



Centre for Energy, Petroleum
and Mineral Law and Policy
University of Dundee

An Analysis of Social Accountability in the Nigerian Petroleum Sector

Author: Anjolaoluwa Shittu *

Dissertation

CEPMLP Annual Review 2022



Abstract

Nigeria is the largest producer of oil in Africa, and its oil sector accounts for approximately two-thirds of the country's revenue¹. The Niger Delta is the backbone of the petroleum sector, as most of the hydrocarbons extracted are situated in the region.

Despite its wealth in resources, the Niger Delta is severely underdeveloped and there is well publicized evidence² that some Multinational Oil Companies (MOCs) operating in the Delta are involved in practices which adversely affect the lives of the region's residents, in particular those from minority communities

In the concept of public policy, the concept of 'Social Accountability' generally concerns actions and mechanisms that can be taken and utilized by the citizens to hold the State and other key actors including the MOCs, accountable.

The predominant concept used in this research to gauge and properly explore what exactly it entails to be socially accountable is that of 'Corporate Social Responsibility' (CSR).

This research considers to what extent the institutional and constitutional frameworks and MOC approaches to social accountability actually follow the structures of that concept, and in turn, evaluate their CSR

Using the four elements of CSR; (i) Transparency and Accountability, (ii)Community Development, (iii)Stakeholder Engagement, and (iv) Sustainability, this paper shall analyze the current Social Accountability approaches made by the Federal Government of Nigeria (Federal Government) and the MOCs in Nigeria, specifically those operating in the Niger Delta. Using a qualitative methodology, this dissertation analyzes the CSR concept and what it entails, again in a Niger Delta context. Desk analysis is applied to Nigeria's policy and legal framework concerning social accountability in its upstream petroleum sector.

The purpose of this research is to determine whether the current level of social accountability that exists in the Nigerian upstream petroleum sector, regarding the communities of the Niger Delta, is sufficient in protecting these communities. In sum, the findings of this research dissertation is that they are insufficient.

¹ Sule, Joseph Okwori Abubakar. "Revenue Sources and Economic Growth in Nigeria: An Appraisal."2016
²Kadafa, Adati Ayuba. "Oil exploration and spillage in the Niger Delta of Nigeria." *Civil and Environmental Research* 2.3 (2012): 38-51.

* Anjolaoluwa Shittu is a law student who holds an LLB degree in International Law from Near East University, Northern Cyprus and an LLM in Oil and Gas Law and Policy from the University of Dundee, where she received a distinction. She is the Honorary Treasurer and a member of the Energy Institute's Young Professional Network branch in Nigeria. She is an Associate Member of the Chartered Institute of Arbitrators, and is currently an aspirant to the Nigerian Bar at the Nigerian Law School. She has interest in the research of energy transition, sustainable energy and legal implementations which may further improve energy justice and social accountability in Nigeria, and internationally.

Acknowledgements

To my God: I am eternally grateful.

I extend my gratitude to my supervisor, Dr. Sergei Vinogradov, for his conscientious guidance and encouragement in the elaboration of this dissertation.

I am indebted to my family and friends for their constant moral and mental support.

I extend my gratitude to the staff and students of the CEPMLP for the direct and indirect support I was shown during my academic year.

Acronyms and Figures

Acronyms

AGRA:	Associated Gas Re-injection Act
CFRN:	Constitution of the Federal Republic of Nigeria
CNL:	Chevron Nigeria Limited
CSR-:	Corporate Social Responsibility
EITI:	Extractive Industries Transparency Initiative
GHG:	Greenhouse Gases
GMoU:	Global Memorandum of Understanding
JIV:	Joint Investigation Visit
JV:	Joint Venture
LGA:	Local Government Association
MOC:	Multinational Oil Company
MOSOP:	Movement for the Survival of Ogoni People
NDA:	Niger Delta Avengers
NDDC:	Niger Delta Development Commission
NEITI:	Nigerian Extractive Industries Transparency Initiative
NNPC:	Nigerian National Petroleum Company
NOC:	National Oil Company
NOSDRA:	National Oil Spill Detection and Response Agency
ODA:	Oil-terminal Dues Act
OPA:	Oil Pipelines Act
PDPR:	Petroleum (Drilling and Production) Regulations
SLO:	Social License to Operate
SPDC:	Shell Petroleum Development Company
TEPGN:	Total N&P Nigeria
UNEP:	United Nations Environment Program

Figures

Figure 1: The Map of The Niger Delta (*Source: ResearchGate*)

Figure 2: Soot in Port Harcourt (*Source: Brisibe (2017)*)

Figure 3: The various projects in the Niger Delta Region (*Source: Author*)

Figure 4: The SPDC program in the Niger Delta (*Source: Author*)

Figure 5: The ExxonMobil projects and contributions in Niger Delta (*Source: Author*)

Figure 6: The Chevron projects and contributions in Niger Delta (*Source: Author*)

...

