



CONTEMPORARY CHALLENGES FACING THE NIGER DELTA REGION IN NIGERIA: AREAS FOR LEGISLATIVE INTERVENTIONS

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ABSTRACT: *The Niger Delta region of Nigeria is home to oil and gas exploration in Nigeria, and thus the mainstay of the economy. It comprises nine states of the Federation with a total population of 42.65 million people. According to the World Bank, oil accounts for 40% of Nigeria's GDP, 70% of federal government revenues, and 95% foreign exchange earnings. Despite the economic benefit of the region, the adverse effect of oil exploration activities in the region poses socioeconomic challenges for the people. Our analyses identified some of the challenges to include: environmental degradation, high poverty levels, spiraling armed conflicts, poor infrastructure, and widespread unemployment, amongst others. This study discusses the extant legal frameworks aimed at addressing Niger Delta problems, and identified some gaps. Consequently, we proffered recommendations for the consideration of the National Assembly as follows: (1) The National Assembly should utilize its investigative hearing instrument to determine the level of compliance with the Nigerian Content Development Monitoring Board Act, 2010, and the Niger Delta Development Commission Act, 2000 in order to ensure that they fulfil their respective mandates. (2) The legislators from the Niger Delta Region should organize sensitization workshop for community leaders and youth groups on the benefit in working together to support NCDMB in realizing the objectives for which it was established, which can reduce the level of unemployment in the region. (3) The legislators from the region should call on the executive to expedite actions on cleaning up of the Ogoni community and other exploration-ravaged communities in the region, to address the problem of environmental degradation. (4) The National Assembly should investigate the activities and operations of JTF through oversight function to curb their excesses. This study concludes that the collaboration of all stakeholders in the Niger Delta region is necessary to accelerate the socioeconomic development of the region.*

KEYWORDS: Niger Delta, Nigeria, Legislative, Interventions, NCDMB



INTRODUCTION

The Niger Delta region is notable for having large deposits of natural resources. Nigeria is heavily dependent on the revenue generated from the region to operate its annual budget. The area called the Niger Delta region comprises nine states namely, Cross River, Edo, Delta, Abia, Imo, Bayelsa, Rivers, Akwa-Ibom and Ondo State. These states are basically considered as oil producing states and are all located in the Southern part of the Nigeria. Among the major natural resources discovered in the region are; Gold, Lead/Zinc, Limestone, Clay, Lead/Zinc, Lignite, Oil/Gas, Salt, Uranium, Glay, Gypsum, Maganese, Glass-sand, Iron-ore, Kaolin, Marble, Bitumen, Clay Dolomite, Phosphate, among others. However, despite being home to these numerous natural resources, the Niger Delta region faces what experts refer to as “*resource curse syndrome*¹”. This syndrome connotes that the region, despite having abundance of natural resources, has less economic growth or worse development outcomes than other regions of the world with fewer natural resources. To this effect, the region is replete with a lot of challenges, some of which are mainly environmental issues that are unique to the region such as oil spills, loss of mangrove forests, depletion of fish population, natural gas flaring, biological remediation, flooding, among others. Others challenges which seem general to the entire county are unemployment, insecurity, poor infrastructure, poor means of livelihood, among others.

Oil production has negatively impacted the Niger Delta region due to unprecedented oil spillage which has been ongoing for more than six decades, making the region one of the most polluted in the world². The contamination of the water, air and ground with toxic pollutants is usually considered as a good example of ecocide. The resultant environmental degradation from gas flaring, dredging of larger rivers, oil spillage and reclamation of land due to oil and gas extraction across the Niger Delta region costs about US\$758 million every year. Regrettably, 75% of the cost is borne by the local communities through polluted water, infertile farmland and lost biodiversity. The region could experience a loss of 40% of its habitable terrain in the next thirty years as a result of extensive dam construction in the region (Ayanlade, 2015)³. Most of the oil infrastructure in the region is old and suffers from regular maintenance or inspection. Hinsch (2019) documented that 50% of all the oil spills in the region occur due to pipeline and tanker corrosion and accidents; other causes include sabotage (28%) and oil production operations (21%), with 1% of the spills being accounted for by inadequate or non-functional production equipment⁴.

