THE INTERVENTION OF AMNESTY INTERNATIONAL IN HUMAN RIGHTS VIOLATIONS IN THE NIGER-DELTA REGION: A STUDY OF RIVERS STATE, NIGERIA (1990 - 2011)

BY

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ABSTRACT

Rivers State cum Niger-Delta region is one spot across the globe that Amnesty International has identified to be contending with high degree of human rights challenges, despite several attempts made by successive government and other stakeholders to redress it. The main culprits alleged to be involved in violating human rights are the oil companies, the state security agencies and the oil bearing communities (OBCs). In an attempt to curtail the scourge of human rights violations, Amnesty International have consistently exposed those violations and pressurized the identifiable aforementioned perpetrators to take necessary step to redress it. The research therefore is geared to study how Amnesty International (AI) intervention activities has influence human rights violations in the Niger-Delta region and how it has become a force to be reckoned in de-escalation of crisis as well as in the advocacy of universalization of human rights norms. The research is grounded on international relations theory of liberalism, which recognizes the multiplicity of actors (i.e. human rights non-governmental organizations, multinational/transnational corporations (MNCs/TNCs, pressure groups/militants) pursuing varying degree of agenda in Rivers State and Niger-Delta region in general, beyond State and/or intergovernmental institutions that were exclusively articulated and emphasized by International Relations theories of Realism and Idealism. The research is empirical because it involves field work and the use of both primary and secondary method of data collation. In this regard, written questionnaires, face to face interviews, focus group discussions, telephone interviewing were the specific tools deployed to get first hand (i.e. primary source) information. Whilst, text books, journals, internet services, news papers, magazines, were the other sources utilized by the researcher to secured information that constituted secondary source. Also, the study uses Krejcie and Morgam formulae to determine the quantum of structured interview/questionnaires administered on our various populations sample sizes using 'systematic random sampling techniques'. Other sampling technique used in aspect of conducting semi-structured interviews includes 'simple random sampling techniques'. In terms of data analysis, the study employed qualitative method of data analyses to interpret the data generated from the interviews and focus group discussions conducted. Quantitative method of data analysis was equally used to generate some numeric values from our structured questionnaires which give meaning that facilitated easy interpretation of events. At the end, the study revealed Amnesty International is truly an independent non-governmental organization with clear vision and motive of fighting to avert human rights violations and by extension de-escalating conflict in Rivers State and Niger-Delta region in general. The research eventually ended with some recommendations, among which include, the Rivers State and the Federal Government of Nigeria should intensify its watch on the oil companies and militants/pressure groups to get them avert the menace of pipe lines corrosion and vandalism, killings, kidnappings, oil spills, oil theft and host of other outrageous activities that are adjudged to be detrimental to dignified living of human race and amounted human rights violations. The government should enact stringent and enforceable legislations in line with universally acceptable best standard in oil industry and

ensure that oil companies/MNOCs under its domain comply. The Federal Government should ensure that the 13% derivation and ecological funds are felt by the communities; measures should be put in place to carry the people in the Niger-Delta region alone in determining the scope and cause of pollution havoc done to them by oil companies for the purposes of determining payment of compensations to be given to them. It is only by so doing the people of the Niger-Delta region will have a sense of belonging, identity and fulfillment as well as peace be restored in the region.

DECLARATION

I declare that this thesis titled 'The Intervention of Amnesty International in Human Rights Violations in the Niger-Delta Region: A Study of Rivers State, Nigeria (1990-2011)' has been written by me in the Department of Political Science and International Studies under the supervision of Professor Paul P. Izah and Dr David O. Movey.

For a work of this magnitude, consultations with stakeholders to get information that will enrich and support my presentation becomes imperative and where such were made, were duly captured and acknowledged. Likewise, information derived from the literature has been duly acknowledged in the text by a list of references provided. No part of this thesis has been previously presented for another degree or diploma at any university.

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Musa Ajiya **Date**

APPROVAL PAGE/CERTIFICATION

This dissertation titled "The Intervention of Amnesty International in Human Rights Violations in The Niger-Delta Region: A Study Of Rivers State, Nigeria (1990 - 2012)" by Musa Ajiya meets the regulations governing the award of the degree of Master of Philosophy (MPhil.) of Ahmadu Bello University, Zaria, and is approved for its contribution to knowledge and literary presentation.

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DEDICATION

This thesis is dedicated to the ever-green loving memory of my late parents:

- Alhaji (Dr) Ajiya Biu (who lives from 01st January 1920 to 26th March 1999)
- Hajiya Kaltume Ajiya Biu (who lives from 27th July, 1946 to 23rd September, 2011).

May their souls rest everlastingly in Allah's blessing and paradise.

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LIST OF ABBREVIATIONS AND ACRONYMS

AHI	**Action Health Incorporated**
APRD	**People's Army for the Restoration of Democracy**
AI	**Amnesty International**
CAR	**Central African Republic**
CAT	**Convention against Torture**
CAT	**Convention against Torture**
CEDAW	**Convention on the Elimination of All Forms of Discrimination against Women.**
CDF	**Children's Defense Fund**
CIDs	**Criminal Investigations Departments**
CMW	**International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families.**
CRC	**Convention on the Rights of the Child**
CSO	**Civil Society Organization**
CSR	**Corporate Social Responsibility**
COSEND	**Consolidated Council on Social and Economic Development of the Coastal States of the Niger Delta**
DPR	**Directorate of Petroleum Resources**
DRC	**Democratic Republic of Congo**
ECOWAS	**Economic Commission of West African State**
ECOSOC	**Economic and Social Council**
E&P	**Exploration and Production**
EIA	**Environmental Impact Assessment**
EITI	**Extractive Industry Transparency Initiative**
ERA	**Environmental Rights Action**
FGD	**Focus Group Discussion**
FGN	**Federal Government of Nigeria**

FOL	**Frontier Oil Limited**
FNDIC	**Federated Niger-Delta Ijaw Communities**
GAPLC	***Groupe d'action patriotique pour la libération de Centrafrique***
GPF	**Global Policy Forum**
HCHR	**High Commissioner for Human Rights**
HDI	**Human Development Indicator**
HRAC	**Human Rights Action Center**
HRW	**Human Rights Watch**
HRWF	**Human Rights Without Frontiers**
ICC	**International Criminal Court**
ICCPR	**International Covenant on Civil and Political Rights**
ICESCCR	**International Covenant on Economic, Social and Cultural Rights**
ICERD	**International Convention on the Elimination of All Forms of Racial Discrimination.**
ICRC	**International Committee of the Red Cross**
IDIs	**In-depth Interviews**
IGOs	**Inter-Governmental Organizations**
IHRHL	**Institute for Human Rights and Humanitarian Law**
ILO	**International Labour Organization**
IOC	**Indigenous Oil Companies**
ISSJGG	**International Society for Social Justice and Good Governance**
ECOSOC	**Economic and Social Council**
IYC	**Ijaw Youth Council**
JTF	**Joint Task Force**
LCHR	**Lawyers Committee for Human Rights**
LEDAP	**Legal Defence and Assistance Project**
LGA	**Local Government Area**
MEND	**Movement for the Emancipation of the Niger Delta**
MBOPD	**Million barrel of oil per day**
MLCJ	**Movement of Central African Liberators for Justice**
MNCs	**Multinational Corporations**

MOSIEN	**Movement for the Survival of Ijaw Ethnic Nationality**
MOSOP	**Movement for the Survival of Ogoni Peoples**
NAOC	**Nigerian Agip Oil Company**
NBC	**National Boundary Commission**
NESREA	**National Environmental Standards and Regulations Enforcement Agency.**
NDLEA	**Nigerian Drugs Law Enforcement Agency**
NHRIs	**National Human Rights Institutions**
NSDSC	**Nigerian Civil Defence Service Corps**
NDCSC	**Niger-Delta Civil Society Coalition**
NDEREF	**Niger Delta Environment and Relief Foundation**
NDDB	**Niger Delta Development Board**
NDDC	**Niger Delta Development Commission**
NDHERO	**Niger Delta Human and Environmental Rescue Organization**
NDPVF	**Niger Delta People's Volunteer Force**
NDV	**Niger-Delta Vigilante**
NDYM	**Niger-Delta Youth Movement**
NDWJ	**Niger Delta Women for Justice**
NGO	**Non-Governmental Organisation**
NLGN	**Nigeria Liquefied Natural Gas**
NNPC	**Nigerian National Petroleum Corporation**
NOSDRA	**National Oil Spill Detection and Response Agency**
NPC	**National Population Commission (Nigeria)FGN Federal Government of Nigeria**
NYCOP	**National Youth Council of Ogoni People**
OAU	**Organization of Africa Unity**
OBCs	**Oil Bearing Communities**
OML	**Oil Mining Lease**
OPL	**Oil Prospecting License**

OSF	**Ogoni Solidarity Forum**
OTS	**Operation Tulo Shield**
OMPADEC	**Oil and Minerals Producing Areas Development Commission**
ORP	**Operation Restore Hope**
OSCE	**Organization for Security and Co-Operation in Europe**
PAC	**People Advancement Centre**
Plc	**Public Limited Company**
PIB	**Petroleum Industry Bill**
RDS	**Royal Dutch Shell**
RMAFC	**Revenue Mobilization Allocation and fiscal Commission**
RPF	**Rwandese Patriotic Front**
SA	**Social Action**

CHAPTER ONE
GENERAL INTRODUCTION

1.1) Background to the Study

In every conflict within a nation state or between nations, there is/are culprit(s) and victim(s), and at times varying degree of interest groups playing different roles in fueling or de-escalating the conflict. In all conflicts across globe, there were none that happened without some form of human rights violations.In this wise, every individual and every 'organ of society' has an obligation to contribute to an atmosphere conducive to the enjoyment of human rights. This obligation is universal and concerns all-state and non-state actors. The primary responsibilities and obligations of guaranteeing human rights enjoyment remain with the state, and the state cannot relieve itself of these obligations by 'delegating' human rights obligations to non-state entities or, for that matter, international organizations. This does not mean that non-state entities do not have responsibilities, both in a positive and in a negative sense. Rather, states have obligations too such as abstaining from violating human rights on the one hand and contributing to human rights compliance on the other.

The concept of "sovereignty" associated with states is being used to reject outside interference of domestic abuses, and by other countries as a reason for ignoring those abuses. This concept gives nation states total control over their territorial jurisdiction and accords them the illusion of doing anything they like, as times detrimental to their citizenry. Consequently, a lot of them, in response to some challenges within their domain, have come to threaten or dispense with internationally recognized 'human rights' necessary for a dignified living of human person (i.e. rights to life, liberty, protection, racial discrimination, torture, food, health care, work, and social insurance). In recent times, the threats to human

security extend to issues like the environment, growing social and economic inequality, and good governance beyond the traditional scope confined within national boundaries or narrow past conceptions that focus on armed conflict.

The Rivers State and the entire Niger-Delta region of Nigeria are not an exception to the aforementioned reality. For years, the region has been the spot of major confrontation and crisis between the oil companies/Transnational Companies (TNCs); the oil bearing communities (OBCs)/the Pressure Groups; and State Government represented by the State Security Apparatus. Other stakeholders in the region, include Inter-Governmental Organizations (IGOs) and Non-Governmental Organizations (NGOs) which are concern with protecting human rights and ending human rights abuses in the State. Major human rights organizations maintain extensive websites documenting violations and calling for remedial action, both at a governmental and grass-roots levels. Whilst IGOs directly engage in mediating between warring parties by way of calling the nation states to rise up to their responsibility in protecting human rights values or risk being sanctioned.

The bane of the Rivers State cum Niger-Delta regional crisis is the case of 'environmental rights' cum human rights violations occasioned by oil industry operations in the region. The resultant extractive activities of corporate actors (i.e. oil industry operators), which respect no boundaries with their impacts sometimes instantaneous but often manifest after a long period of time, is one of main cause for concern. The socio-economic externality effect of oil extractive activities of the multi/TNCs brought untold hardship to the OBCs, depriving them of clean water to drink, clean air to sniff, good land to farm, and even destroying the region's rich aquatic lives, including its fauna and flora. These amounted to violation of their political and civil rights; economic, social and cultural

rights; environmental rights; as well as host of other associated rights enshrined in the UN Universal Declaration of Human Rights (UDHR).

These have made the OBCs to produce pressure groups in form of "militants" that have been unleashing campaign against the oil companies to get them stop the environmental degradation, or clean-up their environmental pollution mess, and/or even demand for compensation/remediation from the oil companies/TNCs. These OBCs struggles have over time prompted demand for resource control, a greater share of oil wealth, and political autonomy/secession. The attendant consequence of OBCs militancy activism has led to series of kidnapping, abduction, killing and the demand for ransom as well as attacks on oil installations in the region. The militants' usage of violence has drawn worldwide attention and helps to spark what has effectively become a low-level *guerrilla war* throughout the Niger-Delta area. This had negative impact on the Nigerian oil industry which in turn resulted in loss of revenue to the government and by extension aggravate the suffering of the OBCs as well as portend adverse effect on the global oil market. Thence, violating the UDHR on 'economic, cultural and social' and developmental rights of the people in those communities.

The Nigerian Government whose responsibility is to protect lives and properties and to create the enabling environment for both to co-exist peacefully, often protect the oil companies and employed excessive force on the OBCs to quell their reactions. The attendant consequences of the State action are arbitrary arrest, killing, torture, detention without trial, and restrictions on the rights to freedom of expression, association, and assembly. These have undoubtedly increased the potential for conflict, with militant insurgency groups in the OBCs gaining ample opportunities to recruit those most affected by humanitarian crises, thereby exacerbating the crisis. These violations of rights have led

to the death of many people and countless number of internally displaced persons, thereby becoming a major source of concern in global politics. Consequently, the oil bearing communities (OBCs) of the Niger-Delta and the international community have called on the Nigerian state to take urgent action to deal with the scourge in conformity with UN Declarations on Human Rights (UNDHR) and other international human rights instruments.

In the light of the foregoing scenario, some Inter-Governmental Organizations (IGOs) and Non-Governmental Organizations (NGOs) have expressed their concern by intervening into the matter in order to avert the growth of the crisis to alarming proportion and restore law and order. These NGOs operating in Niger-Delta region are about twenty in number with varying degree of mandates ranging from environmental human rights issues, environment and health related issues, democracy and good governance, to those with wider mandate (i.e. encompassing all the aforementioned areas mentioned). Amnesty International (AI) is one of such NGOs that found it expedient in intervening to stop the scourge of human rights violations happening in Rivers State, Niger-Delta region and Nigeria as whole in general. Amnesty International, which was started by a London lawyer, Peter Benenson in the 1960s, has grown to be among the largest and most influential organizations in the world today with international membership of more than 3 million people in over 150 countries (Kaarbo *et al*; 2011:127. AI; 2013c). Although, AI has global outreach, it has no office in Nigeria. Nonetheless, it documents and follows up cases of human rights abuses in partnership with some NGOs in the country. Famously known for its stand for non-violent human rights victims tagged "Prisoners of Conscience", at the beginning of its activities, AI has over time come to endorse or support specific cases involving victims that employ violence in their struggle against human rights violation. The OBCs in Nigeria's Niger-Delta are examples of such exceptional cases.

A review of literature of the stakeholders in Rivers State cum Niger-Delta crisis revealed that attempts were made at various stages to study the crisis bedeviling the region focusing on communal/ethnic conflict; securing peace and development; human and environmental rights violations; resource agitations; corporate social responsibility (CSR) and irresponsiveness of oil companies; sexual liaisons of ladies with oil companies expatriate workers; human rights impact of local government corruption and mismanagement in Rivers State; by scholars in the like of Ibeanu, O. (2006); Karl, Maier (2000); Omeje, K. (2004); Usman, B; (1999); Francis, Paul, et al (2011); Jega, Attahiru M. (2007); Florini, Ann M (2000); Clarke, Gerard (1998); Azaiki, Steve (2003); Ahmed, Shamima and David Potter (2006); Takaya, B. J., (ed), (1989); Gandu (2011); Human Rights Watch (2007); Campbell, John (2010); and Francis, Paul, et al (2011); unfortunately the crisis continues to linger inexorably. However, there seems to be very little scholarly effort done to understudy the intervention of International Human Rights Organizations in influencing the dynamics of the human rights crisis that pervade the Rivers State cum Niger-Delta region, other than that provided on local non-governmental organizations (NGOs)/CSOs and the other stakeholders identified above (i.e. State, TNCs, OBCs). Therefore, the main thrust of this thesis hinges on the fact that Amnesty International (AI) intervention activities in tackling the human rights violations in Rivers State and Niger-Delta region of Nigeria helps in de-escalating conflict and aimed at universalizing UNDHR, given the fact of recognition of their advocacy activities on fighting human rights abuses in the international arena.

The study employs the International Relation's 'Theory of Liberalism' as the bedrock of its argument. This theory articulates that, it is not only "States" as advocated by theory of "Realism" nor "the Inter-Governmental Organizations" as emphasized by theory

of "Idealism", that are the dominant interest groups pursuing varying degree of agenda (i.e. multiple issues) on matters of strategic interest with ripple effects across the globe in Rivers State, but also transnational/multinational oil companies (TNCs/MNOCs); Sub-state actors; Individuals; and NGOs (i.e. multiple channels) as equally another active players in the state/region. In this regard, Amnesty International (an International Human Rights NGO) is identified among the ranks and files of the independent dominant players meddling in the affairs of the State on matter relating to oil spills; air and water pollution; depletion of ozone layer; the destruction of aquatic lives; bush burning; industrial waste disposal; that knows no boundaries.

1.2) Statement of the Problem

Given the strategic significance of oil-rich Rivers State and Niger-Delta region and the myriads of social upheaval that bedeviled it, amidst various successive attempts made to redress it, human rights challenges still exist. Challenges in form of environmental pollution, chronic underdevelopment, poverty, use of excessive force by security agencies to silence the voices of dissidents, were the major bane of social unrest and by extension human right violations in the state. Dissent surrounding fifty years of oil activity in the Rivers State and Niger-Delta region in general gained in intensity for over nearly two decades until a Presidential Amnesty in late 2009 brought about some measures of peace to the area.

This thesis therefore sought to examine and provide a holistic analysis of how AI intervention activities in tackling human rights violations has influence the working of diverse stakeholders or interest groups in the like of the oil companies/TNCs, the people/OBCs represented by the various pressure groups called militants or insurgents, as

well as both the Federal and State Governments represented by State Security Agencies and their respective elected officials in the Rivers State and Niger-Delta region of Nigeria.

In specific terms, the activities and the motive behind AI intervention in the Niger-Delta region were closely scrutinized to determine how independent, neutral and impartial it is, and how much power it bestows, following its changing position from supporting the course of prisoners of conscience to supporting prisoners and victims of human rights violations that uses violence as survival strategy to regain their violated rights.

1.3) Research Questions

To tackle the above research problem, the following questions serve as a guide:

1. To what extent has Amnesty International (AI) advocacy intervention programs impacted in reducing the menace of human rights abuses and conflict perpetrated by the OBCs in Rivers State and Niger-Delta region make it a powerful player in the Niger-Delta region? In other words, how has Amnesty International **(**AI**)** engaged OBCs in solving the Niger-Delta crisis brought any improvement to the theatre of conflict in the region?
2. To what extend has AI intervention activity influence oil companies/TNCs to comply with the global acceptable environmental safety standards, step up their corporate social responsibility and make them mitigate the ecological problem/human rights violations caused?
3. To what extend has AI intervention activity influence Rivers State/Nigeria towards making a change or amend its laws and policies on human rights to serve its citizenry better? In other words, how is the pressure being put up by AI on the State influence the outcomes of human right crisis in Niger-Delta region?

From the foregoing, three distinct stakeholders involved in human rights violations operating in Rivers State could be conspicuously noted, namely: the OBCs, oil companies and the State. These stakeholders consist of some elements/units within them that have to be defined for the sake of detail of specificity, clarity of presentation and the conduct of scientific analysis required. Starting with OBCs, we have "pressure groups" or "militants" alias civil society organization (CSOs)," that were form to resist the scourge of environmental degradation perpetrated by the oil companies, but which they themselves somewhat unfortunately commit, and therefore amount to gross human rights violations. These groups include the Movement for the Survival of the Ogoni People (MOSOP) formed in 1992, led by Ledum Mittee; and the Movement for the Emancipation of the Niger-Delta (MEND) formed in 1994, led by Henry Okah, but for his detention in South Africa, the following names are being touted as leaders, Jomo Gbomo, Brutus Ebipadei, Major General Godswill Tamuno and Ekpemupolo alias "Tom Polo", Farah Dagogo, Commander Jackson a.k.a. the Young Shall Grow, Commander Ogbombos, Africa Owei, Victor Ben Ebika Owei popularly called Boyloaf, Joshua Mackiver (Naagbanton, *et al;* 2008:9)**;** the Ijaw Youth Council (IYC) formed in 1998 led presently Udengs Eradiri, the Niger-Delta People's Volunteer Force (NDPVF) led by Mujahid Dokubo-Asari; the Niger-Delta Vigilante (NDV) led by Ateke Tom; the Niger-Delta Youth Movement (NDYM); the Niger-Delta Civil Society Coalition (NDCSC); and the Federated Niger-Delta Ijaw Communities **(**FNDIC) are among the targeted respondents interviewed.

As for the Oil Companies, there are over two dozen International and indigenous Oil Companies (IOCs)/TNCs operating in Niger-Delta region. This study limit itself with ones that are involved in "petroleum exploration and exploitation" (i.e. discounting those in marketing, servicing and condensing businesses) in Rivers State, due to the nature of their

extractive oil activities that is intricately linked with "environmental degradation", which consequently adversely affect the OBCs and tantamount to "gross human rights violations" as alleged by Amnesty International (**AI).** Among the international companies include: Royal Dutch/Shell (comprising Shell Petroleum Developing Company of Nigeria (SPDC), Shell Nigeria Exploration and Production Company and Nigeria Liquefied Natural Gas (NLGN)); Mobil-Exxon Petroleum Company; Chevron (comprising Chevron Oil Nigeria Limited and Taxaco Overseas Petroluem Co. Nigeria); Total (Elf) or Total E&P Nigeria Limited (comprising Elf Petroleum Nigeria Ltd and Total Upstream Nigeria Ltd); and Nigerian Agip Oil Company (NAOC); (Francis, P. et al; 2011:85). And as for indigenous (i.e. both Government & Private) petroleum prospecting, exploration and production companies operating in the Rivers State include: Nigeria Petroleum Development Company (NDPC) – a subsidiary of NNPC; South Atlantic Petroleum (SAPETRO) - owned by TY Danjuma; Oriental Energy Resources Limited (OERL) **-** owned by Mohammed Indimi, Cavendish Petroleum – owned by Mai-Deribe; AMNI International Petroleum and Development Company (AIPDC) – owned by Sani Bello; Express Petroleum and Gas Limited floated by Aminu Dantata (Atuanya Patrick, 2014); Frontier Oil Limited (FOL); Dubri Oil Company Limited; Moni Pulo Limited (MPL); Atlas Petroleum International Ltd; Waltersmith Petroman Oil Limited; and Sadiq Petroleum Nigeria Limited (SPNL) (Field work, 2014).

As for the State, its constitute Rivers State and the Federal Republic Nigeria, whose exclusive responsibility is to maintain law and order for all (i.e. amongst the aforementioned stakeholders) to co-exist in a peaceful manner and pursue their legitimate businesses, uses mainly its security apparatus to achieve this. The State Security Agencies unfortunately often use "excessive force" in pursuit of its mandate to achieve the State goal

of law and order, which negates human rights values. The composition of these agencies include: the Police; Military (i.e. Army, Navy, Air force); State Security Service (SSS); Nigerian Civil Defence Service Corps (NCDSC); Nigerian Drugs Law Enforcement Agency (NDLEA); and host other agencies (i.e. Nigerian Immigration Service (NIMS); Nigerian Customs Services (NCS), Nigerian Intelligence Agencies, etc.).

The idea here is to show the scope of the divergent stakeholders in Rivers State so as to be able to guide the researcher in locating where to go and whom to meet to get first hand information on aforementioned formulated questions.

1.4) Objectives of the Study

The main objective of the research is to examine how the activities of AI in tackling the human rights crisis in the Niger-Delta has influence the Nigerian State and brought about relative peace and development. The specific objectives are:

1. To examine the intervention activities of AI in exposing and redressing the human and environmental rights violations in the Rivers State and by extension Niger-Delta region.
2. To identify the specific human rights violators in Rivers State and to a larger extend determine the enormity of the human rights challenges that the stakeholders in the Rivers State unleashed to OBCs, which they have being grappling with.
3. To offer some pragmatic measures that will go a long way in finding lasting solutions to the lingering crisis in Rivers State and Niger-Delta environment.

1.5) Assumptions

These assumptions were formulated from the informed perspective of the International Relations theory of Liberalism employed in the study, which recognizes AI, as one among the dominant players, that is grappling with human cum environmental rights crisis in Niger-Delta region of Nigeria:

i. AI intervention in crisis-ridden areas has impact positively in the de-escalation of human rights abuses and conflict and pave way to peace building.

ii. The relative influence of AI on states makes them a force to be reckoned with in the domestic matters of states with respect to the promotion of human rights due to their influence in international fora.

iii. AI advocacy activities on human rights is an attempt to universalize a product of a particular world view on 'human rights values and norms' as a global emerging culture anchored on the the respect of the dignity of human race.

1.6) Justification/Significance of the Study

The study is important in the sense that it sought to explore the activities of International human rights organisations in the light of tackling human rights violations in Rivers State that has not receive adequate scholarly attention. By specifically examining AI intervention activities in Rivers State, its motives and impact, it has no doubt underscore the value addition in exploring the frontier of knowledge in providing an insight on the specific dialectical and material basis for understanding the problem of the Niger-Delta region from a different perspective. Amnesty International's vision of a world is to ensure that every person enjoys all of the human rights enshrined in the UN Universal Declaration of Human Rights and other international human rights instruments. In pursuit of this

vision, Amnesty International's mission is to undertake research into the pattern of serious and systematic violations of human rights and international law and also action focused on preventing and ending grave abuses of these rights. This has consequentially made it over the years create a niche in liberating people that were detained in various countries for airing their voices on matters associated with violation of their rights (i.e. specifically those who uses 'non-violent). However, in recent times, AI seems to have shifted its focus to help liberate people that were detained on similar matters but who uses 'violent means' to assert their violated rights. A good example of this, is the support given by AI to Ken Saro-Wiwa and the eight other Ogoni environmental activists belonging to the Movement for the Survival of Ogoni People (MOSOP), whom were executed on 10th November, 1995 during the Abacha led military regime for economic sabotage and employing non-civil methods (i.e. violence) in their approach to assert or reclaim their violated human rights (Usman, 1999:23 & 29-30). Contrast this episode with AI refusal to extend similar support to Nelson Mandela and other key promoters of African National Congress (ANC) that equally used non-civil methods in their approach to regain their violated rights in their encountered with the racist apartheid regime of South Africa, seems to have demonstrated AI double standard (Usman, 1999:198). The issues worthy of asking in this regard are: Could the change in position of AI in the above two scenarios been influenced by the national interest of the country where AI headquarters is based? Was AI refusal to support Nelson Mandela and the indigenous black race in South Africa done because the apartheid regime was an extension of British colonial rule orchestrated by white minority race in South Africa popularly called the 'Boers' in order to serve the interest of UK i.e. AI's parent country? Was AI support for Ken Saro-Wiwa and the eight Ogoni leaders done to undermine the then Nigeria's dictatorial military regime in order to promote the western democratic style

of governance? This singular shift in focus of AI has undoubtedly triggered many questions begging for answers; hence underscore the need for the research.

Given the strategic significance of Niger-Delta region in Nigeria's political economy and regional security, this study is a major challenge in enhancing understanding the issues of peace and development that have eluded Rivers State, West African sub-region and the entire globe. A major escalation of the crisis in Niger-Delta debacle could destabilise the Nigeria and the neighbouring sub-regions (West and Central Africa) and impact negatively on the fragile peace in regional neighboring post-conflict countries like Sierra Leone, Liberia and Côte d'Ivoire. The extension of Niger-Delta insurgency into neighboring countries, if not managed and contained properly, can lead to a full blown war with neighboring countries, especially when taking into account the considerable speed with which conflict and its associated security threats travel across space (Lake and Morgan 1997; Buzan and Wæver 2003). Such dynamics have been referred to as 'regional conflict formations', where conflicts become interconnected and bound by their geographic proximity, making them more complex (Rubin et al. 2001). Similarly, Wallensteen and Sollenberg (1998:623) defined such systems as 'regional conflict complexes', which involve 'situations where neighbouring countries experience internal or interstate conflicts, and with significant links between the conflicts'. An understanding of how International human rights organizations, in the like of AI, have chose to venture into Niger-Delta region, will help in providing an insight in understanding the dynamics of some the challenges facing the region and somewhat help in providing a framework for resolution, to policy makers who might stumble on this project.

Examining AI collaborative roles with other pressure groups/civil society organizations/NGOs operating in Rivers State and Nigeria's Niger-Delta region to ascertain

the dynamics of their relationship in the light of other allegations associated with spying or deliberate move to undermine the authority of their host country (against their alleged mandate of fighting human rights abuses) (Usman, 1999:201), becomes an issue of great concern that justifies the need for this research. Other reason that equally justify the study include the fact that some NGOs were known to collaborate with some 'dubious or mushroom pressure groups', which were primarily set up as a business concern to attract grants for the exclusive enrichment of their key promoters (Usman, 1999:189, 199). This collaborative romance only fuel or compound an existing crisis, because the pressure groups often act the bidding of the NGOs in order to earn their money. Thus, studying these relationships reveal the reasons why some nation states do reject some NGOs/CSOs to operate in their domain as corroborated by the assertion below:

> However, what gives cause for concern is not the desire of Nigerians for civilian democratic rule. It is rather the unprecedented level of foreign funding and support for local interest groups which terrorize the public under the guise of promoting human rights and democracy. The groups survive virtually on foreign funding. The chanceries and residences of some foreign envoys in Nigeria have thus become beehives of activity for such groups. Remarkably, one single country boasted of spending nearly $5m on health, education and "humanitarian" activities in Nigeria within one year (Usman, 1999:22).

In this regard, groups such as Social Action (SA), People Advancement Centre (PAC), Ogoni Solidarity Forum (OSF), Movement for the Survival of Ogoni People (MOSOP), Ogoni Land Owners Association (Anonymous, 2014) often than not, masquerade themselves as human rights advocates in order for them to be given the competitive bargain of being pick up for the partnership relationship with the AI and other international NGOs underscores this point.

Analyzing AI activities in its contribution towards shaping the human rights extant laws and policies of Nigeria underscore the need for the research. Studying the roles and

contributions of international human rights organizations such as AI in the Niger-Delta region of Nigeria would rejuvenate debate on the subject matter and pave way for the generation of ideas that could possibly address knotty human rights challenges. Issues like making a legislation that would compel the TNCs to be more responsible and accountable for oil spillage alleged to be caused even by acts of deliberate vandalism caused by the OBCs of Niger-Delta, as against what is only confined to that caused by the covert or overt activities of the TNCs and other contentious issues associated with oil industry practice captured in the proposed Petroleum Industry Bill (PIB) being addressed by the National Assembly, are but few examples. Thus, the identifiable human rights violation issues to be raised for and addressed by the debate may eventually gain inclusion into nation states constitutions or policy documents that were hitherto not captured.

By way of ending this study, future research work for expanding this study should explore AI collaborative relationship with other recognized NGOs (not pressure groups), IGOs and Courts of competent jurisdiction to see how it has strengthen human rights activities or prosecute or sanction human rights defaulters and/or even able to secure the grant of restitution or compensation to the innocent inhabitants of OBCs of in Rivers State cum Niger-Delta region. These NGOs operating in Niger-Delta region are about twenty in number with varying degree of mandates ranging from environmental human rights issues, environment and health related issues, democracy and good governance, to those with wider mandate (i.e. encompassing all the aforementioned areas mentioned). To mentioned but few, starting with those dealing with environmental human rights issues include: Center for Environment, Human Rights and Development (CEHRD); Niger Delta Environment and Relief Foundation (NDEREF); Social Development and Environmental Foundation (SDEF) and Zero Corruption**.** Whilst, those dealing with environment and health related

issues include: Nigerian Center for Gender, Health and Human Rights; Action Aid International Nigeria; and Action Health Incorporated (AHI). And those that have to do with democracy and good governance are: International Society for Social Justice and Good Governance (ISSJGG); Trans-Border Missionaries Interface Initiative; Pro-Natura International (Nigeria); Niger Delta Women for Justice (NDWJ). Those with wider mandate that encompasses all the aforementioned activities are Amnesty International (AI); Transparency International (TI); Human Rights Watch (HRW); Lawyers Committee for Human Rights (LCHR); Children's Defense Fund (CDF); Human Rights Action Center (HRAC); Human Rights Without Frontiers (HRWF); National Association for the Advancement of Coloured People (NAACP);. As for IGOs, these include: Office of the United Nations High Commissioner for Human Rights; Human Rights Council; United Nations Educational, Scientific and Cultural Organization (UNESCO); Office of the United Nations High Commissioner for Refugees; US State Department Bureau of Democracy, Human Rights and Labor; Office of Democratic Institutions and Human Rights of the Organization for Security and Co-Operation in Europe (OSCE); International Labour Organization (ILO); and host of other human rights commissions .

1.7) Outline of Chapters

Chapter one provides an overview of how human rights violations and its perpetrators came into being in Niger-Delta region. It proceeded by providing the basis of how Amnesty International, an independent human rights advocates, had venture to intervene into the Niger-Delta region with the view to contain the human rights challenges. To this end, integral issues such as defining statement of problem, aims and objectives, and assumptions or propositions of the study were clearly articulated to provide a framework

within which research could be conducted. The chapter examined human rights violation across the globe amidst various allegations labeled on Amnesty International effort to contain it as justification for the study, and thereafter specifically identified remediation or compensation as another area that has not receive adequate scholarly attention that could make for future expansion of this study.

Chapter two examines the theoretical literature on conceptual definitions of human rights and proceeded to operationalize its own definition. The chapter also looks at how human rights as a norm have evolved over time. It noted that inspite of the expanding scope of the concept human rights formulated by United Nations to meet some specific human rights gaps of a different kind and of different logical categories; nation states are still grappling to contain with the constant recurring global human rights abuses. The study also look at human rights non-governmental organizations (NGOs), their definitions, classifications and roles, as non-state actors in international politics, in relation to the conduct of their affairs with nation states, from the prism of various international relations theories to see all sort of relationship management that exist and to determine any associated gaps that might exist and capable of influencing their co-existence. To this end, looking at the multiplicity of actors (i.e. AI, oil companies, OBCs, the State) associated with the subject under consideration, the research employs international relations theory of liberalism as an alternative theoretical framework for understanding the relationship of various actors in the Rivers State cum Niger-Delta region in relation to the human rights challenges bedeviling region.

Chapter three exhaustively discusses the method of research and spells out the research design adopted. It starts with a descriptive narration of Niger-Delta region narrowing it down to Rivers State, within the contextual analysis of the lingering

environmental cum human rights crisis that bedeviled it. The study employs both primary and secondary sources of data collation to give impetus for the application of both qualitative as well as quantitative means of data analysis to help provide illuminating answers to the broader research problem, objectives and questions. The research identified the scope in terms of location (i.e. Rivers State focusing specifically on Port-Harcourt - State capital; Gokana, Eleme and Bonny Local Government Areas respectively) and period covered (i.e. from 1990 to 2011) as well limitations or challenges encountered in the course of conducting the study.

Chapter four presents a detailed account and examination of Amnesty International (AI) being the subject matter of our study. In other words, its mandate, evolution and structure were presented to lay the foundation of understanding the genesis of its intervention activities in tackling the human rights crises across the globe and debunked the contending allegations associated with ulterior motive often advance against it.

Chapter five specifically presents the bio-data of respondents to the study and assessed the human rights violations perpetrated by them. It also measures the intervention of Amnesty International (AI) in improving human rights in the 'oil-rich environmentally polluted' Rivers State of Nigeria. The data was gathered using structured and semi-structured questionnaires along with Focus Group Discussion (FGD). The population sample consists of respondents from AI, TNCs, State Security Agencies, OBCs of Rivers State and NGOs. The tool of analysis employed is the Statistical Package for Social Sciences (SPSS) by adopting three dimensions of measure of AI advocacy intervention activities on human rights violations committed by the oil companies/TNCs; Rivers State Government; and the Niger-Delta militants. The findings of this research is geared to show, or otherwise, how Amnesty International in Rivers State has been influencing public

policies and laws, oil companies/TNCs accountability and compliance with global environmental safety standards, and militants' activism in fighting environmental rights in Rivers State. All three dimensions are interconnected and not mutually exclusive. AI work sometimes focuses on two or more dimensions simultaneously. Achieving change in one particular area can also generate change in others.

Chapter six summarises, concludes on the research findings and offers some recommendations on how to tackle the human/environmental challenges bedeviling Niger-Delta region.

CHAPTER TWO
LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1) Conceptualizing Human Rights

A review of literature revealed how 'human rights' as a concept evolved. The word 'Human' has been defined as "pertaining to, characteristic of, or having the nature of mankind" (cited in Audi, 2010:61). The word 'right' on the other hand is derived from the latin word, rectus, which literary means "correct" as opposed to "wrong" or "crooked" (Jamo, 2000:29). It also means that "to which a person has a just and valid claim, be it land, a thing, or a privilege of doing something". Some scholars like Galtung (1994:3, 72) defines the word "Right" as "a privilege," when used in the context of "human rights," it means something more basic that one "is allowed to be, to do or to have". While 'Laski (2008:89-91)' sees "Rights", in fact, as "those conditions of social life without which no man can seek, in general, to be himself at his best". Marie-Benedicte (2010), conceived human rights as something "given or agreed upon or fought for or even talked about". Donnelly (1998:202), sees human rights as "....the rights that one has simply because one is a human being, are held equally and inalienably by all human beings. They are the social and political guarantees necessary to protect individuals from the standard threats to human dignity posed by the modern state and modern markets." Whilst, Imobighe, T.A. and Maduagwu T.A. (1989:19), aptly defines human rights as, "...those demands and claims which individuals or group are entitle to enjoy as human beings and which should normally be guaranteed by the State. In some countries, a number of these demands are protected by law and therefore become part of ex lata."

These human rights are of two types, viz: "Individual Human Rights" and "Collective Human Rights". The "Individual Human Rights" are those that consist of

freedom from specific abuses or restrictions, especially by governments (Rourke, 2001:484-5). These rights include those to protect others against people who might want to harm or hurt one another. They are also there to help all persons to get along with each other and live in peace. The individual rights are furthermore subdivided into two types, viz: Civil Rights and Civil Liberties. Civil Rights include positive requirements on governments to ensure that people and group are treated equally by government and perhaps by everyone, such as equal standing in the courts, the right to food, health care, educational opportunity and a safe place to stay as well as to have a right to be paid for the work one does, and the right to be heard, be protected by the State and the right to vote and be voted for (Rourke, 2001:484-5). Civil Liberties are those things that the government (and perhaps anyone) cannot, or should not be able to prevent an individual or group from doing (Rourke, 2001:484-5). Freedoms to exercise religion, speech, assembly, are good example of Civil Liberties. On the other hand, "Collective Human Rights" are those associated with wide-range of matters such as decision-making processes in various sphere of life in the like of voting to choose a leader; government providing enabling environment for jobs creation, to even provision of security of lives and properties. State exists to make possible that achievement, it is only by maintaining rights that its end may be secured. Every State is known by the rights that it maintains. The method of judging its character lies, above all, in the contribution it makes to the substance of man's happiness (Laski, 2008:89).

A consensus on the most important human rights is difficult to reach (An-Na'im, 1991). Perhaps nothing exhibits the controversy surrounding human rights concept than the attempt by some philosophers to pin down its origin and sources. Two approaches to human rights were therefore propounded by scholars, viz; the Universalists versus the

Relativists (Rourke, 2001:485). One approach to human rights argues that rights are universal. Universalists believe that "moral values such as human rights are fundamentally the same at all times and in all places" (Donnelly 1998:204) and are derived from sources external to society. Depending on the Universalist, the source may be theological or ideological doctrine or natural rights. Universalists therefore believe that there is a single, prevailing set of standards of moral behaviour on which human rights are based. No matter where a person resides, no matter his or her ethnic nationality, or no matter his or her religious inclinations and other primordial sentiments, that person has certain rights that must be respected. This concept holds that the fact of being human carries with it certain rights that cannot be violated or can only be violated in extreme cases (Rourke, 2001:485). They are historical in the sense that, at some given period and place, they were demanded by the character of its civilization, and they are natural in the sense that, under those limitations, the facts demand their recognition (Laski, 2008:89-91).

The origin of human rights could be traced to the natural or common law. The origin of the idea of natural law comes from the notion of divine law based on the natural law theory of 'dictates of reason' (Jamo, 2000:36). Those who ascribed to the theory of natural law hold that rights are not only in existence but are central to the nature of man, not only, as a political being but also in his individual nature. The natural rights theory, which originated from religious laws, was hinged on the idea that man is born free without encumbrance or restrictions; it is the society that restricts him. The rights are therefore inherently part of his nature. The idea that there are rights possessed by all persons in every age and situation is historically linked to the belief that man have these rights in a state of nature which is not only prior to the existence of the state but actually precedes the formation of society (Rousseu, cited in Jamo; 2000:35). In Rome, the concept of "natural

law" arose, in the observation of the fact that people tended to follow certain unwritten laws in the course of life, and so Roman law was based on rational ideas derived from the nature of things. Same applies to other societies and civilization as evidently shown below:

> Documents asserting individual rights, such as the Magna Carta (1215) —gave people new rights and made the king subject to the law; the Petition of Right (1628)—set out the rights of the people… **(**http://www.youthforhumanrights.org/what-are-human-rights/background-of-human-rights.htm. Retrieved on 27th June, 2013**).**

Religious, Political and legal philosophers such as Aristotle, John Locke, Hobbes, Charles de Montesquieu, Immanuel Kant, Jean-Jacques Rousseau, to Thomas Pine have for centuries discussed and developed the idea of natural law and natural rights. The belief espoused by these philosophers is that "at birth all men and women are born equal and have the right to live out their lives and to express themselves (including the right to vote) free of oppression in the form of censorship, seizure of property, arbitrary arrest and torture (Best, et al; 2015:580-1)". The obvious corollary of this idea was that those who infringe upon these rights are contravening natural justice and that this must be prevented or punished. Aristotle is credited for helping to form the foundation of natural right, natural law, and positive law. Aristotle argued that the individual deserved the right to enjoy an equality-based society. Each individual had rights that existed within nature by definition (natural law). The need for citizens to make and argue about judgments of the intrinsic justice of their actions is something that develops naturally within political communities (Russell, 1945:275). Universal law is the law of nature. For there really is, as everyone to some extent divines, a natural justice and injustice that is binding on all men, even on those who have no association or covenant with each other. There are many competing theories concerning what Aristotle meant by natural rights. While some claim that Aristotle argues that a natural right is a type of inherent or "inalienable right" (as expressed in the American

Declaration of Independence), others argued that a natural right comes into existence through the state. There is even a third theory that defines natural rights through an interpretation of natural justice and says that rights are "'founded on the nature of man', in distinction from merely conventional rights". Thomas Hobbes (1588-1679), argued that individuals, persuaded by enlightened self-interest, traded off the insecure "state of nature," where only freedoms existed, for a state of society governed by a central authority that enforced the rights of everyone. The state of nature, according to Hobbes, was not only "solitary, poor, nasty, brutish and short" but also in its entirety "anarchic." The emergence of centralised government, responsible for common security, is therefore meant to curb the excesses of selfish and unscrupulously competitive individuals (Usman, 2015:1). Kant considered a right as synonymous with power; the naked power to compel. However, the mere fact that one may wish anything to be his and achieve his desire by the use of brute force is not synonymous with a right (cited in Jumo, 2000:30).

The political revolutions in the 18th century, such as the American and French Revolutions, translated the theory of natural law and natural rights into practice. In America, the Declaration of Independence, written by Thomas Jefferson - the US Constitution (1787), clearly captures that all people are "endowed by their creator with certain inalienable rights" and in France, the Declaration of the Rights of Man and Citizen (1789), created laws that solidified the idea that humans have certain rights that no state or other individuals can take away; The Universal Declaration of Human Rights (1948) —the first document listing the 30 rights to which everyone is entitled; are the written precursors to many of today's human rights documents (http://www.youthforhumanrights.org/what-are-human-rights/background-of-human-rights.html 05th May, 2013). The 1993 UN-

sponsored World Conference on Human Rights (WCHR) held in Vienna, Austria, clarifies the scope of the concept human rights to be as follows:

> all human rights are universal and indivisible and interdependent and interrelated," while adding that "the significance of national and regional particularities and various historical, cultural, and religious backgrounds must be kept in mind" when defining rights and identifying and condemning abuses (Burk, 1994:201).

The other approach to human rights is often labeled relativism. According to this idea, "values" are not universal but are a function of contingent circumstances. Cultural relativism holds that morality is significantly determined by culture and history. Historically, people had rights only because of their membership in a group, such as a family. Then, in 539 BC, Cyrus the Great, after conquering the city of Babylon, he freed all slaves to return home and declared that people should choose their own religion as well as establish a society based on racial equality. He formulated some decrees that were recorded on a baked-clay cylinder in the Akkadian language with cuneiform script. The Cyrus Cylinder, a clay tablet containing his statements, is regarded to be the first human rights declaration in history.

> Known today as the Cyrus Cylinder, this ancient record has now been recognized as the world's first charter of human rights. It is translated into all six official languages of the United Nations and its provisions parallel the first four Articles of the Universal Declaration of Human Rights. Retrieved on 27th June, 2013, from http://www.youthforhumanrights.org/what-are-human-rights/background-of-human-rights.html.

From Babylon, the idea of human rights spread quickly to India, Greece and eventually Rome, as well as many other countries across the globe. To corroborates the relativists school, Scholar like Uchegbu (1974:2-3) rejects the concept of human rights being quoted in divine or religious law, when he wrote that: "In its religious manifestation,

human rights were only to be realized in heaven, a ticket of admission available to only those who had endured humanity in real life". Likewise, Bentham (1973, cited in Jamo, 2000: 38) asserted that "right is the child of law. From real law comes real rights, but from imaginary rights (i.e. the so-called natural rights)….natural rights is simple nonsense, natural imprescriptible rights, rhetorical nonsense, nonsense upon stilt." Karl Marx position on human rights too criticizes "natural rights" in one of his studies titled "On the Jewish Question (1843)" in furtherance to argument on rejection advanced on the subject by scholars. Marx argued that the whole idea of human rights and liberty are specific expression of a bourgeois society on the verge of collapse, as he succinctly put it as follows:

> ……Individuals are victims of the society in that their lives are prey to contingent of historical forces that no one separately or in alliance with others, can control; the society itself is alienated from real men and is governed by anonymous laws; individuality, as consequence of its isolation, is lost (Marx, 1843, cited in Jamo, 2000:39).

Marxism is another form of ethical relativism, holding that values are reflections of the interests of the ruling class. "Radical relativism sees culture as the source of all values (Donnelly; 1998:203)". Relativism is based on local traditions and histories should be given due respect, even if this means limiting rights that others outside that local context find important. The relativists argue from a positivist point of view and claim that rights are the products of a society's contemporary values. They are not natural, in the sense that it's that claim which the force of state will, upon order of its courts, be used to substantiate. They have content which changes with time and place. Here, at the least, is certainty; for the body of statutes and legal rules will give to the observer a means of laying down with some precision exactly the rights each citizens of each state may expect to enjoy. Changes in the law then produce changes in the substance of rights, and an annual scrutiny of statutes and

decisions gives us the rule of judgement (Laski, 2008:90). Any given state is set between rights that have been recognized and the rights which demand recognition. There is no better historic test of its adequacy than the temper in which it confronts the new demands. Against the argument put forward by the Universalists, scholars like Vincent (2010), have this to say to corroborate view expressed by the relativists:

> It is a mistake to argue that humans, by the mere fact of being human, have rights, and that humans are in some way morally considerable in themselves, regardless of social or political context. My argument is that with the development of human association over the last century particularly, certain standards of civil behaviour have become, for a certain sector of humanity, slowly, painfully, and imperfectly more customary. The political form which most adequately captures this overlapping momentum is the civil state. These standards of civility have though gradually extended to a broader comity of states—that is overlapping civil communities. Standards of civility, particularly during the second half of the twentieth century, have gradually extended. Citizen rights have, in effect, become mentors of human rights. This is not a liberal or constitutional idealism, it is rather a registering of the underlying ethos of human rights. What is important here is that we should try not to isolate human rights from debates about the state tradition (Vincent. 2010).

Positivists therefore contend that in a world of diverse cultures, no single standard of human rights exists or is likely to exist short of the world becoming completely homogenized culturally**.** Those who believe in the cultural relativism of rights also tend to view attempts to impose standards of rights by one culture on another as cultural imperialism (Rourke, 2001:485). Nationalism and the standard of sovereignty continue to be used by some countries to reject outside interference of domestic abuses, and by other countries as a reason for ignoring those abuses. An associated issue is the claim that cultural standards are different, and, therefore, what is a human rights violation in one country is not in another or is culturally acceptable in another. It is also the case that the legal rights granted and recognized by countries largely include only protections from

specific abuses of individuals and groups and do not include the right to certain qualitative standards of life. Some Asian, Muslim, and other countries resisted broad declarations of human rights based on what they see as Western-oriented values and called it cultural imperialisms. Professor Klenner has this to add as relates to the general applicability of rights:

> Human rights are neither eternal truths nor supreme values ... They are not valid everywhere nor for an unlimited time. They are rooted neither in the conscience of the individual nor in God's plan of creation. They are of earthly origin ... a comparatively late product of the history of human society and their implementation does not lie in everybody's interest. In their essentials, man's interests are not the same everywhere and they cannot even be the same in any particular country under the condition of the systems of private ownership of the means of production (Klenner, 1977:1).

This brought the concept of liberty as relates to human rights a relative term, as revealed by Aikhomu, Augustus (1988), cited in Security Administration and Human Rights: Prospects for Nigeria's Third Republic and Beyond, ed. by Takaya, below:

> Liberty is not however synonymous with anarchy. A situation in which individuals are at liberty to do whatever their whims and fancies direct them to do, whether or not their actions displease or harm their fellow citizens, is certainly not a positive development. Liberty must be relative to a system of just laws. To maintain a just system of laws however means that the state must induce or even enforce conformity of behaviour in everybody, such that the aggregate effect promotes the well-being of all citizens. This is the concept of civil liberty, in which all must surrender part of their personal freedom and submit to just directives from the state. This does not, however, give the community of state security agencies license to operate as a state unto itself (Takaya, 1989: xx).

From the foregoing, it is not uncommon to hear those in the non-Western world argue that many of the rights asserted in such international documents as the Universal Declaration of Human Rights, which was adopted in 1948 by an overwhelming vote of the

UN General Assembly, are based on the values of the politically dominant West. Positivists contend that many of these Western values, such as inflammatory hate speech, gesture, writing or display which could incite people to violence or prejudicial action, individualism and democracy, are not held as strongly in other cultures, and that no matter how high-minded it is, Western attempts to impose them are imperialist. It must be said that differences over what constitutes a human right are not only matter of Western and non-Western philosophies. There are also vigorous disputes between countries of similar cultural heritage. For example, many countries have taken the same position and will extradite people accused of capital crimes unless assured that the death penalty will not be invoked. True, free speech which is the ability of people to speak their minds without censorship, is never absolute in any country even in the most mature democracies such as the U.K. or the USA. But it is often seen as a necessary condition for the enjoyment of democratic ideals as it provides and guarantees the space for public discussion and debate.

In the light of the foregoing contending perspectives, one can vividly and categorically see the picture comprehensively that human rights deal with such basic issues as: (a) Freedom rights- freedom from oppression in its various forms, free from individual and collective violence; (b) participation rights-in the decision-making processes in various sphere of life, to choose in such wide-ranging matters as jobs, spouses, where to live, and lifestyle, the right to receive and express opinions, and to assemble with others; (c) benefit rights- to food, work, medical care, education, sleep, sex and other biological wants, and from adverse climatological and environmental impacts. Often, however, in real life these matters hardly get attended to as issues of human rights; rather, the legal system accommodates them in different ways, usually through the criminal code. Yet, persistently,

every time this issue resurfaces to lay its claim on the legal system as a matter of high priority.

Therefore, to grasp human rights is to engage seriously with theological, historical, legal, ideological, political, as well as moral phenomena debate in order to explore the traditional state-based international system that operates on self-interested competition that can best protect and enhance humanity or whether the alternative of global cooperation in an international system with reduced sovereignty will lead to a more felicitous future. It is not simply a question of imposing abstract meta-ethical arguments onto an unsuspecting political or legal world. It is about facing the reality that the world is considered as a composite whole and that no state works in isolation but strive to work in solidarity with each other. The emphasis is on the growing changing interdependent relationship between states and societies, which recognizes that the fortunes of states may have always been connected, or interdependent. Given the general consensus that the process of globalization is creating a world in which individual nation states are increasingly becoming interdependent and interconnected, and that national approaches to issues including international politics, trade and economics, healthcare, immigration, tourism, and climate change are therefore increasingly dependent on the policies and approaches of neighbouring states and international partners, seems to justify the need for the universal application of human rights. Thus, the challenge now is with UN and other regional bodies concern with human rights to rise up to redress the issues.

