

CRAMPED GREEN PUBLIC SPACE: THE STATE AND ENVIRONMENTAL CIVIL SOCIETY IN NIGERIA

John Agbonifo

Department of Sociology, Osun State University, Osogbo

ABSTRACT

Optimism about better use and management of environmental resources greeted the rise and expansion of environmental civil society groups in Nigeria. The hope that civil society groups will engender better environmental management was partly informed by the preference of civil society over the state by architects of neoliberalism. Confidence seems to have been punctured as environmental destruction continues apace with environmental regulations and activism. How may we explain the apparent contradiction between a growing activist environmental movement, and deepening environmental degradation? The article argues that the state has a core interest, global capitalist accumulation,¹ which does not align with civil societies' interest in better environmental management. The seeming inability of the environmental movement to realize its assumed potential is a function of the incommensurability between the core interest of the state and that of environmental civil society. The article divides environmental civil society into three groups; governance, emancipatory and hybrid groups, and uses primary and secondary data to understand the limitations inherent in the relationship between the state and the components of the environmental movements.

¹ Reference to global capitalist accumulation and the Nigerian state does not seek to evoke the spectre of a "conspiracy theory", but to underline the nexus between the state and global capital, particularly with regard to crude oil. Scholars have written about this nexus and what it means (see Obi 1999, 2010; Watts 2004: 60). Such connection is important in this context because oil is a global commodity, exploited, transported and sold in the international market by multinational oil corporations. The Nigerian oil industry is dominated by multinational corporations. The state ensures conducive economic and environmental conditions for the exploitation of oil. Bjorn Beckman (undated) argues that "the state serves as an organ of foreign capital in Nigeria as it expands its operations and entrenches itself more deeply". That it "is simultaneously engaged in fostering a domestic bourgeoisie", and that "the most significant functions performed by the state in support of capitalist development cannot be reduced to the interests of sections of capital, Nigerian or foreign. Instead, they need to be seen as performed in the interest of capital in general" (see <http://www.roape.org/pdf/2305.pdf>, pp48).

INTRODUCTION

The economic crisis of the late 1970s and early 1980s and its dire impacts on African economies led to frenetic efforts, spearheaded by the African Development Bank (ADB), and the World Bank (WB) to explain Africa's failing development trajectory. Although the ADB blamed external factors for the crisis, the WB's position, which became dominant, blamed African leaders rather than external factors for Africa's problems. The WB described the African state as a clog in the wheel of progress. To return African economies to the path of growth, the state must necessarily be retrenched from the economy and market forces given free rein. In line with the neoliberal vision of a minimalist state, civil society was canonized as better positioned for service delivery, environmental management, and overall development. In reaction to the new discourse and donor funding, there was a proliferation of civil society groups, including environmental NGOs. Surprisingly, the growth of environmental civil society groups has coincided with deepening environmental problems.

Yet, some environmentalists and scholars insist that civil society groups "provide a more effective alternative to government agencies in protecting the environment and in using natural resources wisely" (Desai, 1998: 12). Governments lack the political will and capacity to enforce environmental regulations (Desai 1998). Civil society groups, given their grassroots base, are cost-efficient and effective in the implementation of policies. As a result, civil society groups are actively funded by international donors, and states often seek their inputs into policy

formulation. The rising importance of civil society rests on the fact that they provide valuable information and expertise, which help government reach better decision, and provide legitimacy to environmental decision making (Thomas Bernauer and Carola Betzold. 2012). Uncertainty shrouds the issue of the contribution of NGOs to environmental governance. Questions have been raised as to what extent civil society can enhance effective service delivery, democratic legitimacy and overall development. Thus, Desai (1998) argues that while they do provide information, it is the case that rather than information deficit, informed government preferences thwart effective collective action.

Theoretical concern with the state and civil society groups' nexus adopt a society-centered view. Civil society groups are portrayed as actors whose reactions to certain unacceptable state policies lead inevitably to social change. As a result of the pressure mounted by civil society groups, the state is compelled to change its behavior or provide a policy base necessary for change of behavior. In this approach, one cannot but notice the unmistakable silence and non-positioning of the state in the raging debate. The state remains passive and disinterested as interest groups fight over the nature and direction of change. However, it is the case that the state, rather than a mediator between contending interests in society, is part of the social conflict. As an interested party, the state deploys its influence directly by acting upon its interest, and indirectly, by keeping silent on critical issues, or framing issues and defining what

is acceptable and unacceptable discourse. How the contributions of civil society groups can be circumscribed by state interest has received little attention.

Thabo Mbeki, former South African President, recently argued that civil society in Nigeria has been demobilized (Punch 2013). He avers that the project of reforming governance in Nigeria and ending impunity has been slowed down by the absence of civil society. The absence he speaks about is not in the physical sense, but in the sense that for a number of reasons civil society groups have ceded influence in the policy arena to politicians and conservative forces that have virtually captured the civil society. Similarly, Areola (1998) holds that the NGOs have been coopted to the extent that government sets the boundaries of acceptable environmental discourse and the mode of interaction between them. The cooptation of civil society groups by conservative elements indicates there is little evidence that civil society contributes to legitimacy or promotes public support for environmental policy. How may we explain the constrained contribution of civil society groups to environmental governance in Nigeria?

BACKGROUND

The concern here is with the Niger Delta environment, and not the entire Nigerian environment. The Niger Delta region is the area covered by the natural delta of the Niger River, covering a total area of about 70,000 square kilometres. The delta is considered the largest wetlands in Africa and it is one of the world's three largest mangrove forests covering about 6,000 square kilometres (CLO 2002). The region

is a swampy maze of creeks, mangroves, streams, estuaries and rivers (UNDP, 2006: 44).ⁱ The estimated population of the region stands nearly 30 million people. Underneath the watery environment are deposits of Nigeria's enormous oil and gas reserves. Oil accounts for about 95% of Nigeria's foreign exchange earnings and 80 per cent of federal government revenues. The region's inhabitants have benefitted little from the delta's oil wealth, but have borne the negative impacts of environmental degradation.