Contents

Abstract	2
Acronyms and Figures	5
Figures	5
1. Introduction	8
1.1 Background of the Research	8
1.2 Research Problem	12
1.3 Research Objectives	12
1.4 Research Questions	13
1.3 Methodology and Research Outline	13
2. Multinational Oil Companies' Practices, and their Adverse Community Impacts.....	15
2.1 Gas Flaring	15
2.2 Oil Spills	16
2.3 The Impacts on Communities	17
2.3.1 Environmental Implications	17
2.3.2 Health Implications	20
3. Analysis: Corporate Social Responsibility	23
3.1 The Social Contract Theory of Government.....	23
3.2 Corporate Social Responsibility (CSR)	24
3.2.1 Voluntary Initiatives	25
3.2.2. Regulated Initiatives.....	26
3.2.3 The Four Characteristics of CSR	26
3.3 Critique of the Concept	33
3.3.1 The Lack of a Clear Definition and Purpose	33
3.3.2 Lack of a Social License Element	33
3.3.3 Epiphenomenalism	35
4. Focus on Nigeria.....	36
4.1. Institutional Frameworks.....	36
4.1.1 The Niger Delta Development Commission (NDDC)	36
4.1.2 NDDC Community Investment Projects	38
4.1.3 National Oil Spill Detection and Response Agency	38
4.2 Constitutional Frameworks	38
4.2.1 Framework Concerning the Protection of The Rights of the Communities	39
4.2.2 Framework Concerning Sustainability	39
4.2.3 Framework for the enhancement of Transparency and Accountability	41

4.3 The MOCs Approach to Social Accountability.....	41
4.3.1 The SPDC Approaches to Social Accountability	42
4.3.2 ExxonMobil’s Approaches to Social Accountability	44
4.3.3 Chevron’s Approaches to Social Accountability	46
5. Governmental Critique.....	49
5.1 Corruption	49
5.2 Ineffective implementation of the Frameworks	50
5.3 Lack of Sufficient Punitive Powers	52
5.4 The MOCs Approach	53
6. Conclusions	55
6.1 Analytical Review.....	55
6.2 Recommendations.....	56
Bibliography	57

1. Introduction

1.1 Background of the Research

The Niger Delta region of Nigeria is one of the largest wetlands that exists and possibly one of the richest in terms of oil and gas reserves³. The region is predominantly responsible for hydrocarbon extraction in Nigeria, hence it can be characterised as the backbone of the Nigerian petroleum industry. MOCs operating in the Niger Delta have generated huge revenues for the Federal Government through taxes, royalties, and other levies paid for production. As of 2018, 90% of Nigeria's foreign exchange revenue is generated from the oil sector⁴, making the Niger Delta the cornerstone of the Nigerian economy. Nigeria's oil-producing States within the Niger Delta are as follows: Abia, Akwa-Ibom, Bayelsa, Delta, Edo, Imo, Ondo and Rivers.



Figure 1: The Map of The Niger Delta

Source: ResearchGate

The Niger Delta region is predominantly inhabited by several minority ethnic communities who live within the aforementioned states. These communities include the Ijaws, Itsekiris, Urhobos, Ibibios, Andonis, Ogonis and many more.⁵

3 Ogbonna, G. N., and Appah Ebimobowei. "Petroleum income and Nigerian economy: Empirical evidence." *Oman Chapter of Arabian Journal of Business and Management Review* 34.965 (2012): 1-27.

4 Albert, Oshienemen N., Dilanthi Amaratunga, and Richard P. Haigh. "Evaluation of the impacts of oil spill disaster on communities and its influence on restiveness in Niger Delta, Nigeria." *Procedia engineering* 212 (2018): 1054

5 NTUKEKPO, SS. "Oil companies and corporate social responsibility in Nigeria: An empirical assessment of Chevron's community development projects in the Niger Delta." *British Journal of Arts and Social Sciences* 4.2 (2012). 364

Despite its wealth in natural resources, the Niger Delta is often referred to as one of the poorest and most underdeveloped region in Africa⁶. After several years of environmental degradation due to the explorative and exploitative activities of MOCs, the lands and water bodies have been severely polluted resulting in death and food scarcity for people living in the surrounding communities.⁷

Although Nigeria has designed some of the most comprehensive local content laws and requirements in the world,⁸ as it currently has 42% of Nigerian content in the oil and gas sector⁹, a significant percentage of the affected communities are not gainfully employed in the oil and gas sector and they rely on farming and fishing as a source of income. As a result of the pollution, these communities have now been plunged into unemployment.¹⁰ Additionally, an overall provision of basic social amenities such as schools, potable water, and electricity, are not present in these communities.

The 1980s and 1990s¹¹ were periods of momentous protests by a group of communities against practices by MOCs in the Niger Delta. The most significant and largest of the communities was the Ogoni People¹². Other groups include the Ijaws, Itserikis, Urhobos, Isikos, Liages, Ikwerres, Ekpeyes and Ogulaghas¹³. The complaints of these communities were that MOCs prospered from their land at their expense, as they, as a community, saw little of the wealth generated by oil exploration and production. Furthermore, issues such as environmental degradation were being caused by these exploration and production efforts.