Given the above rational arguments, this study has aligned itself with the Universal school of thought and therefore adopts the following as its operational definition of the concept Human Rights as “something of which no one may be deprived of without a great affront to justice”. Therefore, the expression “human rights” in its widest connotation

embraces those civil, political, economic, social, cultural, group, solidarity, and developmental rights which are considered indispensable to a meaningful human existence. They are said to be inalienable to the very nature of a human being and applicable to all human beings everywhere in all societies for a dignified survival, just as much as do his arms and legs. There are certain deeds which should never be done and certain freedom which should never be invaded. The correct view however is that rights recognized by law, their violations becomes both legally and morally wrong. The most obvious things to be said about rights are that they are constitutive of the domain of entitlements. They help to define and serve to protect those things which one can make a very special claim – claim of right to claim to acquire anything as a matter of right is crucially different from seeking or obtaining it through grant of a privilege, the receipt of a famous or the presence of a permission. The problem with this definition however is that justice as a value system in a society varies from society to society, from time to time, and from generation to generation, ultimately determines what constitutes human rights.

2.2) Phases of Human Rights Development

In a study of the development and evolution of human rights, French Jurist Karel Vasak (who was inspired by the three normative themes of the French Revolution) has "classified the stages in the growth of human rights ideals into three generations" (Vasak, 1977: 29). The first generation of human rights is steeped in a search for civil and political rights. These rights, which are libertarian in character and are sometimes referred to as "negative rights", relate to the sanctity of the individual and his rights in the socio-economic milieu in which he is located. Such rights include the right to life, liberty and security of persons; freedom from slavery and servitude; freedom from torture or cruel,

inhuman or degrading treatment or punishment; the right to recognition everywhere as a person before the law; the right to an effective judicial remedy; freedom from arbitrary arrest, detention or exile; the right to a fair and public hearing by an independent and impartial tribunal; the right to be presumed innocent until proven guilty (with exception to French system that adopt the reverse); freedom from arbitrary interference with privacy, family, home or correspondence; freedom of movement and residence; the right of asylum; the right to a nationality; the right to marry and to found a family; the right to own property; freedom of thought, conscience and religion; freedom of opinion and expression; the right to peaceful assembly and association; the right of everyone to take part in the government of his country; and the right of everyone to equal access to public service in his country (cited in Audi, 2010:65-84). These are rights generally thought to be best guaranteed by limiting the power of governments over their people. Under this generation of human rights, the individual 'in principle' is endowed with such rights that are justiciable. However, the reality does not bestow individuals with such rights in some countries like Nigeria.

The second generation of human rights comprises of economic, social and cultural rights. These rights are intended to provide for the material wellbeing of the individual. In this regard, it is necessary that the state puts in place the material conditions upon which economic, social and cultural rights can be enjoyed. Second generation rights are primarily pertaining to equality and are predicated on the necessity for the material well-being of the citizenry, with the State playing a pivotal role. They are essentially egalitarian in nature and are often referred to as "positive rights". Example of such rights include the right to work; the right to just conditions of work; the right to fair remuneration; the right to an adequate standard of living, the right to organize, form and join trade unions, the right to work, the

right to equal pay for equal work; the right to social security; the right to food, the health care, the right to education and the right to participate in cultural life, the right to rest and leisure, the right to a standard of living adequate for health and well-being, and the right to participate in the cultural life of the community. These rights are often held to be best promoted by the expansion of governments to provide minimal standards to their people. As would be expected, these rights by their very nature require affirmative governmental action for their implementation. Consequently, they are positively represented as "rights to" rather than "freedom from" as is the characteristics of the first generation rights.

Second generation rights are presently not embodied in the national constitutions of many countries and in some cases, where they are included, economic, social and cultural rights are represented as policy matters. However, the case in Nigeria it appears to have been captured under Chapter II of the 1999 constitution tagged "the Fundamental Objectives and Directive Principles of State Policy". Other continental regimes also embody these rights in differing degrees.

When human rights is being considered, what usually comes to mind are the United Nations Universal Declaration of Human Rights of December 10, 1948 and the two covenants on Human Rights, which came into force in 1976 (alias first and second generation of rights). These covenants are the International Covenants on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCCR), where for the first time governments agreed to draft binding international treaties pertaining to human rights (i.e. how a state treats its own inhabitants). Governments approved the Covenants with the expectation that they would expand international diplomatic discourse on these issues. The treaties both affirmed the legitimacy of the debate about human rights among nations and provided common standards for such

diplomatic discussions to take place**.** Many other international instruments have come into force thereafter, which were equally considered alongside the aforementioned. The remaining treaties that came into effect include the following:

> …each deals with a particular group that the international community considers vulnerable. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), enacted in 1969, bans discrimination against individuals' based on race, ethnicity, religion, or racial origin. The ICERD does not include language concerning gender discrimination. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), however, fills this void by banning discrimination against women. CEDAW entered into force in 1981. The Convention against Torture (CAT), instituted in 1987, bans dehumanizing, degrading, and inhuman treatment of individuals even in times of war. The Convention on the Rights of the Child (CRC), enacted in 1990, promotes children's health, education, and physical well-being (every country in the world except Somalia and the United States has approved the CRC). Finally, the most recent UN human rights treaty is the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families (CMW), which entered into force in 2003. The CMW attempts to protect the political, labor, and social rights of the nearly 100 million migrant workers around the globe (Goldstein, *et al*; 2010:268).

In between these two broad covenants, there have also come into being standards-setting principles and bodies mainly emanating from these instruments. Amongst these is the United Nations Human Rights Commission (UNHRC), which was established based on the realization that democratically elected legislature, independent judiciary and executive arm of governments could not guarantee respect for human rights even when entrenched in the constitutions. In its effort towards guaranteeing respect for human rights, the UNHRC convened a seminar in Geneva in 1978 and produced a set of guidelines for the establishment of National Human Rights Institutions (NHRIs) by member states and another conference in Paris in October 1991 to determine the status of NHRIs. The conclusions made at the end of the workshop endorsed by both the UN Commission on Human Rights and the UN General Assembly is now called the PARIS PRINCIPLES.

These Principles affirm that NHRIs are to be vested with competence to promote and protect human rights and be given broad mandate set forth clearly in a constitutional or legislative text (NHRC Annual Report, 2011:2).

The above categories of rights, together with their measures adopted for their universal implementation, form what is called, in the United Nations circles, the "International Bill on Human Rights." The whole world through the instrumentality of the United Nations adopted what was regarded as the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations. It consists of a preamble and 30 articles setting forth the fundamental human rights to which all human beings, everywhere in the world, are entitled, without any discrimination. The Declaration could be considered as comprising two groups of rights: the civil and political rights (recognized in articles 3 to 21), and the economic, social and cultural rights (recognized in articles 22 to 27). The concluding articles (Articles 28 to 30), recognize that everyone is entitled to a social and international order in which all human rights and fundamental freedoms may be fully realized, and stress the duties and responsibilities which each individual owes to his community. Finally, article 30 forbids any state, group or person, "to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth" in the declaration.

The human rights set forth in the Universal Declaration of Human Right are later given legal status in the two International covenants on Human Rights, mentioned earlier**.** The difference between the Universal Declaration and the two covenants lies mainly in the legal status of the latter. Whereas the Universal Declaration had no legal obligation on any country for its implementation, the two covenants are legally binding on the States that are party to the covenants, in which Nigeria is signatory to the covenants. Each of the two

covenants contains measures for international supervision of the rights which it sets out and for settlement of complaints by states that another state is not giving effect to its provision. In addition, the Optional Protocol to the International Covenant on Civil and Political Rights provides international machinery for dealing with communications from individuals claiming to be victims of violations of any of the rights set forth in that covenant. The point being made here about the legal status of these documents should be accepted with caution because like all other international obligations, they are only binding to the extent that it is in the interest of the parties to abide by them. Often, they are ignored the moment any of the contracting parties feels they no longer serve its own interest. Both covenants were adopted and opened for signature or ratification by the UN General Assembly in 1966. They did not come into force until a decade later, in 1976, when the required number of countries ratified them. Apart from their legal status, the two covenants on Human Rights are not much different from the Universal Declaration of Human Rights. In fact the two covenants could just be seen as a more detailed elaboration of the Universal Declaration. The relationship between Universal Declaration and the two covenants were as follows, articles 6 to 27 of the International covenant on Civil and Political Rights are an elaboration of the civil and political rights enumerated in articles 3 to 21 of the Universal Declaration. Similarly, articles 6 to 15 of the International Covenant on Economic, Social and Cultural Rights are a reiteration of the rights set forth in articles 22 to 27 of the Universal Declaration.

However, the above identifiable generations of rights were not without flaws. The book entitled “Women, Violence and Nonviolent Change” clearly identified and shed light on the flaws that were associated with the first and second generations. These are issues

that were adjudged to be "silent" in their narratives and therefore paved way for the addition to the spectrum of human rights, as exemplified by this excerpt:

> Poverty, famine, malnutrition, multinationals, ecological destruction and technological terrorism are not recognized as forms of violence which state perpetrates on its own people through its development models, technological choices, wars and weapon culture…… The fundamental tenets of the development paradigm - progress, productivity, profits – are left untouched (Kumar-D'Souza, 2005:32).

Where is the space in the universal human rights discourse for considering violations of the collective rights of people? What legal means of expression and representation are available to cultures and civilizations that are not a part of the dominant modernistic paradigm? How can they resist the plundering and pillaging of their cultures, their land and the resources beneath it, when all this happens in the name of progress, peace and development – to which we now have a human right? The realization of the flaws associated with the Vienna Declaration development model, which has brought with it the dispossession of the majority of people, the desacralizing of nature, the destruction of the way of life of entire cultures, the degradation of women have led to a rethink of this model. Such "development" reduces all differences into flatland called modernity, in which dams displace people and forests and rivers become resources.

Human societies are made up of tribes, of castes, of communities from which people gather strength and wisdom, but the dominant human rights discourse (as relates to the first and second generations of human rights) has no place for the notion of community and offers no mechanisms for redressing the violence done to whole communities and collectivities of people.
These development led to the formulation of 'third generation' rights, which deals with the organic and corporate existence and working of the society and embrace, inter alia, the right

to development, peace and the right to share, in the common heritage of humankind, the rights of solidarity and the right to be a member of a self-determining nation or ethnic group encapsulated in a sovereign state. The importance of the rights spelt out here is underscored by the fact that they rest not only on the individual collective-holder but extends to the protection and defense of the community interest in a global sense and neither any of the rights identified under this category can exist within the exclusive internal framework of the state. Their scope necessarily goes beyond that of the state and extends to the international community. The third generations of rights are also known as solidarity rights in that they are concerned with the development of states, where the world is considered as a composite whole and states should work in solidarity with each other. Established in 1986 in the Declaration on the Rights to Development and the subsequent Vienna Declaration and Plan of Action (adopted in June 1993 by 160 countries that attended the World Conference on Human Rights), which speaks more on the silence of the of the state as violator of human rights with its attendant consequences on the effect of legitimizing state violence and state terrorism. It also recognizes other gross violations of human rights, other than armed conflicts which lead to the displacement of people, to include ethnic, communal or sectarian strife, state development policies, environmental degradation, nuclear weapons testing, nuclear power plants, toxic and nuclear waste dumping which make their habitats and homes impossible to live in. Not only are there arguments about different generations of rights, but also there are arguments within each of these schools of thought about what rights should be included on the list for each generation.

The above categorization of Human Rights i.e. from first to third generations, have been included, in one form or the other, in the domestic constitutions or other basic laws of

most countries of the world. Some regions of the world, like the European Community, the Organization of American States, and the African Union (AU), Economic Community of West African Countries (ECOWAS) have also adopted regional charters on human rights that more or less correspond to the universal standard. The provisions of these declarations are far-reaching but too detailed to be reproduced here.

Furthermore, the expansion of the scope of human rights continued. These include the fourth and fifth generation of human rights beyond Vasak's postulation *(*Ndifon's, 2012*),* even though some of the issues raised in one may overlap with another**.** The fourth generations of rights are the rights of human beings in the conservation of resources and in the protection of the environment. This is at times subsumed under the term "sustainable development". It has under it the rights to development, peace and protected environment. Environmental rights are basic rights without which life on earth will be hazardous and meaningless. It includes right to clean air, clean water, good soil, right to a balanced and healthy ecology. Many countries have incorporated environmental rights into their laws as established in an opinion made by Judge Weeramantry of the International Court of Justice, the principal judicial organ of the UN, that:

> The protection of the environment is … a vital part of contemporary human rights doctrine, for it is a sine qua non for numerous human rights such as the right to health and the right to life itself. It is scarcely necessary to elaborate this, as damage to the environment can impair all the human rights spoken of in the Universal Declaration and other human rights instruments (AI; 2009:11).

The fifth generation of rights consists of those rights that deal with the "right to democracy and good governance". As it appears, these rights and classification when strictly followed tend to overlap.

In addition, there are 19 other UN-sponsored covenants that address children's rights, genocide, racial discrimination, refugees, slavery, stateless persons, women's rights, and other human rights issues (Kent, 1999). These agreements and human rights in general are monitored by the United Nations Commission on Human Rights (UNCHR). Furthermore, Cranston (1967:43) observed that "a philosophically respectful concept of human rights has been muddled, obscured and debilitated in recent years by an attempt to incorporate into it specific rights of a different kind and of a different logical category". Be that as it may, what is important is that in order to grasp the essence of the on-going crusade for the attainment of a universally applicable minimum standard of human beings, human rights must be understood in the context of both their multi-dimensional nature and constantly expanding scope.

2.3) The Evolution, Types, Classifications & Roles of Human Rights Organizations

Reacting to the horrors of the Nazi holocaust and the human rights violations that characterized the World War II, the international community met in San Francisco, to develop a legal and institutional environment that will avert subsequent occurrence of the gross massacre and the human rights violations by creating the United Nations Organization. At this point, the stage was set for the birth of the international human rights movement. Although, some NGOs were established in the late 1940s, the birth of what can be called the "international human rights movements" can probably fairly be dated from the early 1960s. These "international human rights movement" are NGOs defined as "civil organizations, which are private, international organizations that act across borders and have members in different states" (Kaarbo and Ray, 2011: 9). The World Bank (1992) defines NGOs as "groups and institutions that are entirely or largely independent of

government and that have primarily humanitarian or cooperative rather than commercial objectives". Clarke (1998) defines NGOs as "private, non-profit, professional organizations, with a distinctive legal character, concerned with public welfare goals". Willetts (2001) says that no generally accepted definition of NGOs exists, but there are three other generally accepted characteristics that exclude some organizations from being considered as NGOs. First, NGOs should not be political parties or governmental agencies. They should not be any institutions directly affiliated with any organizations of a government. In addition, they should not aim to achieve any political power through their activities. Second, they should not generate profit. Profitmaking companies are not NGOs. Third, all criminal groups should be excluded from the definition of NGOs, although they do not belong to governments or private companies. NGOs should have a benevolent purpose. Ahmed and Potter (2006) also narrow the definition of NGOs by excluding government agencies, corporations, religious groups, political parties, private hospitals, schools, sports organizations, fraternal organizations, and terrorist groups.

A substantial number of human rights NGOs consider themselves international because they bring together individuals or associations from different countries and because their interests extend beyond the national level (even if their constituent membership or associations are mainly involved in work at the local level). Many international human rights NGOs rely to some degree on fundraising to sustain their operations. A large percentage of these NGOs also receive foundation grants to support their work. In addition, many NGOs receive grants from governments or IGOs.

While NGOs do not aim to generate any profits, they do act very similarly to for-profit making corporations in terms of their organization and structure. The main difference between NGOs and profit making organizations is the sources of income. NGOs' primary

income mostly comes from their members, governments, private corporations, foundations, and foreign sources in form of donations or subscription fees. In order to raise funds for NGO activities, NGO leaders need to maintain the organizational structure for fundraising, marketing, strategy management, monitoring and evaluation systems, and accounting. The organizational structures of NGOs are very similar to those of for-profit making organizations except the fact that they do not produce any tangible products. As the number of NGOs has increased over the last several decades, NGOs are now facing competitive pressures. Lindenberg (2003) describes that donors demand greater financial accountability and more concrete evidence of program impact. He also explain that it becomes difficult for small NGOs to keep pace with more efficient and larger NGOs which take advantage of economies of scale in marketing, operations, and services. NGOs try to spend generated funding for their project and for their own management as well as maintenance costs. These may include salaries for their personnel, office overhead, and marketing costs. As NGOs become bigger, they are more likely to raise more funds and spend less for maintenance. Smaller NGOs sometimes cannot raise adequate funds to pay their own bills.

Despite their international character, the legal status of international NGOs is generally determined either by the State of incorporation or, in the absence of incorporation, by the State where the headquarters or other organized activities are located. The laws of the country of establishment generally govern even NGOs that are established at the national level but have an international mandate.

Human rights NGOs differ widely in their mandates. Some of them have very narrow and discrete mandates, focusing on one category of rights and even on a particular aspect of a category, while other NGOs have broader and more inclusive mandates. Moreover, some NGOs have activities in several countries and are thus considered as

"international" NGOs, while others limit their activities to their own country. The main difference between these two types of NGOs is that international NGOs base their advocacy more consistently on international law. Mandates of human rights NGOs have been dynamic, changing according to different circumstances, such as: political and institutional context, ideological positions and geographical locations, practical issues of membership and fundraising, concerns on how to maximize achievements, self-perception and pressures from local groups or other institutions. The differences in mandates also correspond to the division between First World and Third World NGOs. In general, First World NGOs concentrate more than Third World NGOs on civil and political rights, due process and the protection of individuals against State interference. Third World NGOs, on the other hand, tend to stress the importance of economic, social and cultural rights. In their aim to draw attention to social and economic rights, some Third World NGOs argue for a broad and deep reform-oriented approach as opposed to a mere case-by-case approach as practiced by the First World NGOs. The latter, however, argue that such an approach would erase the boundaries between human rights groups and political groups, whereby NGOs risk losing their legitimacy as defenders of legality and merge into the political process.

The UN Security Council after the Cold War has made it appropriate and necessary to consider the authority of the Council to respond to any gross human rights violations. The law and the politics of "humanitarian intervention" are prominently on the human rights agenda for the years ahead. Humanitarian intervention" has come to refer:

> ..to coercive intervention by states, singly or collectively, through economic sanctions or by use of military force, in response to gross violations of human rights. Some commentators have extended "humanitarian intervention" to include intervention to maintain, restore, or achieve representative democracy. Recently the term – and the concept – have also been applied to intervention to maintain order when

> government has broken down and anarchy threatens, or to make it possible to bring food and other humanitarian assistance where no government exists to invite such assistance, or even when an incumbent government is refusing or resisting such assistance (Henkins, *et al (ed),* 1994:383).

These NGOs have been particularly important in the area of humanitarian relief and human rights, and their activities in this area have deep historical roots. One of the oldest NGOs, the Red Cross/Red Crescent, was started by a Swiss citizen, Henry Dunant, who after witnessing the Battle of Solferino (1859) in northern Italy, where 9,000 people were wounded and left unattended on the battlefield, initiated the move to provide humanitarian assistance and protection to victims of armed conflict (Kaarbo *et al;* 2011:126). In 1864, this cause was taken up by 12 European states who came together to sign the Geneva Convention for Victims of War. This development was then built upon by the Hague Conference of 1899 and 1907 which passed international conventions on the treatment of the wounded and of prisoners of war (Best, *et al*, 2015:582).

Beyond humanitarian relief activities, internationally focused human rights organizations were developed thereafter. This category of human rights NGOs that emerged were geared to assist individuals who were victims of state power abuses. Comprised largely of lawyers, they initially set out to promote respect for the rule of law and due process, to reawaken people to their social and political rights, and to improve prison conditions. Their activities were carried out in the context of an increasing tendency of state agents to infringe the rights of individuals publicly critical of state policies and actions. Some even started as committees to press for the release of friends and colleagues who were detained without trial by military regimes for their activism. These committees transformed themselves into broader associations for the defense of human rights as the

number of detainees grew. They turned to pro-democracy activism when the transition-to-democracy process became over-regimented and the government became very increasingly arbitrary. Apparently, they soon realized that respect for the rule of law only makes sense when the state itself is not lawless and contemptuous of individual and group freedoms.

> There is a growing recognition that nongovernmental organizations (NGOs) can have significant effects on state policies and global politics through the creation of international norms, although their degree of influence varies across issues and is greater when they enter the international debate at the initial agenda-setting point of the process, even in security issues (Kaarbo *et al.*, 2011:126-7).

The largest and most influential of these organizations today is Amnesty International, which was established in 1961 and has an international membership of more than 3 million people in over 150 countries (Kaarbo *et al.,* 2011:128. AI; 2013c). This organization dedicates itself to the release of political prisoners all over the world, as well as securing humane treatment for political prisoners whom it cannot get released.

The second phase in the evolution of the human rights movement is the development of local human rights NGOs throughout the world. Most human rights NGOs are to be found at the national level. Their legal status is determined by reference to the law of their national States. Indicative of the growth as well as the maturation of the human rights movement, local groups can play a key role in translating human rights principles into actual practice, demonstrating that there is no adequate substitute for on-site watchdogs. They also have a critical educational function, to inform their own communities of their rights, and of the government's obligation to respect those rights. Many groups also try to help victims of human rights abuses gain redress — where possible through the legal system, or by calling publicly for official accountability for human rights violations. The nature of their work means that these groups are rarely popular with repressive

governments that abuse human rights. The very existence of such groups can therefore be a useful indicator of a government's commitment to respect human rights principles within their own societies.

In many other countries, the developments of local human rights organizations are just now occurring for the first time. Predictably, these organizations have varying levels of resources at their disposal, including different levels of expertise, training, political sophistication, financial support, and access to international institutions and the news media. In a number of countries, the activities of these groups are deliberately hampered by their own governments, which seek to isolate them and to undermine their effectiveness.

Human rights organizations have different names including "institutions", "societies" and "associations". Such different names are used interchangeably. What always matters is how to establish a human rights body, its mission and objectives, the extent of its financial and administrative independence, and the extent of its actual impact in the promotion and protection of human rights in the country concerned.

NGOs in recent years, particularly in the late-1980s, the number of NGOs has dramatically shot up. In 1956, the Union of International Associations (UIA) merely recorded 973 NGOs. In 1977, it registered already more than 2500 NGOs. Only five years later, the number of NGOs had again almost doubled (Kerstin, 1999:68-82). In the developing world the mushrooming of new NGOs is particularly significant. In the Philippines, a growth by 148% of all registered NGOs was noted for the period between 1984 and 1993. In Kenya, the number of NGOs even grew by 184% between 1978 and 1987 (Clarke, 1998:36).

Generally speaking, human rights organizations are divided into two categories: governmental organizations, and non-governmental organizations (NGOs).

(a) Non-Governmental Organizations (NGOs): NGOs are formed from groups of volunteers on voluntary basis and they exist in many countries of the world. They are not for profit-making, they are created and managed by people with common interests and goals, both at the local level (i.e. within a single state) or at the international level (i.e. between several States or people from different countries). Both local and global NGOs are private associations working to promote and protect universally recognized human rights principles and values. The mission, objectives and tasks of human rights NGOs evolve around the protection of human rights, and people in charge of them perform voluntary work.

There are different types of NGOs classified by the level of organization, geographical location, and main purpose. Willetts (2001) categorizes NGOs as local, provincial, national, regional, and global, depending on their areas of project coverage. Local NGOs include organizations which have community-based programs and focus on smaller regions. National NGOs usually cover one nation. Regional and global NGOs' projects cover more than one country. The international NGOs are often called INGOs. Basically, NGOs are divided into two categories, namely the local NGOs and the international NGOs. The local NGOs (such as Niger Delta Environment And Relief Foundation (NDEREF), Centre for Environment, Human Rights and Development (CEHRD); Consolidated Council on Social and Economic Development of the Coastal States of the Niger Delta (COSEND); Legal Defence and Assistance Project (LEDAP), Social Action (SA); Peoples Advancement Centre (PAC), and Ogoni Land Owners Association, have been in existence in recent times) and international NGOs (such as Amnesty International, Human Rights Watch, Transparency International, Lawyers without borders, International Commission of Jurists and the Minority Rights Group). All NGOs,

local and global, are governed by basic law, i.e. a constitution, that defines its mission, vision, objectives, the scope of its mandates, and how they are managed and financed. The following are few examples of Non-governmental organizations with a national focus in some couple of countries across the globe:

Burma (Myanmar)

i. Burma Campaign UK
ii. Canadian Friends of Burma
iii. Free Burma Rangers
iv. Freedom Campaign

China

v. Civil Human Rights Front (Hong Kong)
vi. Empowerment and Rights Institute
vii. Hong Kong Human Rights Monitor (Hong Kong)
viii. Human Rights in China
ix. Information Centre for Human Rights and Democracy

France

x. Human Rights League (Ligue des droits de l'homme)
xi. MRAP (French NGO)
xii. SOS Racisme

India

xiii. Youth for human Rights India
xiv. All Indian Rights Organization (AIRO)
xv. Human Rights Protection Foundation, Udupi (HRPF, Udupi)

Iran

xvi. Defenders of Human Rights Center
xvii. Iran Human Rights Documentation Center
xviii. Iran Human Rights (IHR) Norway

Israel/Palestine

xix. Israel:
- Rabbis for Human Rights
- Machsom Watch
- Association for Civil Rights in Israel
- Physicians for Human Rights-Israel
- Jerusalem Institute of Justice

xx. Palestinian territories:
- Al Mezan Center for Human Rights (Gaza Strip)
- Palestinian Society for the Protection of Human Rights

- Solidarity for Palestinian Human Rights

Poland

xxi. Otwarta Rzeczpospolita (Open Republic)
xxii. Polska Koalicja Social Watch
xxiii. La Strada (organisation)
xxiv. Centrum Praw Kobiet (Centre for Women's Rights)
xxv. Centrum Pomocy Prawnej im. Haliny Nieć
xxvi. Movement for Defense of Human and Civic Rights (20th century)

Russia

xxvii. Glasnost Defense Foundation
xxviii. Moscow Research Center for Human Rights
xxix. SOVA Center
xxx. Chechnya
xxxi. Chechnya Advocacy Network

Saudi Arabia

xxxii. Center for Democracy and Human Rights in Saudi Arabia
xxxiii. National Society for Human Rights
xxxiv. Home for Human Rights
xxxv. NESOHR
xxxvi. University Teachers for Human Rights

United Kingdom

xxxvii. Liberty (pressure group)
xxxviii. Northern Ireland
xxxix. Committee on the Administration of Justice

United States

xl. Center for Constitutional Rights
xli. Citizens Justice Association
xlii. Ella Baker Center for Human Rights
xliii. Empowering Spirits Foundation
xliv. Human Rights Campaign
xlv. Human Rights Commission of Salt Lake City

In this sense, these organizations are not linked to any government or to any of its organs or institutions. Governments do not make laws and regulations for such organizations, nor do they fund them or exercise control over their activities. They are fully independent from any government influence. Thus, NGOs are built on the personal efforts of individuals who believe and work for the promotion and protection of human rights

without financial gain. They also depend heavily on self-financing of its members in addition to donations from supporters away from any government influence. NGOs do not accept contributions from government agencies (except in very limited cases and in accordance with strict conditions) in order to preserve their neutrality. But that does not prevent the existence of cooperation and coordination between human rights NGOs and some ministries and governmental bodies and institutions interested in human rights issues. However, not many NGOs in the developing countries are 'self-financing'. Some are set up as a business concern. Many of them had risen and died in Nigeria while others remained inactive. The political ones in particular thrived under the military regime and engaged the military to hand over government to civilians.

(b) Governmental Organizations (GOs): The UN system imposes on States the obligation to form national institutions for human rights in order to promote and protect human rights. With this understanding, such institutions are "governmental organizations" working in the human rights field. The establishment of national institutions for human rights should be in accordance with the Principles Relating to the Status of National Institutions (The Paris Principles) adopted by the General Assembly of the UN in December 1993. The Paris Principles are the main source for the establishment of national institutions for human rights and have developed frameworks to help national institutions to achieve independence, reflect societal pluralism, be accessible to people, and achieve functional independence, etc.

In line with the UN resolution on the establishment of institutions at the national level to contribute to the promotion and protection of human rights and fundamental freedoms, and increasing public awareness about such rights and freedoms, many states have complied with that resolution and established national institutions such as: the

National Human Rights Commission of Nigeria (NHRC), the Advisory Council for Human Rights in Morocco, the National Council for Human Rights in Egypt, and the National Centre for Human Rights in Jordan.

Generally speaking, NGOs may be classified as follows:

(a) Policy Advocacy Groups - serve as voices for local, national, regional and/or international interests that tend to be politically ineffective. Advocacy NGOs main purpose is to defend or promote a specific cause or policy. In general, NGOs which solely focus on advocacy work do not run any field operations. Rather, they attempt to change countries' specific policies such as human rights and environmental issues. Amnesty International is an example of a NGO in this category. It has tried to change the paradigm of human rights in many countries over the last decades.

(b) Operational/Service Providing Organizations - engage in the provision of a broad spectrum of essential services to populations that the state fails to reach. The main purpose of operational NGOs is the design and implementation of development-related projects. For example, Save the Children is one of the largest and oldest NGOs and has many development-related projects in more than 120 countries. The main purpose of their projects is to improve socio-economic conditions in developing countries. NGOs in this category deliver services to people. For example, NGOs are operating healthcare services, delivering education programs, and providing micro-credit for the communities (Lewis, 2007).

(c) Community Associations - provide information, assistance and leadership to communities and bridge gaps between public institutions and local needs. The activities of NGOs are easily observable in emergency conditions. One of the recent examples is the

earthquake in Haiti. When the earthquake occurred in January 2010, NGOs were among the first international actors who offered to help affected people. They provided tons of food and clothing for desperate people who had lost everything in the earthquake. The government of Haiti did not function to improve the situation, and the efforts of other nations were limited in comparison to the work performed by international NGOs. They acted expeditiously to provide emergency relief. The function of NGOs in disaster recovery was also evident when the deadly Indian Ocean Tsunami hit countries in Asia in 2004. While most NGOs operate in the interests of protecting and promoting human dignity, attention should also be drawn to the following types of organizations:

(d) Business Non-Governmental Organizations (BINGOs) have expropriated the form and structure of NGOs in the name of promoting corporate interests even when such interests clash with human rights and/or social welfare concerns.

On roles of human rights NGOs, they perform a variety of functions in international and state governance. NGOs help to safeguard human rights against government infringement through techniques such as diplomatic initiatives, fact-finding missions, reports, public statements and mobilization of public opinion. They often carry out policy research, monitor state commitments to various international agreements, participate in international negotiations, provide information to international (especially to IGOs, but not only, the UN human rights bodies) and domestic constituencies about state and business activities and positions, and facilitate ratifications. Once norms are promulgated and the machinery to hold States accountable for human rights violations is in place, NGOs play a predominant role in providing the machinery with the information necessary for them to discharge their tasks effectively. These techniques have proven successful, since in most

circumstances, NGOs are more independent from political forces than States or IGOs and thus are more able to identify and criticize human rights violations. Once NGOs bring a problem to a State's attention it becomes more difficult to ignore human rights violations. Most NGOs publicly report the results of their missions and thus provide valuable information about violations of human rights. Publicity is an important factor in the enforcement of human rights by NGOs.

Governments request some advice from human rights NGOs with regard to the development of strategies of human rights education and with regard to some related areas, especially when developing a national strategy to promote and protect human rights. The promotion of positive relations between governments and human rights NGOs, both locally and internationally, helps to bridge gaps and strengthen the means of human rights protection in the country concerned. NGOs also function outside traditional governing structures:

> NGOs are increasingly taking up functions that were once performed by states. Feeding, public health, development, and education functions have been largely abdicated to NGOs in many regions where states are weak or collapsing, such as sub-Saharan Africa (Kaarbo *et al;* 2011:129).

In many countries around the world human rights NGOs collaborate with governments to strengthen the legal protection of human rights and the development of legal frameworks and mechanisms of justice and the judiciary. NGOs are actively involved in the drafting process of human rights conventions and treaties (*e.g.*, Universal Declaration of Human Rights, Convention on the Rights of the Child, Convention against Torture) and thus help in the development of human rights norms. Lobbying is generally the means by which NGOs provide their input in standard setting (*e.g.*, 1993 World Conference on Human Rights in Vienna, 1995 Fourth World Conference on Women in Beijing, 2001

World Conference on Racism). In many instances part of the lobbying strategy consists in submitting legal studies drafted by experts, which contain the NGO's own interpretation of the applicable international rules and suggestions for improvements. Nonetheless, human rights NGOs have played an important role in legitimising international concern with human rights. NGO lobbying helped to ensure that human rights language was included in the UN Charter. Since then, NGOs have become regular, active, and occasionally influential participants in the human rights work of the UN, as clearly revealed by this statement:

> ……..national and international campaigns by Amnesty International played an important role in UN initiatives on torture in the 1970s and 1980s. NGOs have also helped to incorporate concern for human rights into the foreign policies of individual states. For instance: Amnesty's Dutch section contributed to the drafting of the 1979 White Paper that made human rights a formal part of the foreign policy of Netherlands. In the United States, AI has been especially active on Capitol Hill, lobbying, testifying, and providing information and support to sympathetic members of Congress and their staffs. In Australia, there is even an Amnesty International group in the Parliament. And national human rights NGOs, such as the American Civil Liberties Union in the United States, have been involved in the domestic politics of numerous states. (Donnelly, 1998:11).

Human rights NGOs also contribute in capacity building activities for law enforcement agencies such as the police, prisons officers and the armed forces, on the promotion and respect for human rights for the police, detention centers, and prisons and during armed conflicts.

NGOs provide assistance to victims of human rights violations. They also assist States and IGOs in the implementation of human rights programmes by acting as their agents on the field. NGOs sometimes represent persons in their dealings with national officials or before courts or IGOs. In addition, NGOs educate the general public by disseminating information on human rights and offering courses on the topic.

In addition, the international human rights NGOs have helped to stimulate, and invigorate the UN's human rights work. By providing accurate, objective, and up-to-date information about human rights abuses, they have effectively transformed the UN's debate. They have also pressed for a more open agenda, for increased participation by a wide range of NGOs at UN meetings, and for the UN to live up to its commitments to protect and promote respect for human rights.

Essentially the job of Human Rights organizations is to remind governments of their obligation to uphold fundamental rights, and, if necessary, to make it difficult if not impossible for them to ignore abuses in their political and economic relations with other countries, however inconvenient it may be for them to do so. The private status of the NGOs allows them to operate free of the political control of states. And unlike even states with active international human rights policies, human rights NGOs do not have to take into account other foreign policy objectives. Therefore, they are often better able to press human right concerns.

Human rights non-governmental organizations (NGOs) play an increasingly important role in world politics, they draw attention to issues of world-wide concern, they promote international co-operation and they have a significant impact on the global dissemination of ideas, values and knowledge. Through persuasion, persistence and widespread media exposure, NGOs have ensured and continued to ensure that humanitarian and human rights concerns are a major focus before the global community. Such human rights concerns were virtually unknown as guidelines for state conduct when, in the days following World War II, NGOs fought for the inclusion of such rights as core elements of the United Nations Charter. Indeed, throughout the history of the United Nations, NGOs have played a leading role in the creation of international standards and legally binding

treaties that incorporate these standards. Furthermore, NGOs have and will continue to be central in the process of developing implementing organs to the multilateral bodies' treaties and, completing the cycle, in providing the essential documentary evidence to bring these organs to life. The words of the former secretary-general of the United Nations Organization (UN), Boutros Boutros-Ghali, "nongovernmental organizations are now considered full participants in international life (1996:7) ". Example of such international human rights non-governmental agencies includes Greenpeace, Amnesty International, Human Rights Watch, and Transparency International.

Added on that, many states recognize the importance of the role of NGOs in the promotion of human rights. NGOs intervene regularly through political pressure on behalf of individuals within states that had their rights violated. Well-known cases are that of Nelson Mandela (South Africa), Ai Wei Wei (China) and Aung San Su Kyi (Myanmar). International fora often intervene on behalf of individuals, particularly if the individual(s) concerned show outstanding courage and initiative, or fulfill a symbolic function. In its first twenty years, the UN Commission on Human Rights discussed only serious violations and the naming of individuals or even states was avoided; this has now changed as buttressed below:

> In 1983, the Commission adopted a resolution on an individual case for the first time, asking for the release of Malawians Mr. Orton and Mrs. Vera Chirwa. Mr Orton was abducted from Zambia in 1981 where he lived as a refugee. He was sentenced to death by a 'traditional' court, tortured and kept in jail until he died in prison in November 1992. On 24 January 1993 Vera Chirwa was finally released from prison after pleas from NGOs and diplomats for more than ten years. For Orton Chirwa international efforts did not have much effect, but he will be remembered as his actions were exemplary and his distressing fate prompted the Commission to include individuals in its deliberations (Icelandic Human Right Centre, 2014).

In summary, local and international human rights NGOs adopt varied mechanisms depending on the situation, including:

1. Issuance of reports, studies and statements to expose human rights violations.
2. Receive complaints from citizens concerning human rights violations.
3. Organize training courses and publish newsletters and pamphlets to raise awareness about human rights.
4. Provide legal aid on issues related to human rights.
5. Establish close ties with local, regional and international institutions interested in human rights.
6. Campaign on specific violations in order to draw the attention of local public opinion and the International community to them, and urge the government concerned to correct the situation.
7. Lobby the government, diplomatically and domestically, to address specific violations.
8. Promote a human rights culture through human rights education programs.

2.4.) The Relationship of Human Rights NGOs with Nation States and their challenges:

Relations between governments/states and NGOs are always tense with regard to human rights, because human rights NGOs monitor actions of the government and its employees and expose human rights violations in order to create public opinion at the local, regional and international levels to address the situation, hold violators accountable, and compensate the victims. The greater the violations in a State, the greater and the larger role played by human rights NGOs.

Scholars in the NGO literature have typically focused on either top-down or bottom-up relationships between states and NGOs. In top-down relationship, states tend to influence NGOs by providing resources and controlling available funding. The challenge of adjusting to declining funding opportunities in a post-military environment in Nigeria

(1999 to date), especially with the realignment of priorities by donors, many of Human Rights NGOs have become 'hired guns' for donors, engaging in any activity for which there is funding. Sometimes, entire organizations have been co-opted by government into specific agenda and projects, while at other times specific leaders of organizations have been co-opted. Cooptation has generally led to a weakening of civil society organizations/NGOs, abandonment of their philosophy and programmes, and divisions within the coalition that worked to challenge military repression during the military-authoritarian phase, as supported by this assertion:

> Unfortunately, as international donors have tended to realign funding away from politically controversial issues such as human rights, access to power and resources, conditions of labour, accountability and privatization of social infrastructure to more politically correct issues such as fight against HIV/AIDS, maternal mortality and morbidity and child rights, civil society organizations have also followed suit (Ibeanu, 2006:45-6).

In contrast, bottom-up relationships view NGO decision-making processes as independent from host governments. Moreover, NGOs attempt to influence governments' policies in order to achieve the mission and goals of NGOs in the field. Literature on civil society encounters with the state essentially offers two understandings of such encounters. The first sees the state as reactionary and resistant to progressive change, while civil society/NGOs represent progress and development. Consequently, the relationship between the two is inherently conflictive and tense. This viewpoint has a lot to do with experiences associated with authoritarian regimes in the Third World, where the tasks of democratization and protection of human rights have become the central preoccupation of civil society organizations/NGOs. The challenge of effectively responding to continuing human rights abuses in the post-military era are taken by most Human Rights Organizations like of Amnesty International, Transparency International and Human Rights Watch. There

are indeed persisting threats to human rights of Nigerians under the civilian government, a government that these civil society organizations helped in no small measure to midwife. The responses of civil society groups to human rights violations under the present civilian government of Ngeria have in the main either been of acquiescence or muffled protest, rather than vocal and active opposition, leading to accusations of hypocrisy against civil society organizations. Both approaches seem to explain the relationship between NGOs and states.

The regime type of states (i.e. military, non-democratic or democratic regimes) and the maturity, independence and credibility of NGOs can provide an explanation of this dynamic relationship between states and NGOs. Depending on regime type, NGOs have different access to the public and different influence over governments' decisions. Moreover, NGOs in many democratic countries have existed long enough to be independent from the direct control of governments. Amnesty International, & Human Rights Watch are but few example in Nigeria. Therefore, NGOs tend to influence governments more strongly in democratic countries. In contrast, NGOs in many non-democratic countries are not mature and are still strongly influenced by governments (e.g. many NGOs in China).

More interestingly, scholars have paid more attention to state - NGO relationships and how states and NGOs influence each other. There are no NGOs which can be absolutely free from the authority of the state since they reside and operate within states. After the end of the Cold War, the number of NGOs increased significantly. Scholars then started to seriously consider systematic analysis of NGOs and state-NGO relationships. They believe that states can influence the existence and characteristics of NGOs. Risse-Kappen (1995), argues that three components of the domestic structures, the state structure

or the societal structure; the NGOs defined area of operation; and policy networks; can determine the variation in the policy impact of transnational actors such as NGOs. In addition, domestic structures can even have an impact on the characteristics of NGOs. By focusing on domestic structures, he insists that transnational actors face two obstacles when they want to influence national policies and national governments. First, they must obtain access to the political systems of national governments. Second, they should gain more support from the public. According to his arguments, domestic structure determines how difficult it is for transnational actors to influence governments. The more open or plural a society is, the easier it is for transnational actors to influence governmental policies. In the United States, which is one of the most open and plural societies, NGOs could easily access the political system and also more effectively persuade the public to support their activities. In contrast, under authoritarian regimes such as that of China, NGOs are less likely to influence governments' decisions. Krasner (1995), also argues that the sovereign states are the most important component of the institutional environment within which NGOs function. Therefore, the domestic structure of states can influence NGOs and sometimes determine the nature of NGOs themselves.

Heins (2005), analyzes state-NGO relationships by using game-theoretical concepts. He says that there is a variation of state-NGO relationship depending on different times and countries. By treating states and NGOs as rational actors, he argues that NGOs have a mixed-motive game with the government. The agenda of NGOs in juxtaposition with the interest of government is partly harmonious and partly in conflict. For example, while the International Committee of the Red Cross (ICRC) has preference for non-war over war, it has to work or coordinate with war-making states to be able to effectively carry out its humanitarian activities.

Young (2000), attempts to conceptualize state-NGO relationships more comprehensively by defining them as either: supplementary, complementary, or adversarial with comparative studies of different countries. He argues that in supplementary relations, NGOs can operate independently as a supplement to governments. In this case, NGOs are not influenced by governments. Rather, NGOs supplement the governments' activities in a certain area. For instance, when two countries do not build an official diplomatic relationship, NGOs from one country are willing to implement projects in the other country.

In complementary relations, NGOs are good partners to governments. NGOs may work as complements to governments in a particular relationship. For example, Young shows that Jewish international NGOs have been working closely with the Israeli government by raising funds and even functioning as diplomatic agents of Israel. In addition, many governments have been outsourcing more of their development aid delivery to NGOs (Werker and Ahmed, 2007). This is the common view from the North. Underlined by Western pluralist conceptions of politics, this viewpoint portrays the state, in a sense, as an extention of civil society. State structures and policies are the products of the activities of a parallelogram of autonomous, coordinate powers (civil society). These powers act as countervailing forces both to one another and to the state, producing an equilibrium which is expressed in political structures and state policies (Poulantzas, 1978:265). Thus, in discussing the relations between the state and civil society in Europe, Taylor and Lindsay speak in terms of, "market pluralist and welfare pluralist" arrangements (Taylor and Lansley, 1992), while Kramer posits a, "pragmatic partnership" between government and civil society organizations (Kramer, 1981). Pluralist analysis generally and the cooperative-complementary thesis in particular have been criticized as Euro-centric and inapplicable to

non-European settings. For one thing, their equilibrated notion of society flies in the face of constant social disequilibria, crises, changes and discontinuities. For another thing, the parallel-coordinate view of social actors masks the division of society into dominant (exploiting) and subordinate (exploited) sections with profoundly contradictory and irreconcilable interests. Indeed, not all sections of society are part of civil society. It is only those interests that are part of the political conjuncture through organization are, strictly speaking, within of civil society. In Nigeria's Niger Delta crisis, civil society organizations were noted to play a prominent role in mediation of inter-communal and intra-communal conflicts in the region. Civil society organizations have been in the forefront of conflict resolution activities in the Niger Delta. During the period of military rule, they acted to diffuse tension among warring communities and to unite them in focused action against military rule, social privation and environmental degradation. In the post-military era, civil society organizations have been playing a central role in intervening in inter-communal conflicts, conflicts between local communities and oil companies, as well as in conflicts between local groups, communities and the state. In spite of the bold intervention of civil society organizations in Niger-Delta conflicts, the incidence and severity of conflicts appears not to have reduced as shown below:

> ……the trajectory of inter and intra-communal conflicts. Among these are the Ijaw-Ilaje conflict, the Ogoni-Andoni conflict, the Ogoni-Okrika conflict, the internecine conflict between the two Ijaw villages of Bassambiri and Ogbolomabiri in Nembe and the recurrent conflicts between the Ijaw, Urhobo and Itsekiri over the ownership of Warri, a major centre of petrobusiness in Nigeria. The central causus belli in these conflicts are conflicting claims made by communities to land and creeks on which there are petroleum deposits or oil installations (Ibeanu, 2006:13).

The view of adversarial relations argues that NGOs can monitor governments and sometimes criticize their accountability to the public. Even in this adversarial relationship,

NGOs can influence governments by criticizing their performance regarding certain issues. For instance, Japanese peace and human rights groups had an adversarial relationship with the Japanese government in the 1950s and 1960s (Young, 2000). Literature on state-civil society transactions in Africa focuses mostly on encounters between what has been called insurgent civil society and the state (Momoh, 1996). A common starting point is the notion of the second independence or liberation. The first independence, that is decolonization, turned out to be a ruse. Independence neither achieved democracy nor engendered development, the two planks on which the masses of Africa waged the nationalist struggle. Consequently, a second independence struggle waged from below by the democratic organizations of the people becomes a desideratum. Mass movements in the South are taking up this challenge. Indeed, the failure of the state and the private sector, representing the two developmental paradigms of socialism and capitalism, to engender democracy and development has led to the insurgence of civil society in its mass form (Ibeanu, 2006:43). Wignaraja aptly argues that:

> . . . as the poor and vulnerable groups in the South deepen their understanding of their reality, they also, through greater consciousness raising and awareness, action and organization, can bring about changes both in their lives and in society that the same time contribute to economic growth. The deepening of their understanding can begin with collective protest against some form of social injustice or with a positive development action undertaken by a group (Wignaraja, 1993:13).

In the Niger-Delta region during the military-authoritarian phase, these groups included an assortment of civil rights organizations; community rights organizations, environmental organizations, as well as workers organizations. Among the well-known organizations are Environmental Rights Action (ERA), Movement for the Survival of Ogoni People (MOSOP), Ijaw Youth Council (IYC), Movement for the Survival of Ijaw Ethnic Nationality (MOSIEN), Institute for Human Rights and Humanitarian Law (IHRHL)

and Niger Delta Human and Environmental Rescue Organization (NDHERO) (Ejibunu, 2007:10). They mobilized effectively across the Niger-Delta against military rule, environmental degradation arising from the petroleum industry, poor welfare conditions in the communities and for return to democratic government. In doing so, they became targets of military repression including imprisonment, torture and extra-judicial execution, as in the case of Ken Saro Wiwa and his eight colleagues in MOSOP.

Barnett (2005), reflects two defining features of state-NGO relationships in recent years. He states that, "the purpose of humanitarianism is becoming politicized, and the organization of humanitarianism is becoming institutionalized" (Barnett, 2005:723). Since the late 1980s when NGOs expanded their scale, scope, and significance of their activities, the purpose of NGOs has been politicized. NGOs are willing to cooperate with states which sometimes compromise NGOs' founding principles. He also argues that NGOs do not aspire to maintain their basic principles such as neutrality, independence, and impartiality any more. Rather, they interact with states and politicize their agendas. A good example of this has been "Human Rights Watch (HRW)", one of the World's largest and most influential human rights organizations, is facing an unusual amount of public criticism as evidenced below:

> Two Nobel Peace Prize Laureates, Adolfo Perez Esquivel and Mairead Maguire, and a group of over 100 scholars have written an open letter criticizing what they describe as a revolving door with the U.S. government that impacts HRW's work in certain countries, including Venezuela. The letter urges HRW to bar those who have crafted or executed U.S. foreign policy from serving as staff, advisers, or board members…. It cites the example of Tom Malinowski. In the 1990s he served as a special assistant to President Bill Clinton and as a speech writer to Secretary of State Madeleine Albright. Then he became HRW's Washington advocacy director. Then, last year, he left the organization as assistant secretary of state for democracy, human rights and labour under John Kerry. The letter also notes a former CIA analyst named Miguel

> Diaz who sat on HRW advisory committee from 2003 to 2011. Diaz is now at the State Department. (Desert Herald, 2014:34)".

The concern here is that the "revolving door policy" that was articulated and delineated in their letter leads to what they described as a "perverse incentive structure". That is to say, if one is a HRW staff member and is to criticize harshly and in principled terms actions by the U.S. government that negates human rights, one shouldn't have in the back of his mind the possibility of actually working for that government.

Bernett added that these type of human rights organizations, in doing so, they seek to achieve their purpose much more effectively. He also emphasizes how humanitarian NGOs have institutionalized this unfortunate practice. With more resources from various international donors, they can expand their activities into more areas. However, the problem is that some NGOs now consider their projects as a business. NGOs need to obtain more funding with secured sources. In addition, the system of accountability through monitoring and evaluation programs becomes important since donors want to know where the money goes. He implies that this transformation might be more effective for NGOs to achieve their goals, but this kind of interaction with states might compromise the principles and activities of NGOs.

NGOs' Influence on States' Behaviors. It seems evident that NGOs are somewhat constrained by states since NGOs are subject to the rule of states. NGOs do not possess any legal autonomy independent from the control of states. Nonetheless, NGOs have influenced states' behaviors in many different ways. Sociological institutionalists {Thomas, *et al;* (1987); Boli and Thomas (1999)} and constructivists {Katzenstein (1996), Price (1997), Finnemore and Sikkink (1998)} share the belief that norms and world culture strongly influence state behaviors. Therefore, scholars in these fields focus on the study of how

norms generated and distributed by transnational actors such as NGOs influence state behaviors. It is not uncommon to hear those in the non-Western world argue that many of the rights asserted in such international documents as the Universal Declaration of Human Rights, which was adopted in 1948 by an overwhelming vote of the UN General Assembly, are based on the values of the politically dominant West. Positivists contend that many of these Western values, such as inflammatory hate speech, gesture, writing or display which could incite people to violence or prejudicial action, individualism and democracy, are not held as strongly in other cultures, and that no matter how high-minded it is, Western attempts to impose them are imperialist.

Boli and Thomas (1999) understand NGOs as enactors and carriers of world culture. By identifying five global cultural principles embodied by NGOs, universalism, individualism, rational voluntaristic authority, rationalizing progress, and world citizenship, they argue that NGOs have played a key role in spreading cultural principles. According to their study, as a legitimate actor with cultural and symbolic influence over states, NGOs have been active in spreading world culture and in modifying state behaviors. Similar to sociological institutionalists, liberalists and constructivists (as an alternative theoretical perspective for understanding global politics) are also interested in how norms can change state behaviors and how NGOs function in the process of generating and disseminating norms.

The influence of NGOs on states' behaviors can be observed in many different areas. Without the activities of NGOs, states' behaviors might never be changed since the issues are sensitive to the interests of the governments. In the case of land mines, Price (1998) analyzes how NGOs promote the distribution of norms in order to change state behaviors. Norms of banning land mines, initially generated by a few international NGOs,

accrued power in the international community, and states began to adopt the policy of banning land mines. Once this norm becomes internalized, its influence gains momentum. In the area of human rights, norms have strongly functioned as a main force in changing state behaviors. Hawkins (2002:49) evaluates Chile's human rights movements as the ones where "strong norms and strong networks together produce the most significant changes in targeted states". Without strongly stabilized norms of human rights, substantial change in human rights conditions in Chile was not likely to occur. The women's rights movement is another issue in which norms function as a strong force in changing state behaviors. According to Thompson (2002), women's rights were virtually unknown in the 1970s in Chile. Norms of women's rights such as women's suffrage, equal opportunity of education, and marital rights were clearly different from human rights issues. NGOs and other international actors worked to institutionalize norms of women's rights. In spite of their efforts, norms of women's rights are not well internalized in some countries, especially non-western countries. Princen (2003) describes how the activities of NGOs change states' behaviors in the ivory trade ban. Before the late 1980s, the ivory trade ban was beneficial business. The population of the elephant dropped from an estimated 1.3 million in 1979 to 625,000 in 1989. At that time, African elephants faced a significant threat to their existence.