The dumping of hazardous waste in Koko, Delta state, marked the rise of committed environmental regulation in Nigeria. In 1987, two Italian Multinational Corporations—Ecomar and Jelly Wax enticed a Nigerian businessman, Sunday Nana, into signing an agreement to use his residential property located in Koko for the storage of 18,000 drums of hazardous wastes disguised as building materials and allied chemicals for about \$100 a month (Greenpeace 1994). The Nigerian authorities discovered that the illegal toxic wastes included a wide range of lethal substances (Adeola 2001). The publicity given the development created anxiety, giving rise to the emergence of a range of civil society groups.

The second threshold in the rise of contemporary environmentalism emerged in the early 1990s with the mobilization of oil-bearing communities for decisive political action to end blatant degradation, and stake a claim to participation in how the environment is exploited. Communal misgivings about the impact of oil companies on the environment dates back to the early 1960s when Isaac Adaka Boro led a secessionist rebellion against the federal

government ostensibly for its complicity in the oil-related environmental degradation of the region. The rebellion was crushed by the military, and its leaders jailed. From the early 1990s, many grassroots communities, notably the Ogoni, began protesting the impact of oil exploitation on their environment. Such communities included the Etche, Ogoni, Itsekiri, Isoko, and Ijaw.

The environmental civil society group comprises mobilized grassroots communities, and groups variously interested in wildlife protection, forest conservation, environmental protection and social justice, and environmental education. The movement includes a range of groups at the local, regional and national levels. Examples are the Nigerian Environmental Society (NES), the Nigerian Conservation Foundation (NCF), the Nigerian Environmental Study and Action Team (NEST), the Green Environmental Movement of Nigeria (GEMINI), Environmental Right Action (ERA), and many other grassroots organizations. Membership in these groups is growing as a result of growing consciousness and concern occasioned by increased visibility of environmental problems and increased mobilization by environmental groups (Adeola 1996: 622). The environmental movements do not all have the same goals and objectives. Broadly, they are oriented to promoting environmental awareness and management, and advocating the formulation of policies for environmental protection (Adeola 1996).

STATE-ENVIRONMENTAL MOVEMENT RELATIONSHIP: THEORY

Contentious environmentalism everywhere is shaped by its political regime. The emergence of environmental protest and whether it is successful is determined by the extent to which basic human rights are upheld or manacled (Doyle and Simpson 2006). In a study of the state in Iran and Burma, and their relationship with environmental civil society, Doyle and Simpson (2007) argue that the spread of environmentalism to some developing countries has met with more than a speed bump. Forms of authoritarianism in both countries have resulted in severe, but different, limitations of the potential of the environmental movement. Democracy provides a veritable environment for sound environmental management (Desai 1998). Lack of freedom to organize and oppose pollution explains rampaging environmental destruction under authoritarian regimes.

It is unclear in the literature why authoritarianism is unfriendly to environmental protection. There is evidence that environmental degradation does not respect regime types. To understand why environmental problems continue across democratic and authoritarian boundaries requires a look behind the façade of regime types. The state has a common collective interest that is greater than the sum of the interests of its components (Dryzek, Downes, Hunold, and Schlosberg, 2003). There are five common collective interests, or state imperatives, that governmental bodies have to carry out to ensure stability and survival. The imperatives override any competing interests state officials might have.

Momentous changes in the state, or its core interests, have shaped the character of social movement. The early modern dictatorial state had three core functions: maintain order, compete internationally and raise revenue to finance the first two (Dryzek, Downes, Hunold, and Hernes 2003). With capitalism and a growing economy the state could raise revenue without increases in taxation. At the same time, it could foster the social order through growing the national economic cake. A fourth function emerged from the imperative to secure economic growth. This provided space for the bourgeoisie to enter into the state. Their interest in profit maximization dovetailed with the state's economic imperative. The liberal state was born. The dark side of capitalism led to the emergence of organized working class that threatened the stability of the status quo. From initial repressive stance, the state developed into a welfare entity in order to cushion the workers against the vagaries of capitalism. A fifth core function developed; legitimation imperative, this enabled the entry of the working class into the state. The workers defining interest in welfare coincided with the state's need for legitimation.

The social movement literature, however, adopts a static view of the relationship between movements and the state, and suggests a narrow range of outcomes for a movement because of its focus on regime types rather than the nexus between environmental groups and the state's core imperatives. For instance, the "life cycle" account assumes that social movements go through stages, beginning as radical protest groups, which

eventually reframe their demands in ways acceptable to the state in order to pave its way into the state. Such account misses some critical variations because different state structures exist, and different things can happen to a movement. A state might put a few barriers to movement influence on policy making, or destroy the movement. A state might choose to ignore a movement; neither accepted nor undermined. At other times, a state might choose to quickly organize a movement into the state. Thus, there is need to situate social movements in the state because significant changes in the character of the state shape the social movements that arise therein.

When a movement is able to connect with the core imperative of the state, then

there are in principle no, limits to the degree to which the movement can penetrate to the state's core. If it cannot, then there are systematic limits to what the movement can achieve as a result of its engagement with the state, for, whenever the movement's interest comes up against the core, the movement will lose (Dryzek, Downes, Hunold, and Schlosberg, 2003: 2).

The authors argue that states can be either structurally inclusive or exclusive in terms of interest representation. An inclusive state is open to a variety of interests. But an exclusive state restricts effective representation to a few political actors and denies access to others. Moreover, a state can be either passive or active in terms of the forms of representation they allow. An active state is interested in the nature and range of

interests in civil society, while a passive state is skeptical about the interests and movements in society, and does nothing to advance or impede the status of the groups.

