

NIGERIA'S NIGER DELTA AND THE CHALLENGES OF ENVIRONMENTAL DEGRADATION

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ABSTRACT

The Niger Delta of Nigeria today is totally enmeshed in ecological degradation as a result of oil exploration and production. The devastating effect of oil spillage, gas flaring and other side effects are noticeable across the region. The Nigerian government and the Multi-National Oil Corporations (MNCs) are palpable culprits. Both have contributed in no small measure to the environmental problems noticeable all over the region today. The environment and means of livelihood of the Niger Delta people have been compromised. The resultant effect is devastating and it is the 'raison d'être' behind militancy and arms struggle in the Niger Delta region. Seemingly, the Nigerian state abandoned its primary responsibility of not only protecting the fauna and flora of the region but also not facilitating the socio-economic development of the area. The MNCs, on the other hand, had been operating below internationally acceptable minimum standards as their activities promote oil spillage, gas flaring and other heinous side effects that have continued to grossly incapacitate the environment and affect the health and livelihood of the people and the ecosystem. This paper discusses the Niger Delta ecological crisis and how it is also one of the major environmental hazards the world is facing today.

Keywords: Bio-diversity, Ecological problems, Environmental degradation, Militancy, Minorities, Niger Delta.

1.0 INTRODUCTION

On the environmental impact of oil exploration in the Niger Delta region of Nigeria, the Civil Liberties Organization (CLO) cited by Orono (1998) asserts:

Today, the entire Niger Delta and coastal wetlands of Nigeria producing the nation's Oil wealth is well known to be one of the most fragile ecosystems in the World. It has also been labeled the most endangered delta in the World. Demand for land is high being a densely populated region.

Niger Delta region of Nigeria is an area inhabited by about 12 million people with different cultures, languages, and histories and it comprises of Akwa-Ibom, Bayelsa, Rivers, Cross River, Delta, Edo and some portions of Ondo, Imo and Abia States of Nigeria. Most of these states are located within the coastal area of Nigeria and by implication, some of the

inhabitants rely on fishery and other aquatic business as their major source of livelihood. Prominent among the over forty ethnic nationalities represented in the region are Ijaw, Ogoni, Urhobo, Isoko, Adoni, Efik and Kalabari among others. They are however united by the reason of their historical status in Nigeria with a common identity of southern minorities. Historically, the peoples of the region were at the forefront of minority agitation in the colonial and immediate post-independence periods. Their situation has not changed in the 21st century as their demands and position in the Nigerian federation remain unaltered despite the different Commissions that have been set up by successive governments to look at the question of minorities.

It has been argued that the problem of the Niger Delta was exacerbated because of the Oil, which the region has in abundance. The black gold, which is the mainstay of the Nigerian economy by contributing about 90% of the country's foreign exchange earnings and revenue, is being produced in the region. However, the Niger Delta region remains grossly underdeveloped, pauperized marginalized and remains highly a poverty zone (World Bank, 1994). The basic facilities and infrastructures of a modern society like potable water, motorable roads, hospitals and health facilities, electricity, cottage industries and employment are grossly inadequate. It is this paradox and apparent tragedy of poverty in the midst of abundant Oil wealth of the Niger Delta people that form the political economy of human rights violations in the area (Aghalino, 2008).

The Oputa panel report states that the political economy of Oil is the *raison d'être* of human rights violation in the Niger Delta region. As noted by scholars, Oil is linked to the minority question and perceived injustices, which those groups and communities suffer in Nigerian federation (Ashton, 1998). The wealth derived from Oil by the Nigerian federation is not reflected in the socio-economic life of the Oil producing communities and their standards of living (Hochachka, 2006). The Nigerian states do not have a coherent, consistent and just formula of recycling some parts of the Oil wealth (even with the 13% derivation formula) it accumulates back into the communities from which Oil is produced.