States were reluctant to put a ban on the ivory because of its popular demand and beneficial supply. Environmental NGOs played a key role in changing states' behaviors and accomplished a global ban on the ivory trade. Princen (2003) analyzes that NGOs promote international actions by utilizing local resources and spreading advocacy works about the ban.

Scholars within international relations, and especially writers on global governance theory (Neumann and Ole Jacob Sending, Ann M Florini, Michael Barnett and Martha Finnemore) and on liberalism theory (like Montesquieu, Immanuel Kant, John Stuart Mill, Woodrow Wilson), have already investigated the relationship, power and influences of NGOs and IGOs. Writers such as Iver Neumann and Ole Jacob Sending (2010) state that ”the heightened influence and power of actors representing ‘civil society’ and its implications for the power and authority of the state are the core of what global governance is all about” (Neumann & Sending 2010:112). Ann M Florini argues that, “Transnational civil society is a piece – an increasingly important piece – of the larger problem of global governance” (Florini 2000:3). And Michael Barnett and Martha Finnemore, open their book on international organizations in global politics with the statement “International organizations have never been more central to world politics than they are today” (Barnett and Finnemore 2004:1). David Held and Anthony McGrew (2002) and James Rosenau (2002) also have a general understanding that non-state actors, and NGOs in particular, have gained power of political influence within global governance. Thus, “As non-state actors have become more powerful, states have by definition become less so” (cited in Neumann & Sending 2010:112). And they see the relation between state and non-state actors as a zero-sum game. Neumann and Sending (2010:112), challenge this view, stating: “While studies of global governance excel in charting the diffusion and disaggregation of authority from the state to non-state actors, they fail when it comes to exploring the power at work in the actual practices through which governance takes place, as well as the more specific content or logic of the relations between state and non-state actors” (Neumann & Sending 2010:112).

Their conclusion is that there is collaboration between agents from the civil society and the state. However this is not a sign of the state losing power, it has simply found a new way to govern, namely *through* civil society. Jon Pierre and B. Guy Peters (2000) support this view in their book on governance theory. They claim that the traditional governing state "has been replaced by an enabling state that governs to a large extent by coordinating and facilitating other powerful actors in society" (Pierre and Peters 2000:13). Kathryn Sikkink (1998), and Margaret E. Keck (1998), developed the term *international advocacy network*, defined as "networks of activists, distinguishable largely by the centrality of principled ideas or values in motivating their formation" (Keck and Sikkink 1998:1). It seems that scholars concerned with global governance all agree that international organizations, and among them non-governmental organizations, have indeed entered the stage of international politics. The question is not whether or not they have a role, but what role they play and what power they bestow.

Although liberalism does not deny that interstate connections remain important, it proposes that states are not the only important actors in global politics. There are a variety of non-state actors that liberalism sees as sharing the world stage with states. These include transnational, nongovernmental and multinational actors. Transnational actors (TNCs) operate across state borders and include multinational corporations (MNCs), which are large companies doing business globally. They have looked at how INGOs and NGOs have managed to define international norms and changed domestic policies as buttressed by this assertion:

> As the twentieth century gradually comes to an end and liberal democracy becomes dominant political ideology, Multinational Corporations are likely to become more pervasive and intrusive in the global economy. Multinational Corporations (MCs) have been the most important phenomenon in international economic order since the end of

> the second world war because of their internal transactions have replaced ordinary market transactions (Todaro 1983:31). The MNCs have indeed become the agents of control of the global economy and world Affairs. To their managers the 'the world outside the home country is no longer viewed as series of disconnected customers and prospects for its production, but as an extension of a single market' (Barnet and Muller 1974:20). Their operations in the world economy have been bold and powerful and have generated lots of controversies especially with regards to their contributions to the development of the third world. These controversies are likely to continue, as the world through improved communication technology becomes a global village. Infact a new concept called globalization is fast replacing imperialism even if the content and impact remain the same (Izah, 1994:18).

Based on several case studies, Sikkink and Keck (1998:1), developed what they call the boomerang pattern. The boomerang pattern develops the idea that when a state A is deaf to its domestic civil organizations, these organizations will turn into the international advocacy network. Armed with information from the oppressed organizations in state *A*, other NGOs will pressure their own state and intergovernmental organizations to in turn exercise pressure on state *B* to change. The boomerang pattern can clearly be seen in human rights cases. Local NGOs will document breaches of human rights, report them to international human rights organizations who in turn will go to both their respective government and the human rights committees in the UN to bring pressure for domestic changes from the outside.

NGOs play a crucial role in the creation of the political atmosphere and context to stimulate action in the field of human rights by governments and intergovernmental organizations (IGOs). They contribute to drawing the attention of world public opinion to human rights issues, influence the setting of the public agenda in this respect and help governments and IGOs to identify and prioritize key human rights issues. Case studies by Sikkink and Keck (1998), Florini (2000) and Neumann and Sending (2010) show that NGOs, especially those involved in a transnational nongovernmental network, have the

power to set the national and international political agenda. What these studies do not show, however, are the thoughts behind the actions, the reasons some cases are being pursued instead of others, and why issues are dealt with in the way they are. Taking an inside look into a non-governmental organization will reveal the extent to which the state can control the actions of an NGO, directly or indirectly and visa versa.

Looking at the 2003-2007 Civil Society Index (CSI) project findings of over 54 countries, several clear patterns emerge regarding possible and entrenched threats to civil society and CSO activities. These threats range from the subtle, with complicated registration procedures, co-optation, and self-censorship due to fear of state persecution or loss of funding, to more overtly coercive and abusive practices such as harassment and detention of civil society activists as well as arbitrary closure of CSOs. Since September 11, 2001, the United States and other governments have frequently asserted that threats to national peace and security warrant restricting civic rights and clamping down on civil society organizations (CSOs). For many repressive and even democratic regimes, the attacks of 9-11 have served to legitimize state abuse of civic rights in the name of national security, political stability and non-interference in a country's internal affairs (Sen and Morris, 2008). However, some regimes have consistently suppressed civic rights and freedoms regardless of their adherence to the 9-11 security agenda. North Korea is a case in point, whereby the government routinely misuses the National Security Law to detain people who oppose the established political view but who pose no security threat. In light of the current security agenda and the on-going threats to civic rights, this article examines restrictions to civil society and CSOs around the world. The increasing repression against civil society and human rights defenders in Azerbaijan is another classical case worthy of citing and as buttressed by the following assertion:

> As Azerbaijan currently holds the Presidency of the Council of Europe Committee of Ministers, the Observatory expresses its deepest concern about the increasing repression of civil society organisations and human rights defenders in the country, in violation of Articles 1, 3, 5, 6, 7, 10, 11, 13 and 14 of the European Convention of Human Rights. The Observatory therefore urges the Secretary General of the Council of Europe as well as members of the Committee of Ministers to take urgent measures about this situation, on the basis of the Rules of Procedure of the Committee (The International Federation for Human Rights alias FIGH, 2014).

Another critically important challenge now facing the human rights community is how to support and strengthen the development of local human rights NGOs. Effective domestic implementation of human rights law depends in large part on the ability of these groups to survive and to flourish. And it is their voice, above all, that must be heard in international debates on human rights issues, in order to inform and sensitize the discussion, and thereby to help strengthen international enforcement mechanisms.

Promoting respect for human rights in countries where grave violations take place is often a dangerous enterprise. Human rights defenders risk their lives, sometimes disappear or are tortured; nevertheless, thousands of individuals around the world put their lives at stake every day for the protection and promotion of human rights and fundamental freedoms. These courageous individuals come from all spheres of society: lawyers who seek to ensure that human rights violations do not go unpunished; journalists who denounce crimes in which their government or military are involved; doctors who treat victims of torture and want to bring the perpetrators to justice; trade unionists, representatives of churches and religious communities, mothers, students, victims and indigenous groups. The Mothers of Argentina's Plaza de Mayo in the 1980s and the trade unionists in Gdansk, Poland, the demonstrators in Prague in 1989, the students at the Tiananmen Square in 1989

and in the streets of Jakarta in 1998, all show that initiatives by individuals can bring about peaceful change and improvement of human rights and fundamental freedoms.

Furthermore, NGOs lack the resources of even weak states and so however, must rely on the power of publicity and persuasion and reporting to IGOs as well as filling a suit before ICC or any court of law with utmost jurisdiction to deal with case, for them to be effective. States remain free to be un-persuaded. And many states have used their powers of coercion against members of human rights NGOs, turning them into new victims. Those who defend the rights of others often become victims of human rights violations themselves. Human rights defenders and their families risk to be defamed, threatened, expelled, arbitrarily arrested, convicted of 'subversive' activities, mentally and physically tortured or even murdered. Some people who are considered 'undesirable' disappear forever.

Interference in operational and advocacy activities is another serious challenge that the human rights organizations had to grapple with. Despite internationally accepted principles of civic freedoms, many states continue to place restrictions on civil society organizations (CSO) activities, constrain their work, and harass and intimidate civil society. In a number of countries, such as China, North Korea, Islamic Republic of Iran, Saudi Arabia, Egypt, Burundi, Uganda, Russia, Costa Rica, Bolivia, and Fiji, there are very restrictive laws curtailing civic rights and freedoms, allowing intrusive monitoring and interference of CSO activities by the state, especially those engaged in advocacy work in the areas of human rights, environmental protection and workers' rights or trade unions as corroborated by the following:

> In Uganda, many essential workers are barred from forming unions and strikes are only permitted after a lengthy reconciliation process. Human rights organizations in Egypt are constrained by misinterpretations of

> state laws to inhibit advocacy and activities relating to the monitoring of human rights violations. In Russia, human rights and civil rights CSOs have been restricted from participating in defining social policy priorities and decision-making, and receiving foreign funding if it is perceived to be for 'political' means. In Turkey, human rights groups and activists continually face judicial harassments and detention while trade unions face specific barriers to organize and protest against the government. The South Korean government has consistently misused the National Security Law to remove people who pose a threat to established political views, to prevent people from taking part in discussion surrounding relations with North Korea and to use as a form of control over civil society in times of social unrest. In Azerbaijan, government structures frequently create informal barriers and hindrances to civil society activities that many CSOs develop their own self-censorship mechanisms and try to avoid criticizing the state. In Nigeria, once a CSO is known for its critical stance of the government, it will be under strict control and regulation, and in some cases receive visits from the state security services for 'private meetings (Sue Le-Ba, 2008).

The growing presence and capacity of NGOs in Africa in all sectors of development "sweeping" African states, in some instances due to the lessening capacity of the latter, has put the two on a collision course. NGOs activities, which are pro- poor and tend to overshadow the state, are viewed by the state as a direct challenge to it. On their part, NGOs have exacerbated these concerns by penetrating areas that the state has been unable or unwilling to reach.

African governments have in the past few years attempted to control activities of NGOs through monitoring, co-ordination, co-optation or dissolution to undermine their capacity to empower the poor. This is because African governments do not want to be seen to have failed to empower the poor in their development strategies. To say that, most third world governments are less receptive to development initiatives being undertaken by NGOs is not an- over- simplification. This is so because NGOs are viewed as apolitical, socially accountable, and integrated into the communities they serve. But this, of course, is something of a fiction. In Africa as we all know, NGOs have adopted different relations

with African governments. Some NGOs are being bent on criticism, while others have been co-opted by African governments for political reasons.

Government suspicion of IGOs and NGOs is generated and heightened by the feeling that hitherto foreign technical aid by denors, which were channeled on government-to-government basis, are usually being accompanied with certain conditionalities that are perceived by nation-states to be a threat to their national interest. Donor government felt concerned that aids were not being applied for the purpose they were intended in which case the donors found it convenient to by-pass government to fund NGOs directly to reach their targets. But then some of the targets are set with political motives and so host governments do not feel comfortable at being by-passed for fear of obvious threats to their national interests.

Those NGOs that are in African government's bad books are often unnecessarily branded as being antagonistic, anti-government, and are referred to as friends and financiers of opposition parties out to destabilize African governments in power. Any opposition party leader, who identifies himself with such NGOs, is often unnecessarily branded as being a rebel, a traitor, or an enemy to the government that is in power. Such opposition leaders are often arrested and detained on trumped up charges of sedition and forced into exile. On the other hand, those NGOs that are in African government's good books, tend to become more political and often become political wings of ruling parties. Their directors pay regular visits to senior government ministers' offices and are often accorded warm reception while there. This is because of the huge donations they always make toward the very issues they are supposed to tackle head-on at community level. The survival of such NGOs depends on their loyalty to an African government that is in power on one hand, and on donations from abroad on the other hand. So one can accurately say that, most NGOs operating in Africa

are, in practice more accountable to African governments that are in power and their donors, and not to the poor Africans they are meant to serve.

Complicated registration process: Many states require CSOs to undergo formal registration or incorporation procedures in order to obtain legal entity status for them to operate. However, some states make this process so difficult that it effectively prevents CSOs from being registered and, thus, forcing them to operate illegally and face severe penalties if caught. In China, Egypt, Russia, and Uganda, there are separate laws and different registration procedures for different types of CSOs. In South Korea, most civic and advocacy organizations are unincorporated and informally organized because the incorporation process is so complex and requires excessive documentation. Unregistered CSOs in some countries face severe penalties, while some 'illegal' CSOs often resort to giving kickbacks to state officials in order to stay open or go underground. CSOs in Russia, for example, face liquidation of their assets if they fail to re-register. Even where CSO registration are guaranteed by law to be straightforward, easy and timely, in practice, the level of corruption amongst state bureaucrats and arbitrary interpretation of the law can mean long delays and complications to the registration process, as illustrated in the CSI findings of Azerbaijan, Bolivia, and Ecuador.

Co-optation and the silencing of dissent: The widespread practice of connections and acquaintances in civil society, through which the state and political actors control and influence civil society, undermines the autonomy and credibility of CSOs. Co-option is a serious threat to CSOs' ability to act as a watchdog over state actions that violate civic rights and freedoms. Through government funding, connections, and political favours, many CSOs are often politically influenced and permitted only to perform a very limited and uniform role such as service delivery of the state's welfare provisions. Not surprisingly

many CSOs become risk-averse and refuse to voice dissent because of fears of state persecution and loss of financial support or political favouritism. In Slovenia, where there are no formal barriers to advocacy activities, many CS actors and CSOs often refuse to criticize the state because they are in fear of informal pressures or negative consequences from both the national and local authorities. In Cyprus, the lack of transparency for the public funding of CSOs creates fertile ground for the development of 'clientelistic' networks and silences CSOs dissent amongst those organizations that want to preserve their public funding. Under Communist China and Vietnam, CSOs are considered part of the state apparatus and thus have very little autonomy to question let alone oppose established political views. In China specifically:

> The regime's reaction to any challenges seems always to crack down from the extreme of turning gunfire on dissidents in the Tiananmen Square massacre in 1989 to detaining or imprisoning them and constraining access to Goggle and other browers as well as as Facebook. Twitter, and other social network sites, informed by societal turbulence in the Middle East and elsewhere, and feeling threatened by the potential for popular movements to challenge the regime's authority, Chinese officials act swiftly and take decisive action when they think conditions warrant (Viotti, *et al;* 2013:454).

Interference in operational and advocacy activities: Despite internationally accepted principles of civic freedoms, many states continue to place restrictions on CSO activities, constrain their work, and harass and intimidate civil society activists. In a number of countries, such as China, North Korea, Myarma, Burma, Syria, Egypt, South Africa, Afghanistan, Pakistan, Bangladesh, Saudi Arabia, Iran, Costa Rica, Bolivia, and Fiji, there are very restrictive laws curtailing civic rights and freedoms, allowing intrusive monitoring and interference of CSO activities by the state (Donnelly, 1998:13-15. Viotti, *et al;* 2013: 456). In particular, CSOs engaged in advocacy work in the areas of human rights, environmental protection and workers' rights or trade unions are routinely targeted. In

Uganda, many essential workers are barred from forming unions and strikes are only permitted after a lengthy reconciliation process. Human rights organizations in Egypt are constrained by misinterpretations of state laws to inhibit advocacy and activities relating to the monitoring of human rights violations.

In Russia, human rights and civil rights CSOs have been restricted from participating in defining social policy priorities and decision-making, and receiving foreign funding if it is perceived to be for 'political' means. In Turkey, human rights groups and activists continually face judicial harassments and detention while trade unions face specific barriers to organize and protest against the government. The South Korean government has consistently misused the National Security Law to remove people who pose a threat to established political views, to prevent people from taking part in discussion surrounding relations with North Korea and to use as a form of control over civil society in times of social unrest. In Azerbaijan, government structures frequently create informal barriers and hindrances to civil society activities that many CSOs develop their own self-censorship mechanisms and try to avoid criticizing the state. In Nigeria, once a CSO is known for its critical stance of the government, it will be under strict control and regulation, and in some cases receive visits from the state security services for 'private meetings'.

Funding issues have become particularly challenging, following the economic crisis. NGOs rely on money from a variety of sources, including membership dues, individual donors, corporations, foundation and government grants, sales of services and business activities like credit cards, cruises and tee-shirt sales. Often what an NGO can and cannot do is tied to where the money comes from, dramatically affecting the effectiveness and neutrality of NGOs. While some NGOs, like Global Policy Forum (GPF), refuse to

accept government or corporate funding to stay independent in their decision making, many NGOs need depend on these funding sources in order to operate.

Many governments have resisted NGO participation in the UN at every turn. In particular, those governments which are themselves gross human rights violators have quickly realized that human rights NGOs are much more likely to expose their violations publicly than other governments would be. These governments also recognize that NGOs will raise these concerns with greater specificity and in much sharper terms. NGOs are much more inclined to press the United Nations to appoint experts to report on specific country situations and to demand that such debates be public. This tension has helped to open up the UN human rights debate and sharpen the focus of the discussions.

The clamor for urgent human rights intervention may have revived arguments to permit even unilateral intervention; on the other hand, a realistic prospect of collective action might serve to reinforce resistance to intervention by individual states on their own authority, and to any reinterpretation of the Charter to permit it. Despite the formal undertakings to ensure the availability of domestic remedies for human rights violations, the treaties were not expected (or even designed) to encourage the growth of effective domestic human rights movements. Nor were nongovernmental organizations (NGOs) accorded any place in the overall scheme set up by the Covenants.

Despite the above, international law does invest NGOs with some degree of legal status. Below is a brief summary of the rights conferred to NGOs in the framework of the UN Charter, human rights treaties, human rights non-treaty based procedures and legislation allowing NGOs to intervene as *amici curiae* in judicial proceedings.

A. UN Charter: Article 71 of the UN Charter provides that the Economic and Social Council (ECOSOC) may make consultative arrangements with NGOs. ECOSOC

Resolutions 1996/31 and 1296 implementing this article, divide NGOs in three categories: Category I, Category II and Roster. Category I is for NGOs with interest in most of the activities of ECOSOC; Category II is for those with a special competence in a few of the activities of ECOSOC; and the Roster is for all other NGOs that might be consulted on an *ad hoc* basis. The number of NGOs having consultative status has grown steadily since the creation of the UN Charter. The rights conferred by the consultative status include:

i. Agenda: Right to receive the provisional agenda of ECOSOC or its subsidiary bodies and to propose the inclusion of new agenda items (Category I NGOs).
ii. Attendance: NGOs are entitled to attend public meetings of ECOSOC and its subsidiary bodies (Roster NGOs only in certain cases).
iii. Written Statements: NGOs may submit statements and have them circulated to ECOSOC and its subsidiary bodies. (The permitted length of the statement depends on the NGO category).
iv. Oral Interventions: Depending on their category, NGOs have the right to make oral statements before ECOSOC.

Many special organs of the UN maintain similar consultative arrangements with NGOs, which are regulated in resolutions of the General Assembly, ECOSOC, or in rules of procedure of the special organs themselves (*e.g.*, the UN High Commissioner for Refugees (UNHCR), the UN Children's Fund (UNICEF), and the UN Environment Program (UNEP). Moreover, other specialized organizations of the UN have formalized consultative relationships with NGOs in accordance with their constitutions (*e.g.*, the UN Educational, Scientific, and Cultural Organization (UNESCO).

NGOs have no formal rights in the General Assembly, its committees and working groups. Even when access is granted informally, neither written nor oral formal participation by NGOs is allowed. It is worth mentioning that it is standard practice to give rights of participation at UN conferences to NGOs with ECOSOC consultative status. It has also been common practice to give the same rights at conferences to a wider range of NGOs that apply to attend an individual conference.

B. Human Rights Treaties: Most of the UN's human rights treaties provide for schemes to review State compliance with their provisions, normally by means of an established expert body. NGOs play a very important role as part of the reporting procedures before these treaty bodies in submitting reliable information to (members of) the body in question regarding State violations. The role of NGOs varies from treaty to treaty. It has been said that the most developed system of NGO input is the NGO Group on the Committee on the Rights of the Child, which has issued a guide for NGOs preparing complementary information and which invites NGOs to present oral information to a pre-sessional working group of the Committee. The Committee on Economic, Social and Cultural Rights also proves to be quite open to NGO involvement. It invites written information from NGOs and even provides an opportunity to present oral information before both the Committee itself and its pre-sessional working group. In many other committees the role of NGOs seems influential even if it takes a more informal character.

At the regional level in Europe, mention should be made of the important role reserved for NGOs under the Council of Europe's European Social Charter. There is provision for input from NGOs with particular competence in this field (as

well as for that of workers' and employers' organizations) when States Parties report on the implementation of the Social Charter. The 1995 Additional Protocol to the European Social Charter Providing for a System of Collective Complaints includes as sources of such complaints those international NGOs in consultative status with the Council of Europe listed for this purpose, as well as (apart from workers' and employers' organizations) national NGOs if the State in question has made a declaration to this effect when becoming a party to the Additional Protocol.

Also the European Committee for the Prevention of Torture is strongly dependent on NGOs: it relies on them for information about countries and places of detention which give cause for concern and the Committee is often alerted by NGOs to engage into visits to particular countries or places.

C. Non-Treaty Based Mechanisms: The UN Commission for Human Rights (the "Commission") has created a machinery to address serious human rights problems. In 1970 it established a confidential procedure pursuant to ECOSOC 1503 (XLVIII) concerning situations that appear to reveal a consistent pattern of gross and reliably attested violations of human rights. The "1503 procedure" allows the reception of materials emanating from any non-official source, including NGOs. From 1980 onwards, the Commission set up a series of mechanisms to deal with particular types of human rights violations such as the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on Torture. They are mandated to seek and receive information from a broad range of non-official sources, including NGOs.

D. Judicial Bodies: The ability of NGOs to initiate an international case or intervene as party is limited because in many international courts only States may be parties to proceedings. In spite of this, there is some legislation and case law regarding the participation of NGOs as *amici curiae* and public interest litigators in international judicial bodies. NGOs are especially active as *amici curiae* in the regional human rights systems of Europe and America, *i.e.*, the European Court of Human Rights and the Inter-American Court of Human Rights. Also at the national level, NGOs participate often as *amici curiae.*

2.5) Theoritical Framework

This research employs the theory of Liberalism in examining the intervention activities of AI within the context of the "complex interdependent roles" played out by State, the TNCs/MNCs, and the militia (representing the OBCs) in perpetrating or tackling human rights cum environmental rights challenges in Rivers State of the Nigeria's Niger-Delta region. The theory recognizes the multiplicity of actors pursuing varying degree of agenda as against other International Relations theories that exclusively give credence to either State (i.e. Realism theory) or/and International Institutions (i.e. Idealism theory) as the dominant actors in the international political space. In the last decades of the twentieth century, the nature of international politics appeared to undergo a marked changed. As the tensions that had underpinned the Cold War subsidized, the world's agenda became increasingly dominated by isues that had remained largely dormant during the stand-off between the superpowers. These isues included attempts to generate international co-operation to protect the environment, to alleviate global poverty, calls for humanitarian intervention to prevent human rights violations such as ethnic cleansing, and the rebirth of

initiatives to prosecute those responsible for war crimes. Likewise, the same trend goes on up twenty first century, as succinctly put by President Obama below:

> For we have learned from recent experience that when a financial system weakens in one country, prosperity is hurt in everywhere. When a new Flu infects one human being, all are at risk. When one nation pursues a nuclear weapon, the risk of nuclear attack rises for all nations. When violent extremists operate in one stretch of mountains, people are endangered across an ocean. When innocents in Bosnia and Darfur are slaughtered, that is a stain on our collective conscience. That is what it means to share this world in the twenty first century. That is the responsibility we have to one another as human beings (Obama, 2015:56).

These issues as important as they are could be resolved by recognizing the individual roles of each actor in creating and/or resolving the problem in the international environment. The concept that united these causes was the idea that the focus of international relations should be on upholding and advancing the cause of human security.

According to liberalism theory, "complex interdependence" has three specific components: Multiple channels, multiple issues and the decline in the use of and effectiveness of military force (Kaarbo *et al;* 2011:7-13). First, multiple channels implies that there are variety of actors with diverse interest in international politics. Because the International Relations theory of realism sees "state" as the only significant actors, international politics is really confined to state-to-state relations. Although liberalism does not deny that these interstate connections remain important, it proposes that states are not the only important actors in global politics. There are a variety of non-state actors that liberalism sees as sharing the world stage with states. These include transnational, nongovernmental and multinational actors as the key players. Relating this theoretical postulation with our case study, one can vividly see that the state, oil companies, individuals, militants groups and AI are the major players in Rivers State and Niger-Delta

region as a whole.

Transnational actors (TNCs) operate across state borders and include multinational corporations (MNCs), which are large companies doing business globally. These organizations may have plants or factories in more than one state, pay taxes in more than one state, or have investments in more than one state. McDonald's, Colgate-Palmolive, General Foods, Shell Petroleum Development Company, Mobil-Exxon, Chevron, and General Motors are MNCs.

Nongovernmental organizations (NGOs) are another type of transnational actor. NGOs are private, international organizations that act across borders and have members in different states, such as the Catholic Church, Greenpeace, Medecins San Frontieres (Doctors without Borders – established in 1971), the International Federation of Red Cross and Red Crescent Societies, the International Basketball Federation, CARE and Save the Children, Human Rights Watch, and Amnesty International. There is indication that the number and significance of these organizations are rising and that they represent a challenge to the power of states, if not to the state system itself. Donnelly cosmopolitan model corroborates this, where individuals and other non-state actors such as AI, are important direct participants in global political process or issues of global significance as stipulated below:

> **A** cosmopolitan model starts with individuals rather than states (which are often "the problem" for cosmopolitans). Cosmopolitans see the state challenged both from below, by individuals and NGOs, and from above, by the truly global community (not merely international organizations and other groupings of states). International action on behalf of human rights is relatively unproblematic in such a model. In fact, cosmopolitans largely reverse the burden of proof, requiring justification for nonintervention in the face of gross and persistent violations of human rights (Donnelly, 1998:29-29).

In addition, Intergovernmental Organizations (IGOs) are actors whose members are states-for example, the United Nations, the European Union, the Organization of American States, and the North Atlantic Treaty Organization-and can become fairly independent from the states that govern them. The international community, in an internationalist model, is essentially the society of states (supplemented by NGOs and individuals, to the extent that they have been formally or informally incorporated into international political processes). "International human rights activity is permissible only to the extent authorized by the norms of the society of states. These norms, however, may vary considerably across particular international societies (Donnelly, 1998:29-29)."

Liberalism views IGOs, NGOs, and MNCs as important international connections across state boundaries. In addition, relations between Substate actors also make up the multiple channels in a complex interdependent world. Substate actors may be businesses that are not multinational, because they essentially operate within a single border but may buy imported goods from abroad to make their products. Substate actors also include provincial governments that establish trade missions in other countries. California, Texas, and New York are "provinces" in the United States that have extensive relations and diplomatic representation with other parts of the world. Sub-state actors may also include individuals who travel abroad or have friendships with individuals in other countries. With the growing activity of sub-state and transnational actors, literalism sees a complex web of connections across the globe. Focusing only on state-to-state relations, as realism does, misses an important part of world politics, according to liberalism.

Furthermore, states are not the only actors to have interests that drive their actions. Non-state actors, such as the militia groups in Rivers State cum Niger-Delta region, have

their own goals and interest that sometimes diverge from those of the state. There is no reason to assume that transnational relations regularly promote good causes. Non-state actors that operate across borders and challenge states and their authority may instead choose violence against civilians as their method. Transnational terrorism poses a serious threat to internal stability in countries. Transnational actors began to draw the concerted attention of scholars of international politics in the early 1970s, with the outset of détente between the United States and the former Soviet Union, which helped to decrease the pressing importance of national security problem. Détente, in turn, increased the silence of economic issues and other problems outside the area of national security problem, which nongovernmental actors could address on a more equal footing with states. The 1970s also witnessed some dramatic terrorist attacks, increasingly occurring across borders. By that time, scholars and policymakers alike realized that international actors without formal, organized military forces would play an increasingly important role in international politics. Although the rebirth of the Cold War toward the end of the 1970s and early 1980s refocused attention on national security and reduced the attention being given to nongovernmental transnational organizations, the stage seemed set by end of the twentieth century for transnational organizations to play a correspondingly larger role on the global political stage for anybody interested in global politics to pay more attention to these type of actors. This rhyme with Donnelly (1998:29-30) traditional statist model of the place of human rights in international relations detailed below:

> The traditional statist model sees human rights as principally a matter of sovereign national jurisdiction. Statists readily admit that human rights are no longer the exclusive preserve of states and that the state is no longer the sole significant international actor (if ever it was). They nonetheless insist that human rights remain primarily a matter of sovereign national jurisdiction and (ought to continue to be) a largely

> peripheral concern of international (interstate) relations. For statists, there is no significant, independent international community, and certainly no international body with the right to act on behalf of human rights (Donnelly, 1998: 28).

The second component of complex interdependence is that there are multiple issues, not just military security, that are of interest to the variety of global issues actors. Economic, ideological, religious, environmental and cultural issues are part of the global agenda. Agenda such as "environmental pollution" has become a global problem and gave rise to "human rights challenges" in the Rivers State and Niger-Delta region in general that all aforementioned stakeholders are batting to cope with. The State and the Niger-Delta region is dominated with oil companies and the externality effect of oil companies extractive activities incude oil spillage, gas flaring and industrial waste dumping, which have adverse consequences on the OBCs. The destruction of aquatic lives, fauna and flora, ozone layer depletion and increase in global warming, acidic rain, internally displaced people, which knows no state boundaries represent a good example of the adverse consequences created by the oil companies and the complex crisis that bedeviled the region with deep rooted historical experience. The de-escalation of these environmental cum human right challenges and conflicts require creative thinking and new approaches that take into account both the history of the Rivers State, the Niger-Delta region and the divisions within the evolving global context which they are set. The intervention role of AI in human rights violation in the Niger-Delta region is one such initiative geared towards bringing about the Nigerian State, oil TNCs/MNCs and Niger-Delta militia to peaceful coexistence, sustainable development and compliance with global norms as enshrined by the UDHR.

Furthermore, security issues do not dominate the agenda, as theory of realism assumes. Even issues that realism sees as purely domestic or internal to the state, can become tangled up in international politics. Environmental rights and human rights challenges are the key issues that concerns and dominate discourse in Rivers State and Niger-Delta region. Environmental regulations, for example, may be adopted by a government to safeguard the health of its citizens, but they can also have an effect on the state's trading partners, if imports to the country must meet the regulations as well. Resource scarcity and environmental degradation are increasingly understood to play an important role in generating or exacerbating conflicts. The depletion of water resources, overexploitation of fisheries, degradation of arable land, decimation of forests, and growing interference in ecosystems from forests to wetlands to coral reefs are among the principal processes of human-induced environmental change as could be seen in Rivers State cum Niger-Delta Region of Nigeria. Climate change further augments already-observable challenges, by raising sea levels, shifting vegetation zones, dwindling natural habitats, changing precipitation patterns, and generating more frequent and more intense storms, floods, and droughts. In this way, domestic policy can automatically become foreign policy because of the connections between issues, the multiple channels operation in the world, and the interdependence among actors. Realism's division of issues as either foreign or domestic, argues liberalism, is out-of-date and artificial.

> For example, the discovery of the Antarctic ozone hole contributed significantly to the recent upsurge of international environmental action. The catalyst that made human rights an issue in world politics was Holocust, the systematic murder of millions of innocent civilians by Germany during World War II….. The 1970s also saw substantial growth in the number and activities of human rights nongovernmental organizations (NGOs), private associations that engage in political activity. Such groups act as advocates for victims of human rights

> violations by publicizing violations and lobbying to alter practices of states and international organizations (Donnelly, 1998:4-10).

Finally, complex interdependence means that military force is not as effective or frequently used as it was in the past. Many of the Issues that are of concern to states and nonstate actors do not lend themselves to military solutions. It is difficult to solve global environmental problems, for example, through military interventions or the detonation of a nuclear bomb. These actions simply make the problem worse. Correlating this point to the scenario being played out in Rivers State cum Niger-Delta region, the militarist approach employed in the Niger-Delta region could have to some extent checkmate the growing insurgency in the region, nobody ever denied it has build-up a humanitarian crisis with soaring number of displaced persons and heighten anxiety and tension in the region, which has failed to stem the rising tide of conflicts in the region. The deployment of Joint Military Task Force by the Nigerian state to quell the militants that stood out to protest against the environmental degradation caused by the oil companies have left scourges of widespread extra-judicial killings, torture and incarceration as exemplified by this assertion:

> ….Ikelegbe (2007:461) is of the view that the response of the state to civil society, militancy and confrontation has been high handed, suppressive, repressive, brutal, coercive and directed not at resolution but submission. This was aptly demonstrated by the military regimes of Babangida and Abacha and Obasanjo civilian administration. To this end, the military and repressive option has been utilized from the troop deployments and repression of Ogoni land in 1993 to the destruction of Odi Bayelsa State in 1999. The establishment of the Joint Task Force (JTF) also known as "Operation Restore Hope" is an evidence of the repressive stance of the state towards the Niger Delta struggle. This of course also brings to remembrance the sad ends of the champions of the region's cause such as the late Isaac Adaka Boro and Ken Saro- Wiwa (Obagbinoko, 2009:265).

However, the granting of amnesty to the Niger-Delta militants by President Umaru Musa Yar adu'a, which saw the militants dropping the weapons in exchange for jobs and

the enhancement of social desirable projects in their environment, marked the de-emphazisation of the use military force, as preached by this theory, in resolving the lingering crisis in Rivers State and Niger-Delta region in general.

Furthermore, it also does not make sense for a state to conquer a trading partner through military to address a trade imbalance, because this would destroy the very economic market to which the state and its businesses want to export goods. Complex interdependence means that states are constrained in their use of military power, because the use of this power only harms the multiple interests of states and other actors.

These three components of complex interdependence, viz: multiple channels, multiple issues, and the ineffectiveness of the use or involvement of military force to solve some issues, lead liberalism theory to expect much more cooperation in global politics than does realism theory. This is the key point of disagreement between the two perspectives. While liberals do not deny that conflict occurs, they argue that cooperation is the norm and realism exaggerates the importance of and frequency of conflict. Liberals point out that states trade peacefully; they sign nonaggression pacts; they share military responsibilities; some have very small militaries or even no military at all (such as Costa Rica); and some military rivalries that have endured for centuries (such as France and Germany) have now transformed into military and economic partnerships. At best, realism does not account for the considerable cooperation that occurs in international relations; at worst, this cooperation violates realist expectations.

Also, liberalism points out that the multiple channels that connect nonstate actors constrain states. Even if leaders of states recognize security threats and want to employ military/conflictual means, they often face resistance from the public or powerful interest groups, such as MNCs, that benefit more from cooperation and also at times resistance

from non-states actors (IGOs) like Amnesty International and the OBCs.

In democracies, where opposition is legal and allowed, and citizens can hold their leaders accountable for their actions through competitive elections, the multiple channels across societies are more likely to constrain leaders from conflict. Thus, liberalism expects the effects of complex interdependence to be more significant in a more democratic world. The spread of democracy is just one factor that liberalism cites to account for the rise of complex interdependence in the twentieth century. With the end of World War II, the fascist regimes of Italy, Germany, and Japan were transformed into democracies. The end of World War II also brought on the beginnings of decolonization when the European empires gave up their territorial possessions around the globe. In some cases, such as India, these newly independent countries became democratic for the first time. Other factors are also important in the rise of interdependence. The invention of nuclear weapons meant that force, or at least all-out war, was less of an option for the major powers. For the first time in history, using the ultimate weapon in one's military arsenal means risking significant damage to all humanity.

Also after World War II, wealth began to be distributed around the world to more economies as well, instead of being concentrated in Europe. The United States became the largest economy in the world and spread its wealth through aid packages (such as the Marshall Plan to war- torn Western Europe after World War II) and through a military presence around the globe during the Cold War competition with the Soviet Union. Multinational corporations also spread out across the globe. In the 1970s, oil-producing states begin cooperating with each other to make money off the oil-needy economies of Japan, Western Europe, and the United States. And by the 1980s, newly rich economies sprang up in Asia: in South Korea, Taiwan, Singapore, and Indonesia. This new

distribution of wealth meant that more countries and their economies were tied together more than ever before.

Finally, the last major difference between realism and liberalism concerns the role of international organizations. Not only are international organizations increasingly present in global politics, serving as a potential challenge to states as the dominant actor, but liberalism sees states as actively promoting the rise of international organizations, particularly intergovernmental organizations in which states are members. International institutions such as the United Nations and the World Trade Organization facilitate cooperation, which liberals see as in the interests of states. International institutions provide an arena for communication and diplomatic bargaining and an alternative to conflictual means. International institutions also help states establish agreements and international law that can provide incentives for cooperation and organized collective responses for punishing states that do not cooperate. Furthermore, international institutions can actually change a state's interests by developing new norms of international behavior, such as respect for human rights, and by developing mechanisms for areas of cooperation, such as in economic integration." Realism, however, sees these institutions as a threat to state sovereignty and state interests that have little impact on state behavior.

Complex interdependence articulated by “libralism theory” could best be understood within the context of globalization phenomena that is driving world into one universal village, where no state live in isolation of another and the fortune of individual nation states are increasingly becoming interdependent and interconnected. National approaches to issues including international politics, trade and economics, healthcare, immigration, tourism, environment and climate change are therefore increasingly dependent on the policies and approaches of neighboring states and international partners.

Liberalism points to the technological developments that allowed for increased global communication and transportation. With phones, television, jet planes, faxes, the Internet, and satellites, the world community has become increasingly capable of being in touch and informed on a global scale. The "shrinking" of the world has meant that there are more significant connections, which are encouraging cooperation between states. With the end of the Cold War rivalry between the United States and the Soviet Union (and the collapse of the Soviet Union), democratization, economic globalization, and global communications have reached an unprecedented stage. Liberals say that this makes complex interdependence even more critical for understanding current and future world politics.

Contemporary liberalism, as a theoretical perspective for understanding global politics, has its roots in many strands of liberal philosophies. Writers of eighteenth-century enlightenment and rationalism, such as the French philosopher Montesquieu and the German philosopher Immanuel Kant, argued that individuals and states as well, are not inherently evil and can learn to live peacefully if good social institutions are created around them. Contemporary liberalism incorporates these ideas in its focus on international institutions and law as positive and desired ways to foster cooperation. Nineteenth-century liberalism, also known as classical liberalism, stressed the importance of the individual and democratic political systems. Philosophers such as John Stuart Mill argued that individuals were capable of satisfying their own interests, and the role of the state should merely be to help provide stability and peace for the realization of individual interests. Contemporary liberalism incorporates these ideas in its focus on how individuals in a democracy can articulate alternative interests to those of the state and on how democratic constraints can produce cooperation. Finally, contemporary liberalism is consistent with early-twentieth-century liberal writings, such as those by U.S. President

Woodrow Wilson, who argued that war was partly a product of nondemocratic countries and that war could be prevented through international organizations. Wilson argued that U.S participation in World War I was about "making the world safe for democracy" by destroying authoritarian governments and empires in Europe. He designed the League of Nations, an international organization whose goal was to make war extremely unlikely. However, the reality of the situation as at today is that the Woodrow Wilson's agenda of 'making the world safe for democracy' remains one of the objectives of certain countries singly or in concert, in taking every measure including military action to 'plant' and ensure democracy in some parts of the world. With these philosophical roots, contemporary liberalism offers a fairly comprehensive alternative perspective on the fundamental features of global politics. Liberalism's chief disagreements with realism concern the predominance of states, the expectation for cooperation versus conflict, the role of international institutions, and the focus on change versus continuity in international politics.

Despite this growing interdependence recognized and articulated by the liberalism theory, there remain major social, political, economic, cultural, religious disputes as well as a large number of conflicts across the world with deep-rooted historical experiences at the international level, regional, national and sub-national level. The Rivers State alongside other eight States of Niger-Delta region are not an exception to these unfolding scenario. Looking at AI, an NGO and a key variable to our study must rely on the power of publicity and persuasion and reporting to states, IGOs and or filling a suit before ICC or any court of law with utmost jurisdiction to deal with human rights violations cases made by states, for them to be effective. States remain free to be un-persuaded. Furthermore, many states have used their powers of coercion against members of human rights NGOs,

turning them into new victims. Those who defend the rights of others often become victims of human rights violations themselves. Human rights defenders and their families risk to be defamed, threatened, expelled, arbitrarily arrested, convicted of 'subversive' activities, mentally and physically tortured or even murdered. Some people who are considered 'undesirable' disappear forever.

Promoting respect for human rights in countries where grave violations take place is often a dangerous enterprise. Human rights defenders risk their lives, sometimes disappear or are tortured; nevertheless, thousands of individuals around the world put their lives at stake every day for the protection and promotion of human rights and fundamental freedoms. These courageous individuals come from all spheres of society: lawyers who seek to ensure that human rights violations do not go unpunished; journalists who denounce crimes in which their government or military are involved; doctors who treat victims of torture and want to bring the perpetrators to justice; trade unionists, representatives of churches and religious communities, mothers, students, victims and indigenous groups. The Mothers of Argentina's Plaza de Mayo in the 1980s and the trade unionists in Gdansk, Poland, the demonstrators in Prague in 1989, the students at the Tiananmen Square in 1989 and in the streets of Jakarta in 1998, all show that initiatives by individuals can bring about peaceful change and improvement of human rights and fundamental freedoms.

The growing presence and capacity of NGOs in all sectors of development "sweeping" African states, has put the two (i.e. NGOs & States) on a collision course. NGOs activities, which are pro-poor and tend to overshadow the state, are viewed by the state as a direct challenge to it. On their part, NGOs have exacerbated these concerns by penetrating areas that the state has been unable or unwilling to reach. NGOs that are in

African government's bad books are often unnecessarily branded as being antagonistic, anti-government, and are referred to as friends and financiers of opposition parties out to destabilize African governments in power. Any opposition party leader, who identifies himself with such NGOs, is often unnecessarily branded as being a rebel, a traitor, or an enemy to the government that is in power. Such opposition leaders are often arrested and detained on trumped up charges of sedition and forced into exile. African governments have in the past few years attempted to control activities of NGOs through monitoring, co-ordination, co-optation or dissolution to undermine their capacity to empower the poor. This is because African governments do not want to be seen to have failed to empower the poor in their development strategies.

2.6. Conclusion/Literature gaps established and the attempt to redress it:

Looking at the totality of the plethora of literature perused on the various scholarly attempts made to construct what constituted human rights, how it evolved and what constitute human rights non-governmental organization vis-à-vis their relationship with state actors, it is clear to deduce that all human beings, whatever their cultural or historical background, suffer when they are intimidated, imprisoned or tortured. Therefore, there is wisdom in insisting on a global consensus, not only on the need to respect human rights worldwide, but also on the definition of these rights, as tried to trash out by this study and ultimately tried to judiciously addressed the following identifiable gaps:

(a) Given the various scholars perspectives on the concept human rights, the study has tried to formulate its own operational definition, which is a value addition to breach gap of the quest for scholarly all encompassing flexible definition. The study also examined in broader perspective the debate associated with the

specific dialectical and material basis for understanding the "universal" versus "relativist" application of human rights and came to establishes that what constitutes human rights remains a dicey phenomenon in relation to plurality of global society. Looking at victimization of some human beings across the globe, which has come to be at the core of human rights concerns and high on the global-governance agenda, led to formulation of the Universal Declaration of Human Rights (UDHRs) by UN, created in the aftermath of the Second World War and the horrors of the holocaust. Such initiative was an attempt to ensure that such a catastrophe should never ever take place again and to acknowledge human dignity beyond recognition by all states, with no exceptions. Unfortunately, universal principles (UDHRs) like respecting life, treating others with dignity, and affording others justice or fairness are interpreted across societies through very different cultural and legal lenses. As a result, the human condition is beset by widespread abuses related to intercommunal strife, politically oppressive regimes, and deeply set prejudices within and across different societies and cultures.

(b) The study was able to examine the debates associated with evolution of human rights and the various kind of relationship that exist between states and NGOs. It was therefore able to establish that "human rights" must be understood in the context of both their multi-dimensional nature and constantly expanding scope. In this regard, the question worthy of asking is 'which rights to emphasize in which particular cases' is biggest challenge to nation states, human rights activists and concern inter-governmental organisations.

(c) It has generate literature on the intervention role of International human rights organisations and specifically added ideas to the debate on human rights challenges in the Niger-Delta region by the way and manner it has captured the activities of AI in human rights violation in Rivers State in tackling human rights violations, which has hitherto not receive adequate scholarly attention.

CHAPTER THREE

THE METHODOLOGICAL APPROACH TO THE STUDY OF AMNESTY INTERNATIONAL EXPOSITION OF HUMAN RIGHTS VIOLATIONS IN RIVERS STATE

3.1) Study Area: Geography and Background to the Conflict

The Niger-Delta region is covering the greater part of the South-Eastern part of Nigeria and spans over 70,000 square kilometers with rivers systems (i.e. marshland, creeks, tributaries and lagoons) linked to the River Niger as "it drains into the Atlantic Ocean at the Bights of Benin and Biafra. This definition is justified by the systemic nature of the ecology of the area and the interralated or organic nature of social conditions and, their social problems (Ibeanu, 2006:18-19)".

The region is made up of 9 states divided into 185 local governments, comprising of 800 communities of 12 major ethnic groups, with about 30 million people (Oshwofasa, *et al;* 2012:3). It has more than 40 ethnic groups, with links to the linguistic groups of Ogonis, Ijaws, Andonis, Calabaris, Edos, Efiks, Ibibious, Isoko, Opobos, Urhobos, Igbos and Yoruba (mainly Itsekiri and Ilaje). Apart from the Yoruba and Igbo, these groups are ethnic minorities in the context of the ethnic composition of Nigeria. The population density is also among the highest in the world with 265 people per square kilometer, according to data obtained from the Niger Delta Development Commission (Jonah, 2009).

About one-third of this area is thick mangrove forest with diverse plant and animal species, including many endangered, exotic and endemic animals and plants. There is also a serious scarcity of arable land and fresh-water. The whole area is traversed and criss-crossed by a large number of rivers, streams, rivulets, creeks and twenty estuaries (i.e. Forcados, Escravos, Benin and Ramos in the western flank and Dodo, Pennington Digotoru, Middleton, Koluama, Fishtown, Sangana, Nun, Brass, St. Nicholas, San Barbara,

San Batholomew, New Kalabari, Andoni, and Opobo) (Azaiki, 2007:13-27). It is rich in both renewable and non-renewable natural resources such as oil, gas, bitumen, timber forest products and wildlife. 95% of the total revenue for the Nigerian government is generated from oil and gas exploration, which come from the region (Ejibunu, 2007:7).

The geo-political significance of Nigeria to the United States and the World at large has sharpened largely because the Niger-Delta is the biggest oil-producing area in the Gulf of Guinea, which extends from Nigeria down to Angola, Equatorial Guinea, Gabon and Sao Tome & Principe. Nigeria was Africa's pre-eminent oil producer as confirmed by the assertion below:

> With over 35 billion proven oil reserve and about 189 trillion standard feet of gas (tscf), Nigeria, is indeed, a major player in the global oil and gas industry…….Nigeria has a daily production capacity of about 3 million barrels per day but is constrained to producing about 2.23 million barrels per day in line with the Organization of Petroleum Exporting Countries (OPEC) quota. However, Nigeria's current output to the International market hovers around 1.7 million barrels per day owing to security issues, as a result of crisis in the Niger Delta" (The Guardian June 28, 2009:21. Azaiki, 2007:63).

The Nigeria's part of Niger-Delta Region comprises six (6) oil producing littoral (coastal) states, namely: Akwa-Ibom, Bayelsa, Cross Rivers, Delta, Edo and Rivers. Other states that are oil producing states in the region but not littoral states are Abia, Imo and Ondo States (Azaiki, 2007:23). Resentment against the Federal Government of Nigeria and the activities of the oil companies are well pronounced in three states- Bayelsa, Delta and Rivers. Also, the demand for the control of the oil wells by the people/OBCs is more pronounced in the three states. The reason is that most of the oil wells are located in the three states and so they experience more oil drilling activities, including their effects on the people and the environment as corroborated below:

> Despite new technologies of oil exploration, like fracking, pushing some 'developed' nations further down the chart due to increasing confirmed cases of drilling-related health hazards, Nigeria has secured its position as having the most polluted shore-line in the world, thanks to serial worst administrations. Gas flaring continues in Nigeria till date. Bayelsa state which currently reports 40 oil spills per month established itself as the most polluted piece of land on the earth in post world war history, approximating Hiroshima and Nagasaki and more recently Fukushima, in proportion of catastrophe. Nigeria ties with Japan as the two nations with the greatest levels of ecological pollution, though in terms of leadership attribution, Nigeria maintained the top spot (Brimah; 2014).

Nigeria has a total of 159 oil fields and 1481 wells in operation according to the Ministry of Petroleum Resources (Niger-Delta Environmental Survey, 1997). The most productive region of the nation is the coastal Niger-Delta Basin in the Niger-Delta or "South-south" region which encompasses 78 of the 159 oil fields. Most of Nigeria's oil fields are small and scattered, and as of 1990, these small unproductive fields accounted for 62.1% of all Nigerian production. This contrasts with the sixteen largest fields which produced 37.9% of Nigeria's petroleum at that time (Khan, 2007). As a result of the numerous small fields, an extensive and well-developed pipeline network has been engineered to transport the crude.

All the major TNCs such as Shell, Exxon-Mobil, Elf Aquaitane, Chevron-Texaco, Eni-Agip, and TotalFina Elf are engaged in upstream and downstream operations in the Nigerian petroleum industry today. This makes the region highly susceptible to both on-shore and marine pollution through oil spillage and blowouts, especially in the exploration and production (E&P) stages. This combines with continuous flaring of associated gas (Nnadozie: 2001) to compromise subsistence economies. Their operations are principally organized as joint ventures with the state-owned NNPC. These major oil companies in Niger-Delta region are substantially involved in offshore production as an alternative area of production. Deep water production mainly involves underwater drilling that exists 400

meter or more below the surface of the water. By expanding to deep water drilling the possible sources for finding new oil reserves is expanded. Through the introduction of deep water drilling 50% more oil is extracted than before the new forms of retrieving the oil. Angola and Nigeria are the largest oil producers in Africa. In Nigeria, the deep water sector still has a large avenue to expand and develop. The amount of oil extracted from Nigeria is expected to expand from 15,000 bbl/d (2,400 m^3/d) in 2003 to 1.27 Mbbl/d (202,000 m^3/d) in 2010 (McLennan, *et al;* 2005:18). Deep water drilling for oil is especially attractive to oil companies because the Nigerian government has very little share in these activities and it is more difficult for the government to regulate the offshore activities of the companies (McLennan, *et al;* 2005:18). Also, the deep water extraction plants are less disturbed by local militant attacks, seizures due to civil conflicts, and sabotage. These advancements offer more resources and alternatives to extract the oil from the Niger-Delta region, with hopefully less conflict than the operations on land.

Nigeria's total petroleum refining capacity is 445,000 barrels per day (70,700 m^3/d) (NigeriaBusinessInfo.com; 2014). There are four major oil refineries in Nigeria, namely the Warri Refinery and Petrochemical Plant which has the installed capacity to process 125,000 barrels (19,900 m^3) of crude per day; the New Port-Harcourt Refinery which can produce up to 150,000 barrels per day (24,000 m^3/d); the 'Old' Port Harcourt Refinery with negligible production; and the Kaduna Refinery (NigeriaBusinessInfo.com; 2014). The Port Harcourt and Warri Refineries both operate at only 30% capacity or even due to lack of turn around maintenance (TAM) and other associated challenges. It is estimated that demand and consumption of petroleum in Nigeria grows at a rate of 12.8% annually. However, petroleum products are unavailable to most Nigerians or are available at quite an exorbitant rate, because almost all of the oil extracted by the multinational oil companies is

refined overseas, while only a limited quantity is supplied to Nigerians themselves (NigeriaBusinessInfo.com; 2014).