A passively inclusive state accepts and accommodates the range of interests and groups that social forces generate. An actively inclusive state is proactive; it does not wait and accept the crop of interests social forces produce. Rather it anticipates and organizes, or coopts, interests into the state. In such states, policy is made by agreement between the executive branch of government, business and labour. In some corporatist states, once labour and business have been included, all other interests are systematically excluded. Exclusion is passive in that the state does nothing to undermine them. It simply leaves them alone and provides them few channels of political influence. An actively exclusive state tries to undermine movements and the conditions under which they might emerge and succeed. The authors admit that in real world situation, some states combine two or more of the categories.

THE INTERVENTIONIST STATE

From colonial times environmental management depended on government's use of command-and-control regulations to guide and direct citizens in a hierarchical top-down fashion. The colonial government gave little priority to environmental protection in Nigeria. The few environment-related laws criminalized activities that could degrade the environment. The laws included the 1917 Public Health Act, and the Criminal Code Act of 1916, which prohibited water

pollution and air pollution and created the offence of nuisance. Often, the laws were in the form of Decrees, Edicts, Acts and Legislations. Some other policy interventions included the Mineral Act of 1958, which emphasized measures that must be adopted to avoid and regulate ecosystems' pollution, Factories Act 1956, and the Oil Pipeline Act 1956.

The post-independence era witnessed enactment of several environmental laws. The laws included the Petroleum Act of 1969, amended by Decrees No. 16 of 1973, No. 49 of 1976, and No. 37 of 1977, which vests ownership of petroleum in the state, stipulating that active steps must be taken to control and end the pollution of the environment, the oil in Navigable Waters Regulations 1968, Petroleum (Drilling and Production) Regulations 1969, Petroleum Drilling and Production (Amendment) Regulations 1973, Petroleum Refining Regulations 1974. The laws and regulations can be argued to mark a clear difference between the colonial state indifference to environmental protection, and interest in pollution abatement, compensation of victims of pollution and general wellbeing in the post-independence era. However, the state failed to generate a national policy on environment to anchor such interests and goal.

The absence of effective institutional monitoring and enforcement mechanism in the colonial and early post-independence periods ensured that existing regulations for environmental protection did not achieve their aim. The colonial and early postcolonial over-riding emphasis on "economic take-off" based on the philosophy of profitability contributed to non-enforcement of

compliance and unsustainable exploitation of the environment. The situation took a new turn, however, following the subterranean dumping of toxic substances in Koko by two Italian ships. In response, the Federal government promulgated the Harmful Wastes (Special Criminal Provisions) Act 1990. The Act provided the legal basis for the effective control and disposal of toxic substances into the environment. This was followed by the creation of a regulatory body, the Federal Environmental Protection Agency (FEPA) through Decree 58 of 1988.

FEPA has responsibility for the overall protection and development of the Nigerian environment. To effectuate FEPA's functions, the government developed a National Policy on the Environment (NPE) in 1989. The Plan is the main document regarding the protection of the environment. The state also enacted the National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes) Regulation 1991. The Regulation made EIA obligatory when required by FEPA. The EIA Decree No. 86 of 1992 required that no industrial and development project or other activity under the oversight of FEPA could be executed without prior analysis of its environmental impact. FEPA and other relevant Departments were merged to form the Federal Ministry of Environment in 1999. The government later established the National Environmental Standards and Regulations Enforcement Agency (NESREA) as a parastatal under the Ministry of Environment. The NESREA Act replaces the FEPA Act of 1988.

However, the state has continued to send contradictory signals through policy actions and inactions, which undermine the import

of its intervention in environmental management. The contradictions operate via three mechanisms; legalization of exploitation, environmental despoliation, and environmental enforcement.

Legalization of Exploitation and Dispossession

The state enhances capitalist accumulation through the instrumentality or maintenance of law and order. Apart from violently repressing threats to capitalist accumulation, the state maintains law and order through establishment and enforcement of patterns of rules germane to capitalist accumulation. Capitalist property relations must be freed from the constraints that pre-capitalist relations of production represent. To that end, the state enacted the Land Use Decree, which vested ownership of all land on the government. Through the decree private and state property in land is protected against the claims of traditional landowners, and simultaneously facilitates the appropriation of land for 'commercial' use. The land Use Decree is further insulated by the 1999 Constitution which denies citizens the right to enforce compliance with environmental standards. Following the discovery of crude in commercial quantity in 1958, the nature of the Nigerian state metamorphosed as part of the process of establishing appropriate conditions for global accumulation. The State structure based on the appropriation of surplus from peasants' production through commodity boards transformed to a centralized structure founded on the oil industry. This transition witnessed the strategic pursuit of political dominance by

the majority ethnic groups (Naanen 1995). The State employed its territorialising prerogatives to dispossess oil minorities and accumulate wealth for the benefit of itself and transnational capital. The Independence Constitution of 1960 and the Republican Constitution of 1963 were unambiguous with regard to principles that should govern the sharing of revenue derived from any part of the country:

There shall be paid by the federation to each Region a sum equal to fifty per cent of (a) the proceeds of any royalty received by the Federation in respect of any minerals in that Region; and (b) any mining rents derived by the Federation from within that Region (Saro-Wiwa 1992: 84).

By 1972, oil had become a huge revenue spinner and the primary focus of intense ethnic competition. Beginning from the 1970s, the state, controlled by factions of the ruling elites from the three major ethnic groups, the Yoruba, Hausa-Fulani, and Igbo, systematically whittled down through fiat the derivation formula until it became 5 percent in the early 1980s. This gave rise to a startling contradiction; as the ruling elites and their regions prospered based on oil revenue, the oil producing region became progressively impoverished and degraded.