6 Bodo, Tombari. "Deep issues behind the crisis in the Niger Delta Region: The case of oil exploration in Ogoniland, Rivers State, Nigeria." *Asian Journal of Geographical Research* (2019)

7 Bodo, Tombari, and Batombari Gbidum Gimah. "Oil Crisis in the Niger Delta Region of Nigeria: Genesis and Extent." *European Scientific Journal* 15.36 (2019)

8 Olawuyi, Damilola S., and Ayobami J. Olaniyan. "Local Content and the Sustainable Development of Oil and Gas Resources in Nigeria. 2021

9 'Nigerian content in oil sector grows to 42%- NCDMB' *The Guardian* (2022)

<https://guardian.ng/news/nigerian-content-in-oil-sector-grows-to-42-ncdmb/> Accessed 5 June, 2022

10 Bodo, Tombari, and Batombari Gbidum Gimah. "Petroleum pollution and decrease neuroplasticity in brain development of the Ogoni children in Rivers State, Nigeria." *Journal of Advances in Medicine and Medical Research* (2019)

11 "The Ogoni Struggle" *Arts Activism Education Research*. <https://platformlondon.org/background/the-ogoni-struggle/> Accessed 8 September, 2020

12 Hallmark, Terry "Oil And Violence In The Niger Delta Isn't Talked About Much, But It Has A Global Impact" *Forbes* (2017) <https://www.forbes.com/sites/uhenergy/2017/02/13/oil-and-violence-in-the-niger-delta-isnt-talked-about-much-but-it-has-a-global-impact/#3748e5774dc6> Accessed 6 September, 2020.

13 *ibid*

The Movement for the Survival of Ogoni People (MOSOP), a Non-Governmental Organization (NGO) was formed in 1990 to campaign for the protection of the environment and the cultural rights and practices of the Ogoni People, to seek social, economic and physical development for the region, to seek appropriate rights of self-determination for the Ogoni people, and for the promotion of democratic awareness.¹⁴ This movement was led by Ken Saro-Wiwa¹⁵, an author and environmental activist. Unfortunately, their actions against the MOCs were confined to low levels of civil disturbance such as non-violent protests and infrequent acts of sabotage. Sadly, the situation of the communities worsened, and as reflected by Saro-Wiwa about the Ogoni people in particular:

“The Ogoni have been gradually ground to dust by the combined effort of the multinational oil company, Shell Petroleum Development Company, the murderous ethnic majority in Nigeria and the country’s military dictatorships.”¹⁶ Ken Saro-Wiwa (1992)

In November 1995¹⁷, Saro Wiwa and eight other activists were executed by hanging by the Federal Government, an act that radicalized hid opposition groups and other groups who began to engage in terrorism and acts of violence¹⁸ to counter the government and the MOCs in their suppression of the peoples of the Niger Delta. These groups include the Federated Niger Delta Izon Communities, the Membutu Boys, the Niger Delta Vigilante, the Niger Delta Peoples Volunteer Force, the Coalition for Militant Action, the Movement for the Emancipation of the Niger Delta, and the Martyrs Brigade.¹⁹

The massacre of a community called The Odi Community is central to this research. There were reports that police officers and military personnel were ambushed and murdered by armed bandits within the town’s vicinity. These personnel were attacked due to the environmental degradation and overall lack of sufficient accountability in the Niger Delta. In

14 “Movement for the Survival of the Ogoni People (MOSOP) & Ogoni News and Resources” <http://www.mosop.org/> Accessed 8 September, 2020.

15 McLuckie, Craig W., and Aubrey McPhail, eds. *Ken Saro-Wiwa: Writer and Political Activist*. Lynne Rienner Publishers, 2000.

16 Visser, Wayne. *Landmarks for sustainability: events and initiatives that have changed our world*. Routledge, 2017.

17 Pegg, Scott. "Introduction: On the 20th anniversary of the death of Ken Saro-Wiwa." *The Extractive Industries and Society 2.4* (2015)

18 Hallmark *supra* 12

19 Nwankwo, Beloveth Odochi. *Conflict in the Niger Delta and corporate social responsibility of multinational oil companies: An assessment*. Diss. 2016. Page 77.

retaliation, the Federal Nigerian military invaded and killed over 2,500²⁰ people on the orders of the then Head of State, Olusegun Obasanjo.²¹ In terms of both reality and public perception, the Niger Delta became an increasingly unsafe and an undesirable region to inhabit.²²

The existing oil and gas industry is riddled with faults in several aspects, and the exploration, production and marketing processes enacted by these oil companies are thick with practices that have adverse effects on the surrounding communities. Two oil spills occurred in 2008 as a result of exploration activities of Shell company, which caused an equivalent of 280,000(bbl)²³ barrels of oil to spill into Bodo Creek part of the Niger Delta. In 2009, Shell also spilled 14,000 tonnes/(circa 104,000 bbl)²⁴ of crude oil in the Niger Deltan water bodies, with very negative impacts on the environment

The recurring theme is that these MOCs and the Federal Government are the genesis of the issues in the Niger Delta that still fester till this day, and in the view of this author, they have been negligent and lax in their approach to achieving justice for these communities.

To ease the tension between the government, the companies and Niger Deltan communities, in the opinion of this author, changes and reparations must be made; such changes are explored in this dissertation through the concept of Social Accountability.

Social Accountability is a broad term and can be interpreted in several forms. It is also regarded as an umbrella term, encapsulating the terms and mechanisms used for social justice. Social accountability focuses not only on the participation of the public, but it also refers to the broad range of mechanisms and actions that citizens can use to hold the state accountable. It is a two-way interaction, as it also involves actions and efforts on the part of

20 PunchNG "Odi massacre: Anyone with tribal marks on their chest was slaughtered, corpses littered everywhere –Bolou, former Bayelsa commissioner" (2017) <https://punchng.com/odi-massacre-anyone-with-tribal-marks-on-their-chest-was-slaughtered-corpses-littered-everywhere-bolou-former-bayelsa-commissioner/> Accessed 15 September, 2020.