Nigeria's petroleum is classified mostly as "light" and "sweet", due to its relatively substantial sulphur free content. Nigeria is the largest producer of sweet oil in OPEC. Her sweet oil is similar in composition to petroleum extracted from the North Sea. This crude oil is known as "Bonny light". Nigerian other crudes oils are named according to export terminals namely, Qua Iboe, Escravos blend, Brass River, Forcados, and Pennington Anfan. There are six petroleum exportation terminals in the country. Shell owns two, which are the Forcados Terminal, which is capable of storing 13 million barrels (2,100,000 m^3) of crude oil in conjunction with the nearby Bonny Terminal. Whilst other major oil companies such as Mobil, Chevron, Texaco, and Agip own one each. Mobil operates primarily out of the Qua Iboe Terminal in Akwa Ibom State, while Chevron owns the Escravos Terminal located in Delta State and has a storage capacity of 3.6 million barrels (570,000 m^3). Agip operates the Brass Terminal in Brass, a town 113 km southwest of Port Harcourt and has a storage capacity of 3,558,000 barrels (565,700 m^3). Texaco operates the Pennington Terminal (NigeriaBusinessInfo.com; 2014).

From the foregoing, it is clear that the economic benefits of crude oil exploration and production in Niger Delta have indeed been so overwhelming that, until quite recently, the adverse ecological devastation and environmental deterioration and consequent social impact on OBCs are sometimes ignored (Gandu; 2011:13). The Nigerian economy has been described as “the most oil-dependent” (Alabi: 2008:63) in the world. Yet, “the inhabitants of the Niger Delta remain among the most deprived oil communities in the world – 70 per cent live on less than US$1 a day, the standard economic measure of absolute poverty” (Amnesty International: 2005:3). The environmental pollution in the Niger-Delta region has

adverse multiplying effects on air, water, land, fauna and flora, health, economy and the development, hence setting the stage for the present day social unrest and the wallowing cry for underdevelopment as well as marginalisation. Niger-Delta region deepening material and political grievances could be categorized into five. First, is the efforts led by a number of Niger-Delta states to avert oil externality effect imposed by TNCs/oil companies operating there. The second is the effort led by states for "resource control," which in effect means expanded local access to oil and oil revenues. Thirdly, is the struggle for self-determination of minority people and the clamor for a sovereign national conference to rewrite the federal constitution. Fourthly, is a crisis of rule of law in the region as a number of states and local governments are rendered helpless by militant youth movements, growing insecurity and intra-community, inter-ethnic and state violence. And not least, is the emergence of what is called a South-South Alliance linking the hitherto excluded oil producing states in a bulwark against the ethnic majorities in the Niger-Delta region.

During transition to independence in the 1950s, the ethnic minorities of the Niger-Delta region began to express their concerns over the form that the Nigerian federation would take. During the Colonial period, Britain signed many treaties of protection with the chiefs of many coastal and autonomous communities. Some of these chiefs had hoped that with Nigeria's independence, the treaties of protection they signed with Britain would also lapse and thus, they would become independent states. The 1958 constitutional conference which affirmed Nigerian nationhood dashed such hope, but agreed on some measures to allay the fears of the ethnic minorities in this area. The then British colonial administration, on the eve of their departure from Nigeria recognized the concerned of the people of Niger-Delta region and therefore set up the 1957 Willink Commission (headed by Sir Henry Willink) to look into the fears of marginalization of the people of the Niger-Delta region

and the general underdevelopment of the place. This Commission advised a comprehensive plan for development of the Niger-Delta region and recommended the setting up of a Development Board for the region which led to the setting up of the "Niger Delta Development Board (NDDB)" in 1961 to run for a period of 10 years. Largely ineffective, the board's work was disrupted by civil war in 1967 – 1970 and thereafter abolished for some reasons (Francis P. *et al,* 2011:13).

NDDB did not meet the aspirations of the people and thus, some people attempted to take the extra-legal route to achieve their goal. In February 1966, Isaac Boro (a student leader in the University of Nigeria, at Nsukka led a rag-tag army of young rebels against the Federal Government of Nigeria in February 1966) alongside with Sam Owonaro and Nottingham Dick with their supporters proclaimed a "Delta Peoples Republic (Ejibunu, 2007:9)". The struggle became fully pronounced when the Nigeria civil war which broke out in mid 1967 to 1970 and beyond, when the then Eastern Region of Nigeria, led by its military governor, Colonel Chukwuemeka Ojukwu, seceded from the Federation of Nigeria, declaring the eastern part the Republic of Biafra (named after the Bight of Biafra, inlet on the Gulf of Guinea). Going by the Igbo propaganda during the war, "the resources of the Niger-Delta, particularly petroleum, were assumed to belong to the fledgling Biafran State and vouched for its economic viability" (Maier; 2000:84).

> The secession followed long simmering-hostility among Nigeria's hundred of tribes, many separated by religion, culture, and language. The embittered Ibos wanted security and more autonomy for the Eastern Region than Head of State of the Federal Republic of Nigeria, Gowon was willing to grant. The East's Ojukwu gave Gowon until Mar. 31, 1967, to put in to effect agreement reached at a conference held in Ghana in January for loose confederation of states for Nigeria, promised aid for Ibo refugees, and other concessions. When the dateline passed without action, Ojukwu hit back by requiring taxes (about $40 million in 1967) from foreign oil companies in the Eastern region to be paid to the Eastern Treasury rather than, as before, to the Federal Treasury. This act Gowon

> denounced as 'illegal and unconstitutional'. Ojukwu responded by seceding on May 30, and Gowon ordered federal troops to bring the rebellious 'Biafrans' back into the federation (Encarta, 2008).

Federal Government of Nigeria brought this rebellion to an abrupt end. The conflict in the Niger-Delta mellowed down with the defeat of Biafran war by the Federal Government. This defeat of Biafra led to the balkanization of the Nigeria's four regions into twelve (12) states by the Federal Government of Nigeria to weaken the power influence of the hitherto nation's regional zones arrangement, promote unity and create avenues of bringing people closer to government as well as to addresses any existing grievances. On May 27, 1967, Rivers State was among the twelve States created by the then Head of States of Federal Republic of Nigeria, Lt General Yakubu Gowon. Rivers State, named after the many rivers that border its territory was part of the Oil Rivers Protectorate from 1885 till 1893, when it became part of the Niger Coast Protectorate and in 1900 the region was merged with the chartered territories of the Royal Niger Company to form the colony of Southern Nigeria. Thus, many other boards (such as Oil Mineral Producing Area Development Commission (OMPADEC) established in 1992 but later went under; the Niger Delta Development Commission (NDDC) established in 2000 and subsequently became a parastatal under the newly created Federal Ministry of Niger-Delta) and agencies such as Federal Environmental Protection Agency (FEPA) established in 1988; National Environmental Standards and Regulations Enforcement Agency (NESREA) established in 2007 and National Oil Spill Detection and Response Agencies (NOSDRA) established in 2006 were subsequently constituted to address the issue of the developmental needs and environmental degradation/pollution of the region. These were done alongside further balkanisation of the then nineteen states (19) to twenty one (21) up to the present

day thirty six (36) states of the federation to manage their growing discontent and grievances among Nigerian populance.

Rivers State is today one of the thirty six (36) states of Nigeria. Its capital is Port Harcourt. It is bounded on the South by the Atlantic Ocean, to the North by Imo, Abia and Anambra States, to the East by Akwa Ibom State and to the West by Bayelsa and Delta states. Rivers State is home to many ethnic groups such as Ikwerre, Igbo, Ijaw, Kalabari, Etche, Ogba, and Ogonis. The inland part of Rivers State consists of tropical rainforest and towards the coast is the mangrove swamps. Rivers State is divided into twenty-three (23) Local Government Areas (LGAs) with the following details:

Table 3.1: List of Local Government Areas in Rivers State

S/No.	**LGA Name**	**Area (km^2)**	**Census 2006 population**	**Administrative capital**
1.	Port Harcourt	109	541,115	Port Harcourt
2.	Obio-Akpor	260	464,789	Rumuodumaya
3.	Okrika	222	222,026	Okrika
4.	Ogu/Bolo	89	74,683	Ogu
5.	Eleme	138	190,884	Ogale
6.	Tai	159	117,797	Sakpenwa
7.	Gokana	126	228,828	Kpor
8.	Khana	560	294,217	Bori
9.	Oyigbo	248	122,687	Afam
10.	Opobo/Nkoro	130	151,511	Opobo Town
11.	Andoni	233	211,009	Ngo
12.	Bonny	642	215,358	Bonny
13.	Degema	1,011	249,773	Degema
14.	Asari-Toru	113	220,100	Buguma
15.	Akuku-Toru	1,443	156,006	Abonnema
16.	Abua/Odual	704	282,988	Abua
17.	Ahoada West	403	249,425	Akinima
18.	Ahoada East	341	166,747	Ahoada
19.	Ogba/Egbema/Ndoni	969	284,010	Omuku
20.	Emohua	831	201,901	Emohua
21.	Ikwerre	655	189,726	Isiokpo
22.	Etche	805	249,454	Okehi
23.	Omuma	170	100,366	Eberi

Source: http://en.wikipedia.org/wiki/Rivers_State. Accessed on 06th April 2014

Rivers State has one of the largest economies in Nigeria, mainly because of its crude oil. The State has two major refineries, two major seaports, airports, and various industrial estates spread across the state, particularly in the State capital. The cries of political marginalization, environmental degradation and economic pauperization continued to resonate among the ljaws in the early 1990s arising mainly from tensions between the "Foreign Oil Corporations" and a number of the "Niger-Delta's minority ethnic groups", particularly the Ogonis, Ijaws, Itsekiris, Andonis, Calabaris, Edos, Efiks, Ibibious, Isoko, Opobos, Igbos and the Urhobos, who felt they were being *exploited* by the former and neglected by the Federal Government of Nigeria. This resistant struggle led to the creation of ljaw province to be known as Bayelsa State in 1996 by the then General Sani Abacha led military government out of Rivers State. Since then, the crisis mellow down and continued to periodically reoccur up to 2011, amidst the specter of environmental devastation, excruciating poverty, recurrent rule of impunity, exponential increase in kidnapping and targeting of expatriate workers.

In a nutshell, the Rivers State and the entire Niger-Delta region of Nigeria have experienced various shades of civil based conflicts. These conflicts vary from clusters of intransigent disputes between local communities and oil companies over environmental justice to 'wars' between armed groups and soldiers dispatched by the federal government of Nigeria to protect delicate oil installations and staff of multinational companies operating in the region. This has led to the death of many people and countless number of internally displaced persons. Indeed, it is no exaggeration to say that the discovery of oil and the social and environmental changes that have accompanied it, has led to the dearth of arable land and pollution of fishing waters, farming and fishing have substantially declined,

making way for the pursuit of white and blue collar jobs that rarely exist and an increasing problem of unemployment to rural-urban migration drift.

The second factor which has to do with the effort led by states for "resource control" gain prominence out of their desire to gain expanded local access to oil and oil revenues. By law, the Nigerian state owns all mineral deposits in Nigeria, including crude oil. This ownership is established through a series of statutes that govern the petroleum industry, dating to the colonial period. The central government controls revenues from petroleum and sets up a formula for distributing them to the other tiers of government namely, States and Local Governments. Oil revenue allocation has been the subject of much contention well before Nigeria gained its independence. Allocations have varied from as much as 50%, owing to the First Republic's high degree of regional autonomy, and as low as 10% during the military dictatorships as shown by the table below:

Table 3.2: Oil revenue sharing formula

Year	Federal	State*	Local	Special Projects	Derivation Formula**
1958	40%	60%	0%	0%	50%
1968	80%	20%	0%	0%	10%
1977	75%	22%	3%	0%	10%
1982	55%	32.5%	10%	2.5%	10%
1989	50%	24%	15%	11%	10%
1995	48.5%	24%	20%	7.5%	13%
2001	48.5%	24%	20%	7.5%	13%

Source: World Bank Report

** State allocations are based on 5 criteria: equality (equal shares per state), population, social development, land mass, and revenue generation.*

***The derivation formula refers to the percentage of the revenue oil producing states retain from taxes on oil and other natural resources produced in the state.*

The national elite' contestations concerning the legalities of resource control and competition for oil wealth have fueled violence and the incessant disruptions of crude oil

pipelines, necessitating drastic reduction in the country's petroleum output and revenues derived from the global economy. This has generated heated public debate and remains a constant feature of discourse in Nigeria even before independence as could be seen buttressed by the following assertion:

> Since 1999 they have been pushing for an increase in revenue to the Niger Delta from the 13% of resources derived from each State to 50%. In response, the Federal side initially reacted by seeking to seize all revenues from offshore oil production by excluding such revenues from the calculation of the 13% derivation. In some cases, this cut the revenue accruable to some littoral States of the Niger Delta by as much as 80%. This gave rise to what has come to be called the struggle for resource control." (Ibeanu, 2006:10).

The oil-producing states expectations of substantial revenues from the constitutional provision have been shattered by the Federal government's insistence that their entitlement is to revenues derived from onshore, not offshore, petroleum production and related activities. Even with this development, Governor Duke said: "the oil-producing states have only been getting about 40% of 13%. They (the Federal Government) claim that 60% of the oil we are drilling in Nigeria is offshore and 40% onshore." (Tell Magazine, 2001:35). This has increased the feeling of deprivation in the region. The region remains desperately poor, underdeveloped, pauperized and their survival is threatened by defoliation, environmental devastation and ecological degradation. This has continued to nettle communities in the Niger-Delta region to challenge the Federal Government of Nigeria (FGN), as they often feel short changed or cheated in distribution of revenue from petroleum. In this vain, the Niger-Delta states continued to clamour for the review of revenue allocation on the basis of which fund in the "Distributable Pool Account" was shared among regions/states.

Accordingly, it was the Kaiama Declaration issued by the Ijaw Youth on December 11th 1998, first made the most pointed articulation and presentation of resource control.

On February 8th, 2001, the FGN filed a case against eight oil-producing states in the Supreme Court with a view to finding a legal solution to their persistent demand for resource control. The FGN sought for a declaration from the Supreme Court to the effect that: "It is only the Federal Government of Nigeria and not the government of any of the States, that has the power to exercise legislative, executive and judicial powers over the entire areas designated as territorial waters of Nigeria (Tell Magazine, 2001:25)."

The FGN wanted a determination of the seaward boundary of a littoral state within the Federal Republic of Nigeria for the purpose of calculating the amount of revenue accruing to the federation account, directly from any natural resources derived from the state pursuant to the proviso to section 12(2) of the Constitution of the Federal Republic of Nigeria:

> On April 5, 2002, the Supreme Court of Nigeria delivered a landmark judgment on the suit against the states' persistent calls for resource control. Substantively, the judgment favours the Federal Government's assumption that the littoral states have no legal claims to revenues from offshore oil, although it declared unconstitutional the federal government's practice of using first charge special accounts and joint venture cash calls, to draw funds from the Federation Account (Cited in Jega, 2007:204-5).

In actual eye of the law, none of the littoral states is entitled to offshore oil revenue on the basis of derivation as a right. This is because, the Supreme Court in Attorney General of the Federation Vs Attorney General of Abia State and 35 others, 2002 ruled without any ambiguity that:

> ..the maritime territories of the federal states in Nigeria do not extend beyond the low water mark of the shoreline in each state. That implies that the territory and resources seaward of the low water mark belongs to

> the Federal Government and the revenue there from should accrue to the commonwealth of all federal states (Cited in Jega, 2007:204-5).

Following that ruling seven years ago, tension mounted in many of the oil producing states of the Niger-Delta region. Reading the situation correctly, the Federal Government moved deftly to calm frayed nerves by opting for a political solution. It took the wise decision to apply derivation to offshore oil revenue up to 200 meter isobaths from the low water mark of the shoreline of each littoral state. That political decision which is embodied in that Revenue Allocation (Abolition of Dichotomy in the Application of Derivation) Act, 2004 by the National Assembly, staved off a possible backlash in the volatile region.

However, some derivation States like Rivers and Bayelsa have made the case that while the onshore/offshore abrogation law grants them oil and gas revenues within their baseline and 200 metres isobaths, they suffer severe environmental impact, and are accountable for the immediate security of some oil field just beyond that distance (NBC, 2010:3). The state required accommodation in revenues accruing from such field and they were referred to the National Boundary Commission (NBC) and Revenue Mobilization Allocation and fiscal Commission (RMAFC) for advice. Some of the reasons advanced by Rivers and Bayelsa State government are relevant and the Federal Government may wish to consider the prayers of the states as appropriate in view of the environmental degradation and volatile security situation that the state may have to content with if the said oil field are to be secured and guaranteed (Daily Trust, 2010:3).

The instability which ensued from the dialectics of revenue allocation continues to echo grievances by the federating entities which led to the creation of several ad-hoc bodies to fashion out equitable sharing formula for economic empowerment and peaceful

coexistence. Reports of some of these panels (i.e. ad-hoc bodies) were implemented, some half-way, while others were dumped in the archives for probable references. Notable reports were received from Raisman Commission (1958), Aboyade Technical Committee (1977), Okigbo Panel (1979), and National Revenue Mobilization Allocation and Fiscal Commission (1992). Inspite of the foregoing, the following is the standing formula being applied:

> Since 1992, the share of the federal government has remained at 48.5%, States and Local Governments are allocated 24% and 20%, respectively; and the remaining 7.5% belongs to special funds. Out of the 7.5%, three percentage is set aside for development of oil producing areas, while 1% is shared among mineral-producing states on the basis of derivation….. The principles adopted to date for the allocation of the revenue include derivation, fiscal autonomy, and national interest, equality of states, population, balanced development, social development and absorptive capacity. Each of these principles has attracted a number of criticisms from fiscal federalists, economists, social scientists, among others. (Gini, *et al*; 2000:213-5).

However, much as the judgment may have resolved a number of outstanding legal matters pertaining to the demands of Southern Governors for resource control, though not to the total satisfaction of all the parties involved in the suit, it has even, more fundamentally, made clear the necessity of devising creative political solutions, as a complement to the imperatives of legality, in the resolution of some of the most persistent problems associated with the Nigerian brand of federal system of government.

The third to fourth factor could best be explained by the bitter feelings and perceptions of OBCs against the oil TNCs exploitation and the Federal Government inability to redress their plight, which resulted in the emergence and proliferation of a generation of radical activists, of militant ‘restive’ youths, which began to agitate against the activities of the oil companies in their areas, as well as demand for a better share of oil revenues to meet the developmental needs of their communities. This struggle which

started as ethnic violence for competition for oil wealth, graduated into political thuggery and has presently metamorphosed into profitable enterprise of oil bunkering and kidnapping of innocent citizens for ransom, proceeds from these activities end up in arms purchase. In some cases arms are exchanged for stolen oil. Also the influx of small arms and more sophisticated weapons into the Niger-Delta area from regional and international markets has led to not only the formation of militias groups but has also led to increased arming of the militias. These groups include the Movement for the Survival of the Ogoni People (MOSOP) formed in 1992 led by Ledum Mittee, the Movement for the Emancipation of the Niger-Delta (MEND) formed in 1994 led by Henry Okah. Henry Okah is currently cooling his feet in Leeukop prison in northern Johannesburg, South Africa. He was arrested, tried and sentenced to 24 years on 13 counts of terrorism charges (including the twin bombings that killed 12 people in the Nigerian capital Abuja as the country celebrated the 50th anniversary of its independence in 2010) (Desert Herald, February 11, 2014). Other names touted as leaders of MEND are Jomo Gbomo, Brutus Ebipadei, Major General Godswill Tamuno and Ekpemupolo Tom Polo (Leader of MEND Camp 5 alias Aso Rock). 'Tom Polo' who was among the prominent Niger-Delta notorious warlords that were on the run, somehow reappeared to partake in the window of 'amnesty' opportunity granted by the then President Umaru Musa Yar'Adua in 2009 to the Niger-Delta militants, to drop their arms and amunations, in exchange for rehabilitations, jobs, peace and development of their region. Tom Polo was even awarded a N21 Billion Maritime Security contract by the Nigerian Maritime Administration and Safety Agency (NIMASA) under the regime and directive of President Goodluck Ebele Jonathan (who took over following the death of President Umaru Musa Yar'Adua) to his company popularly known as the Gobal West Vessel Specialists Nigeria Limited (GWVSNL) to provide platforms for security of

the nation's waterways (i.e. to safeguard the nation's oil installation in the Niger-Delta) as against the exclusive mandate of doing so by the Nigerian Navy (Agha; 2015. Desert Herald, 2015:15).

Other militia groups also include the Ijaw Youth Council (IYC) formed in 1998 led presently Udengs Eradiri; the Niger-Delta People's Volunteer Force (NDPVF) formed by late Isaac Boro in 1966 but re-echoed and presently led by Mujahid Dokubo-Asari, the Niger-Delta Vigilante Movement 'alias Icelanders' (NDVM) led by Ateke Tom; the Niger-Delta Youth Movement (NDYM); the Niger-Delta Liberation Force (NDLF) led by John Togo**;** the Niger-Delta Civil Society Coalition (NDCSC); and the Federated Niger Delta Ijaw Communities (FNDIC) as well as National Youth Council of Ogoni People (NYCOP). All these pressure groups comprised primarily of plethora of smaller militias supposedly numbering more than one hundred. The Nigerian government classifies these groups as "cults", many of which began as local university fraternities. The groups have adopted names such as Icelanders, Greenlanders, KKK, Vultures, Pyrates, the National Association of Sea Dogs, Black Axe, Vikings; Deegam and Deywell, and Outlaws **(**Francis, *et al*, 2011:55**)**. All of the groups are constituted mostly by disaffected young men from Warri, Port Harcourt, and their sub-urban areas. Although the smaller groups are autonomous from within, they have formed alliances with and are largely controlled from above by either Asari and his NDPVF or Tom's NDV who provided military support and instruction.

The government in ability to contain gangs and militias in the Niger-Delta region, some of whom are funded by local politicians and party officials, to go on the rampage aggravate the crisis in the region. Militia groups in the region have proliferated, and are sustained by governors and party officials for their own political and economic purposes. Groups such as the MEND, which was organized in 2006, function as a loose network of

gangs rather than a coherent organization. They lack a common political agenda or political wing that could participate in a negotiation process, while some groups possess legitimate grievances and goals. These groups engage in criminal activities like intimidating fellows compatriots, killing, kidnapping, oil bunkering, pipeline vandalism, that lead to the continuation of the conflict- by doing the bidding of the politicians and others who pay them. As all this was happening to Nigeria, individual oil thieves masquerading as Niger-Delta freedom fighters became wealthier and their boys also became richer through the extortion of ransoms from their kidnapping activities, while the ordinary people who are victims of both the militants and their corrupt state officials have continued to get poorer. Competition for oil wealth has fueled violence between innumerable ethnic groups, causing the militarization of nearly the entire region by ethnic militia groups, Nigerian Military, Nigerian Police and other security agencies. It must be out of intensity of the occurrence of the ugly situation and frustration that a few of the serious governors in the area wanted death penalty for the kidnappers.

3.2) Data Collection Sources and Method

To get the "sample population sizes" from where our data on the subject matter under consideration were sourced, travels have to be carried out to various identifiable security agencies offices (i.e. Nigerian Military, Nigerian Police, State Security, Civil Defense and Nigerian Drugs Law Enforcement Agency), some pressure groups locations within some designated places in Port Harcourt, Gokana LGA; Bonny LGA; Obio-Akpor LGA and Eleme LGA in Rivers State (which is located in eastern part of Niger-Delta region). Refer to appendix seven to see details of specific locations reach out for structured and semi-structured questionnaires administered.

The research adopts both ‘primary’ and ‘secondary’ sources of data collation using various survey methods ranging from administration of questionnaires; focus group discussions (FGDs); face to face interviews and/or telephone conversations with key respondents.

The ‘primary source’ includes administration of questionnaires, direct interviewing and focus group discussions with various personnel of Amnesty International; State Security apparatus and some militants/civil society organizations/pressure groups in the OBCs of Rivers State. The interviews and the FDGs sessions were conducted between June to September, 2014 to elicit the un-scaled subjective opinions, meanings or answers that research subjects give to research questions that are being investigated. The questions posed to respondents in this regard were open ended.

To secure the cooperation of respondents to answer our structured questionnaires and where necessary to participate in our interviews as well as FGDs, introductory phone calls by few acquaintances and introductory letters (by the Head of Department Political Science and International Studies and at times the Researcher vide respondents emails) were written to sensitize participants on the objective of the research and assuring them of anonymity.

Telephone interviewing strategy was employed where access to respondents could not be secured for security reasons or tightness of work schedule or as a follow up to secure responses on ambiguous responses spotted in the researchers structured questionnaires. These approaches were responsible for the successful low level of refusal recorded.

A good field interview performance is measured or usually assessed by many variables such as timing and/or length of the interview, the number of contacts and the frequency of contacts or follow up required, respondents’ preferences for interviewing

method, and interviewer effects. The timing taken for field research coupled with the prior introduction given by some acquaintances greatly facilitate the success of the study.

The researcher made considerable efforts to take residence within research sites and communities. This allowed the researcher to engage in informal/general and sometimes personal discussions with members of the OBCs in any available space that opportunity provided, be it eating place, the beach, and other centers of social activities. While such efforts helped create a conducive environment for deep personal interaction and conversation between OBCs in research sites and the research team. The good thing was that information elicited from the informal interaction and observations at research sites richly reveals the general reaction of people to the research questions. At some of these informal interactions, issues relating to ethnic rivalry among communities, rampant cases of killing and kidnapping were posed as a general problem facing Rivers State and Niger-Delta region which the researcher wanted to understand so that a solution could be found. Responses and observations elicited from these isolated conservations were used to cross-check and confirm data collected from our normal qualitative interviews.

The ‘secondary source’ employed the collation of relevant data from relevant text books, journals, internet publications, magazines, newspapers, and periodic reports of some of the identifiable human rights NGOs. A proper interrogation of the phenomenon under investigation requires that attention to be paid to the historical forces and development trends of the Nigerian oil industry, the oil bearing communities of Rivers State and that of Amnesty International (AI), owing to the fact vast literature exist on different subjects (as identified in Chapter One) relating to the aforementioned stakeholders, which requires careful sieving of relevant texts for consideration.

The study uses visual media where necessary to supplement our sources of data disclosed above. Visual photographs open an alternative angle for this study to probe into the research problem as well as provide answers to other aspects of the research questions that are not ordinarily available by other methods. Thus, the images collected were lifted from secondary sources and are not individualized images, but public pictures of live events that happened in the State.

3.3) Sampling Procedure

To get the quantum of questionnaires to be executed on our total population sample size, a universally accepted efficient empirical statistical sample formulae created by Krejcie & Morgan (1970) for determining sample size for a given population is hereby employed. The formulae are as follows:

FORMULAE FOR DETERMINING NEEDED SAMPLE SIZES

POPULATION SIZE UNKNOWN:

$$\text{SAMPLE SIZE} = \frac{\left(\frac{\text{RANGE}}{2}\right)^2}{\left(\frac{\text{ACCURACY LEVEL}}{\text{CONFIDENCE LEVEL}}\right)^2}$$

Confidence Levels:

	α	$\alpha/2$
.10 level =	1.28	1.64
.05 level =	1.64	1.96
.01 level =	2.33	2.58
.001 level =	3.09	3.29

Accuracy Levels:

Range X Desired Level of Accuracy (expressed as a proportion)

POPULATION SIZE KNOWN:

$$\text{SIZE} = \frac{X^2 NP\,(1-P)}{d^2\,(N-1) + X^2 P\,(1-P)}$$

X^2 = table value of Chi-Square @ $d.f. = 1$ for desired confidence level
.10 = 2.71 .05 = 3.84 .01 = 6.64 .001 = 10.83
N = population size
P = population proportion (assumed to be .50)
d = degree of accuracy (expressed as a proportion)

No calculations are needed to use Table 3.3. For example, one may wish to know the sample size required to be representative of the opinions of 9000 Niger-Delta Youth Movement (NDYM) relative to oil spills pollution. To obtain the required sample size enter Table 3.3 (i.e. Appendix 6) at N = 9000. The sample size representative of the teachers in this example is 368. Table 5 is applicable to any defined population.

The relationship between sample size and total population is illustrated in Figure 3.3.1 It should be noted that as the population increases the sample size increases at a diminishing rate and remains relatively constant at slightly more than 380 cases.

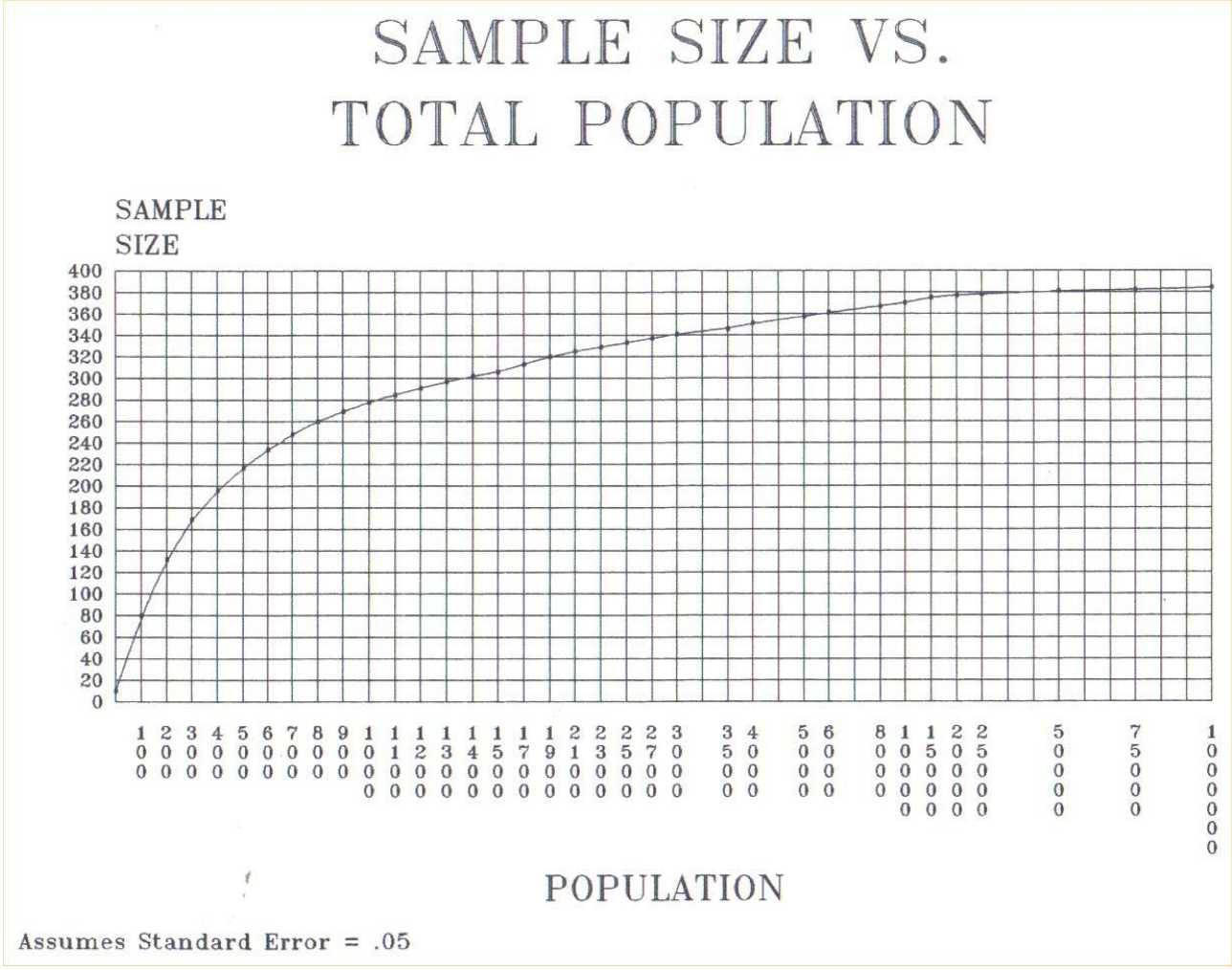


Figure 3.3.1. Source: Small-Sample Techniques. *The NEA Research Bulletin*, Vol. 38 (December, 1960), p. 99.

In a nutshell, to address the existing gap for determining sample size for a given population, Krejcie & Morgan (1970) came up with a comprehensive table showing various number of population size (N) and the sample size (S) to be taken from each given population figure for easy reference, using the above formulae in Appendix Six (i.e. Table 4.3). A total of **5189** questionnaires were administered using this sampling technique on our targeted population samples i.e. 1275 on Security Agencies; 2381 on Oil Companies operating in Rivers State and 1533 on oil bearing communities (see table 5.5.1).

The study employs 'systematic random sampling techniques' on the population samples drawn from the AI; Pressure Groups/OBCs, Security Agencies; and the staff of the identifiable Oil Companies operating in Rivers State in aspect structured interviews (i.e. questionnaire administration) and simple random sampling technique in aspect of semi-structured interviews.

On oil companies and security agencies, the researcher was requested to drop the structured questionnaires prepared in the respondent offices with the understanding that same will be administered on the workers (herein refered to as "elements") within their given population size. In this regard, the researcher divided the total number of the population (given by the respondent) with the sample size (i.e. determined by our Krejcie & Morgan table) to obtain the sampling fraction. The sampling fraction is then used as the constant difference between subjects. The administerer first randomly picks the first item or subject from the population and then subsequently selects each n'th subject/element from constant interval of the entire population list. This method employed is called "systematic random sampling technique". Its adoption was chosen by researchers for its simplicity in application and the assurance that the population will be evenly sampled. For example, for a total population of Police Security Agency of 4,300 divide by a random systematic

sampling of 354 (i.e. questionniares to be issued out as determined by Krejcie & Morgan table) within that population would involve observing every 12th data point. It was further necessitated to be adopted owing to access restriction to enter some of the individual staff offices to select the elements or units for quizzing; coupled with the periodic deployment of some security agencies personnel that might be of use to this study to some locations outside the research coverage areas; and security reasons associated with divulging of identity as well as other undisclosable reasons best known to the respondents. The disadvantage of this technique is that the process of selecting elements can interact with a hidden periodic trait within the population. If the sampling technique coincides with the periodicity of the trait, the sampling technique will no longer be random and representativeness of the sample is compromised. By 'elements', it is referring to the individual units within the chosen population sample on which information is collected from or on for analysis. This can be people or group of people or even families or corporation or objects, or measurements whose properties are analyzed; hence called 'population'. Whilst by 'sample' refers to the representative group from population and 'sampling is the procedure for selection the sample from the population'.

As relate to pressure groups, nine (9) pressure groups were identified to which our structured questionnaires were served, namely: the Movement for the Survival of the Ogoni People (MOSOP); the Movement for the Emancipation of the Niger-Delta (MEND)**;** the Ijaw Youth Council (IYC); the Niger-Delta People's Volunteer Force (NDPVF); the Niger-Delta Vigilante (NDV); the Niger-Delta Youth Movement (NDYM); the Niger-Delta Civil Society Coalition (NDCSC); the Federated Niger-Delta Ijaw Communities **(**FNDIC); and others regarded as 'fridge players' taken as a composite entity. These groups were listed out in each of our five (5) locations/OBCs visited and two (2) groups were randomly selected

therefrom and served with questionnaires, thereby bringing the total (2x5) to ten (10). However, one group could not return the questionnaire served to them on ground of refusal to accede to their monetary tips request, thereby reducing our questionnaire administered to nine (9) in number (See table 5.5.1).

As for focused group discussion, three focused group discussions (FGDs) were conducted within each of the five (5) identifiable communities (i.e. 3x5=15), among which include simple random selection of a pressure groups/militant groups for the discussion within each community. And within each pressure group, three persons of the following gender composition were arbitrary selected and engaged into a discussion: male, females and youngsters'. (i.e.3x5x3), thereby bringing the total engaged personnel to forty five (45) - See table 5.6.2. The main objective of our FGDs was to identify and describe the common and shared opinions by people of the Niger-Delta on the subject under investigation. In other words, from the perspectives of OBCs themselves; the FGDs helped us to uncover, describe and identify similarities and differences in the perception and understanding of the issues captured in the research problems and research questions.

Interviews were administered on the basis of simple random sampling technique. In this wise, the following were interviewed within each community: traditional leader or his representative; two opinion leaders; two old/elderly persons with historical knowledge about the community; and two youth's leaders. This implies that a total of seven person (7) per community (i.e.7x5) were interviewed giving a total of thirty five (35). As relates to other category of personnel interviewed, 25 security personnel and 22 oil companies staff were interviewed. These bring the grand total of people interview to eighty two (i.e. 35+25+22 = 82). Therefore, the summation of the two sampling techniques (i.e. Interviewing & FGDs) administered on our population sample (i.e. 45+82=127) equal to

one hundred and twenty seven (127), implying the number of the size of population quizzed. A total of 5189 questionnaires were administered on our targeted population samples i.e. 1533 on Pressure Groups; 1275 on Security Agencies and 2381 on Oil Companies operating in Rivers State (i.e. 1533+1275+2381). Our driving objective is to try and bring to the fore some critical illuminating responses emanating from our interview sessions as spoken and/or expressed in the words of our participants on the issues under investigation.

It is also important to point out that participants' responses that were considered to be of critical importance to this study were highlighted with quotes. Although these are direct quotes from participants' spoken words, there are some cases in which we had to restructure the grammar. In doing that, we were very careful not to alter the original meaning that participants intended to convey. In such a situation, we cannot rule out the possibility of some limited errors in the process of paraphrasing and rewording their ideas. Given the low level of education of most of the participants, our objective was first and foremost to restructure their responses by standardizing their grammatical expressions for easy assimilation and understanding because English is not their first language. In the process, there is the possibility for errors to be committed.

The use of these sampling interviews and techniques was aimed at tapping information from and developing or enhancing the capacity of the people of the 'research assistants' engaged to identify and deal with environmental and development problems within the context of their cultural idiom. This, inter alia, involved the communities in the analysis of their situation, and

the generation of relevant information. The selected techniques helped in learning from the people, in exploring and capturing the range, depth and circumstances of their actual plight

and tribulations against the human and/or environmental rights violations meted to them by the oil companies, state security apparatus and even by the people/OBCs themselves, through the opportunity it offered in the investigation of the "AI allegations or exposition of human rights abuses" in different ways and from different angles. The techniques ensured access to rough and raw information, through the semi-scientific extraction of views from the people, and their involvement in the research process through 'interactive dialogues'. This suited the research preference for dynamic and qualitative information from existing local knowledge bases, which were made possible through the broad scope for community participation in the research process. In the end, the techniques adopted were iterative and inventive, in the sense that they allowed room for modification with the progressive revelation of information, while maintaining flexibility and adaptability. The procedure engaged remained systematic, and the accuracy of the findings was facilitated through the 'triangulation' of diverse methods and information sources.

3.4) Data Analysis

The research adopted both the Qualitative analysis method and Quantitative analysis method as the research tools for data interpretations and analysis.

On Qualitative analysis method (i.e. content analysis of documents using methods that are narratives, descriptive and holistic which are drive mainly from secondary sources) and field work interviews as well as focus group discussions with respondents. Thus, 'analytic narrative' was employed in as much as the primary source of information comprises stories and accounts, and the contexts provided by local people. It is analytic because the study seeks to extract from the stories, explicit and formal lines of reasoning, which facilitate both exposition and explanation. Like other applications of the technique,

this research describes structures, traces the behaviour of particular actors, explores patterns of interaction and clarifies sequence (Bates, *et. al.*, 1998). With the exception of hand written notes taken during interviews and discussions, most of the field data was audio recorded. To condense the data for easy handling, management, transformation, and interpretation of output, the data was first manually transcribed and thematically arranged for easy discussion. Given the audio recorded data was huge, the transcription process took a long time to complete. The transcribed data was produced as a discussion document with verbatim quotations from participants. The objective was to ensure that the transcribed data is a true reflection of the issues covered during the interview sessions. Thus, the thematic descriptive method of data analysis is what was employed in this study since the data were collected through qualitative interviewing methods and it is very easy for participants' responses to be thematically itemized, arranged and analyzed.

The qualitative or descriptive data analysis approach in this study exhibits a distinctive approach, which gives us room not only to understand, but to blend the various forms of data collected from both the interviews and other ethnographic sources, such as photographic or visual aid methods. Qualitative research and analytical methods are used to explore and understand the meaning of respondents' world view, their personal understanding of social reality or the impact of socioeconomic reality itself on their personal social lives. Qualitative research design and analysis also facilitate our understanding of the social structure, nature and causes of individual action or inaction.

The qualitative analytical method is further strengthened by the way that the data itself was largely collected and recorded in the form of words or pictures rather than numbers. This means that the descriptive analysis of concepts in the form of words takes precedence over mechanical or quantitative numbers. Some of the face-to-face interviews

were quite long, with important and relevant personal information scattered throughout. Sorting out and picking out such vital information demanded that we go through the transcripts several times. This was the only way to identify relevant thematic issues in the long interviews and to arrange out data in analytical themes, rather than coding information according to the specific questions asked or specific topics covered. The adoption of this data analysis techniques is the best source of expert knowledge about those experiences. This technique is a valuable approach when adequate descriptions of field narratives are desired.

In a nutshell, the data gathered are organized into major themes, categories, and case examples. Narratives were analyzed within the context of our research objectives set out in chapter one of this study. Attention was paid to detail, descriptive vocabulary, and direct quotes from interviewees. This approach permits for a critical interrogation of selected issues, cases or events in depth and detail. The foregoing systematic processing and handling of qualitative data gave room for increased depth of analysis and provides relatively detailed interrogation of data that would not have been possible in predetermined response choices that characterize quantitative surveys. In doing that, dominant patterns in the narratives, common themes and responses dealing with specific research questions and objectives were identified. We tried to determine how these dominant narratives, common themes and patterns help to illuminate the broader questions and objectives that drive this study. Narratives that deviate from the dominant positions were interrogated with the objective to identify variables that might explain these typical responses. Likewise, thematic descriptive method of data analysis was employed in reviewing our literature provided in chapter two on the subject matter under consideration in order to see how the

related stories gathered can help provide logical flow of ideas and illuminating answers to our broader research objectives and questions.

On quantitative analysis method, data mainly derive from primary sources were source from the structured questionnaires administered on our selected elements/units within our targeted population groups/size. In this wise, the use of the SPSS (an acronym for "Statistical Package for the Social Sciences") package was applied for the sake of generating some numerical data inorder to help in analyzing human rights violation roles perpetrated by the oil companies, security agencies and oil bearing communities (i.e. pressures groups/militants) visa vis AI intervention role in averting the violations they do. Also, the pacakage can be employ further in predicting as well as ascertaining the level of significance of our postulated assumptions. This choice for the SPSS tool was informed by the fact that ever since the "package" was developed in 1968 (by Norman H. Nie, C. Hadlai (Tex) Hull and Dale Bent), it has grown to be a multinational product serving a wide variety of users.

Quantitative analysis is mainly classified into two categories: Estimation and Testing of the hypothesis. The estimation part involves the usage of unbiasedness, consistency, efficiency and sufficiency properties in estimating the data. The second category of which has to do with formulating and testing of hypothesis, which will mainly be based on the testing of the null and alternative hypothesis. Each hypothesis should take the following two forms:

i. Research Hypotheses: states an expectation about the relationship between two variables; this expectation derives from and answers the research question, and so is grounded in prior theory and research on the question.

ii. Statistical Hypotheses: transforms the research hypothesis into a statement about the expected result of a statistical test (directional); must accurately represent the research hypothesis

The conclusions about a research hypothesis are correct if and only if the statistical hypothesis is congruent with the research hypothesis. That is, the validity of all tests of theory depends on the congruence between the research hypothesis and the statistical hypothesis. The more specific the research hypothesis, the easier it is to formulate a congruent statistical hypothesis. The null hypothesis is an assertion that states that there is no statistical difference that negates the two assumptions under consideration. On the other hand, the alternative hypothesis is the negation of the null hypothesis or the assumptions under consideration.

3.5) Scope and Limitation

The research is confine to finding out the activities of Amnesty International (AI) in oil bearing communities of Rivers State with reference to its exposition of defaulters in human rights violations and how its influences the government resolution to the crises from the period 1990 to 2011.

The choice for the period was based on the consideration that human rights violations were more pronounced during the period of military junta of late General Abacha, who reigned between the period of 17th November, 1993 to 08th June, 1998, and continued up the present day democratic dispensation in a slightly different fashion. Comparisons between various experiences of military to democratic regimes will allow for the domestic factors to be better understood and how these have shape the polity, politics, and policies associated with a given regime. The role of civil society organizations/pressure

groups during the phase of military-authoritarian rule, which lasted in 1999, have been more of fighting for the establishment of democratic governance; pushing for an increase in revenue from the 13% of resources derived from each State to 50%; and fighting to avert environmental degradation/pollution inflicted upon their communities. The second phase corresponds to civilian rule. The role, objectives and strategies of civil society organizations/human rights non-governmental organizations in the Niger-Delta differ markedly because of the government desire to dialogue with the OBCs, grant them amnesty and to increase the level of developmental projects in the region. The CSOs struggle are engaged more on pushing for oil companies clean-up of oil spillage; restitution or compensation associated with farmlands/area badly retarded by oil spills; and demand for high corporate social responsibility to cushion the effect of environmental pollution committed by oil companies; legislative reforms; and demand for social desirable services from their government to mitigate the issue of underdevelopment, abject poverty and other essential deprived rights.

The research is intended to capture the in-depth study of human right abuses perpetrated by the oil TNCs, OBCs and the Government Security formation within Rivers State and/or Niger-Delta region. Limiting the areas to Port-Harcourt, Bonny, Bodo – Gokana, Obia-Akpor, and Eleme LGAs of Rivers State was informed by the fact human rights violations were likely to be more prevalent there because of concentration of oil companies/TNCs and their extractive activities. The spate of killings and kidnappings in Rivers State and various locations within the Niger-Delta region coupled with the swampy and dense nature of forest topology, which makes navigations and accessibility difficult, were another factor limiting our area coverage. Furthermore, resentment against the oil companies/TNCs, State and Federal Government of Nigeria exhibited by the OBCs were

well pronounced in there, in addition to Bayelsa and Delta States that falls within the Niger-Delta region. Also, the demand for the restitution or compensation and control of the oil wells by the people were more pronounced in the aforementioned three states because the states experience more oil drilling activities with adverse effects on the people and the environment as a whole. Aside the areas specified for the purpose of gathering information, the Headquarters of Federal Government Security Agencies (i.e. Defence Headquarters, State Security Office, Police Headquarters) in Rivers State and Abuja were also visited.

On specific limitations encountered include, being a person from the Northern part of Nigeria, who does not speak nor understand any of the local languages in the Niger-Delta region, put the researcher at a very difficult and disadvantage position to go round the selected communities and to communicate with the OBCs. To circumvent this challenge, some research assistants who were conversant with the areas were hired and equipped from the OBCs with the necessary field research skills to assist the main researcher to go round places, to probe and elicit information that are of critical importance to the study. Unfortunately, one of the research assistant hired to administer questionnaires, Mr Udotimi Seriaki by name (who hailed from Bayelsa State and until death, a Deputy Superintendent Narcotics (DSN) with NDLEA) was attacked by armed robbers on 16th July, 2014 on his way back to return the questionnaires administered to the researcher's base, which cost him his life.

Another critical difficulty encountered in the course of data gathering was that many of the sampled respondents demanded monetary compensation before cooperating with the research effort. The challenge was more daunting when this involved a traditional leader who made such 'compensation' a condition, not only for allowing the researcher to

interview his group but also for granting permission to interact with the subjects. Oftentimes, respondents frequently rescheduled due appointments, in knowledge that would not keep the fresh appointment without availability of the requested compensation. Respondents also complained about not seeing the benefits of their responses to previous researchers who came and left their community.

Given the sensitivity of the research subject under consideration, where respondents are apprehensive to divulge more information coupled with insecurity risk in Rivers State, especially as relates to hostility shown to northerners, the researcher did not have the luxury of lengthy stay in the State. Some of the respondents felt that the researcher could be a spy or State Security Officer sent to investigate and/or track down some people.

Another challenged encountered was associated with administration of our questionnaires on some of our population sample size, particularly on Security Agencies in Rivers State. Ever since the eruption of civil unrest associated with environmental devastation in Rivers State and Niger-Delta region in general, government personnel of Nigeria's various security agencies were periodically deployed and recalled to the region. Thus, getting to administer our research questionnaires on all the Security Personnel that served in Rivers State within the research time frame (i.e. 1990 - 2011) could not be feasible. Accordingly, most were transferred out of State and some have left the service on ground of retirement time, death, or their own volition, and/or host of other reasons. This constrains our ability to select wide range of personnel/elements to be interview/quiz.

The research will not cover the occurrence of 'other' communal crisis orchestrated by partisan politics or primordial ethnicity bigotry, of similar magnitude within the identifiable locations and other locations of Niger-Delta region, because such have been covered by other scholars and is outside the purview of my research subject. Moreover, the

frequency of the occurrence of the communal conflicts in the Niger-Delta region and Nigeria at large are so much intertwined with multi-interrelated politico-socio-economic and cultural factors and/or theories often advanced as the bane of the crisis. Thus, any attempt to capture every bit of it, will virtually run into volumes of books and time consuming, if not practicably impossible.

CHAPTER FOUR
ABOUT AMNESTY INTERNATIONAL (AI)

4.1) Amnesty International (AI): Evolutions, Purpose and Activities.

The holocaust was the largest systematic murder of people the world had ever seen during the World War II. This large scale massacre of people is called genocide. Raphael Lemkin, a Polish lawyer, who coined the word "genocide", advocated and lobbied from 1933 till his death in 1959 to have genocide considered a crime (Powers, 2001:27-78). The Nuremberg Trials is not only recognition to deal with such crime but also an attempt to draw and brought world attention to an internationally recognized criminal court for crimes against humanity. This development led to the formulation of a humanitarian framework for monitoring human rights under the banner of United Nations Organization which came into being after the World War II in 1945 and subsequently paved way to the evolution of Amnesty International (AI) in 1960, pioneered by Barrister Peter Benenson.

Barrister Benenson had undergone his own personal evolution that deeply influenced his creation of Amnesty International Organization. At one time, as he was reading the Daily Telegraph in London, he came across an article concerning two Portuguese students imprisoned in a Lisbon jail for toasting liberty i.e. for taking part in a peaceful demonstration. Within a few days, he gathered some friends and began developing a campaign designed to raise awareness against injustice of imprisoning people for their belief, and the threat such actions posed to existing humanitarian norms. Benenson organized some friends and acquaintances to agitate for the release of these students. Benenson devised a single campaign for one year that had affected the release of the six prisoners of conscience (including the two Portuguese students) that were detained. With the help of Louis Blom-Cooper, his friend, who wrote an editorial column for the London

Observer, Benenson published an article in that well-known paper on 28th May 1961, entitled "The Forgotten Prisoners," that highlighted the chasm between the reality of the "plight of someone imprisoned, tortured, or executed because of his opinions or religion" and the high-minded premises of the United Nations Universal Declaration of Human Rights (Clark, 2001:5). He invited the public to learn more, become aware, and wrote letters to the governments that imprisoned individuals for their beliefs. Benenson's opinion piece drew wide attention, and soon was reprinted in "Paris, Geneva, Bonn, New York, and hundreds of other newspapers worldwide" (Clark, 2001:6). Within a year, the Barrister's original campaign to call attention to the maltreatment of a handful of prisoners of conscience turned into a full-fledged international movement. It was presumed to be a temporary campaign, but by the end of the year, the need for a continuing organization had become evident. Colleagues, friends and politically minded citizens in England and throughout Europe and the United States began to volunteer for the cause of promoting and protecting human rights.

Amnesty International formally registered as a charity in Britain late in 1961 (Clark, 2001:5). In 1962, the movement adopted the name Amnesty International, and in 1963, an international secretariat was set up in London. Benenson developed a model that Amnesty International Organization pursued. His friend Eric Baker and Benenson worked diligently to define what they meant by "prisoner of conscience", whose protection (as a class) has become the central focus of Amnesty International. A 'prisoner of conscience' is defined as "any person who is physically restrained (by imprisonment or otherwise) from expressing (in any form of words or symbols) any opinion which he honestly holds and does not advocate or condone personal violence" (Clark, 2001:12). The term prisoner of conscience was a powerful "political device" that conjured a strong image while conveying the

message the organization wanted to project; a person being held captive for her beliefs (Stone 137).

Benenson had a gift for symbolic imagery; he creatively designed a candle surrounded by barbed wire as AI's logo. He drew the image as he reflected on his favorite aphorism (penned, perhaps not coincidentally, by Eleanor Roosevelt) "Better to light a candle than cause the darkness" (Powers, 2002:122). It neatly captured both the light that engender freedom of thought and action, and its capacity to pierce the darkness of human misery, cruelty and vice, the many faceted efforts to hobble the hope-filled claims that individual liberty represents.