Despoliation of the Environment

Oil exploration and production in Nigeria has a colonial origin (Agbonifo 2002). The first oil discovery came in 1956 in Oloibiri, Bayelsa state. In 1914, the colonial state passed the Mineral Acts declaring sovereignty over mineral resources

empowering the Governor-General to grant licences and leases to British companies and subjects. The colonial government made few efforts to control or regulate oil company activities (ibid: 99). It took the post-independence Nigerian State nine years after independence to repeal the 1914 Mineral Act and enact new oil-related legislation. Shell continued to operate freely within the favourable institutional framework crafted by the colonial state almost a decade after independence. Even then the 1969 Ordinance was little different from its colonial antecedent (Frynas 2000: 81). Between 1971 and 1990, there was no formal operating agreement between the State and Shell. For two decades, Shell operated within an institutional void and without obligations (ibid: 89) ostensibly because the Mineral Acts placed responsibility for oil exploitation in the hands of two monopolies: British Petroleum and Royal Dutch Shell.

Niger Delta communities celebrated the discovery of oil with excitement and hope (Agbo 2008). The installation of oil facilities generated jobs for unskilled labour and attracted small service sector industrialists, job seekers and other migrants to the region. The processes of urbanisation increased, village communities boomed, and the people were excited. By the early 1970s, the hope in oil was dashed and in its place, a grim realisation of despoliation settled. Massive ecosystem damage has resulted from huge oil spills in the region's aquatic environment. The damage include the death of all forms of marine life, birds and plants from oil spills, unending gas flares which drive away wildlife, and destruction of local livelihoods. In reaction several community

groups have mobilised against the state and oil industry.

Environmental Regulations and Enforcement

The attempt to end gas flaring in Nigeria dates back to 1969 when Nigerian head of State, Yakubu Gowon, ordered that an oil company must cease flaring gas within the first 5 years of its operation. In the Associated Gas Re-Injection Act No. 99 of 1979, the government demanded that oil companies cease gas flaring by 1st January 1984. The Act made provision for specific exemptions or payment of a fine of US \$0.003 (0.3cents) per million cubic feet. The fine was increased to US\$0.07 per million cubic feet and US\$3.50 per 1000 standard cubic feet in 1988 and 2008 respectively. The oil companies ignored the Act, choosing to pay the meager and hardly deterring fine.

Although gas flaring was declared illegal since 1984 under section 3 of the "Associated Gas Reinjection Act", Nigeria flares more natural gas than any other country in the world. It is estimated that 3.5 billion cubic feet of associated gas is produced annually, and 2.5 billion cubic feet, or about 70 percent, is flared. The year 2008 was set as deadline for oil companies to end gas flaring in Nigeria. Indeed, different dates have been set as target for ending gas flaring. However, flaring has continued. It is argued that flaring has not stopped because the Department of Petroleum Resources (DPR), the regulatory authority in the petroleum industry, has been made incompetent to end flaring. The Director, Department of Petroleum Resources,

George Osahon, is quoted as claiming that the penalty of N525 (\$3.5) fine per 1000 cubic feet of gas flared was not a serious deterrent.ⁱⁱ However, the failure to end gas flares must be located in the fact that both the state and oil companies have an overriding interest in maximization of economic benefits from oil production (Ajugwo 2013).

THE STATE, CIVIL SOCIETY AND ENVIRONMENTAL GOVERNANCE

The heterogeneous environmental movement comprises three groups, namely governance, emancipatory, and hybrid groups. Focus on the categories will enable an examination of how the state relates to the different strands of the environmental movement in Nigeria. The importance of the endeavor is that it beams light on how the interaction between environmental groups and the state's core interest shapes the relationship between the state and civil society groups, and the possibilities of the latter. The overall motivating question is to what extent the environmental movement shape environmental governance in Nigeria.

While government directs attention to institutions of state and their ability to make decisions and enforce them, governance refers to a new method of governing, which does not rely on the coercive power of government. Governance relates to "the development of governing styles in which boundaries between and within public and private sectors have become blurred" (Stoker 1998: 17). Following Stoker, environmental governance evokes processes, institutions and actors, inside and outside the state, through which societies make decisions that affect the environment. Environmental

governance is primarily about how to reach environmental goals, and how decisions are made.

Stoker advances five governance propositions:

1. Governance refers to a set of institutions and actors that are drawn from but also beyond government.
2. Governance identifies the blurring of boundaries and responsibilities for tackling social and economic issues.
3. Governance identifies the power dependence involved in the relationships between institutions involved in collective action.
4. Governance is about autonomous self-governing networks of actors
5. Governance recognizes the capacity to get things done which does not rest on the power of government to command or use its authority (Stoker 1998: 18).

Stoker's five proposals help fix attention on the existence of collaborations between the government, oil industry, and environmental groups. Do governing styles blurring boundaries between the stakeholders exist or is the governance field populated by a plurality of groups seeking to influence government and oil companies? This in no way discounts the voluntary contribution of environmental groups to awareness creation, education and advocacy activities.

Critical to formation of such governing styles is collaboration among stakeholders. However, the theoretical section indicates that states can actively or passively be

inclusive or exclusive. A state that is inclusive of a group "A" today could be exclusive of that same group tomorrow, and vice versa. The core of the Nigerian state is facilitation of global capitalist accumulation through unhindered exploitation of hydrocarbon. It has been emphasised that to succeed, an environmental NGO has to develop capacity to link up with the core of the state. Whereas the interests of the NGO are at variance with that of the state, the NGO invariably loses. In the following, we intend to map the core interests of environmental groups in Nigeria, based on the three categories of "emancipatory", "governance" (Doherty and Doyle 2006), and hybrid groups, against the core of the state. Doing so will enable us trace the nature of the relationship between the groups and the state.

There is, however, the temptation to imagine that outcomes of environmental groups are over-determined by the state. In that case, it matters little how the groups go about achieving their interests; what does is the strategy the state deploys. A second temptation is the tendency to conflate the interest of environmental groups with their strategies. To the contrary, various strategies, sometimes conflicting, can be deployed to achieve a group's interest. Therefore, while tracing the link between environmental groups and core state interest, it is important to give attention to the engagement strategy each movement adopts. Such focus has analytical utility in drawing attention to the active role of environmental groups in the determination of the trajectory of its relationship with the state. Moreover, attention to the strategy of environmental groups helps focus on the growing tension over whether the latter should ally and

accept funding from the state and industry (Beder 1991).