21Duru, Emmanuel JC, and Ufiem Maurice Ogbonnaya. "The poverty of crisis management strategies in the Niger Delta region of Nigeria: A focus on the amnesty programme." *African Research Review* 6.2 (2012): 162-170.

22 'Niger Delta Negligence' Amnesty International <https://www.amnesty.org/en/latest/news/2018/03/niger-delta-oil-spills-decoders/> Accessed 5 June, 2022

23 Vidal, John "Shell oil spills in the Niger delta: 'Nowhere and no one has escaped'" (2011) <https://www.theguardian.com/environment/2011/aug/03/shell-oil-spills-niger-delta-bodo> Accessed 9 September, 2020.

24 Nwankwo *supra* 19, page 217.

the government, private sectors, the media and other societal actors to advance and expedite the citizens efforts. Social accountability is also concerned with how the revenue generated from the extracted natural resources is contributing to the public development, at national, regional, and local levels.²⁵

1.2 Research Problem

The problem identified for this research is that the existing approaches to achieving Social Accountability for the inhabitants of the Niger Delta Region made by the Federal Government and the MOCs are inefficient in their implementation. The research will focus predominantly on the Niger Delta region of Nigeria, as that is where the exploration for and exploitation of hydrocarbons takes place.

It is evident that the practices of the MOCs have had detrimental impacts on the lives of the communities in the Niger Delta. Legislative frameworks, agencies, and mechanisms have been put in place to curb said practices, and to adequately restore these communities to their initial conditions. However, the continuation of these practices persists. Further, the approaches made to compensate these communities and restore their damaged environment appear to be ineffective. Therefore, the main problem which this research seeks to address is the issue of implementation and the effectiveness of the current approaches to social accountability in the Niger Delta.

1.3 Research Objectives

The objectives in this research are to:

- I. explore the practices of MOCs in the Niger-Delta, and whether/ if so, how these practices have adversely impacted the surrounding communities; and
- II. review the current frameworks and approaches to Social Accountability made by Nigerian Actors (Nationals and Institutions), including the Federal Government for the protection of these affected communities. This analysis is to be largely conducted through the conceptual lens of Corporate Social Responsibility (CSR), including its four constituent main parts.

²⁵Heller, Katherine, Warren van Wicklin III, and Saki Kumagai. *Integrating social accountability approaches into extractive industries projects: A guidance note*. World Bank, 2016.

1.4 Research Questions

The key research questions of this paper are:

- I. are the approaches made by the Nigerian government and MOCs strategic enough to actually achieve Social Accountability; and
- II. is the current level of Social Accountability evident in the Nigerian upstream petroleum sector, regarding the Niger Delta region, efficient and competent enough?

1.3 Methodology and Research Outline

This research utilizes two methodological concepts to fully achieve its objectives. It uses an exploratory method to examine the concept of CSR. Furthermore, it adopts the doctrinal concept, which involves the examination of the legal and institutional frameworks currently being used for the promotion of Social Accountability in the Nigeria's upstream petroleum sector.

Chapter 2 will address the relevant practices of MOCs and the adverse social impacts on the public. The main practices addressed are: (i) oil spills, and (ii) gas flaring. The chapter will then continue with an analysis of the impacts of the aforementioned practices.

Chapter 3 is an exploration of the dominant concept that aids the Government, MOCs and other entities to achieve social accountability: CSR. The chapter analyses the four core elements of CSR: (i) transparency and accountability, (ii) community investment, (iii) stakeholder engagement, and (iv), sustainability. Finally, the chapter concludes with a critique of the CSR concept, highlighting its weaknesses.

Chapter 4 is an assessment of Social Accountability from the perspective of private industry operating in Nigeria's petroleum sector:-, and critically analyzing those perspectives to the core elements of CSR. This involves consideration of the Federal Government's approach and the MOCs approach to Social Accountability. Chapter 5 will cover the inadequacies that exist regarding the transparency of the sector, the accountability concerning the affected communities, and overall participation of the public.

Chapter 6 will arrive at a conclusion concerning the level and competency of Social Accountability that exists in the sector and recommendations for how the current level can

be improved in the future. Through the analysis of the available information and an analysis of the inadequacies present, the research shall provide an unbiased outlook on the current state of social accountability in the Nigerian upstream petroleum sector.

2. Multinational Oil Companies' Practices, and their Adverse Community Impacts

This chapter serves as a descriptive account of the MOCs' practices and their adverse effects on the inhabitants of the Niger Delta region.

2.1 Gas Flaring

One of the most challenging issues facing the world, in the energy and environmental context, is global warming. Global warming is caused by an increase in greenhouse gases (GHG) emissions, such carbon dioxide (CO₂) nitrogen dioxide (NO₂), sulphur dioxide (SO₂) and methane (CH₄), into the atmosphere.²⁶ Gas flaring and venting is a major source of these GHG emissions, particularly in Nigeria.