From the beginning, Amnesty International endorsed and sought to realize the principles of the Universal Declaration of Human Rights by dedicating itself to the release of political prisoners all over the world, as well as securing humane treatment for political prisoners whom it could not get released. The organization worked for the release of such prisoners "provided that (they have) not used or advocated violence" in the outset of their formation. However, it has in the recent times widened its mandate to assist people, whose rights were violated and who had used or advocated violence in their approach to issues, as clearly articulated by the below assertion:

> "Unfortunately, Amnesty International has lost its focus in her approach to events in some target countries. Everyone knows that for all the time Mr Nelson Mandela was in detention under the objectionable apartheid policy, the organization did nothing. The lame excuse then was that Mr Mandela was employing violence in his campaign and it was Amnesty International's policy to only uphold cases of non-violent campaigners styled as "prisoners of conscience". Ironically the organization chose to champion the cause of Mr Ken Saro-Wiwa even though it was clear that he was violent in his methods which led to the death of four of his prominent Ogoni compatriots and colleagues in MOSOP. This is aside from the other violent campaigners of his pet-child, National Youth Council of Ogoni People (NYCOP).

> In general terms, because of Amnesty International's obsession with saving human life, the organization hardly subjects individual cases to the closest scrutiny before invoking the privilege of prisoner of conscience. Thus, those who commit heinous crimes, particularly in Third World countries, are ignored (Usman, 1999: 197-8).

Amnesty International (AI) has also been working for the rights of victims of terrorism and other violence by armed groups, supporting them in their struggle for truth, justice and reparation. AI suggests that, the organization "at all times maintain an overall balance between its activity in relations to countries adhering to the different world political ideologies and groupings" (Powers, 2002:148). However, this belief has been put to question and scrutiny in the recent times over some activities engaged by the Amnesty International organization.

Amnesty International chooses to employ the Universal Declaration of Human Rights as its touchstone because it was accepted by all UN member states and was an "internationally endorsed set of principles" (Clark, 2001:12). The UN declaration gave Amnesty International a tool to use to monitor governments and other organizations as it sought to protect and advance human rights.

Volunteers to Amnesty International collected information and data about a prisoner while writing letters to the detainees to inform them that others were aware of their plight and fighting for them. Letters were sent simultaneously to the prisoners, relevant government leaders, and prison officials. Letters and campaigns to redress the plights of people detained for belief held that does not go in tandem with nation states national interest, often resulted in better treatment for prisoners. Julio de Pena Valdez, for example, a prisoner of conscience freed from a prison in the Dominican Republic in 1979, recalls how a letter writing campaign helped to free him:

> When the two hundred letters came the guards gave me back my clothes. Then the next two hundred letters came and the prison director came to see me. When the next pile of letters arrived, the director got in touch with his superior. The letters kept coming and coming: three thousand of them. The President was informed. The letters still kept arriving and the President called the prison and told them to let me go (Power, 2002:134).

Amnesty International has expanded its reach and range of operations enormously. The organization still uses letter-writing campaigns as a primary tool to provide the public with information and thereby to pressure governments to allow the unjustly imprisoned to go free. By the end of 1962, Amnesty International had adopted "210 prisoners of conscience-held in nations around the world. By the end of its first decade, Amnesty International was active in 28 countries, including nations in Latin America, Asia, Africa, [Europe and North America] (amnesty.ca, par.2)."

Peter Benenson died on 25 February 2005. At his death, one of the founding staff members of AI described the excitement of working with him, "for those who were working with him, he was like part of a volcano and he could never stop making the revolution" (Buchanan, 587). Benenson's passion anchored Amnesty International. His ability to find support, inspire his colleagues, and see the need for AI created a legacy. Indeed, his drive and vision, combined with the right opportunities, created the moment for Amnesty International to be born.

By the end of its first decade, Amnesty International has become a global movement of more than 3 million supporters, members and activists, in over 150 countries, who campaign for internationally recognized human rights to be respected and protected (AI, 2014). However, Amnesty International has no offices in countries such as China, Libya, Egypt, Nigeria, Iran and many more. This does not necessarily mean that there is no work on human rights in the country, nor does it mean that they do not partner with some

human rights NGOs to document the cases of human rights abuses, but it does indicate the position of human rights organizations. In a state that does not care about human rights to begin with, will not care about what a human rights organization has to say, and the work of human rights NGOs becomes hard. Recent events in Syria have shown that there are little local human rights organizations can do in a country that does not respect human rights. By Amnesty International showing its symbolic presence in trouble spots, signifies that the world is watching any human rights violations done in those spots. They visit trouble spots by taking the risks in travel and advocacy that could ordinarily not been undertaken.

As of 2010, Amnesty International comprised 69 entities in 66 countries, which it lists as follows in two groups: Global South and Global North. Global South (43 entities in 43 countries/territories): Algeria, Argentina, Benin, Bermuda, Burkina Faso, Chile, Cote D'Ivoire, Croatia, Czech Republic, Faroe Islands, Ghana, Hong Kong, Hungary, Israel, Kenya, Malaysia, Mali, Mauritius, Mexico, Moldova, Mongolia, Morocco, Nepal, Paraguay, Peru, Philippines, Poland, Portugal, Puerto Rico, Senegal, Sierra Leone, Slovakia, South Africa, South Korea, Taiwan, Thailand, Togo, Tunisia, Turkey, Ukraine, Uruguay, Venezuela, Zimbabwe. Global North (26 entities in 23 countries/territories): Australia, Austria, Belgium (2 entities with one Flemish speaking and one French speaking), Canada (2 entities with one English speaking and one French speaking), Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Slovenia, Spain, Sweden, Switzerland, UK (2 entities with one section and the International Secretariat), USA.

By 2015, Amnesty International aims to have a significant constituency of support across Africa as part of a wider initiative to become more globally representative human

rights movement. The organization already has 13 national offices in sub-Saharan Africa. Amnesty International office has opened Regional Office in Beirut to take care of Middle East and North Africa (MENA) and another opened in October 2013 in Johannesburg to take care of its Southern Africa region as part of a major drive to increase the impact of its human rights work in the region. Similar regional offices are also set to be established in 2015 in Nairobi for East Africa and Dakar for West Africa, as the organization cements its presence across the continent and to build on its 50 years of achievements in mobilizing people across the world to act in solidarity for freedom and justice.

At the heart of Amnesty International's concerns is the individual whose human rights may come under threat from the actions or inactions of economic players. This means those affected by their operations – often already marginalized and vulnerable - are left powerless, without the protection to which they are entitled, or meaningful access to justice. Its vision is that every person should enjoy all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

In 1977, Amnesty International was awarded the Nobel Prize for Peace for its laudable achievements in the conduct of its activities. It is an internationally respected and relied- upon source of impartial information about the human rights situation all over the world, particularly on issues relating to the treatment of political prisoners, on torture, and on the death penalty.

> AI's best-known activity is letter writing on behalf of individual prisoners of conscience, incarcerated for their beliefs or nonviolent political activities. In its thirty years, it investigated the cases of over forty-two thousand individual prisoners. Amnesty International also publishes an annual report, special reports on individual countries, and occasional reports on torture and other general issues of concern. In addition, its

> representatives testify before national legislatures and intergovernmental organizations and publicize human rights issues through statements and appearances in the media. (Donnelly,1998:10-11).

Amnesty International's mission is to conduct research and take action to prevent and end grave abuses of all human rights – civil, political, social, cultural and economic. From freedom of expression and association to physical and mental integrity, from protection of discrimination to the right to housing – these rights are indivisible. Amnesty International has been contributing to the work of the UN for over thirty years in areas such as the elaboration, ratification and implementation of international standards on human rights, as well as the analysis of human rights situations in specific countries. Much of its work has revolved around the UN General Assembly (UNGA) as well as International Conferences or Special Sessions established by the General Assembly. Together with other non-governmental organizations (NGOs), Amnesty International has been able to put its human rights expertise at the disposal of governmental delegates who are working to uphold the aims of the UN, including the protection and promotion of human rights.

Amnesty International is funded mainly by its membership and public donations. No funds are sought or accepted from governments for investigating and campaigning against human rights abuses. In principle, Amnesty International is independent of any government, political ideology, economic interest or religion as it claims to be a 'democratic movement', whose major policy decisions are taken by representatives from all national sections at International Council meetings held every two years as corroborated below:

> The members of the International Executive Committee, elected by the Council to carry out its decisions, are Bernard Sintobin (Belgium Flemish – International Treasurer), Euntae Go (South Korea), Guadalupe Rivas (Mexico – Vice-Chair), Julio Torales (Paraguay), Nicole Bieske

> (Australia), Pietro Antonioli (Italy – Chair), Rune Arctander (Norway), Sandra S. Lutchman (Netherlands) and Zuzanna Kulinska (Poland). (Amnesty International Report 2012; The State Of The World's Human Rights; 2012:4).

However, the reality of the situation is that most NGOs, Amnesty International inclusive, have deviated from both their original concepts and missions of humanitarian nature, to becoming predominantly instruments of political, economic and social coercion in the hands of the powerful countries that fund them or where their funds come from. These nations use them as listening posts and monitors in the target countries to augment, enhance, or justify their individual or collective foreign policy positions towards such targets countries as corroborated below:

> Why is the West so much biased towards the human rights so called pro-democracy groups? The answer is simply this: it is not sufficient for the West to just defeat Communism in the bitter and long-drawn ideological conflict; the fate of Communism must be permanently sealed to prevent it from resurrection in any form. The West could only do so successfully by firmly implanting the ideals of capitalism. Hence, the West suddenly established, though falsely, a correlation between capitalism, economic prosperity, democracy and human rights, with the NGOs as perfect vehicles for the propagation of all. Every discourse is now nauseatingly linked to democracy and human rights, however remote the connection may be (Usman, 1999:196).

Amnesty International's work on economic players, among which include nation states including trans-national companies and international financial organizations, has developed into recognition of the power and influence they exert over states and international institutions, and the impact they have on human rights. Amnesty International's research has highlighted the negative impact companies can have on the human rights of the individuals and communities affected by their operations**.** Companies cause harm by directly abusing human rights, or by colluding with others who violate human rights. Despite this potential to cause significant harm, there are few effective

mechanisms at national or international level to prevent corporate human rights abuses or to hold companies to account. Through research and analysis, Amnesty International aims to highlight human rights abuses in which companies are implicated and how governments fail to prevent these abuses or hold companies to account when they occur. The organization is campaigning for global standards on business and human rights and stronger legal frameworks at both national and international level to hold companies to account for their human rights impact. Amnesty International asks companies to promote respect for human rights by:

i. Using their influence in support of human rights,
ii. Including a specific commitment to human rights in their statements of business principles and codes of conduct,
iii. Producing explicit human rights policies and ensuring that they are integrated, monitored and audited across their operations and beyond borders,
iv. Putting in place the necessary internal management systems to ensure that human rights policies are acted upon (AI, 2013c).

Amnesty International also calls on companies to make respect for human rights an integral component of their business operations, including through their dealings with other companies, partners, associates, subsidiaries, suppliers and government officials.

The Amnesty International movement is built on the understanding that freedom of expression and the ability to challenge governments and demand that they respect, protect and fulfill human rights is essential in order to build a world in which all people live free and equal in dignity and rights. Protesters have thrown down the gauntlet demanding that governments show leadership by promoting human rights, justice, equality and dignity. The world has shown that leaders who don't meet these expectations will no longer be accepted.

Amnesty International has insisted that states must respect human rights in any actions they take in the name of national security or countering terrorism. Where states fail

to respect human rights, governments and individuals responsible must be held to account. Amnesty International's Campaign for International Justice demands justice, truth and full reparations for victims of serious human rights violations.

Amnesty International has worked with human rights defenders for decades, and during this time, the organization has witnessed and worked against a range of repressive tactics that governments of every political hue have deployed to silence human rights defenders.

Human rights defenders include:

i. Journalists exposing human rights violations
ii. Community workers teaching human rights education
iii. Trade unionists defending workers' rights
iv. Women working for the promotion of reproductive rights
v. Environmentalists highlighting the impact of development projects on Indigenous Peoples land rights (AI, 2013c).

Human rights defenders are individuals, groups of people or organizations who promote and protect human rights through peaceful and non-violent means. They:

i. uncover violations
ii. subject violations to public scrutiny
iii. press for those responsible to be accountable
iv. empower individuals and communities to claim their basic entitlements as human beings (AI, 2013c).

Throughout history, courageous and visionary people have sought to extend the boundaries of human rights protection to those outside its boundaries, whether it be those living in slavery, workers unprotected against exploitation or women denied the vote. Today, despite international laws that protect them, human rights defenders are needed all over the world to monitor and challenge abuses and violations.

Amnesty International joined several older organizations including the World Council of Churches, the International Commission of Jurists, the Quaker UN Office, the

Anti-Slavery Society, the International League for Human Rights, and the Fédération Internationale des Droits de l'Homme in promoting a nongovernmental human rights agenda at the United Nations. In the 1980s several new internationally focused NGOs added their voices to the debate. Among these groups are the Lawyers Committee for Human Rights, Human Rights Watch, Defence for Children International, the International Helsinki Federation, the Andean Commission of Jurists, the Committee to Protect Journalists, and the International Human Rights Law Group.

Amnesty International, embraces the Universal Declaration of Human Rights (adopted on 10th December, 1948 by the General Assembly of the United Nations). The organization's "vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards"(Amnesty, par. 1). AI seeks to encourage all governments to uphold this Declaration by educating those governments' leaders and their publics about human rights abuses.

Amnesty International's purpose and its formal accountability are set out in its Statute. Key elements in the Statute include: its vision and mission statements; core values and its methodological approaches in handlng issues it considers of strategic significance:

Amnesty International vision and mission:

> *Amnesty International's vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. In pursuit of this vision, Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of these rights.*

Amnesty International core values:

> *Amnesty International forms a global community of human rights defenders based on the principles of international solidarity, effective action for the individual victim, global coverage, the universality and*

indivisibility of human rights, impartiality and independence, and democracy and mutual respect.

Amnesty International methods:

Amnesty International addresses governments, intergovernmental organizations, armed political groups, companies and other non-state actors. Amnesty International seeks to expose human rights abuses accurately, quickly and persistently. It systematically and impartially researches the facts of individual cases and patterns of human rights abuses. These findings are publicized, and members, supporters and staff mobilize public pressure (C:\AMNESTY Intl\New folder\Amnesty International's Statute _ Amnesty International.htm).

AI mandate is to help stop human rights abuses by mobilizing the public to put pressure on governments, armed political groups, companies and intergovernmental bodies via:

i. publication and promotion of our research findings
ii. public demonstrations
iii. vigils
iv. letter-writing campaigns
v. human rights education
vi. awareness-raising concerts
vii. direct lobbying
viii. targeted appeals
ix. email petitions and other online actions
x. partnerships with local campaigning groups
xi. community activities
xii. co-operation with student groups (AI, 2013c).

Amnesty International is committed to working with other agencies to promote and monitor international compliance with the Universal Declaration of Human Rights (UDHR). Since Amnesty International is steadfastly committed to upholding the principles enshrined in the Declaration, it has developed an ongoing relationship with the institution most responsible for monitoring implementation of that effort; the United Nations. AI's relationship with the United Nations is particularly important in making it an influential advocacy and agenda-setting organization since it gives Amnesty officials the ability to sit with the necessary leaders and influence the policies needed to create an international

policy agenda that will maintain and protect human rights. By remaining an independent non-profit agency, Amnesty International maintains its operating autonomy and can even serve as a neutral voice for the aspirations of the United Nations, when that body is weighed down by politics or by its own bureaucracy.

Over the last decade especially, AI has developed a relationship with the United Nations that allows it to be involved deeply in agenda setting, "policy formulation and project implementation" (Martens, 2005:1). By working with the United Nations, Amnesty has become one of the most important human rights organizations in the world. AI regulates and monitors how effectively the United Nations is encouraging countries to adhere to the Declaration. Through formal and informal mechanisms, the human rights group regularly influences the UN agenda by attending meetings, working with different bodies of the UN, and participating in its resolution drafting processes.

Amnesty has always recognized the importance of building a healthy relationship with the United Nations. As part of its mandate, AI "seeks to support and publicize the activities of and cooperate with international organizations and agencies which work for the implementation of the aforesaid provisions" (Martens, 2005:2). In "An Appraisal of Amnesty International's Work at the United Nations", Kerstin Martens interviewed an AI staff member who commented, "from its earliest days Amnesty recognized the importance of working directly in and through the UN system, both to expose violations and advance the frontiers of human rights protection" (Martens, 2005:3). Amnesty International uses the United Nations to champion human rights; its central aim. AI begins the process of building a relationship with the UN by exchanging information through personal contacts with key representatives. AI representatives often spend days at the United Nations just speaking with desk officers and other officials with whom they have developed regular contact

(Martens, 2005:5). That personal contacts network allows AI to build the necessary relationships needed to be a major player within the UN while advocating for its own agenda. This informal mechanism is useful and beneficial.

On a more formal level, Amnesty submits regular briefings and reports to the Office of the UN High Commission for Human Rights and a sub-committee for the Promotion and Protection of Human Rights of its Commission on Human Rights (Martens, 2005:5). AI uses these briefings and hearings as a specific opportunity to influence the High Commissioner's agenda. For this purpose AI researchers prepare briefs and statements and seek to persuade key representatives to consider the material for different agenda items. AI advocates for its own agenda; it does not simply accept the committee's agenda. That is, Amnesty seeks actively to practice agenda setting.

In the mid 1990's Amnesty International also began submitting reports to the seven treaty bodies that together constitute the major monitoring system for human rights violations; AI leaders felt it was imperative to begin to work with the officials that worked to uphold these international agreements (Martens, 2005:5). Amnesty International's work has often been cited in UN reports and its role has played a major part in the treaty bodies becoming more aggressive in monitoring human rights abridgments and infringements.

Amnesty participates in a range of different activities at the United Nations to advance human rights protection. In the past, AI abstained from participating in any drafting processes for United Nations resolutions (Martens, 2005:10). However, today, the organization often participates in those efforts, sometimes even serving as an advisor. Amnesty International has a reputation of participating in these processes more than any other international nongovernmental organization (INGO), and also typically plays a part from beginning to end. Such participation is particularly useful to AI because it allows the

organization to press its candidates for places on the agendas of the relevant UN organizations. Since the creation of the office of the High Commissioner for Human Rights in 1993 (United Nations, par.1), Amnesty International has frequently been asked to participate in its activities since it submits so many items for consideration to that UN body (Martens, 2005:11). Only four to six NGO's are typically invited to work with the High Commissioner for Human Rights (HCHR), sometimes with only forty-eight hours notice, but because of Amnesty International's reputation for providing credible and well documented evidence in an impartial way, it is typically one of those approached (Martens, 2005:11). Being involved consistently with the Office of the High Commissioner is specifically useful, because it allows the agency to continue to influence policy topics and closely monitor the direction of international policies and agendas (Martens, 2005:12).

Amnesty International also works closely with the Arria Formula, an informal arrangement that allows the United Nations Security Council flexibility "to be briefed on international peace and security issues by non-council members (Martens, 2005:7)". By working with different bodies of the United Nations, Amnesty International strengthens its voice, and ensures that it is heard at multiple levels. In the past, the United Nations did not consider itself a "human rights" organization. Now, in part because of AI's work, human rights are at least one focus for many UN institutions such as: United Nations Children's Fund (UNICEF), United Nations Development Program (UNDP), and Office for the Coordination of Humanitarian Affairs (OCHA), or the UN High Commissioners for Refugees and Human Rights. AI works closely with all of these international agencies (Martens, 2005:12).

By focusing on communicating regularly with the United Nations, Amnesty International has developed an ability to play a role in setting the international human rights

agenda. Since the United Nations has a legitimate role to play in implementing humanitarian law, it is crucial that Amnesty International work to maintain this relationship. Also, with its independent non-profit status, Amnesty can freely publicize abuses and violations of human rights without being responsible to anyone other than to the victims of those abuses. The differences between UN and AI allow each to complement the other. Amnesty International monitors the implementation of human rights and the United Nations seeks to assure international implementation of those agreements. Together, the two agencies seek to uphold the international human rights standards enshrined in the Universal Declaration of Human Rights. Amnesty partners with the UN when it can, or 'pushes ahead independently when it must.

4.2) Amnesty International Mode of Governance

Amnesty International is a movement based on worldwide voluntary membership and consists of a federal structure that is made up of national sections, structures, international networks, affiliated groups and individual international members. The organization's governing board is the International Council, which meets every two years. Voting participants at the International Council are representatives from national sections and structures. International networks and other members may attend the International Council as non-voting participants. Voting power for national sections is scaled to reflect the number of groups or members a section has. Sections can have up to five representatives, each having one vote. Structures all have only one vote.

The executive board of Amnesty International is the International Executive Committee (IEC), which has nine members all elected by the International Council. No more than one member of any section, structure or affiliated group may be elected to the

International Executive Committee. The Committee meets at least twice a year and appoints the Secretary General who oversees the affairs of Amnesty International and heads the international secretariat. The organizational structure of Amnesty International includes: the International Council, International Executive Committee, and an International Secretariat. The International Council is Amnesty International's main governance. Every year delegates from the national sections (chapters) are invited to attend. Representatives from the United Nations and the Red Cross are also invited to participate. The Council decides on policy changes, goals for the year, and reviews the job functions of the International Secretariat and the International Executive Committee (Powers, 2002:139). The IEC consists of a treasurer and eight "regular members," no two of which can be from the same section. Half of the regular members are elected at each
International Council Meeting (ICM) for four-year terms, and each regular member may be re-elected once. The members of the IEC are unpaid.

The International Executive Committee consists of nine regular members elected by the International Council. The Committee meets four-five times a year to discuss strategies for the organization and to advise the International Secretariat (Powers, 2002:139).

(4.2.1) International Council:

Ultimate authority for the conduct of the affairs of Amnesty International is vested in the International Council**.** The primary functions of the International Council are:

(i) to focus on strategy;
(ii) to set Amnesty International's vision, mission and core values;
(iii) to determine Amnesty International's strategic goals including its financial strategy;
(iv) to establish systems and bodies of governance and delegation for the movement, to elect members to those bodies, and to hold those bodies and their members accountable;

(v) to evaluate the movement's performance against its agreed strategies and plans; to hold sections, structures and other bodies accountable. (AI, 2015)

The International Council shall consist of the members of the International Board and of representatives of sections and structures, and of representatives of Amnesty International's international membership, as defined in the second paragraph of Article 17, and shall meet at intervals of not more than two years on a date fixed by the International Board. Only representatives of sections and structures and the international membership shall have the right to vote at the International Council (AI,2015).

The international membership shall have the right to appoint one representative to the International Council. In addition, they may appoint:

i. more than 250 international members 1 representative
ii. more than 2,500 international members 2 representatives
iii. more than 15,000 international members 3 representatives
iv. more than 40,000 international members 4 representatives
v. more than 80,000 international members 5 representatives (AI, 2015).

All sections and structures shall have the right to appoint one representative to the International Council. In addition, a section may appoint:

vi. more than 250 members 1 representative
vii. more than 2,500 members 2 representatives
viii. more than 15,000 members 3 representatives
ix. more than 40,000 members 4 representatives
x. more than 80,000 members 5 representatives

or, if a section so chooses:

xi. 10 – 49 groups 1 representative
xii. 50 – 99 groups 2 representatives
xiii. 100 – 199 groups 3 representatives
xiv. 200 – 399 groups 4 representatives
xv. 400 groups and over 5 representatives (AI, 2015)

Only sections having paid in full their annual fee as assessed by the International Council for the two previous financial years shall vote at the International Council. This requirement may be waived in whole or in part by the International Council. If an Amnesty International entity has not provided the agreed annual financial reports and its audited accounts to the International Secretariat within one month of the final date for submission, that entity is not entitled to vote at the International Council. This requirement may be waived in whole or in part by the International Council.

The International Board may invite to the International Council delegates from international networks and other individuals as non-voting participants. A section or structure unable to participate at an International Council may appoint a proxy or proxies to vote on its behalf and a section represented by a lesser number of persons than its entitlement under Article 19 hereof may authorize its representative or representatives to cast votes up to its maximum entitlement under Article 19 hereof. Notice of the number of representatives proposing to attend an International Council, and of the appointment of proxies, shall be given to the International Secretariat not later than one month before the meeting of the International Council. This requirement may be waived by the International Board.

A quorum shall consist of the representatives or proxies of not less than one quarter of the sections and structures entitled to be represented.

The Chairperson of the International Council and an alternate shall be elected by the preceding International Council. The Chairperson or, in his or her absence, the alternate, shall preside at the International Council. In the absence of the Chairperson and the alternate, the Chairperson of the International Board or

such other person as the International Board may appoint shall open the proceedings of the International Council which shall elect a Chairperson. Thereafter the elected Chairperson, or such other person as the Chairperson may appoint, shall preside at the International Council, except as otherwise provided in the Statute, the International Council shall make its decisions by a simple majority of the votes cast. In case of an equality of votes the Chairperson of the International Council shall have a casting vote (AI, 2015).

The International Council shall be convened by the International Secretariat by notice to all sections and structures not later than 90 days before the date thereof.

The Chairperson of the International Board shall at the request of the International Board or of not less than one third of the sections and structures call an extraordinary meeting of the International Council by giving not less than 21 days' notice in writing to all sections and structures.

The International Council shall elect a Treasurer, who shall be a member of the International Board. The agenda for the meetings of the International Council shall be prepared by the International Secretariat under the direction of the Chairperson of the International Board (AI, 2015).

(4.2.2) International Board:

The primary role of the International Board is to provide leadership and stewardship for the whole of the Amnesty International movement. The functions of the International Board are:

1. to take decisions on behalf of the movement;

2. to ensure that there is a sound financial policy for Amnesty International and that the financial policy is consistently implemented across the movement;
3. to ensure implementation of the strategic goals
4. to make any necessary adjustments to the strategic goals and other decisions of the International Council;
5. to ensure compliance with the Statute;
6. to ensure human resources development;
7. to hold sections, structures and other bodies of Amnesty International accountable for their functioning by presenting reports to the International Council;
8. to perform the other functions conferred on it by the Statute (AI, 2015).

The International Board shall consist of the Treasurer and eight regular members, who shall be individual or international members of Amnesty International. The regular members and Treasurer shall be elected by the International Council. Not more than one member in any section, structure or affiliated group, or international member of Amnesty International voluntarily resident in a country, state or territory in which there is no section or structure, may be elected as a regular member of the International Board (AI, 2015).

The International Board shall meet not less than twice a year at a place to be decided by itself. Members of the International Board, including the International Treasurer, shall hold office for a period of four years and shall be eligible for re-election once. Their terms of office shall begin and end at the close of the International Council meeting. The International Board may co-opt not more than two additional members who shall hold' office until the close of the next meeting of the International Council; they shall be eligible to be re co-opted once. Co-opted members shall not have the right to vote. In the event of vacancies occurring on the International Board, it may co-opt further members to fill the vacancies until the next meeting of the International Council, which shall elect such members as are

necessary to replace members (or their co-opted alternates) who are at the end of their terms and to fill the vacancies for the positions with two remaining years of office (AI, 2015).

The International Board shall appoint one of its members to act as Chairperson. The Chairperson may, and at the request of the majority of the International Board shall, summon meetings of the International Board. A quorum shall consist of not fewer than five members of the International Board. The agenda for meetings of the International Board shall be prepared by the International Secretariat under the direction of the Chairperson (AI, 2015).

The International Board may make regulations for the conduct of the affairs of Amnesty International and for the procedure to be followed at the International Council, and may take such steps as it sees fit to establish and maintain a system of effective committees, including standing committees, intermediate structures, or other forums, in support of its functions. The International Board shall comply with the Core Standards, as applicable.

(4.2.3) Chairs Forum:

The primary functions of the Chairs Forum are:

> (i) to give advice and recommendations to the Amnesty International movement and the International Board on matters related to the governance of Amnesty International and controversial issues.
>
> (ii) to contribute to building the capacity of Chairs of sections, structures and other bodies of Amnesty International;
>
> (iii) to build relations among sections and structures and provide an open space for debate on common issues;
>
> (iv) to undertake other tasks and make decisions delegated to it by the International Council (AI, 2015).

The Chairs Forum will function in accordance with its Terms of Reference as adopted by the Chairs Forum in collaboration with the International Board or, in case of disagreement, decided by the International Council. The Chairs Forum shall:

(i) be composed of the Chairs of Amnesty International sections and structures, as well as representatives of the international membership who have been elected in accordance with Article 18;

(ii) have a Steering Committee composed of members elected at the Chairs Assembly, a representative of the International Board, and the Chairperson of the International Council;

(iii) meet once a year at the Chairs Assembly with an agenda prepared by the Steering Committee (AI, 2015).

The Chairs Assembly shall be chaired by the Chairperson of the International Council elected by the preceding International Council in accordance with Article 24. Each member of the Chairs Forum will hold one vote in all decisions, except for decisions referred to the Chairs Forum by the International Council where the same voting rights as held at the preceding International Council apply. The size, chairing, terms of reference, and operational arrangements for the Steering Committee shall be agreed by the Chairs Forum in cooperation with the International Board (AI, 2015).

(4.2.4) International Secretariat:

The Amnesty International secretariat is based in London, UK or such other place as the International Board shall decide and which is ratified by at least one half of the sections. AI employs approximately 450 people at the Secretariat and have more than three million (3m) supporters in over 150 countries. The day-to-day affairs of Amnesty International shall be conducted by the International Secretariat

headed by a Secretary General under the direction of the International Board (AI, 2015).

The Secretary General of AI may appoint senior executive staff in cooperation with the International Executive Committee, and may appoint other staff as needed. The Secretariat serves as the public face of the organization and frequently prepares press releases and holds press conferences. The current leader of the International Secretariat is Salil Shetty (i.e. the Secretary General), whose appointment came into being on 21st December 2009 after the expiration of Irene Khan tenure. Shetty has started work in July 2010 (AI, 2015).

The London headquarters (HQ) is responsible for deciding who is chosen as a prisoner of conscience (Powers, 2002:139). Although, they accept suggestions from different chapters; London headquarters staff alone are responsible for these decisions. Researchers at London HQ compile a fact sheet containing information about the victim, and forward it to the necessary section, giving explicit instructions on how to coordinate action for the prisoner of conscience (Powers, 2002:139).

AI has created sections/chapters in different parts of the world and volunteers coordinate each. Each chapter or section of AI must submit an annual fee to the secretariat, and work rigorously to uphold the core values and vision of Amnesty International. Amnesty International chapters and sections are financed through fundraisers and membership dues or fees (amnesty, par.11). An auditor appointed by the International Council annually audits all chapter accounts. Audits are prepared by the International Secretariat and presented to the International Executive Committee and International Council (amnesty, par 11).

Founded in 1960, Amnesty International originally focused on the plight of political prisoners around the world has broadened its mandate to take in other aspects of human rights including the abolition of torture and the death penalty, refugees, abuses by armed opposition groups, ill-treatment of women and children, and discrimination against ethnic minorities, gays, lesbians, bisexual and transgender people. Amnesty International also lobbies corporations to act responsibly and to not aid human rights abuses. Amnesty International work on abuses of human rights in any country or territory, including the collection and evaluation of information, and the sending of delegations. This schedule lies with the international governing bodies of the movement, and not with the section, structure, groups or members in the country or territory concerned.

A section of Amnesty International may be established in any country, state, territory or region with the consent of the International Board. In order to be recognized as such, a section shall:

(i) prior to its recognition have demonstrated its ability to organize and maintain basic Amnesty International activities;
(ii) submit its Statute to the International Board for approval;
(iii) pay such annual fee as may be determined by the International Council;
(iv) be registered as such with the International Secretariat on the decision of the International Board (AI, 2015).

Sections shall take no action on matters that do not fall within the stated vision and mission of Amnesty International. The International Secretariat shall maintain a register of sections. Sections shall act in accordance with the core values and methods of Amnesty International and shall comply with the Core Standards as well as any strategic goals, working rules and guidelines that are adopted from time to time by the International Council (AI, 2015).

The International Board may appoint a Secretary General who shall be responsible under its direction for the conduct of the affairs of Amnesty International and for the implementation of the decisions of the International Council.

The Secretary General may appoint senior executive staff in close cooperation with the International Board, and may appoint all other staff as are necessary for the proper conduct of the affairs of Amnesty International (AI, 2015).

In the case of the absence or illness of the Secretary General, or of a vacancy in the post of Secretary General, the Chairperson of the International Board shall, after consultation with the members of that International Board, appoint an Acting Secretary General to act until the next meeting of the International Board (AI, 2015).

The Secretary General or Acting Secretary General and such members of the International Secretariat as may appear to the Chairperson of the International Board to be necessary shall attend meetings of the International Council and of the International Board and may speak there at but shall not be entitled to vote (AI, 2015).

(4.2.5) International Nominations Committee

There is an International Nominations Committee responsible to the International Council. The International Nominations Committee will function in accordance with its terms of reference and the functions and responsibilities given to it by the Statute, the Standing Orders of the International Council and decisions of the International Council (AI, 2015).

(4.2.6) Termination of membership

International administration and suspension of entities The International Board may decide:

(i) that there is to be international administration of a section, structure or international network; or

(ii) to suspend temporarily a section, structure, international network, internationally registered group or international member if the International Board considers that in all the circumstances such an action is necessary in order to protect the reputation, integrity or operation of Amnesty International, or is unavoidable because of the local circumstances in which the section, structure, network, group or member is operating, and that such an action is the only one reasonably available (AI, 2015).

Termination of membership and closure of entities an international member of Amnesty International may terminate their membership at any time by resignation in writing. A section, structure, international network or internationally registered group may voluntarily relinquish its registration at any time by written notice to the Secretary General.

The International Board may:

(i) terminate the membership of an individual international member;
(ii) close a section, structure, international network, or internationally registered group (AI, 2015).

(4.2.7) Membership appeals committee

The Membership Appeals Committee shall consist of five members elected by the International Council in the same manner and subject to the same conditions as provided for in Article 30 for the International Board. The function of the Membership Appeals Committee is to determine appeals in respect of which the Statute or a decision of the International Council gives a right to appeal. Once the International Board has made a final decision:

(i) on administration under Article 50 for the first time;
(ii) on temporary suspension under Article 50 if the temporary suspension is for a period greater than three months;
(iii) on termination of membership or closure under Article 51;
(iv) more than five years after the original decision to extend a period of administration or temporary suspension under Article 50; the section, structure, international network or internationally registered group, anyone who can demonstrate that they speak on behalf of a significant number of its members, or the international member affected, may appeal to the Membership Appeals Committee (AI, 2015).

Procedures for international administration, suspension, termination and closure: The International Council may adopt procedures:

(i) in relation to how the International Board takes decisions under Articles 50 and 51, and in relation to the consequences of such decisions;
(ii) to be followed by the Membership Appeals Committee. (AI, 2015)

(4.2.8) Finance

Amnesty International does not seek or accept funds from governments; instead the organization relies primarily on funding from national sections and local volunteer groups. Their income for 2006 was £29.4 million. AI has more than 260,000 financial supporters in the UK, working together to improve human rights worldwide (AI, 2015).

The International Board shall, through the International Treasurer, provide reports, at least once a year, to the Amnesty International movement on the financial results and the financial position of the movement and of the International Secretariat (AI, 2015).

(4.2.9) Amendments of statute

The Statute may be amended by the International Council by a majority of not less than two thirds of the votes cast. Amendments may be submitted by the

International Board or by a section or structure. Proposed amendments shall be submitted to the International Secretariat not less than seven months before the International Council meets, and presentation to the International Council shall be supported in writing by at least five sections or structures. Proposed amendments shall be communicated by the International Secretariat to all sections and structures and to members of the International Board (AI, 2015).

4.3) Amnesty International Organizational Structure

An Amnesty International structure is an Amnesty International national or regional body established by the International Board, to promote and implement the movement's vision and mission. The purpose of a structure is to coordinate a sustained programme of human rights activities and consolidate its national or regional organization. The organizational structure of AI is design to consist of at least a board and active volunteers, unless otherwise determined by the International Board, and shall comply with the Core Standards as well as any strategic goals, working rules and guidelines that are adopted from time to time by the International Council. The Amnesty International UK governance chart displayed in expendix 11 of this work shows clearly how their governance systems work together. Along with the Annual General Meeting and the Board and its committees, additional consultative forums enable members to take an active role and exert influence.

4.4.) Amnesty International Networks

An Amnesty International "International Network" exists to promote and implement the movement's vision and mission, primarily on the basis of a specific theme or identity. An International Network must meet the following requirements:

(i) have Amnesty International members from at least five different sections and/or structures;
(ii) have Amnesty International members from at least two International Secretariat programme regions;
(iii) be theme or identity based;
(iv) have terms of reference that meet the Statute and core values of Amnesty International;
(v) have terms of reference approved by the International Board;
(vi) be formally recognized by, and registered with, the International Board (AI, 2015).

4.5) Amnesty International Affiliated Groups

Groups of not less than five members may, on payment of an annual fee determined by the International Council, become affiliated to Amnesty International or a section thereof. Any dispute as to whether a group should be or remain affiliated shall be decided by the International Board. Each section shall maintain and make available to the International Secretariat a register of affiliated Amnesty International groups. Groups in a country, state, territory or region without a section shall be registered with the International Secretariat. Groups shall take no action on matters that do not fall within the stated vision and mission of Amnesty International. Groups shall act in accordance with the core values and methods of Amnesty International, as well as any strategic goals, working rules and guidelines that are adopted from time to time by the International Council.

4.6) Individual Membership

An individual member of Amnesty International is any person who contributes to the advancement of the mission of Amnesty International, who acts in accordance with the core values and policies of Amnesty International, and who has been recognized and registered as a member by an Amnesty International section, structure or affiliated group by virtue of payment of annual dues or having been granted a dues waiver.

Individuals residing in countries, states, territories, or regions where there is no section or structure and who are not members of an affiliated group, may, on payment to the International Secretariat of an annual subscription fee determined by the International Board, become international members of Amnesty International. In countries where a section or structure exists, individuals may become international members of Amnesty International with the consent of the section or structure and of the International Board. The International Secretariat shall maintain a register of such international members.

4.7) Conclusion

From the foregoing, it is clear to deduce that Amnesty International is one of largest, organized, human rights advocacy organization that is exclusively set up by private individuals to documents human rights violations across countries and to put an end to human rights abuses. Its procedure includes but not limited to mounting pressure on violators of human rights, inrespect of whose ox is goars. Its also celebrates those who stand up for human rights across the world, often in difficult and dangerous circumstances. With these unwavering determination to succeed, AI has continues to expand in leaps and bounds to become "a global movement of more than 7 million people who take injustice personally (AI, 2015. https://www.amnesty.org/en/who-we-are/ accessed on 08/05/2015)". It is funded by members and philanthrophers; and so maintains its total independence from bowing down to any state or extra-super continental power that be. It is independent of any political ideology, economic interest or religion, hence maintains its mantra of "no government is beyond scrutiny and no situation is beyond hope".

CHAPTER FIVE
THE IMPACT ASSESSMENT OF THE INTERVENTION OF AMNESTY INTERNATIONAL IN HUMAN RIGHTS VIOLATIONS IN RIVERS STATE OF NIGERIA (1990-2012)

5.1. Prologue on Data Presentation

The main thrust of this research is to examine the intervention activities of Amnesty International (AI) in exposing and averting human rights violations in Rivers State. The dominant form of human rights violation in the State is adjudged to be 'environmental degradation' caused by the activities of oil companies/TNCs, oil bearing communities (OBCs), and the State. Therefore, for a research of this magnitude to be conducted, it would require examining all the stakeholders identified above in a manner specified in the preceding Chapter (i.e. Chapter Three – tagged Research Methodology). That way, our set out research objectives, questions and assumptions given in Chapter One would be put to test and answer.

Starting with definition of the composition of each of the identifiable stakeholders above, the following tables present the bio-data/DNA of units or elements involved within our targeted population/stakeholders herein referred as "the respondents" quizzed and what they were quizzed for.

(5.1.1) Tables of bio-data of respondents/DNA of respondents:

(5.1.1a) (i) Oil companies/TNCs

The researcher begins by defining what constitute "oil companies" in terms of activities and nomenclature. The oil companies' activities are basically segmented in to three namely: servicing, marketing and/or exploration. The category that concerns this study are the ones that falls under "oil exploration and exploitation" activity. Oil spills, gas

flaring, water pollution, discharge of toxin industrial wastes are usually associated with the aftermath of their extractive activity. These by-activity-products constitute a great deal of human rights violations on the OBCs, which by extension falls within the ambit of Amnesty International (AI) advocacy activity.

The major oil companies within our study area (i.e. Rivers State) are six (6) in number, namely: Nigerian Petroleum Development Company Limited (NPDC) – subsidiary of Nigerian National Petroleum Corporation (NNPC); Royal Dutch/Shell (comprising Shell Petroleum Developing Company of Nigeria (SPDC), Shell Nigeria Exploration and Production Company and Nigeria Liquefied Natural Gas (NLGN)); Mobil-Exxon Petroleum Company (MEPL); Chevron (comprising Chevron Oil Nigeria Limited and Texaco Overseas Petroleum Co. Nigeria); Total (Elf) or Total E&P Nigeria Limited (comprising Elf Petroleum Nigeria Ltd and Total Upstream Nigeria Ltd); and Nigerian Agip Oil Company (NAOC); (Francis, *et al*; 2011:85). The assertion below clearly confirmed why these companies are regarded as major players:

> As at today, the total number of Oil Mining Lease (OML) in operation in our country is 109, while the total number of Oil Prospecting License (OPL) is 92. But the 2012 target of 2.48 million barrel of oil per day (MBOPD) was made up of 1.5 MBOPD from the onshore and shallower water terrain and 900800 BOPD from the Deep-water; which to date is currently controlled by the multinationals. The NNPC and some indigenous partners are mere concessionaires. However, if production is calculated on equity basis, the percentage of our production controlled by the multinational companies is 43% Joint Venture and 65-70% in the Performance Sharing Contracts (PSC).
> ……the current figures of barrels of oil per day by the oil companies operating in our country: Shell (605,539); Exxon Mobil (528,000); Chevron (489,999); Total Elf (400,134); Agip (98,284); Addax (90,489); NPDC (125,828); Seplat (40,033); Pan Ocean (7,387) and the others described as Independent Marginals (102,797). It is clear from the foregoing that Nigerians are small players in the sector……(Adeniyi, 2013).

The other oil companies regarded as fridge players are substantially indigenous private petroleum prospecting and production companies, which are by this study regarded as a composite Unit. Accordingly, "these companies usually lack the technical know-how to operate their oil licenses and often have to partner with established international oil majors to extract either crude, gas or condensate (Atuanya, 2014)". Also, their volumes of operation were adjudged to be in no way near the aforementioned major players, hence underscores our reasoning in merging them together. These companies are: South Atlantic Petroleum (SAPETRO) - owned by TY Danjuma; Oriental Energy Resources Limited (OERL) **-** owned by Mohammed Indimi, Cavendish Petroleum – owned by Mai-Deribe; AMNI International Petroleum and Development Company (AIPDC) – owned by Sani Bello; Express Petroleum and Gas Limited floated by Aminu Dantata (Atuanya Patrick, 2014); Frontier Oil Limited (FOL); Dubri Oil Company Limited; Moni Pulo Limited (MPL); Atlas Petroleum International Ltd; Waltersmith Petroman Oil Limited; and Sadiq Petroleum Nigeria Limited (SPNL). These companies are lump up together and reflected in our table below as "Others" for convenience of analysis. The excerpt below corroborates why our indigenous oil companies are regarded as fridge players, and merging them together to form a composite may make sense for analytical purpose:

> It is noteworthy that Deep-water PSCs are mainly controlled by IOCs, while the entire production by indigenous companies totals 276,000 barrels per day. This is about 11 percent of our national production. Interestingly, this is inclusive of the government-owned NPDC, Seplat, Pan Ocean and other independent marginal producers. The remaining 88 percent production, as I mentioned earlier, is by the multinationals and their partners/concessionaires in the JV and Deep-water operations (Adeniyi, 2013).

From the foregoing, the summation of all the oil companies given above, which constitute our total population size, are seventeen (17) in numbered. For ease of analysis,

the table shows the entire quantum of oil companies (i.e. both major and fridge players) as seven (7) in number (since we have agreed to take the fridge players one composite unit).

Table 5.1.1: Oil Companies with active presence in Rivers State & quizzed on the basis pollution

	Names of Companies and their approximate Population Size	Sample size of Personnel	%	Gas flaring	%	Oil Spill	%	Others	%	Comb-ined	%	Quest not return
1	**Shell Development Petroleum Company (SDPC) - 5000**	357	**15.10**	117	**13.53**	100	**16.03**	30	**10.83**	60	**20.97**	50
2	**Exxon- Mobil Petroleum Company - 3000**	341	**14.42**	121	**13.99**	80	**12.82**	50	**18.05**	20	**6.99**	90
3	**Chevron Nigeria Ltd & Texaco Overseas Petroleum Company Ltd (Merged) - 3500**	346	**14.63**	150	**17.34**	95	**15.22**	30	**10.83**	31	**10.84**	40
4	**Total E & P Nigeria Ltd (Total merged with Elf) - 3200**	342	**14.46**	145	**16.76**	84	**13.46**	44	**15.88**	19	**6.64**	50
5	**Nigeria Agip Oil Coy - 2500**	332	**14.04**	112	**12.95**	107	**17.14**	72	**25.99**	21	**7.34**	20
6	**Nigerian Petroleum Dev. Coy (a subsidiary of NNPC) - 1500**	306	**12.94**	120	**13.87**	88	**14.10**	-		65	**22.73**	33
7	**Others - 3000**	341	**14.42**	100	**11.56**	70	**11.22**	51	**18.41**	70	**24.48**	50
	Total Administered	**2365**	**100**	**865**	**100**	**624**	**100**	**277**	**100**	**286**	**100**	**333**

Source: Field work, 2014

From the table above, the following can be deduced:

Rate of return of questionnaires/Net Total Secured: 2365 - 333 = **2032** **Percentage:** 2032/2365 x 100 = **85.92%;** **Gas Flaring**: 865/2365 x 100 = 36.58%; **Oil Spills:** 624/2365 x 100 = 26.38%; **Others forms of Pollutants:** 277/2365 x 100 = 11.71%; **Combined Pollutants:** 286/2365 x 100 = 12.09%

Table 5.1.2: Admittance of pollution committed

Score on environmental pollution		Frequency	Percent
Valid	Yes	14	87.50
	No	2	12.50
	Total	16	100.0

Source: Field work, 2014

Table 5.1.3: Frequency of occurrence of the pollution caused by oil companies

		Frequency	Percent
Valid	Periodically	13	81.25
	Hardly	3	18.75
	Total	16	100.0

Source: Field work, 2014

Table 5.1.4: Measure of intensity/enormity pollution caused by oil companies

		Frequency	Percent
Valid	Severe	10	62.50
	Moderate	6	37.50
	Total	16	100.0

Source: Field work, 2014

Table 5.1.5: Oil Companies quizzed on the basis of their own impact assessment of AI intervention activities on their operation

	Names of Companies and their approximate Population Size	Net Quests administered on Population Sample size	Increase Coys Safety Std.	Restitution or compensati-on	Step up of CSR	Engage Security agencies	Issuance of bribe, contract award, etc.	All of the aforeme-ntioned
1	**Shell Development Petroleum Company (SDPC) - 5000**	307	70	**17**	50	**40**	30	**100**
2	**Exxon- Mobil Petroleum Company - 3000**	251	80	**12**	50	**18**	20	**71**
3	**Chevron Nigeria Ltd & Texaco Overseas Petroleum Company Ltd (Merged) - 3500**	306	95	**15**	30	**10**	31	**125**
4	**Total E & P Nigeria Ltd (Total merged with Elf) - 3200**	292	84	**13**	44	**15**	19	**117**
5	**Nigeria Agip Oil Coy - 2500**	312	76	**14**	72	**25**	25	**100**
6	**Nigerian Petroleum Dev. Coy (a subsidiary of NNPC) - 1500**	273	88	**-**	65	**30**	23	**67**
8	**Others - 3000**	291	70	**5**	24	**74**	50	**68**
	Total Administered	**2032**	**563**	**76**	**335**	**212**	**198**	**648**

Source: Field work, 2014

(5.1.1a) (ii) Rivers State Government represented by the State Security Agencies:

Our next respondents identified were the security agencies operating in Rivers State. The researcher discovered five dominant agencies that were saddled with responsibility of maintaining law and order, namely: Police, Military (comprising Army, Navy and Air force), State Security Service (SSS), Nigerian Security Civil Defence Corps (NSCDC), and National Drug Law Enforcement Agency (NDLEA). These agencies were quizzed based on various criteria such as methods used to suppressing or cracking down of protests, length of service of the respondents, and ultimately the ranking of the respondents.

Table 5.2.1: Security Agencies quizzed on the basis of methods applied to suppress OBCs resistant against the havoc of environmental degradations

		Sample size of Personn-el quizzed	%	Total non-responses	%	Direct Repression (i.e. Tear gassing, blockage)	Arbitrary arrest and Detention without trial	Extra-judicial execut-ions	Torture of suspects	Combined Methods
1	Police - 4,300	354	27.9	50	24.8	120	80	4	40	60
2	Military - 8000	367	28.9	105	52.0	82	50	10	80	40
3	SSS - 218	135	10.6	15	7.4	-	50	-	50	20
4	Others(NDLEA-120;	92	7.2	10	4.9	10	50	-	20	2
5	Civil Defense -2000)	322	25.4	22	10.9	180	20	-	100	-
	Total administered	**1270**	**100**	**202**	**100**	**392**	**250**	**14**	**290**	**122**

Rate of return of questionnaires/Net Total Secured: 1270 – 202 = 10**68** **Percentage:** 1068/1270 x 100 = 84.09%

% of Questionnaires not return: 202/1270 x 100 = 15.91. **N.B.**% given in the table were calculated in relation to the total.

Source: Field work, 2014

Table 5.2.2: Table of respondents based on length of service

Length of Service	Frequency	Percent
no response	202	15.91
less than 5 yrs	46	3.62
5-10 yrs	250	19.69
over 10 yrs	772	60.79
Total	1270	100.0

Source: Field work, 2014

Table 5.2.3: Table of respondent base on ranking by salary

Ranking by Salary	Frequency	Percent
no response	202	15.91
Officers in Grade Level 14 upward	250	19.68
Officers in Grade Level 08 to 13	700	55.12
Officers in Grade Level 04 to 07	146	11.50
Total	1270	100.0

Source: Field work, 2014

Table 5.2.4: Security Agencies quizzed on the basis of their own impact assessment of AI intervention activities on their operation

Names of Security Agencies and their approximate Population Size	Net Quests administered on Population Sample size	Reduced Torture	Access to lawyers, HR defenders	Legal remedies to Victims	Institute investigati -ons on allegation	Criminalize the use of ill treatment on suspects	All the aforemen-tioned
1 **Police: 4,300 (354-50)**	304	20	**80**	40	**20**	47	**97**
2 **Military: 8,000(367-105)**	262	30	**42**	15	**18**	40	**117**
3 **SSS: 218 (135-15)**	120	10	**15**	30	**10**	31	**24**
4 **NDLEA:120 (92-10)**	82	4	**13**	4	**15**	29	**17**
5 **NCDSC: 2,000 (322-22)**	300	76	**14**	72	**25**	35	**78**
Total Administered	**1068**	**140**	**164**	**161**	**88**	**182**	**333**

Source: Field work, 2014

(5.1.1a)(iii) Oil Bearing Communities (represented by pressure groups and community leaders)

The table below (5.3.1.) shows the various pressure groups/associations/militants groups in the OBCs of Rivers State with wide network of area of operation within Niger-Delta region. Nine (9) pressure groups were identified, among which, some determined number of questionnaires were administered to the nine (9) groups; thirty six (36) were interviewed, and thirty (30) were engaged in focus group discussion, bringing the total quizzed to 75 people/elements. These pressure groups are Niger-Delta Youth Movement (NDYM); Movement for the Survival of the Ogoni People (MOSOP), Movement for the Emancipation of the Niger-Delta (MEND); Niger-Delta Vigilante Movement (NDVM alias Icelanders), Niger-Delta Civil Society Coalition (NDCSC), Federated Niger-Delta Ijaw Communities (FNDIC), Niger-Delta People's Volunteer Force (NDPVF); National

Youth Council of Ogoni People (NYCOP), and Niger Delta Liberation Force (NDLF). Among these groups identified, three stood out to be dominant and are regarded as major players, while the rest are regarded as fridge players and have affiliations with the major players.