The following subsections include interviews with leaders of civil society groups. The aim of the interviews is not to uncover the objective, or “true”, condition of the relationship between the state and civil society. Instead, the goal is to capture the experiences of civil society groups in their interactions with the state, and how they interpret the linkage. Thus, government officials are not interviewed. Already, however, the theoretical base of the study emphasizes that the action of the state with regard to environmental groups is shaped more by its core interest in capital accumulation. The interviews serve to show the limitations of environmental civil society groups in securing better environmental management, and to detail the differential limitations and outcomes of three categories of environmental groups based on their differential interests, strategies, and relation to the state’s core.

1. Governance Groups

The governance groups do not challenge environmental injustice but sustain forms of inequality by partnering with government and industry in an effort geared at the management of environmental problems. Governance groups do not question the basis of societal organisation or seek to supplant existing social values with another set. Given their collaborative bent and managerial leaning, governance groups do not engage in public protests or direct illegal action. The group is fully enrolled into the neoliberal project and “prefer the guidance of an objective western science, masking as apolitical and technical what is in fact a

profoundly ideological position” (Doherty and Doyle 2006:888). Usually elitists, the conservation groups consist of experts whose job is to carry out investigation into environmental problems, proffer solution and advocate for official policy to stem environmental problems. They work within the system, seeking to effect change through incremental policy change. Their focus is on conservation and education based on the assumption that there is a direct link between awareness or education and behavioural change. Prominent in this category are conservation and preservation oriented environmental groups, including the Nigerian Conservation Foundation (NCF), and Nigerian Environmental Society (NES).

The NCF plays key role in the promotion of nature conservation and environmental protection. NCF interests cut across conservation education, biodiversity surveys and species identification, policy advocacy, habitat identification and protection, research, media sensitization and advocacy for rare species conservation, opposition to environmental pollution and poverty reduction. Some of the group’s achievements include influencing the Federal Government to establish the Federal Environmental Protection Agency (FEPA) and promulgate the Endangered Species Act No.11 of 1985. The group ensured sole management of Okomu Games Sanctuary prior to its declaration as a National Park by the Federal Government. Moreover, it produced the National Conservation Education Strategy for Nigeria in collaboration with the Federal Ministry of Education. NCF partners with organizations such as World Wide Fund for Nature (WWF) in Switzerland, and local environmental NGOs, government

institutions, the business community, and the academia.

Personal Interview with Mr Tayo Okunola (Nigerian Conservation Foundation (NCF), Lagos)

The vision of the NCF is to protect Nigeria's biodiversity, advocate for action that minimises pollution and wasteful utilisation of natural resources, and promote sustainable use renewable resources. The NCF maintains partnership with the government, and several local and international organisations. The NCF influences the government in several ways. We made input into policies and issues. For instance, the Nigerian Conservation Strategy, 1994, was borne from our collaboration with the Federal Department of Forestry; enactment of the Endangered Species Decree of 1995, and the review of Nigeria Park Services Decree. NCF played key role in the advocacy for and establishment of the Federal Ministry of Environment, and collaborated with the Federal Department of Forestry in drafting the Nigerian National Forestry Law of 2000.

From the above enunciation, it is clear that there is little conflict between NCF's interest and the core of the state. It is important that environmental degradation emanating from the oil-related activities of oil companies is not mentioned in its goals and visions. Its core interest is working with government, based on scientific study and design of technical models, to conserve biodiversity. The group's approach fit neatly with the neoliberal project. Mr Tayo Okunola continues,

At the state level, it works with relevant ministries and departments, while at the federal level it works with the Ministry of Environment, Department of Forestry, Ministry of Agriculture and NESREA. Governmental agencies always ensure our participation by inviting us to contribute to issues. So, the channels of influence open to us include partnerships and working relationships developed and maintained through time. They respect our opinion on environmental issues because we are a big stakeholder. That, however, does not necessarily mean they accept and use all our suggestions or inputs hook, line, and sinker. Our role is to advice.

In its engagement with the state, the NCF utilizes strategies based on negotiation, collaboration and shared vision or goal of biodiversity conservation. NCF's educational outreach with public institutions of higher learning emphasizes its belief in collaboration geared at changing awareness and human values. Moreover, the respondents' definition of "our role" drives home the point that the NCF does not believe in confrontation. The limit of its role is clear; from that point the state is at liberty to do what it deems fit.

There are many serious environmental problems confronting the country, which we would like to see resolved. We can only persuade the government; we cannot force them to do anything. Based on expert analysis, we do make our views about environmental issues known to the government. The question arises; why is government not doing what they are supposed to do? The effort of an NGO, like ours, ends at the stage of advice or recommendation.

It is entirely at the discretion of the managers of the state to accept or use our advice (Mr Tayo Okunola, personal interview).

Given the range of collaboration between the NCF and government agencies, the influence it wields within the education sector, and its key role in the formulation of vital conservation laws, it is safe to stress that the NCF is actively courted and included in the state. It is remarkable that Tayo Okunola emphasises that the NCF is seen as a big stakeholder and its opinion on environmental issues are respected. Importantly, in a way that underscores the governance character of the NCF, Okunola stresses the NGO's inability to "force them to do anything." What is important is that the NGO does its own part, which is to advise or make recommendations. The state, thereafter, is at liberty to do what it likes.

2. Emancipatory Groups

Emancipatory groups represent the social movement part of the environmental movement. The emancipatory groups seek to have a voice in how their environment is used, who benefit, when, and how. The emancipatory environmental groups feature a strong social movement component, which is absent in the governance and hybrid groups. However, as Doherty and Doyle argue, social movements are not fixed entities; rather they are social movements to the extent that they interact regularly, revise their common identity, participate in public protest, and challenge the cultural code. The Movement for the Survival of Ogoni People (MOSOP) gives insight into the workings of

environmental social movements in Nigeria.