In most cases, the activities of the extractive industries in the Niger Delta region have resulted in numerous negative consequences including but not limited to destruction of food supply in the agricultural communities, invasion of the region by water hyacinths (which flourish in polluted environments, clog the waterways and compete with the wanted plants), breathing

¹ Resource curse, also known as the paradox of plenty or the poverty paradox, is the phenomenon of countries with an abundance of natural resources having less economic growth, less democracy, or worse development outcomes than countries with fewer natural resources.

² Donatus, Peter (2016-10-15). "Shell's Nigeria ecocide is creating a refugee crisis". www.greenleft.org.au. Retrieved 2023-07-06.

"UNEP Ogoniland Oil Assessment Reveals Extent of Environmental Contamination and Threats to Human Health". UNEP. 2017-08-07.

³ Ayanlade, Proske (2015). "Assessing wetland degradation and loss of ecosystem services in the Niger Delta, Nigeria".

⁴ Hinsch, Robin (2019). "Wahala: trouble in the Niger delta – photo essay". *The Guardian*. Retrieved 2022-02-26.



problems and skin lesions, and loss of basic human rights such as access to food, good health, clean water and ability to work. Numerous diplomatic, legal, and even legislative efforts have been made in the past towards addressing these challenges. The legislative efforts in this regard include the Petroleum Industry Act (PIA), the Local Content Act, and the creation of the Niger Delta Development Commission (NDDC), among others. Despite these laudable efforts, the “*resource curse syndrome*” still persists in the Niger Delta region. It is against this backdrop that this issue brief assesses the contemporary challenges facing the Niger Delta region with a view to identifying possible legislative interventions that would assist in providing permanent solutions to the identified challenges.

CONTENT ANALYSIS

The Niger Delta region is home to oil and gas exploration in Nigeria, and thus the mainstay of the economy. Suffice that oil exploration began in the region since 1958, and since then, the nation has heavily depended on the revenue from crude oil sale. According to the World Bank⁵, oil alone accounts for 40% of Nigeria’s GDP, 70% of budget revenues, and 95% foreign exchange earnings. Despite the economic benefit of the region, the adverse effect of oil exploration has resulted in environmental degradation, poverty escalation, spiraling conflicts, poor infrastructure, and widespread unemployment, amongst others. The governments, both at the federal and states levels, have not been able to provide adequate socioeconomic opportunities to the vast majority of the Niger delta populations. Figure 1 shows the demographic and socioeconomic status of the Niger Delta states in Nigeria. As shown in Figure 1, nine (9) states make up the Niger Delta with a total population of 42.65 million people. Rivers (7.3million) and Bayelsa (2.28 million) States recorded the highest and lowest population, respectively; however, Bayelsa (89%) has the highest multidimensional poverty rate in the Niger Delta region compared to the national rate at 40.9%.

⁵ “World Bank. 2004. Taxation and State Participation in Nigeria's Oil and Gas Sector. Energy Sector Management Assistance Programme (ESMAP) Technical paper;no. <http://hdl.handle.net/10986/18078> License: CC BY 3.0 IGO