Table 5.3.1. showing various dominant pressures groups/militants and their opinions on various pollution variables

	Population Size	Sample size for quest.	Quest not retriev	Quest. administered	Percentage	Gas flaring	Oil spills	Others (Bush burning)	Combined
1 Niger-Delta Peoples Volunteer Force (NDPVF)	50,000	381	81	300	25.08	30	220	40	10
2 Movement for the Survival of the Ogoni People (MOSOP)	45,000	381	54	327	27. 34	27	195	22	83
3 Movement for the Emancipation of the Niger-Delta (MEND)	35,000	380	73	307	25. 67	9	231	37	30
4 Others (6 in number)	70,000	382	120	262	21.91	29	210	10	13
Total	**200,000**	**1524**	**328**	**1196**	**100.0**	**95**	**856**	**109**	**136**

Source: Field work, 2014

Table 5.3.2 Perpetrators of environmental pollution in the OBCs of Rivers State

		Frequency	Percent
Valid	Others	109	9.11
	exploration companies	951	79.52
	militants and angry youths	136	11.37
	Total	1196	100.0

Source: Field work, 2014

Table 5.3.3: Table of gender respondents based on sex

		Frequency	Percent
Valid	Male	1160	96.99
	Female	36	3.01
	Total	1196	100.0

Source: Field work, 2014

Table 5.3.4: Table of gender respondents based on age

		Frequency	Percent
Valid	no response	93	7.78
	less than 21 yrs	112	9.36
	21-30 yrs	257	21.49
	31-40 yrs	434	36.28
	41-50 yrs	300	25.08
	over 50 yrs	97	8.11
	Total	1196	100.0

Source: Field work, 2014

Table 5.3.5: Table of gender respondents based on time spend in militancy activism

		Frequency	Percent
Valid	less than 5 yrs	195	16.30
	5-10 yrs	791	65.30
	over 10 yrs	210	17.56
	Total	1196	100.0

Source: Field work, 2014

Table 5.3.6: Militants/Pressure groups quizzed on the basis of their own impact assessment of AI intervention activities on their operation

		Net Quest administered	Restoring Victims	Compe-nsation	Satisfaction -verifying the truth	Judicial & Admin Sanction	Guarantying violations will not take place	Combi -ned
1	Niger-Delta Youth Movement (NDYM) 50,000. (381-81)	300	30	25	50	80	40	75
2	Movement for the Survival of the Ogoni People (MOSOP) 45,000. (381-54)	327	27	21	73	95	52	59
3	Movement for the Emancipation of the Niger-Delta (MEND) 35,000. (380-73)	307	37	26	63	73	47	61
4	Others (6 in number) 70,000. (382-120)	262	22	19	91	70	33	27
	Total	**1196**	**116**	**91**	**277**	**318**	**172**	**222**

Source: Field work, 2014

(5.1.1b) Table of Summary of Responses of the Questionnaires Administered

Table 5.5.1: Table of summary of respondent based on questionnaires administered

	Names of Stakeholders	Questionnaires administered on Orgn as a corporate entity.	Persons within Orgn. Administered	Cumulative total of quest. Administered	Quest. not retrieved	Net Quest. Retrieved	% (column 6/4x100)
1	**Oil Companies (TNCs plus Indigenous)**	16	2365	2381	333	2048	86.01
2	**Oil Bearing Communities (OBCs)/Pressure Groups**	9	1524	1533	328	1205	78.60
3	**Government Security Agencies**	**5**	1270	1275	202	1073	84.16
	TOTAL	**30**	5159	5189	863	4326	83.37

Source: Field work, 2014

The table above (5.1.1b) clearly shows the summary in graphics of the stakeholders quizzed. A total of 5189 questionnaires were given out to respondents (i.e. 30 stakeholders) in Rivers State and only 863 were not able to be returned, signifying 83.37% success in administration of our questionnaires.

(5.1.1c) Table of Summary of Responses of the interviews conducted

Table 5.6.1: Table of summary of respondent based on interviews administered

		Traditional Leaders/Reps	Opinionists /Teachers/ Bureaucrat	Elderly Person	Youth Leaders	**Total Indivs in a Comm**	**Oil Coys Staff**	**Security Agencies**
1	**Gokana LGA**	1	2	2	2	**7**	**2**	**5**
2	**Bonny LGA**	1	2	2	2	**7**	**4**	**5**
3	**Obio-Akpor LGA**	1	2	2	2	**7**	**2**	**5**
4	**Eleme LGA**	1	2	2	2	**7**	**4**	**5**
5	**Port Harcourt**	1	2	2	2	**7**	**10**	**5**
	Total	6	10	10	10	**35**	**22**	**25**

Source: Field work, 2014 **Total personnel interviewed: 35 + 22 + 25 = 82**

(C) Table 5.6.2: Summary of the Focus Group Discussion held with 3 Individuals in Each Communities

Pressure Group/Militants		**Gokana LGA**	**Bonny LGA**	**Obio-Akpor LGA**	**Eleme LGA**	**Port Harcourt**	Total
1	Movement for the Survival of Ogoni People **(MOSOP)**	3	3	3	-		9
2	Movement for the Emancipation of Niger-Delta **(MEND)**	3	3	-	-		6
3	Niger-Delta Civil Society Coalition **(NDCSC)**	3	-	3	3		9
4	Federated Niger-Delta Ijaw Communities **(FNDIC)**	-	3	-	3	3	9
5	Niger-Delta People's Volunteer Force (**NDPVF**)	-	-	3	3	3	9
		9	9	9	9		**45**

Source: Field work, 2014

5.2. Data Analysis

5.2.1. Human Rights violation by Oil Companies/TNCs and AI's role in dealing with such abuses:

Based on Amnesty International (AI) submissions, their researchers/staff have visited the following locations Ogbodo in Rivers State in 2003 (to assess the oil spill that occurred on 25th June 2001); Batan (where oil leaks were reported in the same location in 2000 and 2001); Bodo (where a major spill began in August 2008, a second spill was reported at the same site on 2nd February 2009, in Delta State); Gbarain and Oruma in Bayelsa State; Ikot Ada Udo in Akwa Ibom State in 2008; Kira Tai in Ogoniland (where an oil spills occurred on 12th May 2007); and Rukpokwu in Rivers State in March 2004 (where part of an oil pipeline burst on 3rd December 2003, devastating the once fertile land around it), to conduct investigations on the impact of pollution and environmental damage caused by the oil industry and discovered it to be catastrophic. On this note, the researchers met with the affected OBCs within Rivers State and some human rights defenders (i.e. environmental activists) to understand the root causes and enormity of the pollution and to determine who were actually responsible for such pollution. The result of the researcher's finding were tabulated above with the narratives hereunder revealing how the dignify living of the OBCs were adversely affected by the pollution.

Table 5.1.1. above shows that a total of two thousand and twenty four (2024) questionnaires were administered on the selected sample size of the staff of all the major oil companies and three hundred and forty one (341) questionnaires on staff of the indigenous oil companies thereby bringing the total to two thousand, three hundred and sixty five (2365). Out the total of the 2365 questionnaires given out, only 333 or 14.08%

questionnaires could not be retrieved due to unwillingness of the Staff to answer and return same for reasons bothering on tight schedule of their undertaking, hence they could not muster the time to attend to the questionnaires given to them. In any case, 2032 or 85.92% responses were secured representing a substantial portion of our population size to warrant a fair judgment to be made on the entire population sample taken for the study.

The entire elements within the context of our population size were assessed based on the Amnesty International (AI) allegation relating to environmental pollution labeled against them. Four major environmental pollutants were identified to be the aftermath of the oil companies' exploration and exploitation activities that are being unleased into the OBCs of Rivers State/Niger-Delta region in general, namely: Gas flaring; Oil Spills; Others forms of pollutants and/or the combination of the three. These forms of pollutions degrade the environment with adverse multiplier effect on the quality of air, water, health, farmland, aquatic lives and aesthetic values of natural beaches. These constitute gross violations to human rights of the inhabitants in the OBCs of Rivers State and Niger-Delta region in general because it involves their denial to the enjoyment of the aforementioned nature endowed facilities. Ironically, all the oil companies are guilty of commiting oil pollution through their extractive oil activities and by extension human or environmental rights violation. Looking at the same table above again, one can vividly and categorically see the picture comprehensively that "gas flaring" top the list with a score of 865 or 36.58% compared to others categories captured therein. Oil Spills has 624 or 26.38%; Other forms of pollutants (i.e. Bush burning and/or discharged of waste petrochemical products into water drainages and so on) has a score of 277 or 11.71% and the one captioned as "Combination of all the forms of pollution" is put to 286 or 12.09%. This implies that the

last three aforementioned forms of pollutions were being commited at very lower ebb in relation to Gas flaring.

Interviews conducted by the researchers sought to find why has it been so from the staff of the oil companies. The following staff Mr Sunday Maxwell of Shell Petroleum Development Company; Alhaji Abubakar Arabi of NPDC/NNPC; Mr Daddison Obiora of Mobil-Exxon, and few others that opted to divulged information, all in situated in Port Harcourt, were contacted and quizzed on 27th June 2014 on the issue, where they revealed that the low score on those items were as a result of the companies' responsiveness to comply with their internal set environmental safety standard. Accordingly, even the "oil spill" that has could be noted to have relatively higher figure after that of "gass flaring" were said to be as result of pipeline vandalism committed by the inhabitants in the OBCs. However, AI investigation revealed that "oil spills result from corrosion of oil pipes, poor maintenance of infrastructure, spills or leaks during processing at refineries arising from human error and deliberate vandalism or theft of oil" (AI, 2009:14). Corrosion was acknowledged as a major problem with oil infrastructures in the Niger-Delta due to ageing and many pipes were above ground.

Futher investigation by Audrey Gaughran (the Director of Global Thematic Issues of Amnesty International) revealed that there are currently two competing narratives about oil pollution in the Niger-Delta. The first narrative is that, oil companies, particularly Shell, are responsible for massive pollution caused by leaks from their operations and for the failure to clean up spills and protect their infrastructure from damage. This narrative acknowledges that oil theft and sabotage of oil infrastructure occur and contribute to pollution; however it cautions that theft and sabotage, as causes of pollution, are over-stated by oil companies in a bid to deflect criticism about their environmental impact. The second

narrative claims that, almost all spills are caused by oil theft and sabotage and those companies are doing their best to combat this scourge. It goes on to say that the failure to clean up properly is generally due to the communities not letting the oil companies into the area to do the cleanup. What both narratives accept is that the Niger-Delta is massively polluted and that those living in the area are suffering the consequences. The former lays the blame substantially (although not exclusively) at the door of the oil companies and the government of Nigeria's pitifully weak regulatory system. The latter blames the communities themselves, local militants and criminals. So which narrative is closer to the truth? Human rights organizations including Amnesty International and environmental groups share the first argument while oil companies promote the second. But the main difference between them is the evidence that underpins them. Amnesty International and other NGOs have put significant evidence into the public domain that demonstrates that Shell has underestimated oil spilt due to operational failures and that the company is not transparent about the state of its infrastructure. Amongst this evidence is a secretly videoed oil spill investigation where Shell changes the cause from "operational failure" to "sabotage" – doing so unilaterally, with no evidence and after the official investigation was completed. There is also evidence that the methodology used for calculating oil spill volumes is flawed and underestimates the amount of oil spilt.

Shell's claims about the proportion of oil spilt due to operational problems rely almost exclusively on data that is compiled by Shell itself, with little or no meaningful oversight. The weakness of Nigeria's oil regulators has been widely exposed. Most recently, the UN Environment Programme stated that regulators were "at the mercy of oil companies" when it came to visiting oil impacted areas. This echoed a 2006 finding by the UN Development Programme which stated that "oil companies, particularly Shell

Petroleum, have operated for over 30 years without appreciable control or environmental regulation to guide their activities." (AI, 2013a). Shell (SPDC) has manipulated oil spill investigations in Nigeria, with the company's claims on oil pollution in the Niger-Delta region deeply suspect and often untrue. Amnesty International and CEHRD found evidence of Shell (SPDC) having changed the officially recorded cause of a spill after an investigation had taken place. In one incident, secretly filmed video of an investigation shows how officials from Shell (SPDC) and the regulator tried to subvert the evidence by persuading community members on the investigation team not to attribute the cause to equipment failure. Video footage of a leak from an oil spill in Bodo from 2008 reviewed by Accufacts shows that Shell seriously under-recorded the volume spilt. Shell's official investigation report claims only 1,640 barrels of oil were spilt in total but other evidence points to the amount being at least 60 times higher (AI, 2013a).

On 30th June 2014, interviewed conducted with Mr Obodoekwe of Shell Petroluem Company, Port Harcourt, revealed that, "a Dutch agency found out recently that the oil giant's statements were based on disputed evidence and flawed investigations. As Shell's claims on sabotage and theft come under scrutiny, the company's story is changing; we now hear more about illegal refining being the cause of oil pollution. Yet again, Shell is spinning a real problem into a PR shield for the company. Illegal refining causes pollution but Shell cannot claim it is occurring in specific cases unless and until it produces reliable proof. (AI, 2013a)"

Shell (SPDC) has repeatedly claimed to its investors, customers and the media that sabotage and theft were behind the vast majority of spills. But the facts do not support this assertion.

> For the last decade oil companies in Nigeria – in particular Shell – have defended the scale of pollution by claiming that the vast majority of oil spills are caused by sabotage and theft of oil. There is no legitimate basis for this claim. It relies on the outcome of an oil spill investigation process - commonly known as the Joint Investigation Visit or JIV process - in which the companies themselves are the primary investigators. The human rights impacts are serious – both the cause of a spill and the volume spilt affect the compensation a community receives. If the spill is recorded as caused by sabotage or theft, the affected community gets no compensation, regardless of the damage done to their farms and fisheries" (Amnesty International Annual Report, 2012).

"Instead of being in the dock when there is an oil spill in Nigeria, Shell gets to act as judge and jury. It is the communities that suffer a life sentence, with their land and livelihoods destroyed by the pollution," said Gaughran. Shell and other oil companies refer to sabotage and theft in the Niger-Delta as if it absolved them of responsibility.

At Amnesty International and CEHRD's request, the independent US oil pipeline specialist Accufacts, assessed a number of oil spill investigation reports, as well as responses from oil companies operating in the Niger-Delta and Nigeria's national oil spill agency. The expert found cases where the stated cause of an oil spill appears to be wrongly attributed to sabotage. In many other cases sabotage was listed as the cause when there was little or no data recorded to back up the claim. Overall, Accufacts concluded that many official investigation reports were "technically incomplete", and others "appear to be serving another agenda, more driven by politics…than pipeline forensic science".

Nigeria's under-resourced regulatory agencies have little oversight or control of the process and are dependent on the oil companies to carry out investigations. In one incident, a regulator sent a student on work experience as their sole representative to an oil spill investigation. "This is a system that is wide open to abuse – and abuse happens. There is no one to challenge the oil companies and almost no way to independently verify what they say. In effect it's 'trust us – we're big oil," said Gaughran. However, the pressure being put

by AI on the oil companies has help to some extent in making the oil companies, particularly Shell (SPDC) to have made some improvements to its investigation reports since 2011, including the addition of images of oil spills on its corporate website. But there still remain serious flaws with Shell (SPDC) disclosure, including weaknesses in the underlying evidence used to attribute spills to sabotage.

Table 5.1.2 shows the responses secured from sixteen oil companies under consideration on 'environmental pollution' committed by them. Out of the total number of oil companies administered with questionnaires, 14 or 87.50% confirmed that they do, while the rest 2 or 12.50% said they don't. This implies that virtually all or majority of the oil companies/TNCs pollute their environment within area of their operation.

Table 5.1.3 shows the frequency of occurrence of pollution rate in the environment by the oil companies/TNCs. 13 or 81.25% said pollution happens periodically in the cause of executing their extractive activities. 3 or 18.75% said that, it rarely or hardly happened. Our interview sought to find why was the later reason given as so. The staff of the oil companies quizzed on 27th July 2014, Mr Arthur Eze of Atlas Petroleum International Nigeria Limited; Mrs O. B. Lulu-Briggs of MoniPulo, and Mal Gambo Gubio of Cavendish Petroleum Nigeria Limited, all situated in Port Harcourt, disclosed that such was so because of their strict compliance with internally set environmental safety standards coupled with fact that they hardly drill persistently as the major players because of technicalities involved. Hence, pollution can only occur base on operational activities. This implies that most of the oil companies engaged in perpetual oil drilling continuously pollute their environment within their area of operation.

Likewise, Table 5.1.4 shows the enormity/intensity of environmental pollution caused by oil companies operating in various OBCs of Rivers State. 10 or 62.50%

confirmed that the adverse impact was severe, while the rest constituting 6 or 37.50% admitted the impact to be moderate.

Table 5.1.5 clearly shows how AI have a considerable degree of influence on the extractive activities of the oil companies. Out of the sample population of 2032 quizzed, 563 or 27.82% agreed that AI intervention has help their companies "reviewed their internal environmental safety standard and enhanced compliance"; 76 have voted in favour of "it has help in making their companies pay for restitution or compensation; 335 have voted in favour of "it has made the oil companies step up its corporate social responsibility through the award of educational fellowship and scholarship; road construction and many more"; 212 have attested to the fact that it has made the companies more brutal by way of "its perpetual engagement of State Security Agencies to silent with pressure groups"; 198 have voted in favour of "it has made their companies engage in the bribing the OBCs leaders, militants leaders and/or award of contracts to identifiable voices to make them keep mute"; whilst 648 or 31.89% have subscribe to the fact that it has helped in "making their companies revisit and improved all aspect of key corporate social issues that would reduce the impact of their environmental degradation activities and ultimately better relations with their host communities". These numeric values revelations have been exemplified by the numerous AI expositions on human rights violations cited above and its' dogged sustained determination to continue with her advocacy intervention activity.

In July, September and October 2011, Amnesty International (AI) asked Shell for a response to the issues raised in their reports, under the Nigeria's Freedom of Information Act. The organization also shared its findings with the Department of Petroleum Resources (DPR), the National Oil Spill Detection and Response Agency (NOSDRA), which was

established in 2006, has tried to identify all sites needing remediation in the Niger-Delta region. As of April 2012 it had identified approximately 2,000 sites. The majorities of these sites were apparently SPDC sites and the Nigerian National Petroleum Corporation. Both NOSDRA and Shell (SPDC) responded. NOSDRA addressed some of the issues; however, Shell (SPDC) stated that the Bodo spills were the subject of legal proceedings, hence, the company was unable to respond to the allegations and questions raised by this report as directly as it would like to.

The environment which the people of Bodo are living in is clearly not healthy nor favourable for development. During the visit by Amnesty International and CEHRD to Bodo in May 2011, several women said that their children became ill after drinking rain water. The water often becomes contaminated with gas flare and oil spills.

In an interview with some elements within the OBCs, on 17th to 21st September 2014, a fisherman described another problem: "As the sun heats the oil on the water up, it brings the smell of the oil all over the community. The air quality is poor." Several people described breathing the air as being difficult at times. Many also said they had no access to good medical care. Many people complain about eyesight and headache. They go to hospital, whilst they have no money to foot their medical bills and no free medical care. The pollution has also affected the community's drinking water. Before the spill, many people got their water from the creeks and other waterways, from dugout wells or by collecting rain water. A local fisherman described their pathetic situation as follows: "When the rain falls down, people used to collect it for drinking water. But today even the rain water is contaminated. It looks black. You cannot drink the rain water."

Few people have a borehole or water tanks, so most people buy their water from those who do. Those who can't afford to buy it continue to drink rain water or water from

the streams. People use boreholes on the assumption that the water from these wells is safe. The oil companies worked on the unchecked assumption that the oil did not penetrate the soil deeply. Amnesty International asked Shell if the company had checked the groundwater at Bodo; no answer was received. The story on farmers harvest is not as it used to be. One man said: "My wife still farms, but the harvest is declining compared to before. Before, the yams were as long as 70cm. Now, they are 20cm to 30cm. It is the same with cassava." Farmers in Bodo believe that the lack of a clean-up has contributed to their decreasing harvests. Despite decades of frequent oil spills in the Niger Delta, the impact on local agricultural productivity has never been properly studied. However, communities repeatedly highlight smaller harvests, and reductions in the size of individual trees, fruits or vegetables. Coincidently, all the farmers interviewed told the same story to Amnesty International and CEHRD, which carried the stories of their plight in their various reports.

Furthermore, on AI dogged determination to stop the on-going violations, several letters were written to the oil companies drawing their attention to environmental rights violation committed and the need for them to redress it. In certain instances, assistance to file some of these abuses before some "Courts" outside the country to assist victims were made, aside threats. This development has led to the review of the relationship between the TNCs and the OBCs on the basis of the human rights violations in the Rivers State and Niger-Delta region and what roles are the oil companies are expected to play in the development process of their host communities?

In summary, the findings of AI reports highlighted the following human rights issues:

- Violations of the right to an adequate standard of living, including the right to food – as a consequence of the impact of oil-related pollution and environmental damage on agriculture and fisheries, which are the main sources of food for many people in the Niger Delta.

- Violations of the right to gain a living through work – also as a consequence of widespread damage to agriculture and fisheries, because these are also the main sources of livelihood for many people in the Niger Delta.

- Violations of the right to water – which occur when oil spills and waste materials pollute water used for drinking and other domestic purposes.

- Violations of the right to health – which arise from failure to secure the underlying determinants of health, including a healthy environment, and failure to enforce laws to protect the environment and prevent pollution.

- The absence of any adequate monitoring of the human impacts of oil-related pollution despite the fact that the oil industry in the Niger Delta is operating in a relatively densely populated area characterized by high levels of poverty and vulnerability.

- Failure to provide affected communities with adequate information or ensure consultation on the impacts of oil operations on their human rights.

- Failure to ensure access to effective remedy for people whose human rights have been violated.

In a nutshell, the exploration of petroleum resources on all aspects of Nigeria's national development by the oil companies/TNCs has caused numerous oil spills and significant harm to the environment, destroying local livelihoods and placing human health at serious risk. These widespread and unchecked human rights violations related to the oil industry have pushed many people deeper into poverty and deprivation, fuelled conflict and led to a pervasive sense of powerlessness and frustration.

5.2.2) Human Rights violation by Nigerian Security Agencies and AI's role in dealing with such abuses in Rivers State

Events in the Rivers State cum Niger-Delta region involving attack on oil installations and hostage-taking, oil theft and the operation of illegal refineries by the irate youths and militants of the oil-producing communities (OBCs) and the sponsored reprisal

attack by the Joint Task Force (i.e. Nigerian Government combined security agencies) provides a platform for assessing and underscoring the politics and impact of security operation in the Nigerian state in relation to the respect for human rights. The human rights crises in Rivers State have elicited serious national security challenges confronting the Nigerian state.

The issue of security in the Rivers State and Niger-Delta region in relation to the oil exploration and exploitation on the one hand, and the reactions of irate oil-bearing community youths and militants on the other hand, is somewhat well captured by what Ibeanu (2005:25) describes as "a contradiction of securities". Ibeanu has attempted to explain that the perception of what constitutes security to the state and the oil companies is markedly different from the perception that the people of the oil producing communities have. Accordingly, the state and the oil companies perceive security in terms of carrying out the oil exploration activities without being interrupted in any form; not minding the effects of their operations on the inhabitants of the communities in which they operate and the environment. While, the people of the oil-producing communities view security as the possibility and capacity that their livelihood and environment are not threatened or impoverished as a consequence of oil exploration activities in their area. At either level of operation of these contradictions, there are passions or sentiments attached. There is always a manifest-passion of the Nigerian state's preference to ensure security of the oil companies/multinationals wherever there was crisis between them and the local communities in Nigeria; and ignore sub-national passion. On the other hand, the local communities that produce the oil often evoke general sentiment of micro-nationalism.

It is a sacred duty of the Nigerian state to protect the Nigerian citizens and ensure security of their lives and property, even in emergency situations. It is also incumbent on

the Nigerian state to protect and ensure security of multi-nationals operating in Nigeria. But the protection of the citizens of Nigeria counts first. Therefore, conventional wisdom would suggest that where the protection and security of Nigerian citizens is at crossroads with that of multinationals, operating in Nigeria, the Nigerian government has a sacrosanct duty to ensure that the protection and security of the lives and property of the citizens of Nigeria is uppermost. Regrettably, this has not been the case in Nigeria, with reference to the crisis that has ensued between the oil host communities and the multinational oil companies. The Nigerian government has always sided the multinationals and often employed excessive force on the OBCs to quell their reactions. The attendant consequences of the State action are arbitrary arrest, killing, torture, detention without trial, and restrictions on the rights to freedom of expression, association, and assembly. These have undoubtedly increased the potential for conflict, with militant insurgency groups in the OBCs gaining ample opportunities to recruit those most affected by humanitarian crises, thereby exacerbating the crisis. These violations of rights have led to the death of many people and countless number of internally displaced persons, thereby becoming a major source of concern in global polity. This is why the multinationals have accustomed preference for inviting the security forces in Nigeria against the indigenes of Nigeria whenever there was a misunderstanding between the multinationals and the local communities in Nigeria.

The truth again is that at any time the security forces have been invited, casualties and sacking of entire villages or communities have always been the case. Owolabi and Okwechime (2007) provide representative cases that can be readily made reference to, to include:

> Iko-Shell clash (1987), the Oboburu-Elf clash (1989), the Umuechem Massacre (1990), the Uzere-Shell clash (1992), the Ogoni Egbadju Shell clash (1990-1999), the Kaiama bloodbath (1998), the Odi and Choba

killings (1999) and the Kokodiagbene, Kurutie, Okerenkoko, Oporoza-annihilation by JTF (Owolabi *et al;* 2009).

This may not be the end. A good case study of the aggression of the Nigerian state against the Niger-Delta communities is the experience of the Ijaw ethnic minority in Bayelsa state between 1998 and 1999. This was particularly illustrated by the Egbesu wars and Odi massacre. From the time of its creation in 1996, Bayelsa State, the heartland of the Ijaw ethnic group, was like a simmering earthquake waiting to erupt. The repression of the Niger-Delta communities by the military had left the region highly charged and mobilized and it was only a question of time before the situation exploded. In August 1997, over 10,000 youths from across the Delta region demonstrated at Aleibiri in Ekeremor Local Area of the State, to demand an end to all Shell activities in the Niger-Delta region. Aleibiri was chosen as the focus of the demonstration because, according to the youths, Shell had refused to clean an oil spill that occurred there on 18th March 1997. Even at the time, evidence clearly pointed to more conflicts between the state, oil companies and Ijaw youths, in spite of repeated claims by government that peace had returned to the area. Speaking at the Aleibiri gathering, a community leader and retired Navy Lieutenant, Chief Augustine Anthony, clearly stated that Ijaw youths would fight until there is freedom in the Niger-Delta region because "we have been exploited for so long" (Ibeanu, 2006:36).

In the light of foregoing narratives, Amnesty International (AI) carried their crusade of digging out facts in order to expose human rights violations in to Rivers State and Niger-Delta region in general. In this regard, AI views were expressed to help ginger the state to rise up to their responsibility of maintaining law and order, protection of life and property, and avert the purported human rights abuses the state security agencies were unleashing on to its citizenry. Therefore, in the attempt to investigate the accusations labeled against the

State, the researcher went to Rivers State between the period June to September, 2014 (i.e. Port Harcourt, Gokana, Bonny, Eleme and Obio-Akpor LGAs) to quizz and gauge the feeling of respondents using various parameters, ranging from the methods employed in violating human rights, to assessing the credibility or competence of the respondents examined in terms of their length of service, and ranking.

From the table 5.2.1, a total of 1270 personnel were availed to the researcher by their various respective Security Commands to be administered with our research questionnaires and/or interview. Of the questionnaires doled out, 202 or 15.91% could not be returned by the respondents due to the nature of their work, which requires frequent re-assignments to respond to emergence challenges. These categories of respondents were not available as at the time set and agreed upon with them to pick their responses. In any case, 1068 or 84.09% responses secured representing a reasonable portion of our population size to warrant for a fair judgment to be made.

Again looking at the same table 5.2.1, it shows the state aggression has taken four main forms namely, constant harassment of the leaders of popular movements and organizations restricting their rights to freedom of expression, association, and assembly by way of direct repression to crack down protests; torture of suspects; extra-judicial killing; and arbitrary arrest and detention without trial. From the interview had with the Nigerian security operatives on why they employ such brutal method in quenching the OBCs protest or resistants' put up against the environment rights violations perpetrated by the oil companies, the Nigerian Government has argued that no responsible government should sit back and watch an important part of its veritable cash cow – oil, impoverished into nothingness, neither will it sit back and watch lawless groups hold it to ransom.

The Federal Government of Nigeria through its Security Agencies often uses the Royal Dutch Shell narratives (which has sustained interest in Nigeria) to justified its use of excessive force, which eventually led to human rights violations, as given hereunder:

> …it suspended 455,000 barrels a day of oil produce, 19% of OPEC members output. Also, it has closed 340,000 barrels a day of production from fields feeding its Forcados tanker platform, which was bombed on Saturday, and it shut another 115,000 barrels daily by closing the offshore EA field as a precaution.'
>
> The Federal Government of Nigeria says the militant movement is a cover for thieves siphoning crude oil on a commercial scale from pipelines across the vast western region of the Niger Delta. The militants accused Nigerian military and Security Commanders in the area of being responsible for the theft…..The development which many term as unfortunate was caused by the activities of Niger Delta militant youths who blew up crude pipeline at Escravos / Warri which convey crude oil to Warri and Kaduna refineries. The impact of that vandalisation is more felt in the Northern parts of the country, as Port Harcourt refinery which is supposed to back-up the supply is not producing presently." (New Nigeria News Paper, May 17th 2006: 13).

The Federal Government position was further reinforced by the then Group Executive Director (Commercial), Nigerian National Petroleum Corporation (NNPC), Alhaji Adamu Baba-Kusa, when he disclosed that:

> …the incessant incidents of pipeline vandalism have grossly affected the activities of NNPC, noting that only 60% of the petroleum products that are pumped get to the final points. The implication of this is that 40% of the resources accruable to Nigeria are frittered away by the oil thieves. Apart from the worrisome activities of freedom fighters in the oil-rich Niger Delta region, pipeline sabotage remains a potential wrecker of the nation's economic stronghold. The perpetrators of this crime have so entrenched themselves in the illegal operation that all efforts at stopping their nefarious activities seem not to have yielded positive results. They are like the hairs of Medusa the Gordon: you destroy one and two spring up (David; 2009).

Accordingly, which responsible government will fold its arms and allow criminal elements to constitute a threat to the unity of the country? The militants must put down

their arms and embrace dialogue. “The criminal activities of a small minority of the Niger-Delta population, who have now been joined by our business minded neighbors has cost the nation a huge loss in oil and has tremendously slowed down the pace of development in the region. (New Nigerian on Sunday, June 14th, 2009:15).”

Commander of JTF, Major-General Bata Debiro, interviewed on 27th September, 2014 corroborated the position given above made by the NNPC scribe and Federal Government of Nigeria by justifying their intervention in the entire Niger-Delta region based on what they revealed in terms of the successes recorded that “the JTF operatives killed 23 kidnappers and conducted 1,025 anti-illegal oil bunkering patrols leading to the destruction of 1,951 illegal refinery camps in the region and arrest 1,857 crude oil thieves. Also, over 1,117 Contonu boats, 82 tanker trucks, 81 barges and 1,873 surface tanks were destroyed during the 2013 operational year. And, the JTF killed 82 sea pirates and robbers, lost three of its operatives in active service in 2013 to sea pirates, while three others got drowned” (Niyi, 2013) .

Furthermore, the Joint Task Force in the Niger-Delta region, code named Operation Tulo Shield (OTS), formed to primarily fight alleged illegal lifting of crude oil and illegally distilled Automated Gas Oil (diesel) had intercepted two bunkering vessels on the Bonny Anchorage of Rivers State before making some arrests. The vessel, MILANDROS, was intercepted close to the west bank of Bonny Anchorage, where a six-inch diameter hose over a distance of 1,000 metres from the vessel had been connected to pipeline. Also, another vessel, EBBA, belonging to PWS Integrated Service Limited, operating on the waterways without relevant registration documents was arrested on the Bonny anchorage with eight crew members on board and was laden with 282 tons of suspected illegally distilled diesel (Niyi, 2013a).

Table 5.2.2 shows the length of service of the respondents examined. 202 or 15.91% personnel refused to disclose the period of their service. 46 or 3.62% have worked for less than 5years; while 250 or 19.69% have worked for between 5 – 10years; as against 772 or 60.79% have worked for over 10 years. This implies that majority have considerable worked experience to warrant giving an objective opinion about their agency activities.

Table 5.2.3 shows respondent quizzed on the basis of their job title/ranking. 202 or 15.91% could not reveal their ranks. 250 or 19.69% are at top positions or management cadre or policy making level; as against 700 or 55.12% that are at senior management level; while 146 or 11.50% are at the lower cadre. This shows that majority quizzed held positions of responsibility that can warrant to a give view that can be relied upon.

The interviews conducted revealed that security agencies work in collaboration with each other, at times under umbrella of the Joint Task Force (JTF) sometimes called with a code-named Operation Restore Hope (ORP) and Operation Tulo Shield (OTS) and in most cases separately or independent of each other**.** The JTF comprises of the police, the State Security Services (SSS), the Army, the Navy and the Air force; whilst the OTS comprise of exclusively military personnel. Both JTFs (i.e. the OTS & ORP) were formed to tackle the growing spate of insecurity and violence in the Niger-Delta region. Accordingly, their mandates were to stop illegal bunkering activities in the upstream sector, protect oil and gas facilities and installations, and secure the environment and other lawful activities in the region. Specifically, crude oil theft and unprecedented upsurge in illegal bunkering and refining are said to have severely impacted rivers in Abia and Rivers states. Vice-President, Health Sector and Corporate Affairs, Mr. Tony Attah, was once quoted as saying that: “The scale of crude oil theft in the area was alarming. Aside from revenue loss to government

and other stakeholders, significant portions of the stolen crude are spilled, blighting large swathes of the ecosystem (Kayode, 2012)".

Unfortunately both the two task forces have been operating in a very lawless manner in most cases, committing terrible violence and human rights violations in the State cum the region. The task force has been implicated in several cases of extra-judicial executions, extortions, illegal arrests and torture of innocent persons on trump up charges as confirmed by and indicated in table 5.2.1. The JTF had also been implicated in cases where they are hired as mercenaries to settle scores in community. They have also been involved in massive proliferation of dangerous Small Arms and Light Weapons (SALW), thereby contributing to the general state of insecurity which beclouds the Rivers State and the Niger-Delta region in general. Sadly, eversince the formation of the JTF in 2003, to its subsequent operation up to 2009, it did not bring the desired peace and security; rather on daily basis what is seen were more audacious armed groups and dangerous SALW flooding the region with spate of kidnappings and other forms of violence going out of control, till President Umaru Musa Yar'adua came into power in May 29th, 2007 and granted the Niger-Delta militants/insurgents amnesty and other palliatives measures to cushion the plight of the OBCs. Also, there are often rife allegations of connivance of the members of the JTF and certain top government functionaries with these oil thieves in fleecing the country of the wealth needed for development for the good of the people.

Amnesty International's ongoing research since 2008 indicates that the police and the military routinely use torture and other forms of ill-treatments as means of extracting information from suspects and also to break the spirit of the suspects or detainees. The information or "confessions" extracted from detainees is in many cases, were the ones used

in court as evidence. This is contrary to national and international law. The scale of the use of torture and other ill-treatment is increasingly alarming as disclosed below:

> In the Ogoni area alone, it was estimated that between May 1994 and the beginning of 1995, at least fifty Ogonis were executed summarily by security forces. Surprising, the adopted militarist response to the crisis in the Niger-Delta did not stop with the exit of military rule. The new civilian administration carried out massive repressions in the towns of Choba and Odi in 1999. In 2002, a Joint Military Task Force headquartered in Warri, under the leadership of General Elias Zamani, came into operation, and the Task Force was responsible for the recent military operations in Odioma, Bayelsa State. Those military actions were probably aspects of a larger Niger-Delta-wide counter-insurgency operation, code-named "Hakuri II" (Fayemi, 2005:v).

Amnesty International delegations have visited police stations throughout Nigeria between 2008 and 2013. The delegations have collected scores of allegations of torture and other cruel, inhuman and degrading treatment received in police detention centers. Based on these confessions, many suspects of mass demonstration, saboteurs to oil TNCs activities, etc, are remanded in prison to await trial, even if the police are eventually unable to produce sufficient evidence to prosecute the suspect, prior to the State "amnesty" granted to them in 2009. Inmates claimed to have reported their allegations to either a magistrate or to the prison authorities after they were transferred to prisons. Where torture is suspected, a judge should open a "trial within trial" for proof of duress. Operations by Nigerian security forces against the various outlawed militant groups in Niger-Delta region have led to an increased use of various forms of torture or other ill-treatment against detainees. Thousands of people accused of having links to outlawed militant groups have been detained by the Joint Task Force (JTF), Military, Police and the Department of State Security Services (SSS). The majority of detainees have never been brought to court and most often do not have access to their lawyers and/or families. Few court orders for the release of detainees are respected by the police and the military.

The FDG and interviews conducted with some of the security personnel, most prefer to be anonymous for security reasons associated with the nature of their job, revealed that: "torture and ill-treatment are widespread in police custody, and particularly systematic in CIDs (Criminal Investigations Departments), Nigerian Army, Nigerian Drugs Law Enforcemen Agency and other security agencies. Torture is an intrinsic part of how security agencies operate within the country." The interview conducted by AI corroborates and tally's with the researchers findings. Amnesty International had interviewed hundreds of former detainees from police and military custody who provided descriptions of the various forms of torture and other ill-treatment used by military or police officers. The main forms of physical torture or other ill-treatment include, but are not limited to the following:

- Severe beating with gun butts, batons and machetes (or flagellation) – nearly all former detainees from police and military custody have told Amnesty International that they have been whipped or beaten by the officers with either a gun butt, a machete or a baton.

- Hanging suspects upside down to a ceiling fan- another common form of torture in Nigeria is to tie suspects' feet on a ceiling fan with their heads hanging downward. Many former detainees, especially from police custody, described how they were tied and hanged upside down for several hours, without water or food.

- 'Tabay'- Amnesty International has interviewed former detainees and serving members of the Nigerian military and police who said 'tabay' is one of the many ways in which suspects are ill-treated or tortured in detention. This is a form of torture in which the suspects' elbows are tied behind their backs and the detainee is

either hanged on a makeshift stick or made to sit in an awkward position on the ground.

- Tooth extraction-the Nigerian police force is known to use this method of torture on suspects and detainees to extract information. It involves the forceful removal of a tooth from the mouth of a detainee or suspect.

- Starvation this is increasingly becoming another common form of torture and ill-treatment in Nigeria. Many former detainees in military and police custody have told Amnesty International that they were not given enough food while in detention. Some detainees complained that they were only fed once a day with sub-standard food placed on their palms.

- Rape - Amnesty International has received consistent reports that women have been raped or sexually abused by the police in the street, while being transferred to police stations, while in police custody, or when visiting male detainees. Rape and other forms of sexual violence, or the threat of such violence, is among various methods of torture and ill-treatment used by the police to extract confessions or other information. Methods include insertion of foreign objects, such as bottles, into the woman's vagina.

- Shooting in the leg/foot/hand: Amnesty International has interviewed scores of inmates and former detainees who said they have been shot in either the leg or foot

or in some cases their hand by the police during interrogations. Many said they are often left to bleed for hours with no immediate medical care or treatment. This form of torture by the police and other security forces is widespread in Nigeria.

Former detainees have described to Amnesty International (AI) other forms of ill-treatment in Nigerian military and/or police detention facilities that may constitute psychological torture. These include mock executions, witnessing the execution of fellow inmates, or being forced to witness a ghastly act. In one case, a former detainee told Amnesty International that he and other persons detained at the "abattoir" were forced to witness a female detainee delivering a baby in an opposite cell. According to the former detainee, the baby died shortly after birth. No medical care or treatment was provided for the mother or child.

In this regard, Amnesty International has called for an immediate, independent, impartial and thorough investigation into the pattern of serious and systematic violations of human rights and international law and demands that the Nigerian Government must publicly condemn such acts, including reports of arbitrary arrests, incommunicado detention, enforced disappearance, torture and other ill-treatment, and extra-judicial executions carried out by the Nigerian Security Operatives. Meanwhile, the Nigeria Military said that it will not disregard any established case of human rights abuse by its personnel, and it has also promised that it will examine the incident that has been reported by Amnesty International. It promised to take necessary legal action against any personnel found culpable (Isreal, 2014:4-6).

The result of the AI intervention has yielded positive changes as demonstrated in Table 5.2.4. It specifically identified the issues that AI wield considerable degree of

influence on, which has to some extent reduced the scourge of human rights abuses perpetrated. Out of the total population sample size of 1068 quizzed, 140 have voted for AI advocacy activity has succeeded towards "putting an immediate end to the use of torture and all other forms of ill-treatment of suspects and detainees in military and police custody in Nigeria"; 164 have subscribe to "grant detainees in military and police custody immediate and unhindered access to families, lawyers, human rights defenders and monitors"; 161 have ascended to "access to legal and practical remedies for victims of torture and other ill-treatment in military and police custody"; 88 have voted in favour of the fact that it has helped "institute a thorough, independent and impartial investigation into allegations of torture and other ill-treatment by police and military personnel; 183 have voted on "criminalize the use of torture and other ill-treatment on suspects and detainees in police and military detention by passing into law the torture bill (Act penalizing the commission of acts of torture and other cruel, inhuman and degrading treatment or punishments, prescribing penalties thereof and for other purposes)"; whilst 333 have subscribed to all the aforementioned.

Both under military rule and present democratic regime, the almost reflexive response of state officials to this contradiction of security agencies abuse of human rights is not to seek consensus and negotiate common grounds but instead, it choses to unleash state violence through militarism. In effect, conflicts in the Rivers State and Niger-Delta region involve social groups fighting over violation of environmental rights perpetrated by oil companies, resource control and other enthnic primordial sentiments; there is another form of state violence, where people in power try to privatize the instrumentalities of the state security apparatus to pursue their private interests and or protect oil companies/TNCs. This form of violence unleashed by the privatized instrumentalities of the state often exacerbates

the cause of conflicts in the Rivers State and Niger-Delta region in general. Ake, (1997) assertion corroborates AI and the personnel interviewed on what is happening in most part of Niger-Delta region about violent aggression by the state:

> Those who are aggressed, communities, ethnic groups, minorities, religious groups, peasants, the poor, counter elites, are often not in any dispute or even systematic interaction with the people who aggress them. The aggression often occurs in the routine business of projecting power, carrying out policies without consultation or negotiation with other parties or spreading terror to sustain domination (Ake, 1997).

The African Charter on Human and Peoples' Rights (African Charter), to which Nigeria is a party, also recognizes, in Article 24, the right of all peoples to a "general satisfactory environment favourable to their development". This right is more widely known as the right to a healthy environment. The African Commission on Human and Peoples' Rights (African Commission) stated that Article 24 of the African Charter imposes clear obligations upon a government: "It requires the State to take reasonable and other measures to prevent pollution and ecological degradation, to promote conservation, and to secure an ecologically sustainable development and use of natural resources (AI, 2009:12)."

The UN Committee on Economic, Social and Cultural Rights has also clarified that the right to health under Article 12 of the International Covenant on Economic, Social and Cultural Rights, extends to the underlying determinants of health, including *"a healthy environment"*. Nigeria is a party to the Covenant. The Committee has also clarified that a state's obligation under Article 12.2(b) extends to, "the prevention and reduction of the population's exposure to harmful substances such as ... harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health"(AI, 2009:12). However, government failure to take necessary measures to prevent

third parties from polluting or contaminating food, water supplies and air, including the failure to enact or enforce laws, can constitute violations of the rights to health (Article 12), to water and to adequate food (Article 11) of the Covenant.

5.2.3. Human Rights violation by OBCs and AI in dealing with such abuses:

AI allegation and investigation revealed that apart from the specter of environmental devastation or pollution caused by the oil companies, the OBCs too are guilty of oil spills caused by way of pipeline vandalism/sabotage and operating of illegal refineries; killing; Kidnapping, oil theft; communal/ethnic conflict, and many more. The externality effect of these OBCs activities are synonymous with that of the oil companies because it involves air pollution, loss of the aesthetic values of natural beaches due to unsightly oil slicks, damage to marine wild life, modification of the ecosystem through species elimination and delay in biodata (fauna and flora) succession, and decrease in fishery resources, and also internal displacement of citizenry. These by extension constitute human rights violation, which AI advocacy activity and intervention project is very much fighting to eliminate.

Part of resultant effects of these environmentally retarding activities on the people are devastating effect causing cancer, stroke and acid rain as a result of the depletion of the ozone layer, loss of fertility in soil and the strange growth of fauna in plants. The Federal Government of Nigeria said it was committed to stemming oil spills in the Niger-Delta in order to reduce cancer-related diseases in the region. Minister of Health, Prof. Onyebuchi Chukwu, made this known at a two-day workshop entitled ‘Kenaf Clean-up: Countering Oil Spills in the Niger-Delta with Local Plants’. The workshop was organized by the United States Alumni Engagement Innovation Team in Port Harcourt, Rivers State, where

Chukwu said, “research had shown that many cancer cases recorded in Niger-Delta were as a result of years of environmental degradation (Akasike, 2012)”. AI concern in this regard covers not only exposing those violations and clamouring for their reversal by the OBCs, but also aiding the innocent inhabitants of the OBCs in making their voices heard to get proper redress. This study therefore sought to assess the AI concern as relates to the plight of the OBCs, from the perspectives of how they (i.e. OBCs) themselves commit certain activities that are detrimental to their survival as human beings and by extension how their own handiwork activities constitute a violation of rights.

On this note, FGD and Interviews conducted between the period 27th August to 27th September 2014, with a group of community leaders, namely: Eze Amadi Maxwell, Elder Chambalyn Wego, Elder Eke Mapuka (all from Port Harcourt); Chief Babel Meme, Elder Prince Sunday, and Elder Ukegebu Micheal (of Gokana LGA); Eze Clifford Eke, Elder Opurum Kelephi, Elder Prince Ezeihuo (of Abio-Akphor); Chief Alagbor Dandison Pepple, Elder Preye Isele, Elder Charles Amesi (of Bonny LGAs); Chief Ngofa Chirume, Elder Blessing E. Emanuel, Elder Kenneth Ngele (of Eleme LGA). These groups pointed out to the researcher that “although several pressure groups were formed in the OBCs to resist the incidence and magnitude of the environmental devastation caused by the oil companies. Paradoxically, the activities of the insurgent groups have indeed brought pain and agony in the Niger-Delta region as well as some positive development as a result of the militancy activities”. They argued that the militancy activities have helped to draw the attention of the international community, which added to their voices on their clamour against the environmental pollution and the dehumanizing condition under which they live in the region, as could be seen demonstrated by AI intervention activities in the region.

Accordingly, these pressure groups/militants are being spearheaded or championed by the like of Dokubo Asari, Tom Ateke, Tompollo, General Boyloaf and other prominent figures earlier identified and mentioned in the preceeding chapter of this thesis. These militant groups' leaders came to political limelight through violence activism in the name of fighting against environmental pollution and degradation caused by the multinational oil companies. Today, most of prominent names touted as leaders of the militant groups have been made billionaires for their so-called activism at the detriment of the region they claimed to be fighting for. These militant groups through series of massive protest against the oil companies often demand for environmental clean-up and/or compensation; to kidnapping of oil companies workers; to even several attempts to prevent oil companies from carrying out their business activities in their environment. An interviewed participant notes that "militancy has become such a big lucrative business and employer of labour because of the material resources its command and the benefits derive therefrom. Infact, the participant pointed out that "some of the choice property acquired in recent times in major cities of the Niger-Delta region is owned by militant leaders or their associates. Added on to that, militancy also comes with polical power. Infact, it is an exaggeration to say that it is often difficult for any person aspiring to be a governor in any of the Nigewr-Delta state without the support of the powerful militant groups." As pointed out earlier above, top politicians in the Niger-Delta romance with militant groups.

Tables 5.3.1 above clearly gives summarised version of the result of the structured questionnaires administered on OBCs/pressure groups. The table identified and captures the various prominent militant pressure groups in relation to what they do, as found by AI and confirmed by the researcher. To corroborate what these militant groups do, a Chatham House (alias Royal Institute for International Affairs, UK) report highlights the problem of

large scale oil theft in the Niger-Delta. The report focused on two kinds of theft: large-scale illegal bunkering operations involving organized extraction and transport (i.e. taps on pipes, boats for transport) and theft at export terminals, which it says are believed to account for most of Nigeria's stolen crude (No doubt Shell has been latching onto this report and claiming over and over that oil spills in Nigeria are largely outside its control). Nigerian crude oil is being stolen on an industrial scale. Nigeria lost at least 100,000 barrels of oil per day, around 5% of total output, in the first quarter of 2013 to theft from its onshore and swamp operations alone. Some of what is stolen is exported. Proceeds are laundered through world financial centers and used to buy assets in and outside Nigeria, polluting markets and financial institutions overseas, and creating reputational, political and legal hazards. It could also compromise parts of the legitimate oil business. Officials outside Nigeria are aware that the problem exists, and occasionally show some interest at high policy levels. But Nigeria's trade and diplomatic partners have taken no real action, and no stakeholder group inside the country has a record of sustained and serious engagement with the issue. The resulting lack of good intelligence means international actors cannot fully assess whether Nigerian oil theft harms their interests.

Having shed light on what constitute an "oil spills" in our analysis under 5.2.1.; it important to stress that "oil theft" is not the same thing as "oil spills". It is possible for theft to occur with little spillage. Small-scale theft may be more problematic in terms of oil spills than larger and professional operations. But the amount stolen is not the amount spilled.

Nigeria's dynamic, overcrowded political economy drives competition for looted resources. Bad governance has encouraged violent opportunism around oil and opened doors for organized crime. Because Nigeria is the world's 13th largest oil producer – exports

often topped two million barrels per day in 2012 – high rents are up for grabs (Katsouris, *et al*, 2013. Also cited in AI, 2013b).

Table 5.3.1 shows the pressure groups and the quantum of the questionnaires administered on their members. Among the groups identified, three stood out to be dominant and are regarded as major players, while the rest are regarded as fridge players and have affiliations with the major players. Out of 382 questionnaires administered, 120 or 31.41% could not return their responses for security reasons associated with fear of being apprehended. Of these groups, 300 or 25.08% belongs to Niger-Delta People Volunteer Force (NDPVF) led by Mujahid Dokubo-Asari; 327 or 27.34% are in the Movement for the Survival of the Ogoni People (MOSOP) led by various names touted as leaders, Jomo Gbomo, Brutus Ebipadei, Major General Godswill Tamuno and Ekpemupolo alias "Tom Polo"; 307 or 25.67% belongs to Movement for the Emancipation of the Niger-Delta (MEND) led by Ledum Mittee. The rest constituting 6 groups in number to which 262 questionnaires were administered, represent 21.91% of our population sample size and are captured as 'one composite unit' in the table above (because their level of activism and names were not very much pronounced or near that of major players). These groups are the Niger-Delta Vigilante Movement (NDVM alias Icelanders), the Niger-Delta Civil Society Coalition (NDCSC), the Federated Niger-Delta Ijaw Communities (FNDIC), the Niger-Delta People's Volunteer Force (NDPVF) the National Youth Council of Ogoni People (NYCOP), and Niger Delta Liberation Force (NDLF). These groups comprised primarily of Ijaws and dwarf a plethora of smaller militias supposedly numbering more than one hundred. The Nigerian government classifies these groups as "cults", many of which began as local university fraternities. The groups have adopted names such as Icelanders,

Greenlanders, KKK, Vultures, Pyrates, the National Association of Sea Dogs, Black Axe, Vikings; Deegam and Deywell, and Outlaws **(**Francis, *et al*, 2011:55**)**.

Furthermore, out of the 1524 personnel belonging to various pressure groups in the OBCs to which our questionnaires were administered and interviews conducted**,** 95 or 6.23% attribute the source of environmental degradation in their area to gas flaring; 856 or 56.17% had attributed it to oil spillage**;** as against 109 or 7.15% that subscribed to bush burning; while the remaining 136 or 8.92% voted for 'all of the above'. This implies that oil spillage and bush burning are the commonest form of environmental pollution recorded in their areas. However, Oil Spills scores exceeded that of Gas flaring, signifying it to be the dominant form of pollution. This negates the oil companies/TNCs version that scores gas flaring higher in table 5.1.1. Furthermore, interview conducted with some elements belonging to OBCs/pressure groups accused companies of attributing the cause of "controllable spills" to "sabotage" in order to avoid liability for compensation.

Drawing on data provided by AI, a group of independent environmental and oil experts visiting the Niger-Delta region in 2006 put the figure for oil spilt, onshore and offshore, at 9 to 13 million barrels of oil over the past 50 years. The experts took into consideration all sources of oil discharged into the environment, including oil in process water, oil discharges from tanker washing, oil in gas flares, oil spills from vehicle and road tanker accidents and used oil dumped in the Niger-Delta region, as well as spills during the Biafran war, when many oil installations were either bombed or sabotaged. To put this into perspective, "people living in the Niger-Delta have experienced oil spills at par with the Exxon Valdez every year over the last 50 years. Despite this, the government and the companies have not taken effective measures over these 50 years to prevent oil spills from recurring or to properly address the impacts of oil spills (AI, 2009:16)".

Table 5.3.2 sought to find out the perpetrators of environmental pollution in our study area. From the total population of 1196 examined; 951 or 79.52% of our population size examined revealed that the causes of environmental pollution were attributable to exploration or extractive activities of the TNCs; and 136 people representing 11.37% were attuned to believing in militants/Youths/Pressure Groups, whilst, 109 (representing 9.11%) ascribe to others. This implies that oil companies' extractive activities were exclusively responsible for the environmental mess.

Our definition of "Others" refers to the pollution arising from the operation of illegal refineries, Industrial pollution arising from petrochemicals and paint industries in places like Port Harcourt, Warri and Lagos constitute another cause of serious concern. Those that falls within this category do discharged wastes directly into open drainages and channels constituting severe dangers to water users downstream. Also disturbing is the practice where some industrial facilities bury their expired chemicals and hazardous waste in their backyard, threatening the water quality of innocent neighbors who rely on their dug-out wells for drinking water.