The MOSOP is an umbrella organisation for the Ogoni people. The Ogoni is one of the numerous minority ethnic groups that compose the Niger Delta. By the early 1970s, the hope in oil was dashed and in its place, a grim realisation of environmental despoliation settled (Agbonifo 2003; Boele, Fabig and Wheeler 2001). In the early 1990s, under the auspices of MOSOP, the Ogonimobilised against the state and Shell. MOSOP issued a Bill of Rights wherein it demanded, among other things, political autonomy, including right to; a) "Political control of Ogoni affairs by Ogoni people", b) "The right to the control and use of a fair proportion of Ogoni economic resources for Ogoni development", and c) "The right to protect the Ogoni environment and ecology from further degradation". On 3 January 1993, an estimated 300, 000 Ogoni embarked on an unprecedented march against the authorities. The state reacted violently, killing Ogoni leaders, including Ken Saro-Wiwa, and repressing the movement.

The Ogoni questioned the fundamental basis of the nation-state and mode of oil production. And demanded the right to protect Ogoni environment, and to control and use a fair share of oil proceeds for Ogoni development. This was decidedly a challenge to the very basis of capitalist accumulation, founded on environmental degradation and centralisation of oil income. A fair share of oil revenue to Ogoni, and the Ogoni control over its environment imply severe limitations on capitalist accumulation. Moreover, acceding to the Ogoni demand would have set a precedent for other oil producing

communities in the region. The overall effect would be a recalibration of Nigeria's federalism, and a limitation of its capacity to foster global capitalist accumulation. Indeed, the state's violence repression of the Ogoni protest was informed by fear that it could have demonstration effect on other oil-bearing communities in the region (Ibeanu 1997).

MOSOP's interest was not in "small-small" policy changes within the overarching structure of exploitation. Rather, the goal was to change the system in a way that would guard against environmental pollution and exploitation. In that trajectory, it came into conflict with the state's core. Initially, the state deployed its co-optive tentacles towards the Ogoni, offering them development projects in appeasement. But the MOSOP argued that such efforts do not address the root of their problem. Alarmed at the resistance of the MOSOP and the global traction its campaign attracted, the state withdrew its carrots and deployed its coercive forces.

It is arguable that the MOSOP failed because its interest conflicted with that of the state. Initially, the state tried to incorporate the movement's elites into the state structure but MOSOP leaders repudiated the move. Thereafter, the state adopted measures that actively excluded the Ogoni, including resort to violent repression of the MOSOP. In the late 1990s, the democratically elected government of Olusegun Obasanjo in an attempt to return Shell back to Ogoniland established a committee to broker peace between the Ogoni and Shell. The move could be argued to be an indication of

government's willingness to actively include MOSOP in the state. Similarly, in a move that can be construed as an attempt to include the Ogoni, the government of Goodluck Jonathan gave approval to the UNEP to undertake an environmental study of the level of pollution in Ogoniland. Outcomes of both government's initiatives suggest otherwise. The peace committee achieved little or nothing. Similarly, while the UNEP has since submitted its report, which shows massive environmental pollution that would require years and massive funds to remediate, government has been silent on the issue. In effect, we witness a passive exclusion or inattention to the needs of the Ogoni.

The Ogoni movement, finding little access to the state at its inception, deployed confrontational strategy against the state and Shell. In the course of the struggle, the movement's leaders were invited variously to Lagos and Abuja to negotiate a way out of the crisis. The government of River state also met with Ogoni leaders in an effort to resolve the problem. The Ogoni also participated in the Kukah panel set up to mediate between the Ogoni and Shell. Although these efforts failed to bring about peace in Ogoni, they are indicative that the Ogoni utilized and were open to negotiation as a strategy to resolve the conflict. The conflict, however, persisted because of irreconcilable difference between state's core interest and the Ogoni interest.

3. Hybrid Groups

The hybrid groups include environmental NGOs critical about the destructive impacts of oil production on local

communities and their environment. However, their radical approach do not involve mass or grassroots mobilisation against the sources of environmental destruction. Instead, they work with the oil companies and sometimes state agencies to press for adequate compensation for pollution, for proper EIA and adherence to the terms of MOUs with communities. They also engage in advocacy, research and publicity of environmental disasters. Hybrid environmental groups exhibit the defining element of the governance group, which is sympathy for the managerial approach to fixing environmental problems. Unlike the governance group, the hybrid group offers a challenge to environmental injustice. Through media advocacy, the hybrid groups engage in public criticism of the government and oil companies. Unlike environmental social movements, the hybrid groups neither engage in public protest nor seek to challenge dominant cultural code. The National Coalition on Gas Flaring and Oil Spills in the Niger Delta (NACGOND), and Environmental Rights Action (ERA) are examples of hybrid environmental groups. NACGOND was created as a result of concerns about the growing incidences of oil spill and gas flaring in the Niger Delta. Its mission is to engage with key stakeholders in the oil and gas industry and the National Assembly in order to enhance operators' compliance with local and international standards on oil spills and gas flares. Founded in May 2010, NACGOND is a coalition of several groups and NGOs. Asked what access to the state and opportunities they have to shape environmental policy, Mr Inemo Samiama

(Coordinator, NACGOND, Port Harcourt, personal interview) avers;

We have channels of engagement with the government, including the Legislature, oil companies, communities, and the media. We are however not satisfied with these engagements; categorically not satisfied. It is challenging to have a conversation with the government. They are very defensive and often fail to recognise their failings. Some oil companies are willing to talk with us but others are not. We are not impressed with AgipMobil. They are the worst. They will go out of their way to find a reason to avoid engaging with us.