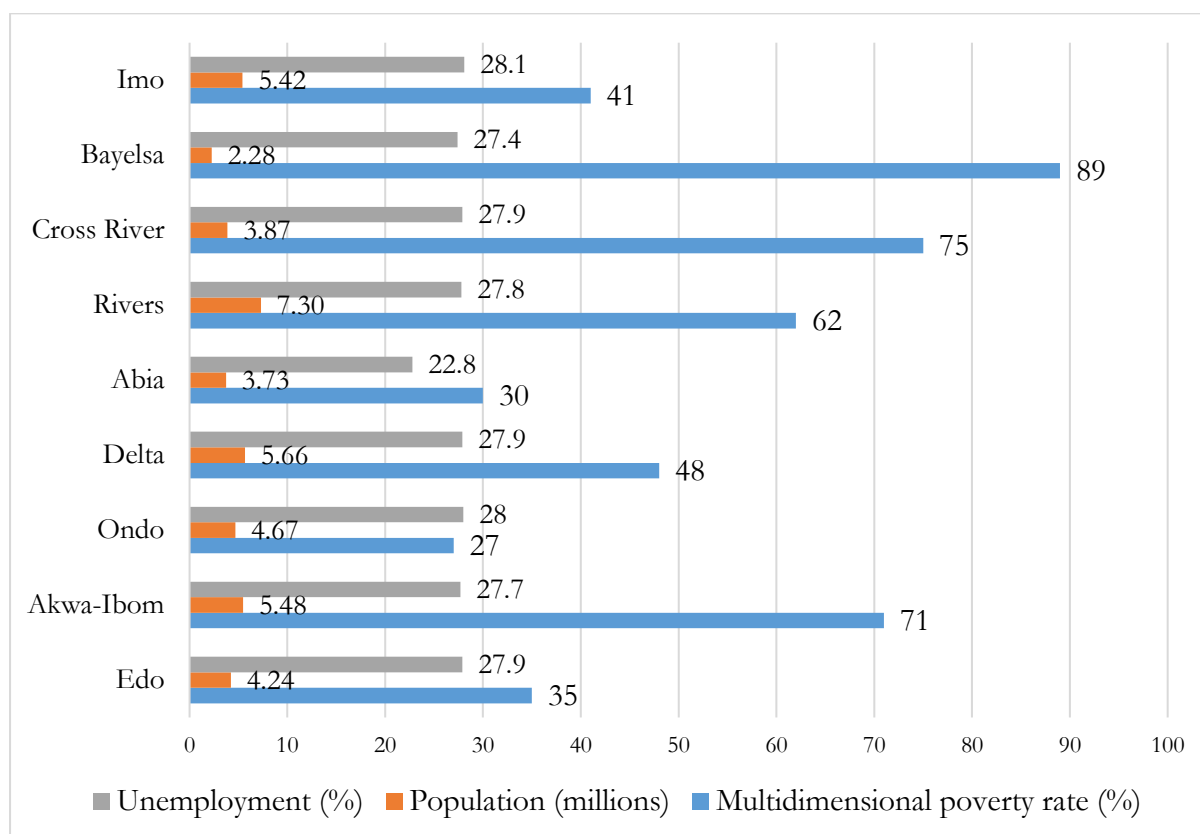


Figure 1: Demographic and Socioeconomic Condition of Niger Delta States in Nigeria

Source: National Bureau of Statistics, 2016 data

According to the report⁶, high deprivations are also apparent in sanitation, healthcare, food insecurity, and housing amongst others. The high poverty rate in the region is exacerbated by environmental degradation resulting from oil exploration by multinational companies. Environmental degradation such as oil spillage has destroyed the traditional means of livelihood such as fishing, farming, and logging, amongst others. As a result of this, the region records one of the highest unemployment rates in Nigeria. As shown in Figure 1, unemployment in the region is widespread with Abia State (30%) recording the highest rate. Poverty and unemployment rates in the Niger Delta region are estimated to worsen due to the recent fuel subsidy removal. In addition, the armed struggle, internecine conflict and insurgency in the Niger Delta have all been subsumed under the general term-Niger Delta crisis”. The crisis has resulted in kidnapping, youth unrest and violence, oil bunkering, and other social vices. Arising from these problems, the need for legislative intervention to address these problems in the National Assembly cannot be overemphasized.

⁶ <https://nigerianstat.gov.ng/news/78>



REVIEW OF EXTANT LEGAL FRAMEWORKS TO ADDRESS THE CHALLENGES IN THE NIGER DELTA

The challenges confronting the region are numerous. As mentioned above, they include environmental degradation, destruction of aquatic resources, destruction of farmland and other means of livelihoods, environmental pollution, poverty, unemployment, etc. However, some measures were put in place by successive governments in Nigeria to address the challenges facing the region. Among the measures taken to address the problems include the establishment of Niger Delta Development Commission (NDDC), Nigerian Content Development Monitoring Board (NCDMB) and the introduction of Joint Task Force (JTF) to curb the activities of vandals and oil bunkers, etc.

The NDDC was established with the following objectives, among others:

1. To tackle ecological and environmental problems that arise from the exploration of oil mineral in the Niger Delta area and advise the Federal Government and the member States on the prevention and control of oil spillages, gas flaring and environmental pollution⁷.
2. To conceive, plan and implement, in accordance with set rules and regulations, projects and programmes for the sustainable development of the Niger Delta area in the field of transportation including roads, jetties and waterways, health, education, employment, industrialization, agriculture and fisheries, housing and urban development, water supply, electricity and telecommunications⁸.