Gas flaring is the process of burning associated gas from hydrocarbon processing plants, wells, or refineries. Another method of gas disposal is through venting, which is the process of releasing the gas into the atmosphere without burning. Associated gas is a byproduct of oil production and it is usually disposed of through flaring²⁷. The process involves the gas being passed through flow stations from which they are flared²⁸. The gas could potentially be a valuable source of energy when properly harnessed²⁹. However where the infrastructure is insufficient, the gas is flared as a safety measure to relieve pressure from the vessels and pipes, or as a means of disposal.³⁰

Nigeria has abundant reserves of natural gas estimated at over 100 trillion cubic meters, qualifying the country to be one of the countries with the most proven gas reserves.³¹ When gas flaring began in Nigeria, the production of crude oil had just commenced so it lacked the

26Emam, Eman A. "GAS FLARING IN INDUSTRY: AN OVERVIEW." *Petroleum & coal* 57.5 (2015). 532.

27 Dung, Elisha Jasper, Leonard S. Bombom, and Tano D. Agusomu. "The effects of gas flaring on crops in the Niger Delta, Nigeria." *GeoJournal* 73.4 (2008): 298.

28 *Ibid*, 298.

29 Anomohanran, O. "Determination of greenhouse gas emission resulting from gas flaring activities in Nigeria." *Energy Policy* 45 (2012): 666.

30 Emam *supra* 26, 532.

31 Bakpo, M. T., and S. A. Emejuru. "Gas Flaring and Biodiversity Depletion in Nigeria: A Study of Selected Gas Flare Sites in Rivers State, Nigeria." *J Environ Sci Curr Res* 2.011 (2019).

sufficient infrastructure to absorb the gas. It initially began because burning the gas after separating it from the crude oil was the safest and most economically sensible action to take. The re-injection of the gas into the oil reservoir was also not an option, due to the low industrial and technological base for energy use which existed in Nigeria.³² It was expected to last for a short time however, the practice has continued with little to no efforts to end it.

As the world gets progressively affected by global warming, the flaring of associated gas has been substantially reduced, primarily with the implementation of a carbon tax and the adoption of flaring reduction measures.³³ However, it is evident that the penalty for gas flaring in Nigeria is inefficient, as the practice has prevailed.³⁴ It has been speculated that the amounts that MOCs are fined for gas flaring are so meagre that it is cheaper for the fines to be paid than to stop the flaring practice.³⁵ In 2017, Nigeria was reported to be the 7th largest gas flarer in the world, with about 8 billion cubic meters of gas being flared annually.³⁶

2.2 Oil Spills

Oil spills are a common repercussion of oil exploration and exploitation in the Niger Delta.³⁷

In 2019, Nigeria was reported to have had 40 million liters of crude oil spilled annually,³⁸ resulting in deaths and environmental degradation. According to a study in the Niger Delta, an estimate of 12,000 recorded oil spill incidents have occurred between 1974 and 2014.³⁹ MOCs operating in the Niger Delta have defended the scale of oil spills, by claiming that a larger percentage of the oil spills are caused by oil theft and pipeline sabotage by rebel groups. Although pipeline sabotage and oil theft are a cause of oil spills, there is no

32 Raji, A. O. Y., and T. S. Abejide. "An assessment of environmental problems associated with oil pollution and gas flaring in the Niger Delta region Nigeria, C. 1960s-2000." *Arabian Journal of Business and Management Review (OMAN Chapter)* 3.3 (2013): 49

33 Christen, Kris. "Environmental impacts of gas flaring, venting add up." (2004):.

34 Ite, Aniefiok E., and Udo J. Ibok. "Gas flaring and venting associated with petroleum exploration and production in the Nigeria's Niger Delta." *American Journal of Environmental Protection* 1.4 (2013): 70

35 Efe, S. I., and J. O. Mogborukor. "Acid rain in Niger Delta Region: Implication on water resources quality and crisis." *AFRREV STECH: An International Journal of Science and Technology* 1.1 (2012): 20

36 The World Bank, "Nigeria's Flaring Reduction Target:2020" (2017)

<https://www.worldbank.org/en/news/feature/2017/03/10/nigerias-flaring-reduction-target-2020> Accessed 29 August, 2020.

37 Ordinioha, Best, and Seiyefa Brisibe. "The human health implications of crude oil spills in the Niger delta, Nigeria: An interpretation of published studies." *Nigerian medical journal: journal of the Nigeria Medical Association* 54.1 (2013): 10.

38 Adebayo, Bukola "Major new inquiry into oil spills in Nigeria's Niger Delta launched" *CNN*

39 Chinedu, Enegide, and Chukwuma Kelechukwu Chukwuemeka. "Oil spillage and heavy metals toxicity risk in the Niger delta, Nigeria." *Journal of Health and Pollution* 8.19 (2018): 180905.

legitimate claim that they are the primary cause.⁴⁰ The claim relies on the Joint Investigation Visit⁴¹ (JIV), an oil investigation process, to determine the cause of oil spills but the primary investigators are the MOCs themselves, so the information is unreliable.⁴² Other relevant causes of oil spills are poor maintenance of oil infrastructure and corrosion.⁴³ Poor maintenance of the pipelines increases their vulnerability to oil spills. Corrosion is a natural process which causes the gradual destruction of materials, typically metals, by chemical or electrochemical reaction with their environment.⁴⁴ It is usually due to internal or external factors. For pipelines, it usually occurs as a result of the composition of the liquid flowing through it. As the pipelines age, they begin to corrode as a result of oxidation⁴⁵ or due to the presence of corrosive gases.⁴⁶ In pipelines, corrosion leads to the reduction of metal thickness, which results in the loss of mechanical strength and breakdown or failure of the facility.⁴⁷

2.3 The Impacts on Communities

Pollution is the major environmental impact of gas flaring and oil spills. The effect that pollution has on communities shows in two forms: (i) environmental degradation and; (ii) health implications. Pipeline explosions which are exclusive to oil spills will also be discussed.

