. To this effect, we demand the following;

- a. That governments at the federal, state and local level take immediate action to address the massive unemployment and poverty in the region.
  - b. That oil companies and their government partners develop strategies to protect their pipelines.
  - c. That government must take action to hold its security forces accountable for their role in oil theft and artisanal refining, as well as environmental pollution resulting from their manner of disposing seized petroleum products.
4. We note that the Petroleum Industry Act (2021) is inadequate in addressing the challenges of our region. On the contrary, several provisions therein reinforce those challenges. In particular we note the provisions on community responsibility for protecting oil infrastructures which effectively criminalizes our people, provisions on gas flaring which effectively permits the practice, provisions on establishing the host communities funds which gives primacy to oil companies and fails to capture the interest and concerns of our communities. We therefore demand the following;

- a. An immediate review of the PIA by the National Assembly to do the following;
    - i. Provide a definite deadline for gas flaring by oil companies.
    - ii. Clearly define the conditions that may make it absolutely necessary to vent gas in extraction projects.
    - iii. Remove the power to permit gas flaring by the Commission and bestow same on the National Assembly.
    - iv. Review gas flare fines to reflect the same amount as commercial value of natural gas in the international market.
    - v. Transfer gas flare fines to host communities fund to address environmental and health remediation.
    - vi. Eliminate the section of the PIA that places the responsibility to protect oil installations on host communities.
    - vii. Eliminate the section of the PIA that criminalizes community acts of civil disobedience.
    - viii. Remove the powers to establish Host Community Development Funds from the 'settlor' or oil companies, and bestow same on each host community.
  - b. An assurance by the oil companies and the government that existing Memorandum of Understanding between oil companies and communities will remain, and not be replaced by the Host Communities Fund.
5. We note the failure of various efforts to transfer additional benefits to the Niger Delta on account of oil production, and how those efforts have failed as a result of corruption and mismanagement. We note in particular the corruption that has attended the Niger Delta Development Commission and the Management of 13% derivation funds. To address these failures, we demand the following;
- a. Immediate release to the public of the forensic audit report on the NDDC and the prosecution of all those found to have fleeced the Commission.
  - b. An immediate review of the NDDC Act to ensure the following;
    - i. That all project of the Commission derives from a thorough needs assessment conducted with communities and approved by them.

- ii. That the award of contracts by the NDDC follow the same due process established by the Public Procurement Act to ensure transparency, prudence, fairness and competitiveness.
  - iii. That all abandoned project in the Niger Delta take priority attention over new ones
  - iv. That statutory remittances to the Commission by the federal government and the oil companies are prioritized and sanctionable by percentage increases in accordance with prevailing federal government interest rates in cases of failure.
- c. That all states in the region establish special agencies for the administration of 13% derivation revenues for the benefit of oil producing communities. These agencies must operate in transparent and accountable manners, and with the full participation of all members of affected oil producing communities.
6. We note the ongoing massive deforestation in our communities and the manner it is destroying our ecosystem and threatening the livelihood rights of our people. We note these occurrences in Edo, Bayelsa and Cross River states. In the case of Cross River state, this situation has been significantly made worse by the United Nations supported Reducing Emissions from Deforestation and Forest Degradation programme in the state's forest which had reduced community agency in forest protection. To check this trend, we demand the following;
- a. That the land and forest rights of communities are restored and respected, especially in Cross River state
  - b. That the various state governments make deliberate efforts to check the spate of deforestation through locally developed mechanisms, and in conjunction with indigenous communities.
  - c. That the free, prior and informed consent of the people of the Niger Delta is sought and received before the implementation of any project that threatens livelihoods and wildlife.
7. We note the threat of climate change on our communities manifesting as sea level rises, sea encroachment, coastal erosion and disruption of our farming systems. We note that these threats have become more regular and intense, and threaten the very existence of our people. We therefore demand the following:
- a. That governments at the state and federal level should produce detailed plans to respond to these new and emerging threats. These plans should stem from consultation with experts and community members, and

should include strategies for supporting community resilience, controlling flooding, relocating communities, addressing health concerns and providing for the social and economic needs of affected people.

- i. Steps should be taken to map the impacts of coastal erosion and provide adequate shoreline protection across the region.
  - ii. Take steps to restore mangrove forests in the region and at the same time control the spread of invasive species such as nipa palm.
8. While the nation convulses under growing webs of insecurity, sea piracy, illegal and unregulated fishing including by foreign entities, the resultant economic and human rights challenges to our peoples are not being addressed. Accordingly, we demand adequate protection of our coastal communities and continental shelf for the security of maritime transportation as well as fishing activities by our peoples.

**The Manifesto is endorsed by the following nationalities, organizations and peoples of the Niger Delta this 23rd day of June, 2022**



HOMEF, We The People and Oilwatch Africa are the initial endorsers of this Manifesto.

## For More Information, Contact

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