Meanwhile, the major problem afflicting the Niger Delta area today is the problem of ecological disaster and environmental degradation, which Oil production and its poor management has brought forth. This has manifested in oil spillage and gas flaring; engendering those communities (Adeyemo, 2008). Oil exploration and its poor management dislocates the economic lives of the people as farming and fishing, the main occupation of the people in the area are decimated, their environment polluted and their water poisoned. Environmental degradation, dead fauna and flora have therefore resulted in lack of employment for the people and this has led to militancy in the region. The promise to clean up the whole of Niger Delta has remained a mirage. This paper discusses the ecological problems facing the Niger Delta; the challenges and the response of the government of Nigeria and world organizations to the problems.

2.0 THE ENVIRONMENT AND ITS SUSTENANCE

Environment, as conceptualized in this discourse implies, "the surrounding conditions that affect humans and other organisms" (Okoli, 2008). The protection of the environment is seen as an essential part of development because the so-called environment is the home of man. On this premise, there arises the need for the protection of the environment. One of the means

of protecting the environment is through the promulgation of environmental policies, which at governmental, institutional or corporate levels is concerned with protecting human health, natural resources and the ecosystem. It is one thing to protect the environment and it is another thing to sustain such an environment. As opined by Uwaloma and Ranti (2008), "sustainability is concerned with the effect which action taken in the present has upon the options available in the future. If resources are utilized in the present, then they are no longer available for use in the future. Environmental sustainability, therefore, implies that society must use no more of a resource that can be generated. It is for this reason policies on environmental sustainability are made. It is on this basis that we shall discuss the legal framework of Nigerian law on oil exploration in the country.

3.0 THE FRAMEWORK OF NIGERIAN LAW ON OIL EXPLORATION AND THE ENVIRONMENT

The framework for Oil operations in Nigeria is set by the Petroleum Act of 1969 (originally Decree No. 51 of 1969). Other relevant legislation includes the Oil in Navigable Waters Act (Decree No. 34 of 1968), the Oil Pipelines Act (Decree No. 31 of 1956), the Associated Gas (Reinjection) Act of 1979, and the Petroleum (Drilling and Production) Regulations of 1969, made under the Petroleum Act. From 1988, the Federal Environmental Protection Agency Act (Decree No. 58 of 1988) vested the authority to issue standards for water, air and land quality in a Federal Environmental Protection Agency (FEPA), and regulations made by FEPA under the decree govern environmental standards in the Oil and other related industries. The Department of Petroleum Resources (DPR) has also issued a set of Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (1991), which overlap with, and in some cases, differ from those issued by FEPA. For the most part, the specific standards set are comparable to those in force in Europe or the United States.

Nigerian law provides that, "all minerals, mineral oils and natural gas" are the property of the Federal Government. Accordingly, the Petroleum Act requires a license to be obtained from the Ministry of Petroleum Resources before any oil exploration – prospecting, exploration, drilling, production, storage, refining, and even transportation – is commenced. Only a Nigerian citizen or any company incorporated in Nigeria is qualified for a license. The minister of Petroleum Resources has general supervisory powers over oil companies' activities, and may revoke a license under certain conditions, including if the operator fails to comply with "good oilfield practice." Although, this good oilfield practice is not defined in the decree, but the Mineral Oils (Safety) Regulations of 1963, promulgated under the Mineral Oils Act state that good oilfield practice "shall be considered to be adequately covered by the appropriate current Institute of Petroleum Safety Codes, the American Petroleum Institute Codes, or the American Society of Mechanical Engineer Codes", thus, effectively, binding oil companies to respect international standards in their operations in Nigeria.

This implies that Oil companies are obliged to "adopt all practicable precautions including the provision of up-to-date equipment" to prevent pollution, and must take prompt steps to control and, if possible, end it," if pollution does occur. They must maintain all installations in good repair and condition in order to prevent "the escape or avoidable waste of petroleum" and to cause "as little damage as possible to the surface of the relevant area and to the trees, crops, buildings, structures, and other properties thereon. Oil companies are also required to comply with all local planning laws; they may not enter on any area held to be sacred or

destroy anything, which is an object of veneration; and they must allow local inhabitants to have access, at their own risk, to roads constructed in their operating areas. Specific rules relating to compensation in the event of an infringement of these and other requirements are described below.