The commission was established to achieve the above objectives, among others, but it failed, as ecological and environmental problems arising from exploration activities in the region still persist. Thus, the problem of environmental degradation still lingers on.

In the case of local content in the oil and gas sector, Section 6 of the NCDMB Act, 2016 provides that upon the commencement of the Acts on local content, all subsequent oil and gas arrangements, agreements, contracts or memoranda of understanding relating to any operation or transaction in the Nigerian oil and gas industry shall be in conformity with the provisions of this Act⁹. The aim of this NCDMB Act is to allow the participation of indigenous contractors and workers in the oil and gas sector. The international oil companies are expected by Law to source for oil servicing companies locally in the areas where Nigerian companies have expertise and employ the Nigerians with requisite skills as workers in lieu of expatriates. It is believed that if this is done, the problem of unemployment will reduce in the region. But, the unemployment problem still persists as some of the international oil companies do not follow the provisions of the NCDMB Act, 2016 and the board that serves as a regulator has not been able to sanction them. This shows that the Board is like a toothless bull dog. In another vein, the community leaders and youth groups do not assist in the actualization of the mandate of the Board, as most of the leaders and the youth are only interested in selfish pecuniary gains, without considering the collective interest of the people of the region.

⁷ Niger-Delta Development Commission (Establishment etc) Act. (2000). Laws of the Federation of Nigeria. 6.

⁸ Niger-Delta Development Commission (Establishment etc) Act. (2000). Laws of the Federation of Nigeria. 6.

⁹ Nigerian Content Development Monitoring Board Act (2016). Nigerian oil and gas industry content. 2.



In the case of the amnesty given to the militants, the amnesty policy seemed to be a palliative measure that postponed the crisis temporarily, because most of the core issues such as socioeconomic marginalization, youth unemployment, resource control, environmental degradation, and relative poverty which led to the agitations in the first place were not addressed¹⁰.

The introduction of security Joint Task Force (JTF) to curb militancy is not without its own problems. None of the law enforcement agents, especially the JTF, who perpetrated numerous human rights abuses including gang rape and extra-judicial killings, were held accountable (Nneli, 2020). Also, none of the operatives of multinational companies, who have been serially accused of fuelling human rights violations and destroying livelihoods through environmental degradation in the Niger Delta, were held accountable¹¹. Such actions heighten impunity and make violence attractive. This could explain the renewed tensions in the Niger Delta, because relatives of victims of such crimes and human rights abuses, who were not factored into the amnesty programme, could have decided to avenge their loved ones or to assume a violent disposition in order to be recognised by the state¹².

RECOMMENDATIONS FOR LEGISLATIVE ACTIONS

1. The legislators should perform oversight to investigate the activities of the Nigerian Content Development Monitoring Board in order to ensure that they fulfil the mandate for which the Board was established.
2. The legislators from the Niger Delta region should organise sensitisation workshops for community leaders and youth groups on the benefit of working together to support NCDMB in realising the objectives for which it was established, which can reduce the level of unemployment in the region.
3. The legislators from the region should call on the executive to expedite actions on cleaning up the Ogoni community and other exploration-ravaged communities in the region to address the problem of environmental degradation.
4. The National Assembly should investigate the activities and operations of the JTF through an oversight function to curb their excesses.

¹⁰ Nneli, T. (2020). Peace Without Justice : Nigeria ' s Amnesty Programme in the Niger Delta. *St Antony's International Review*, 15(2), 136–151.

¹¹ Nneli, T. (2020). Peace Without Justice : Nigeria ' s Amnesty Programme in the Niger Delta. *St Antony's International Review*, 15(2), 136–151.

¹² Nneli, T. (2020). Peace Without Justice : Nigeria ' s Amnesty Programme in the Niger Delta. *St Antony's International Review*, 15(2), 136–151.



CONCLUSION

If the community leaders and youth groups in the region work together to ensure that NCDMB and NDDC discharge their responsibilities as stated in the Acts that establish them, a large chunk of the challenges being faced in the region will be addressed