2.3.1 Environmental Implications

a. Effect on Biological Diversity

To sufficiently grasp how important the impact that gas flaring and oil spills have on biodiversity, the term has to be briefly discussed. Biodiversity refers to the variety of flora and fauna in a particular habitat, a high level of which is generally considered to be important for the natural sustainability, productivity, and stability of the ecosystem, all of which are

40“Bad Information: Oil Spill Investigations in the Niger Delta” *Amnesty International* (2014) <https://www.amnestyusa.org/reports/bad-information-oil-spill-investigations-in-the-niger-delta/> Accessed 15 September, 2020

41 Amnesty International, “Oil Spill Investigations in the Niger Delta Amnesty International Memorandum (2012) <https://www.amnesty.org/download/Documents/16000/afr440422012en.pdf> Accessed 15 September, 2020.

42 *Ibid.*

43 *Ibid.*

44 Olabisi, Odutola Toyin, and Amobi Chukwuka. "Experimental Investigation of Pipeline Corrosion in a Polluted Niger Delta River." *International Journal of Oil, Gas and Coal Engineering* 8.1 (2020): 17.

45 An increase in oxygen due to the exposure.

46 Corrosive gases include ammonia and hydrogen chloride

47 Olabisi and Amobi *supra* 44, page 17.

incredibly essential for human existence.⁴⁸ A larger percentage of the Niger Deltan population relies on the services provided by biodiversity such as food, agriculture, drinking water, fishing, medicine, employment, and shelter.⁴⁹

First, the effect of gas flaring on biological diversity will be considered. Once airborne, the gaseous pollutants have numerous adverse impacts on the immediate environment, particularly on the biological diversity (biodiversity) of plants and wildlife fauna,⁵⁰ and then subsequently, on the surrounding communities. As previously stated, the flaring of gas causes a rise in atmospheric contaminants,⁵¹ such as CO₂ and CH₄. This typically causes an imbalance in the soil pH (a measurement of acidity/ alkalinity).⁵² The soil in the affected areas lose moisture⁵³ and also become acidified, hence depleting the soil nutrient.⁵⁴ A study⁵⁵ into gas flaring in the Niger Delta corroborates this, by showing that the soil pH transformed from near neutral (6.4-6.6, noting that pH neutral is recorded at a value of 7) to acidic (4.0-4.2) in areas around the flare point. The impact has an effect on the agriculture, and often results in the withering of young crops, scorched plants, and an increase in stunted growth of crops.⁵⁶ In some cases, there is a complete lack of vegetation⁵⁷ in the affected areas due to a combination of the tremendous heat produced from the flaring and the acidic nature of the soil.⁵⁸ This environmental degradation has led to a substantial decline in local food production, thus causing a threat to food security in the Niger Delta.⁵⁹ Farming is a dominant occupation in most communities, so this decline would have an adverse economic impact on the affected farmers.

48Vittoz, Pascal, et al. "Climate change impacts on biodiversity in Switzerland: A review." *Journal for Nature Conservation* 21.3 (2013)

49 Chukwuka, K. S., et al. "The Impacts of Petroleum Production on Terrestrial Fauna and Flora in the Oil-Producing Region of Nigeria." *The Political Ecology of Oil and Gas Activities in the Nigerian Aquatic Ecosystem*. Academic Press, 2018. 4

50 Ito, E. E., and I. L. Ugbome. "Impact of gas flaring on biodiversity in Niger Delta, Nigeria." *Nigerian Journal of Science and Environment* 15.1 (2017): 147

51 *Ibid*, 151

52 pH is a scale of acidity, which ranges from 0-14. The lower the pH, the more acidic the substance is,
53 Olumuyiwa, B. "Gas Flaring, Agriculture and Livelihood Security in the Niger Delta Areas of Nigeria."

54 Ito and Ugbome *supra* 50, 151

55 Ubani, E. C., and I. M. Onyejekwe. "Environmental impact analyses of gas flaring in the Niger delta region of Nigeria." *American journal of scientific and industrial research* 4.2 (2013): 248.

56 Ito and Ugbome *supra* 50, 151

57 Ubani and Onyejekwe *supra* 55, 248

58 Ito and Ugbome *supra* 50, 151

59 Babatunde, Abosede O., "Challenges to Food Security in Nigeria's Oil Rich Niger Delta Region" (2017)

<https://kujenga-amani.ssrc.org/2017/02/03/challenges-to-food-security-in-nigerias-oil-rich-niger-delta-region/>

Accessed 1 September, 2020.

Next, the effect of oil spills on biodiversity will be considered. The exploration for, exploitation and transportation of petroleum have led to pollution of aquatic and terrestrial habitats in the Niger Delta. The prolonged effect of oil spills is typically associated with the death of aquatic life and a reduction in crop yield⁶⁰. Oil spills have detrimental impacts on aquatic life, as it settles on the ocean floor and kills benthic⁶¹ organisms such as crustaceans and mussels⁶². It also causes the outright mortality of fish, and those which escape death are poisoned, which results in health complications for those who ingest them.