The Environmental Impact Assessment Act (Decree No. 86 of 1992) requires an Environmental Impact Assessment (EIA) to be carried out "where the extent, nature or location of a proposed project or activity is such that it is likely to significantly affect the environment. The public and private sectors are enjoined to give 'prior consideration' to the environmental effects of any activity before it is embarked upon." An EIA is compulsory in certain cases, including the oil and gas fields' development and construction of oil refineries, some pipelines, and processing and storage facilities. The carrying out of EIAs is policed by FEPA, and by states environmental protection agencies.

As with the rest of the regulatory framework governing protection of the environment in Nigeria, there is in practice, little enforcement of the requirements to carry out EIAs, either by FEPA or by the DPR's regulatory arm (the Petroleum Inspectorate Division), and virtually no quality control over the assessments carried out. This is due to the overlapping mandates and jurisdiction between FEPA and the DPR, which frequently contribute to the counter-productive competition.

4.0 CAUSE OF ENVIRONMENTAL DEGRADATION IN THE NIGER DELTA

The Niger Delta region has suffered excruciating pains from environmental degradation occasioned by Multi-National oil Corporations (MNCs) and the successive Nigerian government over the years. Environmental degradation in the Niger Delta is viewed in the context of the high rate of oil exploration and other human activities without regard for human health, and also the fauna and the flora. In 1995 when the World Bank carried out a comprehensive study of the area, it concluded among other things that the environment was being degraded and all indices of development were far below acceptable human standard. Two major factors have been adduced to environmental degradation in the Niger Delta region of Nigeria. These are Oil spillages and Gas Flaring. Both shall be discussed subsequently.

4.1 OIL SPILLAGE

In the cause of oil exploration, oil is transported through pipelines from the refineries to the various depots. Oil leakage usually originates from corroded or rusted pipelines. The spillage spurts over a wide area destroying crops, fish ponds, economic trees, farmlands, and the biodiversity at large. In the Niger Delta region, an average of one spill occurs every week causing grave damage in the environment. It was estimated that thousands of barrels of crude oil spilt, besides the hundreds of thousands of tons of oil-soaked vegetation and debris. An investigation carried out by the Federal Ministry of Environment showed that Warri Refinery and Petrochemical Company continuously released untreated wastes (liquid, solid, gaseous and particles) into the environment of the communities around its facilities.

The Nigerian National Petroleum Corporation (NNPC) in 2000 cited in Ikelegbe (2006), reports that oil spillages arise due to the following reasons:

- Pipeline vandalization

- Leakage from corroded pipes and valves
- The process of oil drilling
- Transportation by oil tankers
- Oil bunkering and smuggling
- The process of oil refining
- Government lack of effective control over the multinationals in terms of incessant oil spills

Oil spillage has many effects, which include the effect on rivers, creeks, streams, and lakes. Pollution is engendered and aquatic organisms die prematurely. In addition, bush fire occasioned by explosion of oil installations and pipeline vandalism cause destruction of the fauna and flora. Oronto (1998) posited that all these have bearing on agriculture, water supply, fishing, the ecosystem or biodiversity within the region. Oil spillage has continued to cause untold damage to the environment and hardship to the people. It has also resulted in the loss of human lives. For example, in 1998, more than 100 youths, women and children perished in the Jesse inferno leaving the community highly devastated and impoverished. Also, the Idobo platform spillage, which occurred in 1998, affected five communities leading to ecological damages.

4.2 GAS FLARING

Gas flaring is defined as the burning of natural gas, which could have been refined into usable products (Ogege, 2006). Gas is flared through surface flaring and high towering pipes and the average gas flared throughout the world is estimated at 4% (Ogege, 2006). The body reported that over 70% of associated gas is flared in Nigeria. This represents about 25% of the total gas flared in the world, which makes Nigeria the highest gas flaring country in the world. Wisner and Connor maintained that the free disposal of gas through flaring constitutes a deafening bowl of raging fire at gas flare sites; the thick smoke that billows into the atmosphere falls back as acid rain, which has polluted rivers, seas, and creeks in the region. The World Health Organization also reported the following in 2002:

- That the release of high levels of sulfur, carbon and nitrogen oxide causes acid rain, which facilitates the process of rusting and also reduces oil productivity and excessive heating of the environment leading to damage in biodiversity.
- That flaring contributes to ozone layer depletion, which causes skin damage in the form of sunburns and 'suntans', which destroy the natural ability to fight skin cancer.
- That gas flaring also damages the eye and reduces visibility and in some cases, blindness. It also affects the natural immune system with increased potential for infection.
- It restricts plant growth, delay in flowering, adverse changes in plant leaf structure, and adverse effects on animals.