The state's declared interest in ending gas flaring dovetails with NACGOND's concern with growing incidences of oil spills and gas flaring. NACGOND's interest aligns with that of the state, even as the body believes in collaborating with Oil Companies, state agencies and civil society groups to achieve its goal. Mr Inemo Samiama (personal interview), however, laments;

On many environmental issues, we have not made progress. There are no changes yet. For example, we have not made progress at all on the implementation of UNEP's report on Ogoniland. The government does not appear to be enthusiastic about implementing the recommendation. I agree that nothing concrete has resulted from our engagement with the Legislature and there are many reasons for that. To start with, the level of environmental awareness among the legislators is very low. Maybe the case is that they do not

care about the Niger Delta. Look at the Petroleum Industry Bill (PIB), which is opposed by many politicians from the North. The politicians are interested in sharing revenue and not why oil-producing communities should receive more resources.

The NACGOND employs engagement and negotiation as a strategy to achieve oil industry actors' compliance with standards on oil spills and gas flares. While the group is critical of oil industry players, it does not engage in confrontational activities like public rallies or protests. Its collaborative strategy may help explain why in the recent past the Presidency made contact with the group and why the latter enjoyed sustained two-year dialogue with Shell. Despite its non-confrontational approach, AgipMobil has consistently avoided negotiating with the group. Moreover, the group finds it challenging having a conversation with "defensive" government officials. NACGOND locates its failure partly in the inability of regulatory agencies to carry out their functions.

Environmental Right Action (ERA), Benin City ERA, the Nigerian affiliate of Friends of the Earth (FoE), came into being in 1993. At inception ERA organized an environmental survey upon which it identified the following as some of the critical environmental problems confronting the country; environmental pollution, poverty, activities of oil corporations, the role of the Nigerian military, hopelessness, voicelessness and frustration and inter and intra-communal conflicts. ERA utilizes resistance, strategic Information Access and Provision, community Empowerment, lobbying, mass Education, and litigation as tools to

enhance the region's ecological health and wellbeing.

The Executive Director of ERA, Dr Godwin Uyi Ojo, provides insight into the activities of the group;

ERA works to protect the environment and defend the right of rural communities impacted by the activities of oil companies. We monitor the environment to provide counter narrative against the lies of the MNCs who are involved in environmental degradation. Up to the late 1990s, oil companies' attitude to environmental degradation was that of outright denial of responsibility. From 2000 onwards that changed a bit. They now accept responsibility for their actions but unfortunately they are yet to accept liability.

ERA's interest is to enhance the ecological health and wellbeing of the Niger Delta and its inhabitants. Such interest is not at variance with the developmental aspirations of the state. Oftentimes, ERA is critical of the government and Oil Companies. However, ERA does not engage in direct illegal action in the pursuit of its objectives. Rather than utilise confrontational tactics such as public protests, ERA uses legal means such as litigation, collaboration with communities, education and persuasion to achieve its goals.

We have a cordial relationship with the government, including the legislature and government agencies. For instance, we participated in the drafting of the NOSDRA bill that became an Act in 2007. When the Senate Committee on Environment was constituted, ERA was

invited for a briefing on the state of the Nigerian environment. On another occasion, based on our contact and prompting, the Senate went on a tour of a pollution sites in the Niger Delta in order to have first hand knowledge of the situation.

Partially, we collaborate with the government. Our campaign materials provide useful information to policy makers. We try to make the government listen to us through advocacy and campaigns on environmental issues. On whether the government solicits, or listens to our advice or not; it is a difficult situation. Sometimes government is receptive of new ideas but not always. The process of translating ideas into policy usually requires a long period. As a result, continuity becomes a problem (Godwin UyiOjo, personal interview).

Even if ERA is critical of the government and Oil Companies, it is not averse to negotiation and collaboration with them. It collaborates with the legislature, federal and state environmental agencies, and Oil Companies. The respondents' admission that the government is seldom receptive to ERA's ideas signals self-awareness of the group's limitations. Such limitations in no way alter ERA's goals and strategies.

ERA is unable to persuade government to effectively tackle serious environmental problems bedevilling the country because government lacks the political will to enforce existing regulations. There is the issue of impunity; people get away with atrocities committed in the full glare of the public. Impunity is alive in the oil sector. Even though we have campaigned against the oil companies none of them has been

prosecuted in Nigeria. Moreover, environmental education is still very low and as a result many government officials sacrifice environmental protection on the altar of development (Mr Uyi Ojo, personal interview).

ERA suggests efficacy of command-and-control when it bemoans the slow, and often, fruitless process of translating ideas into environmental policies. ERA's belief is unequivocal when it blames environmental problems on government's lack of political will to enforce regulations.

CONCLUSION

Oil is a global commodity, and its uninterrupted flow ensures global capital accumulation; a core Nigerian state function. Therefore, it is reasonable to expect that the state would enforce regulations that enables it accomplish its core function. Strict implementation of environmental regulations would mean negative outcomes for accumulation. In the same logic, the state is likely to foot-drag with policies that hardly enhance achievement of its core function. Worse still, the state is unlikely to enforce regulations that are likely to negatively affect its interest in rising foreign exchange revenue. For instance, the oil companies have in the past blackmailed the state by arguing that any attempt to raise environmental standards in the region would translate into reduced revenue for the state. In that context, it is understandable why the state appears weak to enforce its regulations of oil companies. The state can afford non implementation of policy directed at corporations because non-adherence to

them in no way affect steady flow of revenue to government coffers. Moreover, non-adherence does not immediately and directly threaten global capitalist accumulation.

To the extent that the state actively takes steps, or refrains from acting, to realize objectives largely shaped by its core interest, the hope engendered by neoliberalism in the capacity of civil society environmental groups was ill-informed. The rise and proliferation of environmental groups necessarily came into conflict with a state whose over-riding interest was global capitalist accumulation, rather than the environment. In the context of a cramped green public space, the contribution of the various components of the environmental movement has been fashioned by the extent to which they are able to connect with the state's core. Those that connect with the state's core, like the NCF, and who employ strategies that are not adversarial to the state, are courted and included in the state. However, there are

severe limits to which they can influence official policy. The groups do not challenge such limitations. It is against that background that one should understand Tayo Okunola seeming frustration when he asserts that the NCF cannot force the government; its role is limited to proffering advice. Environmental groups that are unable to connect with the state's core, but employ adversarial actions, such as the MOSOP, face different reactions from the state, including neglect, cooptation, or repression. The third group of environmental groups does not employ adversarial strategies. Yet, they cannot connect with the state's core because they are critical of sources of environmental problems. They are however amenable to managerial solution to environmental problems, and, as a result, they may be ignored, courted, or consulted as the state deems fit.