The soil is also a major recipient and reservoir of the spilled petroleum. Petroleum is typically heavy in metal concentrations⁶³ which results in degradation in the form of the landscape destruction and shoreline erosion⁶⁴. This degradation reduces the available land for agriculture and food production, which could potentially result in reduced productivity for farmers and a threat to food security for the surrounding communities. This degradation also results in poor growth in seeds and inhibition in the germination of plants.⁶⁵

b. Acid Rain

This section concerns gas flaring solely. The flaring of gas in the Niger Delta has been heavily linked to the appearance of acid rain⁶⁶. This broad term refers to any form of precipitation that contains acidic components⁶⁷. Unpolluted rainwater generally has a pH of about 5.6 and the figure is this low due to the carbonic acid that is created when rainwater reacts with the CO₂ in the air. However, downwind of industrial locations, the acidity of rainfall reaches levels as low as 4.3 pH, which is over 10 times the acidity of normal rain.⁶⁸

60 Osuagwu, Eze Simpson, and Eseoghene Olaifa. "Effects of oil spills on fish production in the Niger Delta." *PloS one* 13.10 (2018): e0205114.

61 Benthic organisms are bottom-dwelling animals, plants, and other organisms.

62 Ejiba, Ikenna V., Simeon C. Onya, and Oluwadamilola K. Adams. "Impact of oil pollution on livelihood: evidence from the Niger Delta region of Nigeria." *Journal of Scientific Research and Reports* (2016):4.

63 Metal concentrations include Zinc, Lead, and Iron.

64 Chukwuka *supra* 49, page 7.

65 Chukwuka *supra* 49, page 7.

66 Ajugwo, Anslem O. "Negative effects of gas flaring: The Nigerian experience." *Journal of Environment Pollution and Human Health* 1.1 (2013): 7.

67 "What is Acid Rain?" *United States Environmental Protection Agency*. <https://www.epa.gov/acidrain/what-acid-rain> Accessed 2 September, 2020.

68 Efe and Mogborukor *supra* 35, 18.

A major impact that acid rain has on communities in the Niger Delta is the corrosion of roofs made of zinc and buildings. An experiment⁶⁹ was conducted to examine the role of gas flaring in the rapid corrosion of zinc roofs, using four experimental sites where samples of galvanized iron sheets (also known as zinc roofs) were exposed to the atmosphere and the corrosion behavior was monitored through the weight loss. In the three experimental sites that were positioned near pollution sources, the results showed that corrosion was more severe (25.89, 34.30, and 21.27 milligrams (mg)) than at the site that was located far away from pollution sources (2.36 mg).⁷⁰

Acid rain also causes the contamination of water which pollutes a major source of domestic water supply to the communities. The production of acid rain increases the level of acidity in the water bodies, rendering them to be toxic and non-potable(i.e. undrinkable)⁷¹. This contamination causes the death of aquatic life inhabiting affected water bodies, causing an increase in the food scarcity. This also causes a loss of livelihood for those who rely on aquatic life as a source of income.

2.3.2 Health Implications

First, the health implications that arise from the flaring of gas will be considered. The air pollution caused by gas flaring continues to be a significant cause of health concerns for people within the affected communities.

Port Harcourt, one of the cities in the Niger Delta region, is plagued by heavy emissions of black soot containing PM2.5.⁷²

69 Ekpoh, Imo J., and Ajah E. Obia. "The role of gas flaring in the rapid corrosion of zinc roofs in the Niger Delta Region of Nigeria." *The Environmentalist* 30.4 (2010): 349.

70 *Ibid*, 347.

71 Efe and Mogborukor *supra* 35, 36

72 Particulate Matter (PM) is the sum of all solid and liquid particles suspended in air many of which are hazardous such as soot. PM2.5 is extremely dangerous to humans because it can easily penetrate deep into the lungs and other body tissues.



Figure 2: Soot in Port Harcourt

Source: Brisibe⁷³(2017)

Studies conducted⁷⁴ found that these pollutants released into the air by virtue of gas flaring caused an increase in the prevalence of morbidities such as lung and skin cancers⁷⁵⁷⁶, respiratory complications such as bronchitis, upper respiratory tract infections, pulmonary tuberculosis, and asthma⁷⁷, hypertension⁷⁸, hematological effects such as anemia and leukemia⁷⁹, and premature deaths.⁸⁰

Next, the health implications arising from oil spills will be examined. A study⁸¹ conducted in the region found that living in areas near oil spills have an impact on health in two forms. First, the perception of risks and worry could indirectly be a pathway to chronic stress⁸². Secondly, the exposure to hazardous chemicals in the oil would typically impair health. The

73 Brisibe, Patrick "‘Strange black soot’ blankets Nigeria’s oil hub" <https://phys.org/news/2017-02-strange-black-soot-blankets-nigeria.html> Accessed 16 September, 2020.

74 CSR-In-Action "The Impact of Soot to Human Health: An Environmental Analysis of the Niger Delta" <https://www.csr-in-action.org/impact-of-soot-to-human-health-an-environmental-analysis-of-the-niger-delta/#:~:text=The%20heavy%20emission%20of%20black,the%20coastal%20cities%20in%20Nigeria> Accessed 16 September, 2020.