Finally, gas flaring causes excessive heating of the environment leading to climatic change, increase in temperature of human metabolism and excessive perspiration. For so many years now, farmers have been sacked from their farms because of gas flares. They hardly make a living out of the devastated environment. The same goes for the fishermen whose waters have been polluted and the fauna destroyed.

5.0 CORRUPTION AND ENVIRONMENTAL DEGRADATION IN THE NIGER DELTA

There has been so much talk about corruption in Nigeria so much so that there is the temptation one need not spend much time on the subject. In the Niger Delta, the poverty level is exacerbated by the high cost of living. For instance, only 25% of rural communities have access to safe drinking water. Water-related diseases are widespread and probably the central health problem in the Niger Delta. A UNDP (2006) report establishes a cycle between oil, migration and pollution. While some end up in the cities, a large proportion settle in rural areas and fill in the gap left by the outward migrating local people. These migrant settlers become farmers, artisans, fishermen, quarry operators and middlemen. But because they are migrants, they are not interested in resource conservation and environmental protection because their main motive is profit maximization.

These migrant middlemen collect products for transportation to urban markets and pressure local producers to meet their demands for goods which include wood for fuel and construction, fibres, leaves, dye, fruits roots and nuts. These activities reduce forest cover, thereby degrading the environment further. As noted by Uwaloma and Ranti (2008), "one important feature observed in the region is the almost complete absence of primary forests. This may be partly due to climate change and partly due to human activities. Uncontrolled logging, agricultural activities, acid rain, oil exploration, urbanization and mining activities contribute to loss of vegetation."

This state of affairs poses two a salient question: Why are local people disempowered to the point where they migrate from their areas and leave the running of their rural economy to migrants? The contention of this question is, if local people were empowered in the local areas, facilities in the urban centres would be better managed. Just as important too is the fact that if they were empowered, rather than leave, they would stay and manage the economy of their areas and most probably ensure the protection of their environment in the process.

In view of the above argument, it can be deduced that disempowerment of local people and the influx of temporary resident migrants to rural areas are major factors in the process of environmental degradation not related to oil. However, in view of the theory of cause and effect, there are bound to be factors responsible for the distortion of the economic and social life of rural inhabitants and the inadequacy of urban facilities. Dire lack of basic facilities has made life in many rural areas in the Niger Delta very dehumanizing.

The absence of roads, electricity, safe drinking, water, poor sanitary conditions and waste management cannot be blamed purely on oil. Aghalino (2008) bemoans this situation when in reference to the Niger Delta, he states, "the whole area is inflicted with pains and burdens hardly paralleled with what obtains in any other region in the whole history of civilized Nigeria." Ironically, leaders, both political and traditional, in the region have contributed to the despoliation, poverty, and suffering in the region. Or how else can these leaders and others in places of authority explain the ugly truth that despite the large amounts of money accruing to the Niger Delta states and their local governments, the people have remained so deprived? Tables 1, 2, and 3 below (derived through annual random sampling) depict monthly revenue allocations to the Niger Delta states and local governments between 2006

and 2008. Each month is meant to give a rough estimate of what these states and local governments receive annually.

Table. 1

State	No. of LGA	State allocation ₦	LGA allocation ₦	Total amount ₦
Akwa Ibom	31	13,033,219,895.17	2,949,021,215.90	15,982,241,111.07
Bayelsa	8	9,248,974,700.41	943,591,753.75	10,192,566,454.16
Cross Rivers	18	3,260,188,045.50	1,671,009,707.49	4,931,197,752.99
Delta	25	9,067,358,134.24	2,485,840,702.10	11,553,198,836.34
Rivers	23	19,626,977,602.03	3,682,889,243.62	23,309,866,845.65
Total	105	54,236,718,377.35	11,732,353,222.86	65,969,071,000.21

October 2008 Revenue Allocation to Niger Delta states and LGA by Federation Account Committee: Culled from Reports of the Federal Ministry of Finance, Abuja.