BIBLIOGRAPHY

- Adeola, F.O. 2001. 'Environmental Injustice and Human Rights Abuse: the States, MNCs, and Repression of Minority Groups in the World System', *Human Ecology Review* 8(1): 39-58.
- Adeola, Francis O. 2001, "Environmental Injustice and Human Rights Abuse: the States, MNCs, and Repression of Minority Groups in the World System", *Human Ecology Review* 8 (1):39-58.
- Agbo, A. 2008, "Oloibiri: Face of the Coming Holocaust", *Tell* magazine, pp48-50 (Special Edition, February 18th). Ikeja, Lagos: Tell.
- Agbonifo, J. 2002, "The Colonial Origin and Perpetuation of Environmental Pollution in the Postcolonial Nigerian State", *Critique* (Fall), online at <http://iilt.ilstu.edu/critique/archives/fall2002edition.htm>
- Ajugwo, Anslem O. 2013. "Negative Effects of Gas Flaring: The Nigerian Experience", *Journal of Environment Pollution and Human Health* 1(1), pp6-8.
- Areola, O. 1998. "Comparative Environmental Issues and Policies in Nigeria." In Uday Desai (ed) *Ecological Policy and Politics in Developing Countries: Economic Growth, Democracy, and Environment*. Albany: State University of New York Press.
- Beder, Sharon. 1991. "Activism versus Negotiation: Strategies for the Environment Movement", *Social Alternatives* 10(4): 53-56.
- Boele, R., Fabig, H., and Wheeler, D. 2001. "Shell, Nigeria and the Ogoni: a Study in Unsustainable Development", *Sustainable Development* 9: 74-86.
- Bernauer, Thomas and Carola Betzold. 2012. "Civil Society in Global Environmental Governance", *The Journal of Environment and Development* 2(1): 62-66.
- Civil Liberties Organization. 1996. *Ogoni: Trials and Travails*. Yaba, Lagos: Civil Liberties Organization.
- Daily Independent Newspapers. Gas Flaring in Nigeria 51 Years After: Why no solution yet? - Daily Independent, online <http://oilrevenue.org/index.php/ort-news/item/302-gas-flaring-in-nigeria-51-years-after-why-no-solution-yet-daily-independent>
- Desai, Uday. 1998 "Environment, Economic Growth, and Government in Developing Countries", 1- 45 in Uday Desai (ed) *Ecological Policy and Politics in Developing Countries*. Albany: State University of New York Press.
- Doyle, Timothy and Adam Simpson. 2006. "Traversing more than Speed Bumps: Green Politics under authoritarian Regimes in Burma and Iran", *Environmental Politics* 15 (5): 750-767.
- Dryzek, John S. David Downes, Christian Hunold, David Schlosberg and Han-Kristian Hernes. 2003. *Green States and Social Movements: Environmentalism in the United States, United Kingdom, Germany and Norway*. Oxford: Oxford University Press.
- Editorial Board. 2013. "Mbeki's Damning Verdict on Nigerians", *Punch Newspaper* (November 24), Lagos.
- Frynas, J. 2000, *Oil in Nigeria: Conflict and Litigation between Oil Companies and Village Communities*. Hamburg: LIT.
- Greenpeace. 1994. The database of known Hazardous Waste Exports from OECD to non-OECD Countries, 1989-March 1994, Greenpeace, Washington, D.C., 1994, <http://population.wri.org>.
- İbeanu, O. 1997, "Oil, Conflict and Security in Rural Nigeria: Issues in Ogoni Crisis", *African Association of Political Science, Occasional Papers Series*, Vol. 1, No. 2.
- Naanen, Ben. 1995. "Oil-Producing Minorities and the Restructuring of Nigerian Federalism: The Case of the Ogoni People," *Journal of Commonwealth and Comparative Politics* 33(1): 46-78.
- NACGOND. 2013. The Nigerian State and Gas Flaring in the Niger Delta. National Coalition On Gas Flaring and Oil Spills in the Niger Delta (NACGOND) Research Project. <http://www.oilspillwatch.org/sites/default/files/news/uploads/nacgond-report-pdf-version.pdf>. Accessed 2/10/13.
- Obi, C. I. 1997. "Globalisation and Local Resistance: the Case of the Ogoni Versus Shell", *New Political Economy*, 2(1): 137-148.

- Obi, C.I. 1999. "Globalization and Environmental Conflicts in Africa", *African Journal of Political Science* 4 (1): 40-62.
- Obi, C.I. 2010. "Oil Extraction, Dispossession, Resistance, and Conflict in Nigeria's Oil-Rich Niger Delta", *Canadian Journal of Development Studies* 30 (1-2): 219-236.
- Osoba, S. O. 1987, "The Transition to Neocolonialism", in ed. Toyin Falola, *Britain and Nigeria: Exploitation or Development?*. London: ZED Books.
- Saro-Wiwa, Ken. 1992. *Genocide in Nigeria: the Ogoni Tragedy*. Port Harcourt: Saros International Publishers.
- Stoker, Gerry. 1998. "Governance as Theory: Five Propositions", *ISSJ* 155: 17-28.
- Tanzi, S. M. 1991, "Third World Governments and Multinational Corporations: Dynamics of Host's Bargaining Power", *International Relations*, No. 10.
- UNDP, 2006, "Niger Delta Human Development Report", UNDP, Abuja, Nigeria.

*The author would like to thank the Rachel Carson Centre for Environment and Society (RCC) for its generous funding under the RCC Fellow Programme, which made the research for this article possible.