Interviewed conducted with the various elements within our population sample size further disclosed that there is no doubt that sabotage, vandalism of oil infrastructure and thefts of oil are serious problems in the Rivers State and the Niger-Delta region, although the scale of the problem is unclear. Some oil spills in the Niger-Delta are attributed officially to sabotage, not theft. "Sabotage refers to acts that vandalize oil infrastructure, and it is often attributed (although not always accurately) to disgruntled community members seeking compensation. Another, longstanding, question is the age and condition of the pipes (cited in AI, 2013b)". Sabotage ranges from vandalism by community members to theft of oil and deliberate attacks by criminal groups. Some people damage

pipes while trying to steal small quantities of oil for sale at local markets or for personal use. Others damage pipes and installations to extort compensation payments or clean-up contracts from companies as corroborated by the following revealation made secured during the session with some groups:

> Oil Companies make sure they cover their tracks, creating fake companies to receive sub-contracts……. In any community, every youth have different titles and salaries available, and who is getting what. In one community, the youth group secretary listed eight "companies" that were doing business with the youth. This doesn't include the contracts awarded for "environmental assessment" in case of an incidence, or an alleged incidence, of oil spills, or the contracts awarded foe environmental clean-up and compensation for damages if the assessment calls for it. So while Shell's annual report states that of 221 oil spills, 68% were due to sabotage, it's impossible to know how many of those acts of "sabotage" involved some level of cooperation between the company and certain members of its host community. Indeed, behind every unfinished project is a calculated series of pay-offs, coordinated by the contractor, who works with the Community Relation Officer in the oil company (who makes sure he gets a kickback) to pay off anyone who presents a threat – that is, chiefs and youth groups….. At times youth are actually hired to do labour, but often they are paid just to be peaceful: it's called 'standby pay' (Hoyle, 2005).

The increase in community sabotage activities (as opposed to organized theft, described above) is a reflection of wider problems that exist in oil-affected areas of the Niger-Delta. For some people, causing an oil spill and getting a clean-up contract or compensation is the only way they can access any benefit from the oil operations.

The other tables above labeled 5.3.3 and 5.3.4 shows the graphic picture of the gender composition of the respondents targeted for questionnaires administration, interviews and focus group discussions conducted. The idea here is to critically assess the suitability of the various elements within the targeted sample population size to give information upon which the researcher can rely upon. Therefore, our sex status table 5.3.3 above, showed that

1160 or 96.99% of our respondents were males, while the rest constituting 30 or 3.01% were females.

Likewise, on age status of the respondents, table 5.3.4 above, shows that the age limit of 'less than 21 years' to which questionnaires were served constitute 112 or 9.36% as against the age bracket considered to be very mature to and are adjudged to be responsible of the consequences of their actions, viz: ages 21-30 years were 257 or 21.49%; 31-40 years were 434 or 36.28% and 41-50 years representing 300 or 25.08% and over 50years were 97 or 8.11% respectively. Therefore, the bulk of our population examined that falls within age bracket of 21 to 50 years implying that our respondents were essentially matured and falls within the category that their action can be relied upon.

Table 5.3.5 of our respondents shows the duration of time of their involvement in militancy activism. 195 or 16.30% of them have spent less than 5 years in office; while 791 or 65.30% have spent between 5-10 years and the remaining 210 persons or 17.56% have spent over 10 years. This implies that about 1001or 72.86% have spent considerable time working to have a full grasp of their organizational dealings and be able to give an insight on what they do for the researcher to rely upon.

Table 5.3.6 shows the relationship between AI advocacy activities and militants/ pressure groups in the oil bearing communities of Rivers State. The table revealed that AI has considerable degree of influence in curtailing some of the abuses and getting them some sort of succours. These are better exemplified by the scores of voted secured on various parameters captured in the table. Out of the total population size of 1196 quizzed, 116 have voted in favour of "restoring the victim to their original situation (before the violation occurred)"; 91were in favour of "compensating people for economically assessable damage"; 277 voted for "satisfaction – which should include effective measures

aimed at verifying the facts, and full and public disclosure of the truth"; 318 have voted for "judicial and administrative sanctions against those liable for the violations"; 172 have subscribed to "guarantying that the violation will not be repeated"; whilst 222 have agreed that AI intervention activity has change course of events on all the aforementioned.

5.3. Findings

All the parties/stakeholders cohabiting in Rivers State were involved in one way or the other in human rights violations, with overall adverse consequences on the totality of the lives of the inhabitants in Rivers State and Niger-Delta region with ripple effect across the globe. Oil industry pollution and environmental damage continued to have a serious impact on people's lives and livelihoods. Researcher's interviews and investigations found out that the impact of pollution and environmental damage caused by the oil industry on the human rights of the people living in the Rivers State and Niger-Delta region had been catastrophic. This has made farming and fishing very difficult for the inhabitant of Rivers State and Niger-Delta region who are forced instead to buy food for survival or resort to violence as alternative survival coping mechanism. People living in Niger-Delta region have to drink, cook with and wash in polluted water. They eat fish contaminated with oil and other toxins – if they are lucky enough to be able to still find the fish. The land they farm is being destroyed. The air the people breathed smelled of oil, gas and other pollutants and that the people complained of breathing problems and skin lesions. AI report corroborated the aforementioned by even rising alarmed on the concentrations of petroleum hydrocarbons in the air and drinking water. The long-term effects are not yet well understood. However, according to medical practitioners the long-term effects could include cancer and neurotoxicity. The short-term effects include "dermal exposure" which can lead to skin redness, oedema, dermatitis, rashes and blisters; and "inhalation exposure"

can lead to red, watery and itchy eyes, coughing, throat irritation, and shortness of breath, headache and confusion; and also "ingestion of hydrocarbons" can lead to nausea and diarrhoea." Inspite of all these serious catastrophic effects, yet neither the government nor the oil companies monitored the human impact of oil pollution.

There were trade blames going on between the oil companies and the oil bearing communities on who is substantially responsible for pollution associated with oil spills cause by both. As government and oil companies engage in blame game (i.e. accussing the OBCs of pipeline vandalism/sabotage) and avoidance of responsibility for certain acts affecting the wellbeing of host communities, it is the communities that are left to suffer. Evidences gathered by Amnesty International and confirm by this study, shows that oil companies are the major perpetrators of all sort of environmental pollution in Rivers State. The Niger-Delta is the only place in the world where companies brazenly admit to massive oil pollution from their operations and claim it is not their fault. Almost anywhere else they would be challenged on why they have done so little to prevent it. Shell's claims about how much oil is spilt due to sabotage and theft are increasingly being challenged.

There appears to be a pragmatic 'corporate response' initiated by oil companies to tackle the emerging threat to their business" mounted by the OBCs/militants. Alhough, measures taken is still adjudged to be inadequate, but nevertheless, the oil firms have done so by way of making some kind of payment of compensation for oil spills and use of surface right of land as well as damaged economic trees in line with the 'Rio Summit of 1992' (where the international community has demanded that fair compensation should be paid for the loss of arable land or fishing ground caused by mining activities, and areas should be rehabilitated by mining operators) as supported by this below assertion:

> Regulations are often put in place to ensure that inhabitants do not suffer unnecessary. In fact the pipeline act provides for compensation once there is a leakage. Also Petroleum drilling and production act of 1969 makes provision for fishing rights. However, according to Okere (1988), the processes of claiming these are so complex that in the end the poor peasants who live in the oil producing areas suffer in silence. Corrupt officials also connive with the oil companies to disregard the regulations. In the long run the nation suffers more than it gains from the activities of the MNOCs (Izah, 1994).

The oil firms have also been involved in job creation, award of scholarships, providing social amenities, building of schools, roads, water scheme and clinics. The oil industries have also concerned themselves with providing support through community development assistance and distributing manure and high yield crop varieties as well as diffusing modern farm in methods through farm extension services. These laudable projects were executed in line with the corporate social responsibility (CSR) codes of conduct and other ethical business concepts of the oil companies/TNCs, which emphasize the duty of companies to go beyond the mere quest for profits to respect for society and ecology and to render some social desirable services to the community where they operate.

Gas flaring has continued with impunity despite government policies to stop it with no definite solution in sight as buttressed below:

> Another aspect in which the MNOCs pollute and waste Nigeria's resources is in the flaring of gas. Natural gas, which is found along with oil in Nigeria, is simply burnt rather than processed to increase the earnings of government because the companies are only interested in crude oil for export. Although since the 1980s government has required the companies to re-inject, the gas into the ground, there has been low compliance such that more than 90% of the gas associated with crude oil production is still flared (Izah, 1994).

The continuous pressure by the AI and other human rights advocates had gingered the Federal Government of Nigeria to give deadlines in 2003 and 2004 up to December 2013, to end gas flaring. However, these datelines have always met with failure because of

lack of strick application of the law and punitive measures against defaulters. Also, the exemption powers bestowed upon the Petroleum Ministry accords the oil companies too much of an escape avenue that potentially allows the TNCs and by extension the state, to violate rights.

The review of the legal framework for the oil and gas sector in order to address any identifiable gaps and problems associated with the regulations continued to be re-echoed. Take for instance, the passing of Nigerian government law banning gas flaring in 1979 (eventhough, it allowed the Ministry of Petroleum to grant exemptions to some Oil Corporations, which today most operators are still relying on the exemptions and thereby causing environmental havoc) is a welcome development. Another good example is the passing into law the "Environmental Impact Assessment Act", Chapter E12, Laws of the Federation of Nigeria (2004). This Act provides the principles, procedures and methods to enable the prior consideration of environmental impact assessment (EIA) of certain public or private projects before it commencement. In 1988, government established the Federal Environmental Protection Agency (FEPA) backed by the Federal Environmental Protection Act, Chapter F 10 Laws of the Federation of Nigeria 2004 (formerly Decree no.58 of 1988) to handle the issue of the EIA among others, an agency under the Federal Ministry of Environment. However, in 2007, the Federal Government of Nigeria further weakened any independent oversight of the oil and gas industry by significantly curtailing the authority of the Federal Ministry of Environment in regulating the environmental impacts of the industry. The National Assembly passed a law repealing the Federal Environmental Protection Agency Act (FEPA) and establishing the National Environmental Standards and Regulations Enforcement Agency (NESREA). The agency is supposed to ensure enforcement of all policies, laws, standards and regulations relating to the environment,

including international agreements. However, the Act establishing NESREA repeatedly bars the Agency from enforcing compliance in the oil and gas sector, including:

i. Compliance with regulations on hazardous waste.
ii. Regulation on noise, air, seas, oceans and other water bodies.
iii. Control measures such as registration, licensing and permitting systems.
iv. Conducting environmental audits.

Although the Agency is barred by law from carrying out almost all its major functions in relation to the oil and gas sector, the governing council of the Agency is obliged by law to include a representative of the Oil Exploratory and Production Companies of Nigeria. FEPA does not exclude the oil and gas industry. The National Oil Spill Detection and Response Agency (NOSDRA), established in 2006, claims to have some responsibility for enforcing environmental regulations in the oil and gas sector. However, the provision on enforcement within the NOSDRA Act is weak, and Agency staff does not appear to have the capacity to undertake environmental monitoring beyond oil spill related activities. The repeal of FEPA, and its replacement with a law that specifically excludes the Ministry of Environment from enforcing compliance in the oil and gas industry, is a deeply questionable move and further entrenches government failures to ensure effective oversight of the oil industry and to protect the environment and human rights.

The Nigerian Government failure to take necessary measures to prevent all the stakeholders in Rivers State and Niger-Delta region in general from polluting or contaminating food, water supplies and air, by of way enforcing its existing laws, has constitute violations of the rights to health (Article 12), to water and to adequate food (Article 11) of the UDHR Covenant. In other words, environmental laws and regulations were poorly enforced, partly due to government agencies being compromised by conflicts

of interest. However, a document called the Petroleum Industry Bill (PIB), which is being debated by the National Assembly, has been packaged to address some contentious issues bothering all stakeholders in the Industry. Once the Bill is passed by the National Assembly and assented by the President, it is widely believed that much of the current oil industry legislation, including the Oil Pipelines Act, the Petroleum Act and the Associated Gas Reinjection Act, would be repealed and be replaced with good laws that will substantially meet the needs and aspirations of all stakeholders.

Also noted were the settings up of some agencies to deal with the problems faced by oil producing communities. Starting with the establishment of the Niger Delta Development Board (NDDB), in pursuance of one of the recommendations of the Willinks Minorities Commission (which came in to being in 1957 at the London Constitutional Conference) with the mandate, inter alia, to boost the physical development of the region. However, due to the civil war, government discontinued the funding of the NDDB. In 1992, The Oil Mineral Producing Area Development Commission (OMPADEC) was established to regulate and administer the monthly allocation from the federation account in accordance with confirmed ratio of oil production in each oil producing state and charged with the responsibility of tackling ecological and environmental problems of oil producing areas as well as rehabilitating and developing such areas. This succeeded for a while but was wound up subsequently. In 2000, the Niger Delta Development Commission (NDDC) was set up to replace OMPADEC. The NDDC was to formulate policies and guidelines for the development of the Niger Delta. However, in 2005, a 45 member Technical Committee of eminent Niger-Delta indigenes was constituted on September 8th, 2008 to collate all past recommendations and resolutions of various summits and seminars on the Niger-Delta, including the Willinks Commission Report of 1958, General Alexander Ogomudia report

of 2002, the National Political Reform Conference Report of 2005. The Committee completed its assignment within three months and submitted its report to the Federal Government on December 1, 2008. The team identified eight thematic areas that require intervention and assigned sub-committees to each. The thematic areas are: critical infrastructure; good governance; economic development, resource management and distribution; health; education; women and youth empowerment; environment and corporate social responsibility; peace building, militancy and decommissioning. About the same time, the creation of the Niger-Delta Ministry that will oversee and supervise the development of the Niger Delta was announced. The NDDC was subsequently made a parastatal under the ministry. Since the establishment of the ministry, there have been divided opinions on whether its creation was necessary since NDDC could take care of what the ministry is meant to perform if enough resources were given to it. The insecurity in the Niger-Delta has scared investors away, affecting the Nigerian economy adversely as well as denting her international image.

Armed groups, gangs and militia continued to kidnap oil workers and attack oil installations as a survival strategy to send massage to the oil companies devasting extractive activities on their lives. Militancy has become such a big business, which is ranked as the number one industry employer of labour of the Niger-Delta youth.

The Nigerian Government has soft pedal its aggression against the Niger-Delta militants and grant them “amnesty”, which saw the militants surrendering their weapons in exchange for a presidential pardon, rehabilitation programme and education.

The security forces, including the military, continued to commit human rights violations. Police operations remained characterized by human rights violations. Hundreds of people were unlawfully killed, often before or during arrests on the street. Others were

tortured to death in police detention. Many such unlawful killings may have constituted extrajudicial executions. Many people disappeared from police custody. Few police officers were held accountable, leaving relatives of those killed or disappeared without justice. Police increasingly wore plain clothes or uniforms without identification, making it much harder for people to complain about individual officers. Special task forces, including the Special Anti-Robbery Squads and SOS, committed a wide range of human rights violations.

> In early 2011, the Bayelsa State government set up Operation Famou Tangbe – "kill and throw away" in the local language – to fight crime. Many officers linked to the operation reportedly unlawfully killed, tortured, arbitrarily arrested and detained people. Suspects in detention reportedly had no access to their lawyers or relatives (AI Annual Report, 2012).

There were consistent reports of police routinely torturing suspects to extract information. Confessions extracted under torture were used as evidence in court, in violation of national and international laws. A pattern emerged of intimidation and attacks against human rights defenders and journalists, with several being threatened, beaten or arrested by police and security forces. Politicians increasingly used their influence to secure the arrest of people criticizing the authorities.

In summary, our findings establishes that AI advocacy activities in exposing human rights violations in Rivers State cum Niger-Delta region has direct effect in influencing the conduct of operations of the oil companies, OBCs and the State. AI intervention activities have no doubt contributed towards de-escalating human rights crisis in the region, thereby confirming our research assumptions, questions and objectives given in the chapter one.

Added on to that, there is nowhere in the review of our literatures on AI activities or in the questionnaires administered or interviews held with stakeholders in the field, where

AI is seen or alleged to have been acting under the influence the country where their head office is situated. All AI intervention activities examined by this study clearly revealed that, they were done purely out of their genuine concern to to put an end to human rights abuses in furtherance to their mandate. Thus, the courageous conduct of AI's campaign advocacy for the entrenchment of justice, fairness, freedom and truth wherever they're denied and the application of pressure using powerful research tools or direct lobbying, online campaigning, and prosecution of human rights violators or appeal for sanctioning of the same, inrespective of whose oars is goars, AI has proven to be independent of any external influence and impartial in its dealing and above all making a difference for a better world, where human rights are respected and protected by everyone, everywhere. This therefore addresses the important questions raise under justification of the study in relation to AI's role in tackling human rights challenges.

CHAPTER SIX
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

(6.0) Summary and Conclusion

The research shows that the Rivers State and indeed the Niger-Delta region have suffered for decades from environmental degradation, which occurs both on land and offshore. Frequent gas flaring and oil spills are a serious problem in Rivers State and the entire Niger-Delta region. The failure of the oil companies and regulators to deal with the issue swiftly and the lack of effective clean-up are the main challenges which greatly exacerbate the human rights violations of the people living in the region.

Amnesty International has exposed how protracted delays in reacting to the spills and subsequent failure to clean up the pollution have exacerbated human suffering and environmental damage. It also highlights the successive corporate and regulatory failures in the aftermath of the disaster and thereby called on all oil companies, particularly Shell Petroleum Development Company (SPDC) to finally address the "tragedy" it acknowledged responsibility for. The oil companies were pressurized to undertake a comprehensive clean-up of the affected areas, and properly compensate the people whose lives have been devastated by the oil spill. The company's inaction and non-compliance, and the Nigerian government's lack of regulatory enforcement, amount to a sustained assault on the economic, social and cultural rights of the people of Bodo and OBCs of Niger-Delta region.

AI had accuse, documents and reports that the Nigerian Security Operatives as one of the worst violators of human rights in the period under review. Accordingly, they extort bribe from poor commuters at illegal checkpoints, they are used by persons to kill their perceived opponents on trumped up charges, and they arrest and detain persons unnecessarily for various reasons, some associated with protest against the environmental

pollution perpetrated by the oil companies. These to some extent were partly responsible for the violence in the Rivers State cum Niger-Delta Region and Nigeria today.

The destruction of the ecosystem of the oil-producing areas demands huge compensation from the oil companies to cushion the effect of the environmental degradation and huge budgetary allocations from the Government of Nigeria to such areas to meet their developmental needs. The Nigerian regulators appear to have taken no meaningful independent action at all, till in the recent times, leaving the affected OBCs of Niger-Delta region at the mercy of a private companies with a poor track record in addressing oil spills. The combined fall-out is devastating. All oil spills cause damage, but failing to stop a spill, and to clean it up swiftly and properly, substantially increases the damage inflicted on the environment and on local people's human rights.

Amnesty International and host of other human rights advocates had urged the Nigerian government to establish and enforce effective regulations that will hold the oil industry to account when spills occur, gass flare and other associated pollution cause to the environment. Under international law, the government of Nigeria has an obligation to respect, protect and fulfill human rights. Its obligation to respect people’s rights means it should refrain from any measures that would result in preventing or undermining their enjoyment of their rights. Its obligation to protect requires the state to ensure that other actors − such as companies − do not undermine or abuse human rights. Its obligation to fulfill means it must take positive action to facilitate enjoyment of human rights.

(6.1) Recommendations

The research recommendations will not only be defined on short and long term basis, it will also recommend the involvement and collaborations of several actors to deal decisively with growing scourge of environmental pollution cum human security threats in the region. The Federal Government, The Niger-Delta States (including their local councils), the oil companies/TNOCs with oil and gas interest in Nigeria and the inter-governmental organizations (IGOs - such as UN, AU, ECOWAS) and also other non-governmental human rights organizations (NGOs - such as Amnesty International, Green Peace and Transparency International) and host of others that are concern with human rights violations need to get together to address the lingering environmental and human rights abuses in the region. These groups should intensify calling on the oil companies to stop degrading the environment and where it occurs publish all investigation reports on environmental pollution, associated photos and videos as well as provide verifiable evidence of the cause and damage to the impacted area. The multi-actor character of our recommendation is understandable because the environmental challenges in Rivers State cum Niger-Delta region is not just a Nigerian problem; it is now an international issue. To limit the environmental consequences of oil exploration and exploitation to Nigeria is tantamount to doing great injustice to the subject matter and limiting the human security threats (i.e. oil spills; air pollution and depletion of ozone layer; the destruction of water and aquatic lives; bush burning; industrial waste disposal; that knows no state boundaries) it tend to poise within the scope of traditional confined of national boundaries.

The Nigerian government must substantially strengthen the capacity of the regulators including providing increased budget for its operations. Nigeria's under-resourced regulatory agencies need to be armed with qualified staff that will periodically

conduct an oversight function over the oil extraction process of oil companies to determine the enormity of pollution unleash into the environment, than the government present exclusive dependent on the report made by the oil companies.

The Federal Government in collaboration with oil producing states and OBCs should enact stringent and enforceable legislations that will ensure that oil companies/MNOCs maintain universally acceptable best standard in their operations. Issues like making a legislation that would compel the oil companies/TNCs to be more responsible and accountable for oil spillage alleged to be caused even by acts of deliberate vandalism caused by the OBCs of Niger-Delta as against what is only confined to that caused by the covert or overt activities of the TNCs. The perspective of the protection of human rights and the environment in the proposed Petroleum Industry Bill (PIB) suffers some serious flaws, which if not address by the National Assembly would not resolve the issues faced by OBCs of Niger-Delta. In fact, the Bill offers lesser protection in respect of some aspects of environmental damage and human rights than the legislation it would repeal. Clauses on the prevention of harm to the property and livelihood resources of affected communities and individuals appear to be more limited than in the existing legislation. Other references to the environment contained in the Bill are essentially repetitions of existing requirements to comply with the law and regulations. The Petroleum Industry Bill (PIB) should be passed into law without any further delay as this is expected to benefit Niger-Delta communities and Nigeria on the long term. Also, Amnesty International and the Centre for Environment, Human Rights and Development (CEHRD) believe that Nigeria's oil legislation needs to be amended to incorporate the fact that oil companies should be held responsible for a spill that is due to sabotage or theft if they have failed to take sufficient measures to prevent tampering with their infrastructure.

Individual company's project on environmental impact assessment (EIA) studies should be made more transparent and accessible to the affected communities. In fact, the communities must be made to be part of the process. This will also involve MNOCs obtaining community assent before proceeding with installation of oil production facilities, infrastructures and other developments issues of utmost priority.

The Federal Government should ensure that the 13 per cent derivation and ecological funds is felt by the communities. What is required in the region is a massive economic empowerment of the real people, massive infrastructure development in the communities, massive job creation for the jobless youths and encouragement of institutions that will rebuild that common spirit that used to exist among Niger-Delta communities. The activism of the Militants that encourages "settlement" for some criminal-minded people must be dealt with urgently. The Federal Government should stop pampering criminals all in the name of maintaining uneasy peace in the Niger Delta. Once all these are done, the like of Asari, Tompollo, Ateke and others would no longer be relevant.

While unrest in the region has considerably declined since the 2009, Presidential Amnesty deal, crude theft and illegal refining of petroleum products have doubled, as many of the perpetrators unapologetically regard their criminal act as a way of cutting their own proverbial "National Cake". The Amnesty Office in conjunction with the Ministry of Niger Delta Affairs (FMNDA) and Niger Delta Development Commission (NDDC), as matter of urgency, should ensure that this unbecoming development, years after sealing the amnesty deal, is mitigated. The so-called powerful Nigerians and military personnel allegedly bankrolling the illegal bunkering must be unveiled and brought to justice to serve as a deterrent to potential economic saboteurs.

The Nigerian authorities and oil companies clearly need to take action to prevent sabotage and tampering, in line with international oil industry standards and practices. Oil theft and sabotage of oil pipes are serious problems in the Niger-Delta. But they will only be dealt with effectively when oil companies also come clean about the scale of operational spills and the condition of their infrastructure, and cease to use them as a way to avoid bad publicity about their environmental and human rights impact. The NNPC and all oil production and exploration companies operating in Nigeria ought to deploy its security and surveillance apparatus to monitor its oil installations, and clamp down on oil thieves and illegally refined petroleum products being sold on the black market. This measure will help in preventing product adulteration and safeguarding the health of innocent users of petroleum products.

Multinational oil firms operating in Nigeria should stop the blame game and concentrate on making earnest efforts at developing the communities in which they operate. Provision of basic infrastructure as part of their corporate social responsibility (CSR) for the communities and positive engagement of both the skilled and unskilled community members in their areas of operation would go a long way in curbing the menace of oil pilfering in Nigeria.

Under international human rights law, people whose rights are violated have a right to an effective remedy. This includes the right to reparation, which in turn encompasses these measures:

i. restoring the victim to their original situation (before the violation occurred)
ii. compensating people for economically assessable damage
iii. rehabilitation
iv. satisfaction – which should include effective measures aimed at verifying the facts, and full and public disclosure of the truth
v. judicial and administrative sanctions against those liable for the violations, and
vi. a guarantee that the violation will not be repeated.

Under Nigeria's law and regulations, compensation is only paid if a company is liable. E.g. AspIn states: "A spiller shall be liable for the damage from a spill for which he is responsible. Settlement for damages and compensation shall be determined by direct negotiation between the operator(s) and the landlord(s)." The petroleum Act (section 37) requires "fair and adequate compensation for the disturbance of surface or other rights to any person who owns or is in lawful occupation of the licensed or leased lands". The oil pipelines Act (section 6.3) states that a company must "make compensation to the owners or occupiers of licensed or lease land for any damage done under such authority and not made good". The petroleum (drilling and production) Regulations Act (section 21.2) requires "fair and adequate compensation to the owner thereof…", and section 23 states that: "If the licensee or lessee exercises the rights conferred by his license or lease in such a manner as unreasonably to interfere with the exercise of any fishing rights, he shall pay adequate compensation therefore to any person injured by the exercise of those first-mentioned rights." In a nutshell, measures should be put in place to carry the people in the Niger-Delta region along to take part in making regulations that will aid in averting pollution; determining compensations as a result of pollution; and determining how to improve production to make it pollution free.

To cut off the easy flow of weapons into the Rivers State and the entire Niger-Delta region and groups with violent agenda, the Federal Government of Nigeria must explore means to end illicit and illegal payments by MNOCs for security purpose to both militants or youths groups and paramilitary security forces deployed to protect oil installations.

The Federal Government, State and Local Governments in the entire Niger-Delta region should create the enabling environment that will make the people of the region real

stakeholders not just spectators in the management of oil and gas resources. For instance, the allocating of contract by the oil companies operating in Niger-Delta should have a provision that certain percentage of the proceeds for exploitation should automatically go for development of the affected community. The community, local government and leaders should be represented or involved in the supervisory and the operational arms of federal oil and gas parastatals and companies such as the Nigerian National Petroleum Company (NNPC), its supervisory department (i.e. Directorate of Petroleum Resources *(*DPR*)*), Liquefied Natural Gas Company (LNG), etc.

Also, a change in the joint venture agreements with the MNOCs operating in the region to enable the OBCs own shares in them would help in dousing tension and acrimony against the oil companies. This is to offer indigenes a substantial ownership stake along the lines of what corporate majors including Royal/Dutch Shell, Exxon Mobile and Conoco had done in Canada's Arctic. It is our believe that this measure will finally put to an end the issue of vandalisation of oil infrastructure and disruption of production. As beneficiaries and real stakeholders, the communities will make sure that oil production facilities of these companies are protected.

The Federal Government, State and Local Governments in the entire Niger-Delta region should step up its border patrol surveillance. The government of Rivers State and Nigeria as whole should as a matter of urgent national interest adopt the following four first steps for building a cross-border campaign against Nigerian oil theft:

i. Nigeria and its prospective partners should prioritize the gathering, analysis and sharing of intelligence.

ii. Nigeria should consider taking other steps to build the confidence of partners.

iii. Other states should begin cleaning up parts of the trade they know are being conducted within their borders.

iv. Nigeria should articulate its own multi-point, multi-partner strategy for addressing oil theft.

The Amnesty International calls upon the UN Human Rights Council and its members and observer states at the 25th session to urge Nigeria to:

i. issue an invitation to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit Nigeria; and to urge the Nigerian authorities to respond positively to the requests made by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;

ii. urge Nigeria to submit, without further delay, its initial report to the UN Committee against Torture;

iii. urge Nigeria to develop and implement all necessary measures to put an end to the violations of human rights by security forces, including torture, recommendations Nigeria supported at the 17th Session of the Universal Periodic Review (UPR) - 134.68 to 134.72. Amnesty International considers of particular importance, the need to investigate acts of torture and other ill-treatment by security forces to ensure that perpetrators are promptly brought to justice in a fair trial without recourse to the death penalty; and

iv. urge Nigeria to improve living conditions in detention facilities, to strengthen the system of independent monitoring in all detention facilities in accordance with the Optional Protocol to the Convention against Torture and to establish a human rights monitoring system which allows access to detention centers in Nigeria as

recommended by member states and accepted by Nigeria at the 17th session of the UPR (134.106, 134.108, 134.112).

Finally, Government of Nigeria should:

(i) put an immediate end to the use of torture and all other forms of ill-treatment of suspects and detainees in military and police custody in Nigeria;

(ii) grant detainees in military and police custody immediate and unhindered access to families, lawyers, human rights defenders and monitors;

(iii) grant access to legal and practical remedies for victims of torture and other ill-treatment in military and police custody;

(iv) institute a thorough, independent and impartial investigation into allegations of torture and other ill-treatment by police and military personnel;

(v) grant the National Human Rights Commission (NHRC) monitors and human rights defenders unhindered access to all detention facilities across Nigeria, including military detention centers in Nigeria; and

(vi) criminalize the use of torture and other ill-treatment on suspects and detainees in police and military detention by passing into law the torture bill (Act penalizing the commission of acts of torture and other cruel, inhuman and degrading treatment or punishments, prescribing penalties thereof and for other purposes).

It is our strong believe that these measures alongside an effective compensation regime will go a long way to protect the culture, local economy, biodiversity and ecology of the Rivers State and Niger-Delta region in general.

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APPENDIX 1

AHMADU BELLO UNIVERSITY

DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL STUDIES, ZARIA, KADUNA STATE, NIGERIA.

Interview Questionnaires are exclusively designed to gather information meant for Academic Research purposes. Therefore, the confidentiality required inrespect of the responses given is hereby guarantee

Interview Questionnaire for Amnesty International

1. Can you briefly explain about Amnesty International's international activities?

2. Please briefly introduce yourself and your work.
   - How long have you worked?
   - Job Position

3. What are Amnesty International motivations in venturing into the Rivers State cum Niger -Delta environmental crisis?
   (a) to promote human rights and democracy.
   (b) to protect British interest (Where AI headquarter is based)
   (c) to protect TNCs/Oil Companies interest
   (d) others

4. What method does AI employ in carrying out its activities?
   (a) On-line advocacy campaign activities
   (b) Research
   (c) Powerful lobby
   (d) Mass demonstration
   (e) All of the above

5. What sort of human rights violations does your organization found in Rivers State?
   (a) Oil spills
   (b) Gas flaring
   (c) Industrial waste discharge
   (d) Bush burning
   (e) Killing, Kidnapping
   (f) Use of excessive force by state security agencies

(g) All of the above

6. Who are perpetrators of the human rights violations in Rivers State?
   (a) Oil companies and other companies
   (b) The people of the OBCs
   (c) State using its security agencies
   (d) All of the above

7. Could you please list the impact of your organization's intervention activity on oil companies in respect to the environmental rights violations done by them?
   (a) Review and strengthening the compliance to environmental safety standards
   (b) Payment of restitution or compensation
   (c) Stepping up corporate social responsibility
   (d) Employment creation
   (e) All of the above

8. Could you list the impact of your organization's intervention activity on State security agencies in respect to the human rights violations done by them?
   (a) put an immediate end to the use of torture and all other forms of ill-treatment of suspects and detainees in military and police custody in Nigeria;
   (b) grant detainees in military and police custody immediate and unhindered access to families, lawyers, human rights defenders and monitors;
   (c) grant access to legal and practical remedies for victims of torture and other ill-treatment in military and police custody;
   (d) institute a thorough, independent and impartial investigation into allegations of torture and other ill-treatment by police and military personnel;
   (e) grant the National Human Rights Commission (NHRC) monitors and human rights defenders unhindered access to all detention facilities across Nigeria, including military detention centers in northern Nigeria; and
   (f) criminalize the use of torture and other ill-treatment on suspects and detainees in police and military detention by passing into law the torture bill (Act penalizing the commission of acts of torture and other cruel, inhuman and degrading treatment or punishments, prescribing penalties thereof and for other purposes).
   (g) All of the above

9. Could you please list the impact of your organization's intervention activity on Rivers State and Nigeria Government in general?
   (a) Review of its oil and gas laws and policies
   (b) Setting up of more institutions and agencies to address the issues of environmental degradation and underdevelopment
   (c) Awakening government to act responsibly as per the multi-lateral human rights charters it sign-on.
   (d) All of the above

10. Could you please list the impact of your organization's intervention activity on people of the oil bearing communities of Rivers State in respect to human rights violations done by them?
    (a) restoring the victim to their original situation (before the violation occurred)
    (b) compensating people for economically assessable damage
    (c) rehabilitation
    (d) satisfaction – which should include effective measures aimed at verifying the facts, and full and public disclosure of the truth
    (e) judicial and administrative sanctions against those liable for the violations, and
    (f) a guarantee that the violation will not be repeated.
    (g) All of the above.

11. Does your organization interact with Rivers State government cum Nigerian government?
    (a) regularly
    (b) occasionally
    (c) seldom

    - Would you please provide a brief account of the reports of such meetings, if any?

12. Does an Amnesty International activity in Rivers State influence the Nigerian government?
    A: yes ***B: No***

    - If yes how? ***A: Direct*** ***B:indirect influence***

13. Does your organization collaborate with local human rights NGOs and other international human rights NGOs in Rivers State and Niger-Delta region in general to achieve its goal?
    A: Yes ***B: NO***

    - If Yes, how is it collaborating? ***A:networking with local NGOs*** ***b: Others***

    - Could the list of such human rights NGOs be provided?

14. What inform the selection of those local and international NGOs by the Amnesty International?
    A: Track record of human right issues
    B: Enjoy wide publicity
    C: Familiarity of geographical terrain
    D: Other reasons

15. Could you list the specific areas or locations where your organization's intervention activities cover in Niger-Delta region?

- ***Would give the period within which AI intervene in the specified locations?***

16. Why has Amnesty International coverage not include all locations within Niger-Delta region?
A: Government restriction
B: Militant volatile activities
C: Oil companies/TNCs resistant to divulge information
D: Other

17. What are the specific challenges that Amnesty International faces in covering the Niger-Delta human rights violations?

18. What level of support does Amnesty International enjoy from the oil bearing communities of Rivers State and Niger-Delta Region in general?
A: High
b: Moderate
c: Low
d: No support at all

19. To what extent has Amnesty International reported the human rights violations perpetrated by TNCs, the Nigerian State/Government Security Apparatus and the militants in Niger-Delta to Intergovernmental Organizations (IGOs) like UN, AU, ECOWAS or ICC?
A: Regularly
B: Occasionally/upon invitation to make presentation.

- How have reported cases been treated?

A: very well ***B: not much*** ***C: little***

20. Does Amnesty International believe that the human rights crisis in Rivers State and Niger-Delta region can be resolved for good?
A: Yes ***b: No***

If so, how?

A: Through payment of restitution
B: Through the provision of social desirable services to the oil bearing communities
C: Through the enacting sound all-encompassing environment rights laws and working
towards its enforcement.
D: All of the above

21. How does Amnesty International decide where or which countries to deal with?
A*: **By way of a country's invitation***
B: By way of considering the level of human rights violations in the place
C: By considering the interest of the country where it head office is based (i.e. UK)
D: Other reasons, please state

22. Does the country where Amnesty International Head Office is base (i.e. UK) activities influence it decisions on its relationship with former British colonies?
A: Yes b: No:

23. Over the years, Amnesty International was known to have help people who uses non-violence means and whom rights were violated, but in recent times it seems to help same that uses violence means. Why the change in posture or ideal?

24. Has AI ever been proscribed or banned from conducting its activities in Nigeria?
A: Yes b : No

- If so when? ***A:This year B: between 2009-2013 C: before 2009***
- If so where? ***A: within the Niger-Delta B: within Nigeria: C: outside Nigeria***
- If so how? ***A: through court case: B: through decree C: other means***

25. Following the AI intervention in Niger-Delta region, what public policies and laws changes occurred in Nigeria or is hoping to occur?

26. What are the specific changes does your organization in militancy activism and mobilization for human rights that happened or wishing to happen in Rivers State and Niger-Delta region due to the AI intervention?

APPENDIX 2

AHMADU BELLO UNIVERSITY,

DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL STUDIES, ZARIA, KADUNA STATE, NIGERIA.

This interview questionnaire is meant for academic purpose only. Thus, the confidentiality required inrespect of your responses given is hereby guarantee.

Interview Questionnaire for Oil Transnational Companies (TNCs) operating in Niger Delta Region of Nigeria

1. Please briefly introduce yourself and your work. How long have you worked? Job Title?

2. Can you briefly explain about your Company's activities?

3. Does your company pollute the environment within which it carries out its normal extractive activities? If so, how frequent and of what dimension?
   (a) Yes
   (b) No

4. What sort of pollution does your company do?
   (a) Gas flaring
   (b) Oil spills
   (c) Others (Industrial waste)
   (d) Combined/all of the above

5. What are the causes of oil spills pollution by your company?
   (a) Pipeline vandalism
   (b) Pipeline corrosion
   (c) Poor maintenance
   (d) Pipelines leaks arising from normal operation

6. How frequent does your company pollutes the environment?
   (a) Periodically
   (b) Hardly

7. Could you describe the enormity of the pollution caused by your company?
   (a) Severe
   (b) Moderate

8. Could you mention the aftermath of the environmental pollution to the community within which your company operates?
   (a) Contamination of water
   (b) Contamination of air
   (c) Deprivation of activities –farming & fishing
   (d) Displacement people
   (e) Destruction of aquatic lives
   (f) Destruction of fauna and flora
   (g) All of the above

9. Does your company ever been disturbed as relate to the pollution caused?
   (a) Yes
   (b) No

10. Could you please give names of the party that has took up the issue of "environmental pollution" with the view of stopping your company from further committal?
   (a) Human rights agencies
   (b) Oil bearing communities
   (c) State Government
   (d) Pressure groups
   (e) All of the above

11. Could you please give type of measures ever taken by people/pressure groups against your companies to discourage it from polluting the environment?
   (a) Kidnapping of employees
   (b) Shutting down of offices
   (c) Instituting a legal action
   (d) All of the above

12. Could you please list the activities undertaken by your company to redress the issue of pollution complaint made against it?
   (f) Review and strengthening the compliance to environmental safety standards
   (g) Payment of restitution or compensation
   (h) Stepping up corporate social responsibility
   (i) Engaging the State security to silent with pressure groups
   (j) Bribing or award of contracts to identifiable voices to make them keep mute
   (k) Executing all of the above

13. Does the effect of the pressure to make your company reduce, if not stop polluting the environment, have any influence on the conduct of its operation?

(a) Yes
(b) No

14. Does your company liaise or pressurize the Nigerian state to secure its operations?
    (a) Yes
    (b) No

15. Does the Nigerian government pressurize your company to observe some environmental rights and safety of the community within which you operate?
    (a) Yes
    (b) No

16. Does your company ever been taken to court within or outside Nigerian state on pollution environmental related cases?
    (a) Yes
    (b) No

    If the answer is yes, where and how has the case gone or what comes out of it?

17. Does your company believe that NGOs try to influence the Nigerian government about the activities of your company?
    (a) Yes
    (b) No

    If the answer is yes, then how? Which NGOs are involved?

APPENDIX 3

AHMADU BELLO UNIVERSITY,

DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL STUDIES, ZARIA, KADUNA STATE, NIGERIA.

This interview questionnaires is for academic purpose only. The responses given will be treated with the utmost confidentiality required.

Interview Questionnaire for State Security Agencies

1. Please briefly introduce yourself and your work.
   (i) Name:

   (ii) How long have you worked? (a) Less 5yrs (b) 5 to 10 yrs (c) Over 10yrs

   (iii) Title? (a) Grade level 14 upwards (b) Grade level 08 to 13 (c) Grade level 04 to 07

   (iv) Gender? (a) Male (b) Female

2. Does your Security Agency ever got involved in arbitrating dispute between the oil bearing communities and the transnational oil companies?
   (a) Yes
   (b) No

3. If your answers above is yes, how had it resolves the crisis to the satisfaction of all?
   (a) Brutal force
   (b) Alternative dispute resolution mechanism
   (c) Referral to court
   (d) All the above

4. Where force is applied in resolving crisis, which method do your agency employed?
   (a) Direct repression (using movement blockage and tear gassing protesters)
   (b) Arbitrary arrest and detention
   (c) Extra-judicial execution
   (d) Torture of suspects
   (e) Combined method/ All of the above

5. Whenever there is a clash between the oil companies and the oil bearing communities, at whose instance does your agency get involved?
   (a) Invitation by Oil companies
   (b) Invitation by Oil bearing communities
   (c) Self-involvement/ duty bound to get involved
   (d) Invitation by all the conflicting parties

6. Can you briefly explain the impact of your intervention in the dispute involved?
   (a) Dispersing/Sacking of the people in the entire area/community involved in protest
   (b) Injuring many
   (c) Escalate the crisis by living atmosphere tense and allowing oil companies to continue their extractive activities cum environmental pollution
   (d) Restoring peace i.e. law and order
   (e) All of the above

7. Does your agency work with NGOs?
   (a) Yes
   (b) No

8. Does your Agency specifically interaction with Amnesty International and/or other International NGOs?
   (a) Yes
   (b) No

9. If your answer to the above question is yes, then please could you explain how regular is your meeting with NGOs and/or Amnesty International?
   (a) Periodically
   (b) Always
   (c) Daily

10. Does your Agency ever get worried with the kind of report these NGOs give on the conduct of your agency operations?
    (a) Yes
    (b) No
    (c) Indifferent

11. Could you list the specific achievement recorded arising from Amnesty International or human rights NGOs pressure and report being put against your agency?
    a. put an immediate end to the use of torture and all other forms of ill-treatment of suspects and detainees in military and police custody in Nigeria;

    b. grant detainees in military and police custody immediate and unhindered access to families, lawyers, human rights defenders and monitors;

c. grant access to legal and practical remedies for victims of torture and other ill-treatment in military and police custody;

d. institute a thorough, independent and impartial investigation into allegations of torture and other ill-treatment by police and military personnel;

e. grant the National Human Rights Commission (NHRC) monitors and human rights defenders unhindered access to all detention facilities across Nigeria, including military detention centers in northern Nigeria; and

f. criminalize the use of torture and other ill-treatment on suspects and detainees in police and military detention by passing into law the torture bill (Act penalizing the commission of acts of torture and other cruel, inhuman and degrading treatment or punishments, prescribing penalties thereof and for other purposes).

g. All of the above

12. Does the Agency get tempted to regulate or bar Amnesty International and other International NGOs from doing their job?
    (a) Yes
    (b) No

13. How does the activity of Amnesty International Organization and/or NGOs influence the activities of your agency?
    (a) Direct
    (b) Indirect influence

14. Does your Agency ever record a case of law default by any NGO? If so, which NGOs were involved and what punitive measures were applied to them?

15. Does Nigerian government ever proscribe or ban any human rights NGOs from conducting its activities in Nigeria? If so, when, where and which NGOs were involved?

APPENDIX 4

AHMADU BELLO UNIVERSITY,

DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL STUDIES, ZARIA, KADUNA STATE, NIGERIA.

THIS INTERVIEW QUESTIONNAIRES IS EXCLUSIVELY FOR ACADEMIC RESEARCH PURPOSE

The confidentiality required for the responses secured is hereby guarantee.
Interview Questionnaire for Oil bearing Communities/Pressure Groups/Associations Rivers State, Nigeria

1. Please briefly introduce yourself and your work.
   (i) Name: Gender: Age:

   (ii) Name of your Pressure group/Civil society organization:
   (a) Niger-Delta People's Volunteer Force (NDPVF)
   (b) Movement for the Survival of Ogoni People (MOSOP)
   (c) Movement for the Emancipation of Niger-Delta (MEND)
   (d) Others (i.e. NDCSC; FNDIC; NYCOP; NDLF, NDYM)

   (iii) How long have you worked?
   (a) Less than 5yrs (b) 5to 10yrs (c) Over 10 yrs

   (iv) Title or position within your group?

2. Could you please give specific causes of environmental pollutions recorded in your area?
   (a) Gas flaring
   (b) Oil spill
   (c) Bush burning and/or operations of illegal floated refineries/Pipeline vandalism
   (d) Combined

3. Magnitude of the extent of the damage caused by pollution in your area?
   (a) Severe
   (b) Moderate
   (c) Low

4. Have the perpetrators of the environmental pollution in your community ever established? If so, where does it emanate?
   (a) Oil companies
   (b) Militants/ Angry youths/Pressure groups
   (c) Others
   (d) All of the above

5. Could you specify the type of environmental pollution carried out by your group activities, whether by act of commission or omission?
   (a) Pipeline vandalism
   (b) Operation of illegal refineries

6. Could you specific the method employ by your group to resolve the pollution prevailing in your community?
   (a) Protest
   (b) Shun down of oil companies offices
   (c) Killing and/or kidnapping of Staff
   (d) Reporting the matter to security agencies
   (e) All of the above

7. Could you give the specific type harassment being applied on your group to restrain it from carrying out its resistant struggle against environmental pollution?
   (a) Suppressing resistant by using tear gassing and road blockage
   (b) Arbitrary detention
   (c) Extra-Judicial killings
   (d) Torture
   (e) All of the above

8. Were your leaders ever been detained, persecuted or your association ever proscribes or ban from conducting its activities in Rivers State cum Nigeria?
   (a) Yes
   (b) No

9. Have the oil companies operating within your communities ever make any moves to resolve the pollution being committed by them?
   (a) Yes
   (b) No

10. If yes is your answer to the above question, then how?
   (a) Granting restitution or compensation in respect of the pollution caused
   (b) Bribing the Community leaders and/or youth leaders to silent their resistant
   (c) Employing the communities members to pacify them and make them be a stakeholders in those oil companies
   (d) Using the state security agencies to harass the militants/OBCs

11. Have the specific cases of pollution recorded in your area or community ever been reported to the relevant government bodies/state security agencies saddled with the responsibility to resolve it?
    (a) Yes
    (b) No

12. If yes was the answer above, then does the security agencies react to investigating and/or curtail the pollution?
    (a) Taking a decisive action against the culprits
    (b) Being indifferent
    (c) Side the with the oil companies, where the oil companies are the main culprits
    (d) Others
13. Could you specify the type of other criminal or illegal activities carried out by your group?
    (a) Oil theft
    (b) Oil bunkering
    (c) Small armed light weapon (SALW) trading
    (d) Drugs dealings
    (e) All of the above

14. How many cases of pipelines vandalization committed by your group that contribute to environmental pollution in your communities?
    (a) 100% to 50%
    (b) Less than 50%
    (c) None at all

15. How many cases of oil spill(s) that contributes to environmental pollution and is/are attributable to oil companies in your communities?
    (a) 100% to 50%
    (b) Less than 50%
    (c) None at all

16. Have the method employed to avert environmental pollution by your group being successfully? In other words, what are the specific impacts of your group 'struggle against pollution' secure?
    (a) Corporate social responsibility of oil companies being step up.
    (b) Reduction in the releases of environmental pollution by the oil companies
    (c) Government raising up to responsibility to review its laws and policies to mitigate the pollution
    (d) Security agencies reducing their level of harassment/human rights violations
    (e) All of the above

17. Does your pressure group interact, by design or accidental, with NGOs and/or AI in particular to complement your struggle against environmental pollution?
    (a) Yes
    (b) No

18. Does Amnesty International concern in exposing human rights violations places your pressure group on head-on-collision with it, because of your group's involvement with environmental rights violations?
    (a) Yes
    (b) No

19. Does an Amnesty International advocacy activity in your community have influence in the way and manner your group conduct itself?
    (a) Yes
    (b) No

20. Could you please assess the impact of your Amnesty International intervention activity on your communities, especially as relates to human rights violations being meted against them?
    (a) restoring the victim to their original situation (before the violation occurred)
    (b) compensating people for economically assessable damage
    (c) rehabilitation
    (d) satisfaction – which should include effective measures aimed at verifying the facts, and full and public disclosure of the truth
    (e) judicial and administrative sanctions against those liable for the violations, and
    (f) a guarantee that the violation will not be repeated.
    (g) All of the above.

21. Do NGOs contact you to publicize their activities in the field?
    (a) Yes
    (b) No

22. Does your community or association or pressure group benefit from the oil companies corporate social responsibility, such as employment, oil spill cleaning contract, social infrastructural development projects, etc.?
    (a) Yes
    (b) No

APPENDIX 5

LIST OF INDIGENOUS OIL COMPANIES & MARGINAL FIELDS SHAREHOLDERS OPERATING IN NIGERIAN

(A) List of Indigenous Oil Companies operating the Upstream Sector of Nigerian Oil & Gas Industry

Below is the list of indigenous companies operating in the upstream sector of Nigerian oil and gas industry (showing who owns what and from where):

(1) Alfred James Petroleum, granted OPL 302 for ten years on June 26, 1991 has as directors Adewunmi Sijuade, Goke Sijuade, Adedeji Sijuade, Olayinka Sijuade, Adeyemi Osiyemi and Femisola Awosika with A. O. Adeyinka as chairman.

(2) Solgas Nigeria Limited, granted OPL 226 for five years on February 27, 1991 has as directors Oscar P. Udoji, P.E Udoji, E.E. Nwosu with J.O. Udoji as chairman.

(3) North East Petroleum, granted OPL 215, 840 and 902 on October 21, 1991 for ten years has as directors Kommer Complex Limited, Nwokema, Ngozi Mbu, Abubakar Jubril and Ashiru B. Aliu, A. Ayankoya with Saleh Jambo as chairman.

(4) Optimum Petroleum granted OPL 310 for ten years on February 3, 1992 has as directors R.D. Adelu, Yusuf N'jie and O.A. Aremu with Ibrahim Bunu as chairman.

(5) Sunlink Petroleum, granted OPL 238 for five years and OPL 311 for ten years both on January 21, 1993 has as directors Olaniyi Olumide, Hayford Alile, Samuel Bolarinde, Richard Adelu, Martin Olisa, John Brunner and Emmanuel Ojei.

(6) Express Petroleum, granted OPL 108 and 227 for 20 years on November 1, 1995, has as directors Ahmadu Rufai Dantata, Tajudeen Dantata, Dalhatu Gwarzo, Lawan Omar with Aminu Alhassan Dantata as chairman. Dubri Oil Co. Nig Ltd, granted OPL 96 for 20 years on August 6, 1987 has as directors B.N. Itsueli, C.A Itsueli, O.O. Itsueli, A.E. Ihuegbu with U.J Itsueli as chairman.

(7) Amni International Petroleum, granted OPL 112 and 117 for 20 years on February 2, 1998 and August 2, 1999 respectively, has as directors E.C. Edozien, Tunde Afolabi with Sani Bello as chairman.

(8) Atlas Petroleum International Nigeria Limited, granted OPL 109 for 20 years on May 25, 1996 has as directors Umaru Ndanusa, Ikechukwu Joseph, Mohammadu Murtala with Arthur Eze as chairman.

(9) Consolidated Oil, granted OPL 103 on June 2, 1993 for 20 years and OPL 458 and 136 for five years in 1998 and 2006 respectively, has as directors O. Adenuga and Ebi Omatsola with Mike Adenuga as chairman.

(10) Oriental Energy Resources granted OPL 115 for 20 years on May 5, 1999, has as directors Usman Danburan, Jubrilla Mohammed Indimi with the senior Mohammed Indimi as chairman.

(11) Cavendish Petroleum Nigeria Limited granted OPL 110 for 20 years on August 7, 1996, has as director Gambo Gubio with Mai Deribe as chairman.

(12) Allied Energy Resources Nigeria Limited granted OPL 120 and 121 on February 27, 2001 has Mickey Lawal as a director with Kase Lawal as chairman.

(13) Peak Petroleum granted OPL 122 on May 17, 2001 for 20 years, has as directors Adekunle Olumide, W. Bolaji, Florence D. Oluokun and Ayodeji Oluokun with M. A. Oluokun as chairman.

(14) Summit Oil Nigeria Limited granted OPL 205 and 206 on September 2, 1990 for 20 years, has as directors L.K.O Abiola and Radio Communications Nig Ltd with M.K.O Abiola as chairman.