Table 2

State	No. of LGA	State allocation ₦	LGA allocation ₦	Total amount ₦
Akwa Ibom	31	13,683,059,361.83	2,599,380,619.92	16,282,439,981.85
Bayelsa	8	8,517,449,345.74	902,727,897.60	9,420,177,243.34
Cross River	18	3,034,277,976.57	1,758,011,858.36	4,792,289,834.93
Delta	25	9,212,365,263.54	2,329,117,498.40	11,541,482,761.94
Rivers	23	21,211,598,487.15	3,407,873,817.54	24,619,472,304.69
Total	105	55,658,750,434.83	10,997,111,691.82	66,655,862,126.75

June 2007 Revenue Allocation to Niger Delta states and LGA by Federation Account Committee: Culled from Reports of the Federal Ministry of Finance, Abuja.

Table 3

State	No. of LGA	State allocation ₦	LGA allocation ₦	Total amount ₦
Akwa Ibom	31	6,523,621,240.96	1,844,631,279.82	8,368,252,520.78
Bayelsa	8	8,252,586,910.87	656,227,894.86	8,908,814,805.73
Cross River	18	1,817,085,056.81	1,231,865,535.12	3,048,950,591.93
Delta	25	7,258,239,321.10	1,652,660,035.05	8,910,899,356.25
Rivers	23	10,569,232,346.02	1,702,404,744.94	12,271,637,090.96
Total	105	34,420,764,875.76	7,087,789,489.79	41,508,554,365.65

August 2006 Revenue Allocation to Niger Delta states and LGA by Federation Account Committee: Culled from Reports of the Federal Ministry of Finance, Abuja.

From the above tables, it can be noticed that there was a sharp increase (about 63.2%) in allocated revenue in 2007 and 2008 as compared to 2006. The landmass has remained the same, yet there is no marked improvement in infrastructures or the lives of the inhabitants of the Niger Delta while ecological problems are worse by the day. This brings to mind once again the World Bank's definition of corruption which says it is an illegal diversion of state revenues as well as patronage or nepotism by government officials or theft of state assets. Imagine the remedial efforts the monies accruing to the Niger Delta states would have achieved had they been judiciously used in light of the following realities as posited by Okoli (2008) and the report of the Nigerian Environmental Study/Action Team (NEST, 2004) cited in Uwaloma and Ranti (2008), that corruption and mismanagement are reported to swallow about 40% of Nigeria's \$20 billion annual income.

This claim is corroborated by Hochachka (2006), when he contends that, "despite its oil riches, 70 per cent of Nigeria's population live below poverty level, with corruption remaining a way of life." Elendu cited in Hochachka (2006) adds, "Although, the country is renowned for its oil and gas resources, extremely little of the revenue from this industry is re-circulated into the civil infrastructure such as hospitals, schools and roads. The extremity of corruption has greatly destroyed the fabrics upon which the Nigerian society at large was built. It can be deduced that the Niger Delta is therefore faced with environmental degradation today because of the insensitivity of the political and traditional leaders.

6.0 THE DEMAND FOR RESOURCE CONTROL

The youth unrest in the area seems to be predicated on their belief that they should receive greater benefits from oil operations bearing in mind the fact that the region produced the bulk of money that sustained the nation. The Kaima Declaration, adopted by well over 5,000 Ijaw youth best articulated the demands of the Ijaw and the various Niger Delta people (Aghalino, 2001). One of the high points of the declaration was the emphasis on resource control and the restructuring of the moribund Nigerian state. Despite the massive oil production and revenues accruing to the nation, the economy of the region progressively declined. The region has only received little sources as derivation flow from the federation account. It declined from 50% in 1966 to 45% in 1970, 1% in 1979, 2% in 1982, 1.5% in 1984, 3% in 1992 and 13% since 1999 (Ikelegbe, 2006). The Federal Government has continued to pay little or no attention to the demands and agitations of the Niger Delta people and the resultant effect is staring us at the face today. This explains the reason behind the spate of kidnappings and militancy in the region.

7.0 CHALLENGES POSED BY THE CRISIS TO SECURITY

It is an obvious fact that the Niger Delta Environmental crisis posed great challenges to security and nation-building process in the country. This could be substantiated under the following headings: -

(a)The insecurity of lives and properties in the region: There had been loss of lives in the area due to the high level of insecurity prevalent there. Lives of some of the personnel of the oil companies, the militants and officers of the Joint Task Force had been wasted to the crisis. Besides, a lot of properties of both the government and that of the oil companies had been vandalized by the militants over the years.

(b)Security threat to governance at all levels: The crisis had made the region ungovernable and constitutes an intractable problem to all levels of government represented in the region – the Federal, State and Local Governments who find it difficult to maintain peace due to the high level of anarchy and break down of law and order witnessed in the area. It must be emphasized that the hanging of the environmental activists, Ken Saro-Wiwa and the nine Ogoni activists, in 1995, by the then military Junta of Sanni Abacha, merely added petrol to an already flaming fire as Nigeria since then has not witnessed a single moment of respite as far as the crisis in the region is concerned.

(c)It interrupts a steady flow of capital into the national treasury: The behavioural proclivities associated with the crisis such as vandalization of oil installations, sealing of production sites,

hostage taking and demand for ransom etc. on the part of the militants in the region had a destabilizing effect on the nation's economy which had depended on oil from the region. This has manifested in a reduction in crude oil and gas production from the area.

It was also reported in The Nigerian Tribune (October 10, 2007), that Nigeria lost 7.5 trillion Naira between 1999 and 2007 to the crisis in the oil rich region. It reported that Nigeria lost an average of 300,000 barrels per day in oil production since 1999 due to violence and instability in the region; and this translates to daily production loss of about \$18m, totaling about \$58.3 billion in 9 years.

8.0 THE WAY FORWARD

The following recommendations will contribute towards solving the Niger Delta crisis if embarked upon:

First, there is a need on the part of the government to be impartial and objectively tackle the issues that precipitated a crisis in the region.

Also, the government should ensure that developmental agencies are not only set up but that they are well supervised, monitored and funded to be able to realize their objectives; while the indigenes of the region should not be sidelined while evolving developmental programmes

In addition, there is a need for an upward review of the tax paid for a penalty for gas flared in Nigeria. This might go a long way to discourage incessant gas flaring; while optimal gas utilization policy should also be implemented. Adequate compensation should also be paid by the oil companies to the local communities for the environmental pollution of the region and this fee should not be hijacked by the government or any of its agencies.

The Amnesty programme recently embarked upon is a right step in the right direction, though there is a need for the government to reassess it and introduce some level of integrity. But if amnesty is pursued without infrastructure and employment programmes, the government would have only empowered the militants to go back to the creeks in the nearest future. Thus, there is an urgent need for the economic empowerment of the people. The government should build industrial parks, create employment and provide infrastructures that would metamorphose into superstructures, put up good schools and establish a power sector; while funds approved for Niger Delta projects should be well managed and accounted for.

Furthermore, the Niger Delta states should make meaningful contributions that should, to some extent, palliate the extreme deprivation that obtains presently in the region rather than leaving all developmental programmes in the region for the federal government. The International Community should also put pressure on the Nigerian government to negotiate resource control in good faith, while there is an urgent need for the youths in the region to desist from hostage-taking and other violent activities as these have badly dented their image.

Finally, the current relative peace in the Niger Delta witnessed especially by the laying down of arms by the militants, offers golden opportunity for deep reflection by all the stakeholders who have roles to play in securing the armistice and propelling the region to growth and these

include the Multinational Oil Companies, the Federal Government, Niger Delta States and the Niger Delta people and leaders.

9.0 CONCLUSION

The Niger Delta is the most important economic region in Nigeria. It produces most of the country's oil and gas and therefore, ranks as the major source of foreign exchange. However, the Niger Delta's environment is facing several problems due to a large number of oil spill incidents every year. Millions of oil barrels have been spilt into the environment while millions of cubic of gases have been flared, resulting in the severe environmental pollution in the region, including vegetation, soil, creeks, water and air.

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