(15) Crownwell Petr Limited granted OPL 305 and 306 in August 1993 for 10 years has S. K Adejumo as director with Sagir Kumashi as chairman.

(16) Famfa Oil Limited granted OPL 216 (OML 127) for ten years in August 1993 has as director Folorunsho Alakija with Modupe Alakija as chairman.

(17) MoniPulo ganted OPL 114, 239, 234 and 231 for 20 years in 1999, 2008, 2008 and 2007 respectively has as Director F.A. Agama with O. B. Lulu-Briggs as chairman.

(18) Yinka Folawiyo Petroleum Company, granted OPL 113 for 20 years on June 11, 1998, has as directors S. T. Folawiyo, T.B Folawiyo with W. I. Folawiyo as chairman.

(19) Zebbra Energy Limited granted OPL 248 for 20 years on April 4, 2004 has as directors S.A. Okolo, Boni Madubunyi, Zimako O. Zimako with A.B.C. Orijako as chairman.

(20) Oil and Gas Limited granted OPL 249 and 140 for 10 years on May 5, 2003 and 2006 respectively has as director M.O Idrisu with Reggie Uduhim as chairman.

(21) Continental Oil and Gas Limited granted OPL 59 for 30 years on June 6, 1998, has as directors Agbolade Paddy, Subair Shefiu with Mike Adenuga as chairman.

(22) Emerald Energy Resources Limited granted OML 141 on August 10, 2001 for five years has as directors J.O Amaefule, P. L. Caldwell, A.C Uzoigwe, Amos NUR, C. N. Chieri, Femi Akingbe, F. A, Njoku with Emmanuel Egbogah as chairman.

(23) Oranto Petroleum Limited granted OPL 320 March 2002 for 10 years has Arthur Eze as chairman.

(24) Dajo Oil Limited granted OPL 320 for 20 years on March 23, 2004, has as directors R.B. Domingo, M.O Domingo, UR. Domingo with Domingo Obande as chairman.

(25) Malabu, granted OPL 245 has Dan Etete as chairman.

(26) Orient Energy granted OPL 915 and 916 has N. Nwawka as director and Emeka Anyaoku as chairman.

(27) Sahara Energy Exploration granted OPL 284, 228 and 332 in 2005 and 2006 has Buba Lawal, Cole Tonye and Odunsi Ade as directors.

(28) Enageed Resources Limited granted OPL 274 in 2007 has Buba Lawal, Cole Tonye and Odunsi Ade as directors.

(29) Seplat granted OPL 4, 38and 41 in 2010 with ABC Orjiako and Austin Avuru as directors. Ekcrest E &P Limited was granted OPL 40 in 2012 with Emeka Offor as chairman.

(30) First Hydrocarbon was granted OPL 26 in 2011 with O. A. Azazi as chairman.

(31) Neconde was granted OPL 42 in 2011 with Amesi Azudialu, John Umeh and Nnnena Obiejesi as directors.

(32) Niger Delta Western was granted OPL 34 in 2012 with Olayiwola Fatona, David Richards, P.O. Balogun and T. Omisore as directors.

(33) Newcross Petroleum granted OPL 276 with Prince Sijuade and Bolaji Ogundare as directors.

(34) Transcorp granted OPL 281 in 2011 with Jim Ovia, Tony Elumelu, Femi Otedola, Funso Lawal, Jacob Ajekigbe, Tony Ezenna, Ndi Onyiuke Okereke, Fola Adeola and Nicholas Okoye as directors.

(35) Starcrest, Cross River Energy and NPDC granted OPL 242 in 2011 with Emeka Offor and Chris Garuba as directors.

(36) Starcrest granted OPL 291 with Emeka Offor, Gidado Idris and Yzoni Yaw as directors.

(37) South Atlantic (SAPETRO) granted OPL 246 (130) for 20 years on February 22, 1998 has Miguel Guerrero, Joy Ikiebe and Guerrrero as directors with T.Y. Danjuma as chairman.

(38) OANDO granted OPL 278/236 in 2005and 2006 has Magoro, J. A Tinubu, O. Boyo, M.O Osunsanya, O. Adeyemo, O. Akpata, Oba Gbadebo, A. Peppe and Appiah Korang as directors.

(39) Ashbert granted OPL 325 has Albert Esiri and Ifeoma Esiri as directors.

(40) Oil World granted OPL 241 in 2007 has Gbenga Olawepo, Adekunle Akintola, Ibukun Olawepo and Rachael Akintola as directors.

(41) Pan Ocean granted OPL 98/275 in 1976 and 2007 has F. A Fadeyi, M.D. Yusuf and S.D Adebiyi as directors.

(42) Clean water Consortium granted OPL 289 in 2007 with Arumeni-Ikhide Joseph, Okey Nzenwa and Abu Ibrahim as directors.

(43) Afren Global Energy Resources granted OPL 907/917 I 2005and 2008 with Rilwan Lukman, Osmah Shahenshah, Evert Jan Mulder, Peter Bingham, Guy Pass, Bet Cooper, Constantine and Egbert Imomoh as directors.

(44) Centrica/CCC/All Bright Consortium granted OPL 276 and 283 in 2005 and 2006 has Jake Mirica and John Sheers as directors.

(45) Gas Transmission and Power Limited granted OPL 905 in 2005 has Ahmed Joda, Babangida Hassan Katsina, Makoji Aduku and Abubakar Joda as directors.

(46) Global Energy Company Limited granted OPL 135 in 2005 and 2010 has S.A Onabiyi, M.A Koshoni, T.T Anyasho and J.N Obiago as directors.

(47) New Nigeria Development Company granted OPL 733, 809, 810 and 722 has Northern States Governors as directors.

(48) Tenoil Petroleum Energy Services Limited granted OPL 2008 in 2007 has Jim Ovia, Tony Elumelu, Femi Otedola, Jacob Ajekigbe, Tony Ezenna, Ndi Okereke Onyiuke, Fola Adela, Funso Lawal and Nicholas Okoye as directors with Tony Elumelu as chairman.

(B) List of License Shareholders in Nigeria's Marginal Fields:

(1) Niger Delta Company was granted the Ogbele field (OML 54) in 1999 with Aret Adams, Uduimo Itsueli, Sammy Olagbaju, David Richard, Udi Ibru and Fatona Layi as shareholders.

(2) Prime Petroleum Limited and Suffolk Petroleum Limited (in ratio 51/49) have Asaramaroru field (OML 11) granted in 2003 with MacPepple Henry, Macpepple Joy, Macpepple Emmanuel, Macpepple Elfrida and Macpepple Victoria as shareholders.

(3) Oriental Energy has Owok field (OML 67) granted in 2006 with Alhaji Indimi and Usman Danburran as shareholders. The same company also has Ebok field awarded in 2007.

(4) Universal Energy has Stubb Creek field (OML 13/14) with Amana Nkoyo, Mianaekere Nelson, Abubakar Hayatu, Mboho Emmanuel, Ekpo Akpan, Inyang Etim (Akwa Ibom govt) awarded in 2003.

(5) Uerafric Energy Limited has Dawes Island field (OML 54), granted in 2003 with Onoh Anthony, Onoh Christiana, Onoh Ngozi, George Udoekong and Nwauche Erastus as shareholders. Pillar Oil Limited has Umusati/Igbuku field (OMOL 56) since 2003 with Onosode G. O., Fadahunsi O., Amakiri J. Hassan-Katsina Usman, Tonwe Basife, Obaseki Godwin, Akpoyomare Ambrose, Fisher Abayomi, Anaekwena Anthony, Avuru Spencer, Onosode Spencer and Hassan-Katsina Babangida as shareholders.

(6) Bayelsa Oil Company Limited has Atala field (OML 46) with Bayelsa Government, Brigidi David, Alamieyesheiga Anitonbrapa, Ifimain Ekine, Jonathan Selereipre, Enddeley Francis, Chitwetelu Chris, Williams E. J and Aliyu Abubakar as shareholders.

(7) Movideo E & P has Ekeh field (OML 88) with Idau Sadiq, Jacobs Kayode, Enahoro Victor, Mohammed Aishatu, Tuggar Yusuf, Okwuaive Iyabo, and Sadare Roymand as shareholders.

(8) Bicta Energy has Ogedeh field (OML 90) with Adesemowo G. A, Bashir MM, Onumodu Soye, Akinro C. A, Malherbe T and Umejei T as shareholders.

(9) Guarantee Petroleum and Owena Oil and Gas have Ororo field, (OML 95) in ratio 55/45 with Rufus Giwa, Ayodele Johnson, Fayose Abiodun, Unuigbe Odion, Omobomi Samuel, Rotimi Luyi, Adefarati Tunde, Duyie Korede, Ojo Segun, Ogedengbe Dele, Aidi Abass, Adegbonmire Wunmi, Amoye Mofiso, Ebiseni Sola, Oladunni Solomon, Agoi-George Segun, Akinruntan F.E, Hassan AlGazali, Eburajolo Victor and S.A Ajayi as shareholders.

(10) Platform Petroleum Limited has Egboma field (OML 38) with Edmund Daukoru, Avuru Austin, Amachi Moshe, Adegoke Oluwafeyisola, Addo-Bayero Nasir and Ewendu Chidi as shareholders.

(11) Sogenal Limited has Akepo field (OML 90) with Funso Lawal, Joda Abubakar, Harriman Hope, Odu Bunmi, Edohoeket Samuel, Yahaya Mohammed, Dada Nicholas and Yelllowe Kenneth as shareholders.

(12) Chorus Energy has Amoji field (OML 56) with Akerele Chris, Mamman Samaila, Ihetu G. S. Braide Kombo, Banks Nigel, Clubb James, Uhuegbulem Ben and Baba Gana Abba as shareholders.

(13) Millennium Oil and Gas has Oza field (OML 11) with Alli Chris, Maseli John, Karra Sastry, Shama Yogi, Igweze Emeka and Bashir Farouk as shareholders.

(14) Brittania U-Nigeria has Ajapa field (OML 90) with Ifejika Uju, Ifejika Emmanuel, Omu Paul, Otiji Igwe, Ikpeme Ita, Cardoso Tokie, Okonkwo Annie, Inua Mogaji, Mbanefo Louis, Ombu AVM, Horsfall A. K, Ukpong Uche, Ogoro Emomena, Ifejika E.I., Umar Alhaji and Ikpele A. O.

(15) Network E & P has Qua Ibo field (OML 13) with Ajose Adeogun Ladi, Adesomoju Akin, Alex-Duduyemi Oyekunle, Adewusi Adebowale, Ifode Yeletide, Gusau Ismaila Musa, John Etop and Olagbede Olufemi as shareholders.

(16) Waltersmith Petroman and Morris Petroleum have Ibigwe field (OML 16) in ratio 70/30 with Isa Abdulrasak, Saleh Danjuma, Utomvie Nyingi, Ita Princess, Okoli Ndubuisi, Kakpovie Anthony, Okpala Eugene, Idrisu Mammudu, Idrisu Lawal, Isokrari Ombo, Nzeakor Nick, Abdulsalami Abdul and Nwabudo Ignatius as shareholders.

(17) Midwesterm Oil and Gas and Suntrust Oil Company have the Umsadege field (OML 56) in ratio 70/30 with Igbokwe Ken, Afejuku Anthony, Daultry Akpeki, Sagoe Kweku-Mensah, Gambo Lawan, Oshevire William, Mordi Sylvanus, Maidoh Daniel, Fatayi-Williams Babatunde, Mohammed Waziri, Emerhor Otega, Dublin-Green Winston, Mohammed Abubakar, Oduah Stella, Okafor Ugo and Baba-Ahmed Mouftah as directors.

(18) Independent Energy Limited has Ofa field (OML 30) with Ikelionwu Emeka, Ohunmwangho Steve, Yar'Adua Murtala, Okudu Anthony, Bello Shamsudeen, Obaoye Michael and Monanuma Said as shareholders. Del Sigma has KE field (OML 55) with Amachree Sokeiprim, Ungbuku K.D., Bakut J.I and Chaff Kabiru as shareholders.

(19) Associated Oil and Gas and Dansaki Petroleum Unlimited have Tom Shot Bank field (OML 14) in ratio 51/49 with Machunga Laraba, Gwadah Bitrus, Balat

Isaiah, Uzor Azuka, Ibok Udo, Uzoechi Isaac, Kadiri Samuel, Afolabi Aderenle and Aina Yinka as shareholders.

(20) Frontier Oil Limited has Uquo field (OML 13) with Dada Thomas, Lolomari Odoliyi, Kolade Victor, Yisa Solomon, Nwasikeobi, Alechenu Emmanuel and Bello Falalu as shareholders.

(21) Energia Limited and Oando Production and Development Limited have Ebendo/Obodeti field (OML 56) in ratio 55/45 with Horsfall A. U, Aribeana Stephen, Shawley Coker, Bello Lawal, Ene Emeka, Afolabi Ade, Coker Sam, Esiri Albert, Dibiaezue Ifeoma, Hammed Charles, Macgregor Olushola and OANDO as shareholders.

(22) Goland Petroleum Development Company has Oriri field (OML 88) with Kingsley Ngelale, Mogaji Gambo, Slako Johnson and Anthony Dotimi as shareholders.

(23) Excel Exploration and Production has Eremor field (OML 46) with Abiodun Awosika as shareholder.

(24) Sahara Energy and African Oil and Gas Limited have Tsekelewu field (OML 40) in ratio 70/30 with Baba Lawal, Cole Tonye, Odunsi Ade, Adeniji Titi, Akinla Ladipo, Bentley John, Ciroma Musa, Odili Obi F. and Du-Frayer Trevor as shareholders.

(25) Green Energy International Limited has Otakikpo field with A. A. Olojede as shareholder while All Grace Energy granted Ubima field (OML 46) has Adeola Adenikinju and Sola Alabi as shareholders.

It is noteworthy that some players register different companies for different acreages, sometimes also with different sets of shareholders. But in terms of operations, it stands to reason that some of these licenses may have expired, been cancelled or are even never operated at all. Also, it is obvious that some of the listed shareholders of these companies are now deceased. Beside all these, that someone is chairman of a company doesn't make him the biggest shareholder. The case of AMNI credited to former Kano military governor of Kano State, Col. Sani Bello (rtd), is a case in point. "The fact that I am the chairman does not mean I own AMNI. I don't even have up to 20 percent in the company", he said.

There are other big players in the rank and file of the indigenous oil and gas industry that fall within a different category of those who may not be direct field owners yet make stupendous money from the sector. Good examples of such include INTELs owned by Atiku Abubakar; Atlantic Energy's "Strategic Alliance Agreement" owned by Jide Omokore; and Seven Energy owned by Phillip Iheanacho; and many more.

APPENDIX 6

TABLE 3.3: ***Table for Determining Sample Size from a Given Population***

N	*S*	*N*	*S*	*N*	*S*
10	10	220	140	1200	291
15	14	230	144	1300	297
20	19	240	148	1400	302
25	24	250	152	1500	306
30	28	260	155	1600	310
35	32	270	159	1700	313
40	36	280	162	1800	317
45	40	290	165	1900	320
50	44	300	169	2000	322
55	48	320	175	2200	327
60	52	340	181	2400	331
65	56	360	186	2600	335
70	59	380	191	2800	338
75	63	400	196	3000	341
80	66	420	201	3500	346
85	70	440	205	4000	351
90	73	460	210	4500	354
95	76	480	214	5000	357
100	80	500	217	6000	361
110	86	550	226	7000	364
120	92	600	234	8000	367
130	97	650	242	9000	368
140	103	700	248	10000	370
150	108	750	254	15000	375
160	113	800	260	20000	377
170	118	850	265	30000	379
180	123	900	269	40000	380
190	127	950	274	50000	381
200	132	1000	278	75000	382
210	136	1100	285	1000000	384

Note.-*N* is population size. *S* is sample size.

Source: Krejcie, R.V., & Morgan, D.W., (1970). Determining Sample Size for Research Activities. *Educational and Psychological Measurement,* Vol. 30, p.607-610.

APPENDIX 7

DETAILS OF THE SPECIFIC LOCATIONS REACHED OUT FOR ADMINISTRATION OF STRUCTURED & SEMI-STRUCTURED QUESTIONNAIRES

(A) **Amnesty International (AI)**

International Secretariat

The International Secretariat is responsible for the majority of the organization's research and leads our campaigning work, based in London, UK.

- Telephone: +44-20-74135500
- Fax number: +44-20-79561157
- Twitter account: @Amnestyonline

- Address:
  1 Easton Street
  London
  WC1X 0DW, UK

The Researcher's questionnaire was sent vide email to AMNESTY INTERNATIONAL International Secretariat as per address above, where the following response was given:

> *"Please note that due to a lack of resources, AMNESTY INTERNATIONAL are unfortunately not able to answer queries from academics, students and school children asking for help with their studies. This includes assisting with specific questions, arranging interviews and answering questionnaires. However, all of our reports and publications are available from our online library and you can find more resources in our section on human rights education (AI,2014)".*

SOURCE: http://www.amnesty.org/en/contact).

(B) Security Agencies:

(1) Military formations (Approx. total population size 8000 in Rivers State):

(a)Nigerian Navy: NNS Pathfinder; NNS Akaso; Naval College Onura: 3000
(b) Nigerian Army: Bori Camp, and Elele Artillery Brigade: 4000
(c) Air force Base at Aba Road, Port Harcourt: 1000

The above figures discount the Nigerian Navy three (3) Ships that contain about 100 personnel in each and situated in the high sea at Onne; and also the special intervention squads (occasionally pulled from elsewhere outside the State) deployed to reinforce existing personnel to handle some specific arduous security assignment or challenge. The researcher's contact persons are: Brigadier General A. Tarfa; Lt. Commdre R. Ajiya (Rt); and Navy Captain Mohammed Muktar Abdullahi (Bature).

(2) POLICE (Approximate total population size is 4,300 Conventional Police Personnel spread across various Police Stations in 23 LGA of Rivers State. Each Police Station consists of 205 to 207 personnel. The Police have three (3) Area Commands with Mobile Police Force (i.e. MOPOL) squad attached to each and spread across as follows: Port Harcourt Metropolitan has MOPOL/PMF 19; Ahoada Local Government Area has MOPOL/PMF 48; and Bori Local Government Area has MOPOL/PMF 56 attached respectively. These Mobile Police Force (MPF) Squadrons were set up as rapid intervention squads to complement the Conventional Police in responding to any security challenges across the State.

Our questionnaires were administered at the Police Headquarters, Mosco Road, Port Harcourt, Rivers State, where the researcher met our contact person in person of: Dr Rita A. Inoma Abbey, Superintendent Police (SP) - Tel. No.:

07034423908; E-mail: akpenyirita@yahoo.com; the Police Public Relations Officer,Rivers State, and Mr Kingsley of MOPOL Squad.

(3) STATE SECURITY SERVICES (Approximate total population is put to about 218). Their Office address visited is as follows: The Directorate State Security Services, No.5, Force Avenue, Old GRA, Port Harcourt; and our contact person is Mr Peter (08060396414).

(4) NDLEA (with approximate population size of about 120 staff) distributed across five area command within the State. These areas are Abua/Odual; Ahoada; Bonny; Omuna/Etche; and Ogoni. Our research questionnaires were administered at their Head Office, Defunct SDP Secretariat, Artillery Junction, Aba Road, Port Harcourt. Abuja Head Quarter email: cce@ndlea.gov.ng Rivers State Head Office email: riversstatecommand@yahoo.com Our contact person are the Zonal Commandant of the Agency and Mr Mohammed Tukur (08066289209), the Principal Staff Officer in charge of Public Affairs at their Port Harcourt Head Office; and Mr Victor Ekong (08039432294), the Principal Staff Officer in charge of Public Affair at Bonny Area Command.

(5) NIGERIAN CIVIL DEFENCE COMMAND with an approximate total population of about 2000 staff spread across the entire LGAs in the State. Our questionnaires were given for administration to their Staff across at various commands, at their Head Office situated at No.119, Olu Obasanjo Road, Port Harcourt, Rivers State. Abuja Head quarter Email: defenders@nscdc.gov.ng

and ict@nscdc.gov.ng Rivers State Head Office Email: cdcomm_rivers@nscdc.govng

(C) Major Petroleum Exploration and Production Companies:

(1) Mobil Producing Nigeria
Mobil House, 1 Lekki Expressway
Victoria Island
PMB 12054, Lagos
Nigeria.

ExxonMobil has three affiliates operating in Nigeria: Mobil Producing Nigeria Unlimited (MPN) – Upstream; Esso Exploration and Production Nigeria Ltd. (EEPNL) – Upstream; and Mobil Oil Nigeria (MON) – Downstream. Our affiliates are involved in the exploration and production of crude oil and natural gas; the manufacture of petroleum products; and the transportation and sale of crude oil, natural gas, and petroleum products. ExxonMobil is also a major manufacturer and marketer of commodity and specialty petrochemicals and also has interest in electric power generation facilities. In addition, we conduct extensive research programs in support of these businesses.

(2) Chevron Nigeria Limited,
49 Trans Amadi Industrial Layout, Port Harcourt
Phone: +234 84 330402, 333686

Nigeria is one of Africa's most prolific oil-producing countries and an important part of Chevron's business. One of Chevron's largest exploration and production operations is located in Nigeria, making Chevron an equally important part of Nigeria's energy picture and economy. Chevron's operations in Nigeria include exploration, production, blending, manufacturing and marketing

(3) Shell Petroleum Development Company of Nigeria Ltd.
P.O.Box 263,
Shell Industrial Area, Rumuobiakani, Port Harcourt, Nigeria
Tel: +234 84 429999.

Shell Petroleum Development Company of Nigeria Ltd.
P.O.Box 230, Warri, Nigeria
Tel: +234 53 449999

Manager, Media Relations
Shell Nigeria,
Tel: +234 1 27 65019

Fax: 234 1 2636791
E-mail: shellnigeria@shell.com

The company's operations are concentrated in the Niger Delta and adjoining shallow offshore areas where it operates in an oil mining lease area of around 31,000 square kilometres.

SPDC has more than 6,000 kilometres of pipelines and flowlines, 87 flowstations, 8 gas plants and more than 1,000 producing wells. The company employs more than 4,500 people directly of whom 95 per cent are Nigerians. Some 66 per cent of the Nigerian staff members are from the Niger Delta. Another 20,000 people are employed indirectly through the network of companies that provide supplies and services.

(4) The Nigerian Petroleum Development Company Limited (NPDC) –NNPC GROUP

The Nigerian Petroleum Development Company Limited (NPDC) with Head office in Benin City and base offices/warehouses in Port Harcourt and Warri for logistics support was established in 1988 as a wholly owned subsidiary of the NNPC with responsibility for Petroleum Exploration and Production activities. NPDC activities cover the spectrum of the upstream oil and gas business from exploration to abandonment. Operations are concentrated mainly in the Niger Delta and span five States (Imo, Edo, Delta, Bayelsa and Rivers).

The Nigerian Petroleum Development Company (NPDC), the Exploration and Production arm of the NNPC and First Hydrocarbon Nigeria (FHN) have signed a Joint Operating Agreement (JOA) to develop, explore and produce crude oil from Oil Mining Lease (OML) 26 located in the oil-rich Niger Delta.

HEAD OFFICE

62/64 Sapele Road
Benin City, Edo State
Nigeria

Tel: +234 (0)52 251900

Fax: +234 (0)52 259514
www.npdc-ng.com

ABUJA

NPDC Liaison Office
Block A, 6th Floor
NNPC Towers
Central Business District
Garki, Abuja

Tel: +234 (0)9 46081606

LAGOS

NPDC Liaison Office
9th Floor, Road Wing
Foreshore Towers
2A Osborne Road,
Ikoyi, Lagos
Nigeria

Nigeria National Petroleum Cor. (NNPC)
Address: 49 Moscow Road Old GRA, Port Harcourt
Phone: +234 84 238798, 230206, 237763
Website: http://www.nnpcgroup.com

(5) Nigerian Agip Oil Company.

Nigerian Agip Oil Company (NAOC) operates in the land and swamp areas of the Niger Delta, under a joint venture agreement with NNPC (60%), NAOC (20%), and ConocoPhillips (20%), with concessions lying within Bayelsa, Delta, Imo and Rivers States. The concession covers a total area of 5,313sq.km comprising four blocks - OML 60, 61, 62 & 63.

NAOC is also the operator of two onshore exploration leases, namely OPL 282 (90% interest) in the Swamp and OPL 135 (48% interest) in the Land area.

NAOC also holds 5% participating interest in SPDC JV with NNPC (55%), The Shell Petroleum Development Company (SPDC) (30%), and Total E&P Nigeria (TEPNG) (10%), with SPDC as operator of the joint venture.

(6) Total Nigeria Limited

Address: 171 Aba Road, Transamadi, Port Harcourt.
Phone: +234 84 332977
Website: http://www.totalnigeria.com

Established in 1962, TOTAL Upstream activities are carried out by three subsidiary companies in Nigeria, TOTAL E&P Nigeria Limited (TEPNG) and TOTAL Upstream Nigeria Limited (TUPNI) for oil/gas and TOTAL LNG Limited for gas.

As a subsidiary of TOTAL, the fourth largest multi-national group worldwide, we receive solid support from our Group, and can draw from its vast pool of technical expertise and experience. Here in Nigeria, our experience goes back more than 40 years, to when we first established our local presence.

(7) INDIGENEOUS OIL COMPANIES:

Nigeria Petroleum Development Company (NDPC) – a subsidiary of NNPC; South Atlantic Petroleum (SAPETRO) - owned by TY Danjuma; Oriental Energy Resources Limited (OERL) - owned by Mohammed Indimi, Cavendish Petroleum – owned by Mai-Deribe; AMNI International Petroleum and Development Company (AIPDC) – owned by Sani Bello; Express Petroleum and Gas Limited floated by Aminu Dantata (Atuanya Patrick, 2014); Frontier Oil Limited (FOL); Dubri Oil Company Limited; Moni Pulo

Limited (MPL); Atlas Petroleum International Ltd; Waltersmith Petroman Oil Limited; and Sadiq Petroleum Nigeria Limited (SPNL).

(a) Frontier Oil Limited (FOL)

Lagos office
No 9c Joseph Adu Street,
Oniru Estate, Victoria Island Extension,
Lagos, Lagos State, Nigeria.

Eket office
No 7 Ime Johnson Street,
Opposite, Exxonmobil Airstrip,
Eket, Akwa-Ibom State, Nigeria.
Phone: 234 (1) 730 3654
Website : www.frontieroilltd.com ; Email: info@frontieroilltd.com

Frontier Oil Limited (FOL) is a wholly owned Nigerian E&P company formed in 2001 and awarded the Uquo Marginal Field in February 2003 by the Department of Petroleum Resources (DPR) as part of the Federal Government of Nigeria's Marginal Field programme. FOL is the Operator of the Uquo Field which it is currently developing with its JV partner, GOGE Nigeria Limited. FOL aims to become the leading Nigerian indigenous gas producer by 2012 and one of the leading indigenous E&P companies in the West African sub region by 2020.

(b) Dubri Oil Company Limited

Head Office:
Octagon Building,
9th Floor, 13A, A.J. Marinho Drive
Victoria Island Lagos
Tel: 234-1270-3414, 234-1270-3415 Fax: 234-2703-413 Email: dubri@dubri.com

Branch Office:
56 Boundary Road
GRA Benin City.
Tel: 052877553

Dubri Oil Company Limited (DOCL) was incorporated on 10th March 1987 in Nigeria. It has its corporate head office at 13A, A. J. Marinho Drive, Victoria Island Annexe, Lagos and operational (base) office at 56, Chief Tony Enahoro Road, GRA, Benin City. It is privately owned, and is the first indigenous Petroleum Producing Company in Nigeria.
Dubri Oil operates the Oil Mining Lease OML 96, which is 221 sq. km in size southwest of Benin City. Our Flowstation is at Gele Gele in Ovia North East Local Government Area of Edo State; about 45km South West of Benin City. Gele Gele oil field was discovered in 1967 by Phillips Petroleum Company prior to being assigned to Dubri Oil in 1987.

DOCL commenced operations in August 1987, producing condensates - a low sulphur, very light crude oil. The produced oil is treated at the company's Gele Gele Flow Station and barged down the Osse River to Chevron's Terminal at Escravos from where it is exported. The gas utilized is about 1.22 percent of daily production while the rest is flared.

In June 1991, DOCL spudded the first exploration well by a private indigenous company; this led to the discovery of its Ovia field now one of the dual producers making the two fields (Gelegele & Ovia). Since the assignment to Dubri Oil, Gelegele and Ovia field has produced about 7.778 million barrels of light crude oil (API 45-50) and about 27.91 billion SCF of associated gas. Dubri field is close to Ogherefe field, currently being exploited by Pan Ocean and Oredo field being exploited by NPDC by the Eastern part of the concession.

At present, the company's main activities are: Exploration, development, production and export of hydrocarbons.

The company has three main divisions: Operations headed by Mr. Chris Ikorok, Finance by Mr. James O. Onilude and Corporate by Mr. Philip Aidenojie Ehon, with the Managing Director, Dr. U. J. Itsueli as Chairman of the Board of Directors and CEO.

(c) Sadiq Petroleum Nigeria Limited (SPNL)

Head Office:18 Ademola Street,
Off Awolowo Road
Ikoyi
Lagos
Nigeria.

Tel: +234(01)-461-0850, 461-0849, 461-7753 4617754; Fax: +234 (01) - 4617752

E-mails: info@sadiqpetroleum.com; sadiqpetro@hyperia.com

Sadiq Petroleum Nigeria Limited (SPNL) is a fully integrated Oil and Gas company actively operating in both the Upstream and Downstream sectors of the Nigerian Oil and Gas Industry. Sadiq Petroleum Limited was incorporated on June 1987 following the Federal Government call for increased indigenous participation in the Oil and Gas Industry.

Since incorporation, Sadiq Petroleum Nigeria Limited has recorded remarkable achievements. In the downstream sector, Sadiq Petroleum acquired the 30% Federal Government shares and became the core investor in African Petroleum PLc – a leading petroleum products marketing company controlling a significant percentage of the total market of petroleum products in Nigeria. Our efficient management of operations of African Petroleum PLc. has helped to reposition the company in the downstream sector, resulting in outstanding improvements in volume of sales, service efficiency guaranteeing maximization of profits for all company stakeholders.

(d) Atlas Petroleum International Ltd or Oranto Petroleum Ltd

4 Akin Olugbade Street,
Victoria Island,
Lagos, Nigeria
Tel:00 234 1 2623471 / 2612566; Fax: 00 234 1 261 5689
e-mail: orantooil@msn.com

Atlas Petroleum International Ltd is a privately owned, independent Nigerian oil company. Launched over ten years ago by its owner and Chairman the Nigerian Entrepreneur Prince Arthur Eze, Atlas produces more than 6,000 b/d of oil equivalent through its interest in Block OML109 offshore Nigeria. Atlas Petroleum International Ltd has oil and gas interests throughout West Africa, including Production Sharing Contracts on Blocks H, I, J & P in Equatorial Guinea. Through Oranto Petroleum Ltd, a sister company, it also has interests on Blocks CI 205 and CI 206 in the Ivory Coast and on Block OPL 320 in Nigeria.

(e) Waltersmith Petroman Oil Limited

Head-Office:
No 18 Keffi Street,
Off Awolowo road,
Ikoyi, Lagos, Nigeria.

EMAIL: info@waltersmithng.com
TEL: +234-01-2805174-5, +234-01-2805174-5; FAX: +234-01-4613327

Port-Harcourt Office:
No.37, Trans Amadi Rumubiakani,
Port Harcourt –Nigeria.

Flow Station:
Waltersmith Petroman Oil Limited
Off Obitti road
Ohaji Egbema local Govt Area.
Imo State.

Waltersmith Petroman Oil Limited was incorporated in 1996 as a joint venture between Waltersmith and Associates Limited, a Nigerian company and Petroman Oil Limited of Calgary, Canada to operate as an oil exploration and production company. In 2001, Waltersmith Petroman Oil Limited became a wholly owned Nigerian company with the divestment of Petroman Oil Limited.

The company subsequently participated in the Marginal Oil field licensing round for indigenous companies and was awarded the Ibigwe field located in Oil Mining Lease 16 by Federal Government of Nigeria in 2003. The award was secured on a joint interest basis: Waltersmith - 70% and Morris Petroleum Limited (also an indigenous Company) - 30%. Consequently, Waltersmith was designated the operator of the field.

Waltersmith executed a farm-out agreement with Shell Petroleum Development Company and its Joint Venture Partners including the Nigerian National Petroleum Corporation (NNPC) in 2004 to effectively takeover the field for development. In June 2008 Waltersmith commenced production and crude export from the concession area.

(f) Amni International Petroleum Development

Address: 1 St. Thomas Close, Nkpogu Road, Off Trans Amadi Industrial Layout, Port Harcourt
Phone: +234 84 237193, 239079 Fax: 084-237492
Website: http://www.amni-international.com; *www.amnipetroleum.com/*

Head Office
Plot 1377 Tiamiyu Savage Street
Victoria Island
Lagos, Nigeria
Tel | 234-1-4540334 - 7
Fax | 234-1-4613904

Field Office
10 Temple Amadi Road

Off Abacha Road, GRA Phase 2
Port Harcourt, Nigeria
Tel | 234-8-4661338 - 40

Amni was incorporated in 1993. The company was granted Oil Prospecting Licences (OPL) 469 and 237 in 1993 & 1994 respectively for a term of five (5) years by Nigeria's Ministry of Petroleum and Mineral Resources.

Exploration and drilling activities commenced in early 1995. The company initially had as its technical partner Liberty Technical Services, a subsidiary company of Abacan Resource Corporation of Canada. Production commenced in earnest in December 1996. During the first year, a total of 6,271,723 barrels of oil was produced and 6,181,790 barrels was exported. As a result of the successful implementation of its work programme, OPL 469 was converted to Oil Mining Lease (OML) 112 for a term of 25 years in 1998, while OPL 237 was converted to OML 117 in 1999.

An initiative to bring more accountability to operations in mid 1998 resulted in the dissolution of the partnership between Amni & Abacan. Amni assumed sole operatorship of the concession. During this period the company faced enormous challenges, mostly financial.

These vicissitudes strengthened the company giving it the experience advantage. Amni has lived up to the Latin phraseology *fortitudine vincimus* - "by endurance we conquered". The company has shown that an indigenous oil and gas E&P company can survive in the Nigerian Oil and Gas Industry.

Today Amni has set new standards for itself and is determined more than ever to exceed them.

Amni entered into Agreements with TOTAL through its subsidiary TOTAL E&P Nigeria Limited (formerly Elf Petroleum Nigeria Limited) in 2005, under which TOTAL acquired a 40% interest in OMLs 112 and 117. TOTAL relinquished its rights to the crude oil from the current developed reservoirs in Ima *Field* effective from April 2007.

TOTAL subsequently relinquished both its right to participate in and any future right of re-entry into the development of Okoro/ Setu *Fields*, allowing Amni , in March 2006, to enter into Agreements with Afren Energy Resources, a wholly owned subsidiary of Afren Plc, for the Okoro/Setu (exclusive area) fields development.

(g) South Atlantic Petroleum Limited
2nd, 11th and 12th Floors
South Atlantic Petroleum Towers
1 Adeola Odeku Street
P.O. Box 73152
Victoria Island
Lagos
Nigeria
Tel. +234 (0) 1 270 1906
Fax. +234 (0) 1 270 1907

General: info@sapetro.com; Press & Media Relations: ir@sapetro.com;
www.sapetro.com/

South Atlantic Petroleum (SAPETRO) is a privately held Nigerian oil & gas exploration and production company with a portfolio of high-quality assets in West, Central and East Africa. We are focused on creating value for our stakeholders through the pursuit of rewarding exploration, development and appraisal opportunities in developed and under-explored territories in Africa. We have a net acreage position of in excess of 74,850 km² and we are set to become one of Nigeria's largest oil producers while we further build and develop our exploration portfolio in the region.

SAPETRO holds a 15% stake in OML 246, alongside French firm Total (24%), Brazil's Petrobras (16%) and China National Offshore Oil Corporation (CNOOC) (45%).

The Ministry of Petroleum Resources awarded the Oil Prospecting License (OPL) 246 to SAPETRO in 1998. The block covers a total area of 2,590km² (1,000 sq. miles) and lies 120-160km due South of Port Harcourt, in water depths of about 1,100m – 1,800m.

Exploration drilling commenced in 1999 and with five wells on a row leading to discoveries of Akpo condensate field in 2000, later, oil fields – Egina Main, Egina South, Preowei and Kuro (which was suspended as a dry gas/minor oil discovery).

Following successful appraisal drilling, the 50% of the OPL was converted to an Oil Mining Lease (OML) in 2005 to cover Akpo, Egina Main, Egina South and Preowei fields.

(h) Moni Pulo Limited (MPL)

Founded and incorporated by High Chief (Dr.) O.B. Lulu-Briggs, OON, DCF in 1992, Moni Pulo Limited (MPL) epitomizes a positive and creative response to the Nigerian government's initiative to stimulate indigenous participation in the

nation's oil and gas industry. With its head office in Port Harcourt, Rivers State and branch offices in Lagos and London, MPL is a private indigenous oil and gas exploration and production company.

A trailblazer in the area of local content, Moni Pulo has developed its operational efficiency to international standards as sole operator of its OML 114 asset. This expertise is naturally transferred to the development and operation of its other assets, OPLs 231, 234 and 239.

The company is an upstanding corporate citizen, in full compliance with operational and fiscal regulations for the sector. Its integrity is demonstrated by its ability to readily partner with globally respected financial institutions.

Moni Pulo operates on the core values of Excellence, Integrity, Team Spirit and Social Responsibility. The company deliberately recruits and partners with the best and brightest talents available, in order to build a sustainable, globally recognized world class oil and gas organization.

(i) Oriental Energy Resources Limited

Oriental Energy Resources Limited was founded by our Executive Chairman and CEO, Alhaji (Dr.) Muhammadu Indimi in 1990. In September of that year, Oriental was awarded OPL 224 by the Federal Government of Nigeria.

Work began on OPL 224 almost immediately as Oriental entered into a Technical Services Agreement with DuPont Nigeria Ltd. which took them through the first half of the 1990s. At the end of the decade the Nigerian Department of Petroleum Resources gave the approval to convert OPL 224 in to OML 115 as a result of the work that had been done on the Block.

In the decade of the 2000s, the growth of Oriental proceeded quickly. Oriental developed a technical advisory collaboration with Mr. Joe Bruso, CEO of Sovereign Oil & Gas, which continues to today. This collaboration of the two Companies resulted in a favorable result stemming from the settlement of the International Boundary Dispute between Nigeria and Equatorial Guinea which impacted Oriental's holdings in OML 115. This result gave Oriental the opportunity to farm-in to both the Okwok (2006) and Ebok (2007) Fields of OML 67 from Mobil and NNPC. Strategic alliances followed with Addax Petroleum (Okwok); Nexen E&P Services Nigeria Ltd. (OML 115); and Energy Equity Resources Oil & Gas (OML 115). Oriental and Addax announced the successful well test of Okwok 4 in 2006 flowing 32 degree API oil from the lower D2 Reservoir. In 2008, Oriental announced that it had entered into a Technical Services Agreement with Afren Energy Resources to appraise the Ebok Field. This Partnership expanded quickly with announcements of Afren signing a JVA with Oriental and Addax for the development of Okwok (2009) and then Afren signing a JVA with Oriental and EER for the exploration and appraisal of OML 115 (2010). In 2009, the Ebok appraisal drilling program resulted in Ebok 4 confirming a total gross oil column of

284 ft in high quality reservoir sands, the Ebok 5 encountering a total of 377 ft. gross oil column, and the Ebok 6 encountering 107 ft. gross oil pay. This was followed in 2010 with the Okwok 9 appraisal well successfully confirming the commerciality of the Okwok Field.

2010 saw the rapid development of the Ebok Field with an aggressive drilling program. In August 2010, Oriental and Afren celebrated the Naming and Sailaway Ceremony for the Virini Prem Floating, Storage, and Offloading Vessel from the Yulian shipyard in China. In December 2010, production testing resulted on three Phase 1 production wells delivered a constrained aggregate rate of 12,500 bopd of 24 degree API crude. In January 2011, Oriental and Afren announced the sailaway of the Mobile Offshore Production Unit from Galveston, Texas to the Ebok Field. In March 2011, Oriental received approval from the Federal Republic of Nigeria for the establishment of the Ebok Terminal for the offloading of crude oil. By the end of March 2011, the production, processing, and storage facilities have been installed at the Ebok Field and were being readied for First Oil.

By the end of 2011 the Ebok field had produced approximately 3.0 million barrels of oil. In January 2012 the initial phases of the Ebok development have been successfully completed, following the commissioning and ramp up of all 14 production wells.

An Ocean Bottom Cable 3D seismic survey over the whole Ebok/Okwok/OML 115 area was completed in November 2011 in order to acquire 348 km2 of new data. The data will assist in future development and infill planning at the Ebok Field and development planning for the Okwok field in April 2012, a well in the Ebok Field's North Fault Block was spudded and encountered 370 ft. true vertical thickness of net oil pay.The well has now been suspended in order to determine the optimal development solution for the North Fault Block. The discovery of significant oil pay at this location underlines the high-grade prospectivity that exists across the wider Ebok/Okwok/OML 115 area.

(j) Shebah Exploration and Production *Co*. Limited | Experience

Since the company's inception in May 2004, Shebah Exploration & Production Company Limited (SEPCOL) has rapidly driven its growth by acquiring oil assets and using its strong in-house technical and operational expertise to grow production in a cost effective manner. Asides developing business interests in other parts of the world, within Nigeria, SEPCOL: Has a 40% interest in OML 108

The company is expecting to produce 8 to 10,000 barrels per day by mid 2009 from its current portfolio of assets.

OML 108

OML 108 (formerly OPL 74) was awarded to Express Petroleum and Gas Company in December 1990. Express assigned 40% interest to Conoco Energy Nigeria Limited as technical advisor. Conoco relinquished its 40% stake in the block in 2004 and transferred it to Shebah Exploration & Production Company Limited.

OML 108 covers an area of 750km sq in water depth of 88ft (30m) in the western edge of the Niger Delta in shallow water offshore Nigeria, six miles south west of Chevron's Meren field. The block is composed of oil producing Ukpokiti field, Kunza discovery and deeper pool prospects in the southern portion of the block. The Ukpokiti field comprising of 5 (five) oil wells and 2 injector wells, namely UKP 4R, 6R, 1R (oil wells in the red reservoir), 4B, 1B (oil wells in the blue reservoir) and injector wells 2 and 5.

Two exploration wells (Kunza-1 and Kunza-2) drilled in the Kunza discovery struck gas and condensate.

Production Facilities: The production facility is a FPSO produces and stores the crude oil from the field. The FPSO Independence was renamed FPSO Trinity Spirit. The FPSO has a processing capacity of 22,000 barrels per day and a storage capacity of 2 million barrels.

A well test loop is available with a 6 inches line; these networks have their own risers to connect the FPSO from the seabed that is 80ft under the sea level.

The crude processing facility consists of separators which handles a 3-stage separation of the crude. It also harbors an IWTS (Injection water treatment system) for produced water treatment used for reservoir pressure maintenance.

Production and Reserves

- Over 3,500 barrels/day for the year 2005 and 2006.
- Presently, maintaining a steady production of 2,500 barrels per day, with planned activities in place to increase the current production rate to 10,000 barrels per day by mid 2009.
- Summary of estimated remaining reserves, shows that the Red reservoir has an estimated remaining reserves 3.47 MMSTB, of which 90% is achievable by natural flow, the remaining 10% will require extra-lifting capacity.
- The Blue zone has estimated remaining reserves of 0.988MMSTB, of which 21% of these reserves will require artificial lift.

(8) Oil Bearing Communities, where various militants/pressure groups were met.

The groups are Niger-Delta Youth Movement (NDYM); Movement for the Survival of the Ogoni People (MOSOP), Movement for the Emancipation of the Niger-Delta (MEND); Niger-Delta Vigilante Movement (NDVM alias Icelanders), Niger-Delta Civil Society Coalition (NDCSC), Federated Niger-Delta Ijaw Communities (FNDIC), Niger-Delta People's Volunteer Force (NDPVF); National Youth Council of Ogoni People (NYCOP), and Niger Delta Liberation Force (NDLF). Among these groups identified, three stood out to be dominant and are regarded as major players, while the rest are regarded as fridge players and have affiliations with the major players. These groups were met at Port-Harcourt, Bonny, Bodo – Gokana, Obia-Akpor, and Eleme LGAs of Rivers State

APPENDIX 8

LETTERs OF INTRODUCTION

AHMADU BELLO UNIVERSITY,

DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL STUDIES, ZARIA, KADUNA STATE, NIGERIA.

DPS/RR/R.3 5th June, 2014

Dear Sir

LETTER OF INTRODUCTION:

MUSA AJIYA (M.Phil/SOC.SCI/608/SOC-SCI/2012-13)

The above is a Postgraduate student of this Department conducting a research on the topic***: "The Intervention of Amnesty International in Human Rights Violations in Niger-Delta Region: A Study of Rivers State, Nigeria".***

Please, render him any assistance with respect to his research topic.

Thank you.

Yours faithfully,

Dr. Hudu Ayuba Abdullahi
Head of Department

Ahmadu Bello University,
Department of Political Science and International Studies,
Samaru, Zaria, Kaduna State, Nigeria

SUBJECT: Administration of a Questionnaires for the Conduct of a research study on "The Intervention Of Amnesty International In Human Rights Violations In The Niger-Delta Region: A Study of Rivers State, Nigeria":

Dear Sir/Madam,

I am a student of the above named University and conducting a research on the above subject matter. I would like to solicit for your response to the attached questionnaire.

The main focus of the research is gear to find solution to the scourge of conflict in Rivers State by examining the role being played by Amnesty International, which is globally known for its dogged fight against human rights violations. *The research therefore is an attempt to assess Amnesty International (AI) intervention activities on oil companies, oil bearing communities and the state security agencies with a view to find out 'what' and 'how' it does to positively or negatively influence the aforementioned stakeholders and the conflict that pervade the State cum the entire Niger-Delta region.*

It is my belief that most approaches to the resolution of global human rights violations and conflicts are fraught with problems. This accounts for the intensity and rapidity of conflicts both in the Rivers State and Nigeria's Niger Delta. As our medical doctors would tell us that the prognosis of a disease is a pre-condition to the prescription of appropriate therapy, the pervasiveness of human rights abuses and conflicts across the globe are confirmation that the real issues surrounding crises and conflicts are yet to be fully understood. It is only after such understanding occurs that attempts to build and make peace would be concrete, rather than cosmetic, if not even complicating the issues further.

In answering the questions, I appeal for objective, explicit view and prompt response please. The questionnaire is simplified by providing some range of answers underneath each question for you to select one.

Thanking you, be assured that all responses given will be treated with the utmost degree of confidentially.

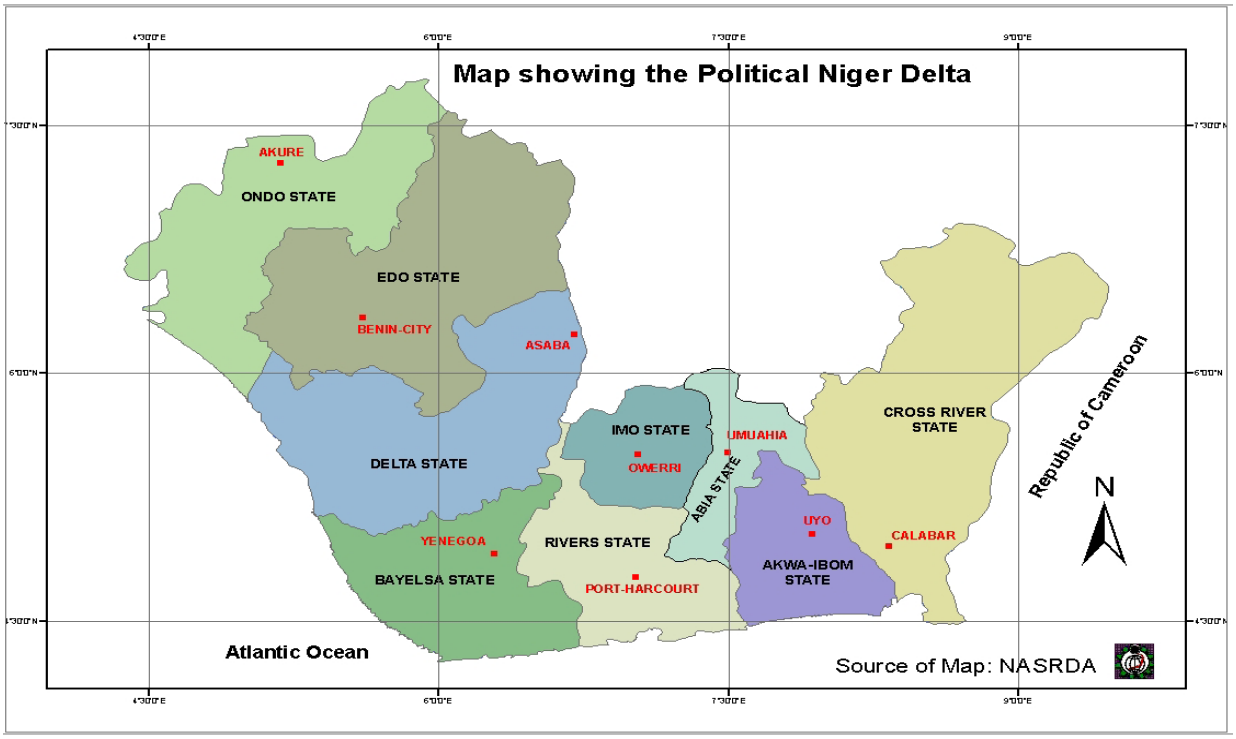
Yours faithfully,

MUSA AJIYA

APPENDIX 9

Map of Niger-Delta showing both the lithoral and non lithoral oil producing states that make up the region:

Figure 3.1: Map of the Niger Delta Area



Source: https://www.google.com.ng/search?q=map+of+niger+delta&biw=1536&bih=730&tbm; *05th April, 2015*
N.B. *Ondo State is politically, culturally and linguistically part of Western Nigeria. However, with the discovery of oil in its enclave, it is has come in recent times to be graphically captured among the non-lithoral oil producing states (injuxtaposition with Abia and Imo Statzes that belongs to South-Eastern geopolitical zone of Nigeria) in the map of Niger-Delta region.*

APPENDIX 10

MAP OF RIVERS STATE

Figure 3.2. Map of Rivers State

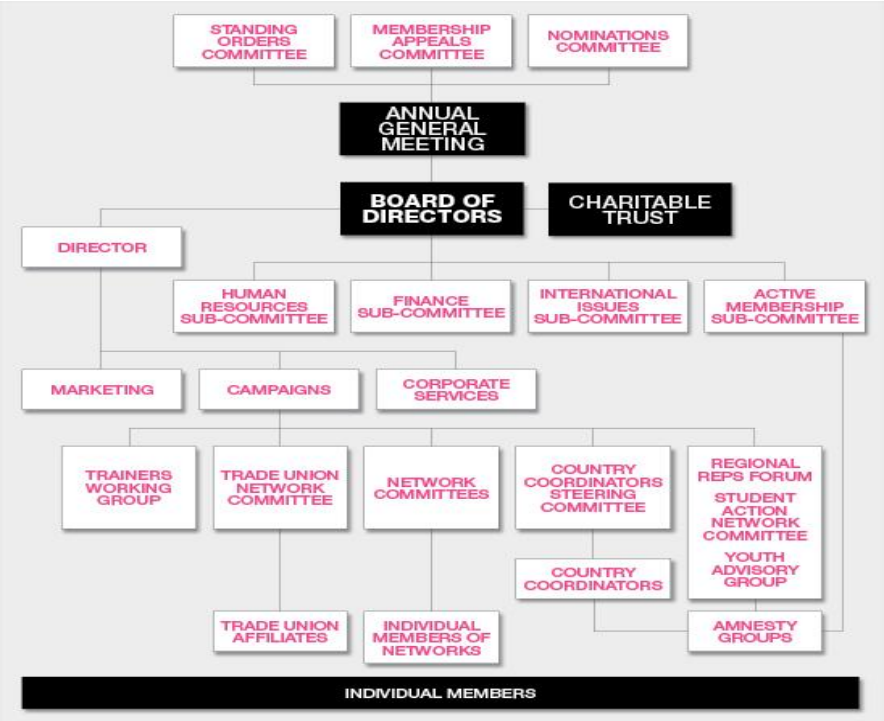


Source: Maps of Various States and their Local Governments in Nigeria; Nigerian Muse; http://www.nigerianmuse.com/20100527092749zg/sections/pictures-maps-cartoons/maps-of-various-states-and-their-local-governments-in-nigeria/ **; 27th May, 2010. Retrieved on 11th September, 2014.**

APPENDIX 11

ORGANOGRAM OF AMNESTY INTERNATIONAL

Table 4.2: Organogram of Amnesty International (AI)



SOURCE: http://www.amnesty.org.uk/amnesty-uk-governance-chart#.U1UUi1dX6ZQ. **Retrieved on 21st April, 2014.**