75 Ite and Udo *supra* 34, 74

76 Kalagbor, Ihesinachi A., Amalo N. Dibofori-Orji, and Ozioma A. Ekpete. "Exposure to Heavy Metals in Soot Samples and Cancer Risk Assessment in Port Harcourt, Nigeria." *Journal of Health and Pollution* 9.24 (2019): 191211.

77 Giwa, Solomon O., Oluwakayode O. Adama, and Olasunkanmi O. Akinyemi. "Baseline black carbon emissions for gas flaring in the Niger Delta region of Nigeria." *Journal of Natural Gas Science and Engineering* 20 (2014): 374

78 Maduka, Omosivie, and Charles Tobin-West. "Is living in a gas-flaring host community associated with being hypertensive? Evidence from the Niger Delta region of Nigeria." *BMJ Global Health* 2.4 (2017): e000413.

79 Ajugwo *supra* 66, 7.

80 CSR-In-Action *supra* 74.

81 Nriagu, Jerome, et al. "Health risks associated with oil pollution in the Niger Delta, Nigeria." *International journal of environmental research and public health* 13.3 (2016): 13.

82 Nriagu *supra* 81, 13

spills cause water contamination, which affects the quality and poisons those that ingest it⁸³. Abnormalities in hepatic, respiratory, renal, and neurological functions would occur when ingested.⁸⁴

83 Pegg, Scott, and Nenibarini Zabbey. "Oil and water: the Bodo spills and the destruction of traditional livelihood structures in the Niger Delta." *Community Development Journal* 48.3 (2013): 399

84 Nriagu *supra* 81, 13

3. Analysis: Corporate Social Responsibility

This chapter functions predominantly as a descriptive account of the key mechanism used in achieving social justice for those affected by the practices discussed in the previous chapter, thereby providing the knowledge needed for the subsequent discussion of Social Accountability in the Nigerian Petroleum Industry.

The chapter centers around the primary concept used for achieving social justice in Nigeria: CSR. The concept was chosen to be examined because its use by MOCs is prevalent in Nigeria. Prior to this, it shall briefly explore what a social contract theory of government is, and why it is paramount to this discussion. The chapter begins with an analysis of CSR, and an examination of four characteristic elements attributed to it. Elements and instruments of foreign jurisdictions will be mentioned in this chapter. The chapter will then conclude with a critique of the concept.

3.1 The Social Contract Theory of Government

The very essence of government ruling in most modern jurisdictions rests upon the idea that it is through the consent of the people that governments rule. Expectations across the world are virtually the same: some form of consent is the legal and constitutional norm, usually through a democratic process like voting. Through the work of social contract theorist⁸⁵ Jean-Jacques Rousseau who notably stated, in his seminal work “The Social Contract”, the opening words of which resonate through history: "Man is born free and everywhere he is in chains," it is eloquently demonstrated that any government can be viewed as a manifestation of a social contract between it and the individuals within a society. Other notable authors include Thomas Hobbes, and John Locke.

There have been various⁸⁶ views as to the actual nature of governments and social contracts. Rousseau’s theory was in support of people’s sovereignty, favoring the idea of a consensual republic. Hobbes’ theory was in support of a more autocratic government, as his view was that Man has a natural desire to secure self-preservation and protection, and

85 Morrison, John. "The social license." *The Social License*. Palgrave Macmillan, London, 2014. 10

86 Laskar, Manzoor. "Summary of social contract theory by Hobbes, Locke and Rousseau." *Locke and Rousseau (April 4, 2013)* (2013).

it is through this desire that they voluntarily surrender their rights and freedom to some form of authority which commands obedience. Locke's rationale was that the purpose of the government is to uphold and protect the natural rights of Man. So, the laws given by the government are valid and binding as long as it fulfils its purpose, but when it ceases to fulfil these purposes, then the laws have no validity and the Government's hold upon its people weakens.

Although all the authors differ in the formulation of their social contract theorizing, at the foundation they all agree that there is an unwritten social contract between the government and the governed, upon which the legitimacy of the government rests. This then implies that this contract, as typical contracts work, can be revoked by the people when it is not adequately respected.

Where a social contract has been breached by state actors, such as the government and its National Oil Company (NOC), private actors, such as MOCs, steps have to be taken to make reparations for the damages caused, to avoid these issues ab initio, and to uphold social justice. These steps can be approached using Corporate Social Responsibility.

3.2 Corporate Social Responsibility (CSR)

The major role and aim of companies that exist in the modern world is to have and sustain positive economic impacts. Usually these corporations perform actions and make decisions that have detrimental effects on the surrounding communities and the environment, with the latter further negatively impacting the communities. Due to these negative impacts, there is a justified increasing pressure upon these companies to behave in ways that are responsible and to distribute benefits to a wide range of stakeholders.⁸⁷ CSR is one of the key mechanisms used in achieving this aim.

The CSR concept has gained importance in the recent decades and has impacted companies in ways which have practical significance to businesses across the world⁸⁸.

87 Parast, Mahour Mellat, and Stephanie G. Adams. "Corporate social responsibility, benchmarking, and organizational performance in the petroleum industry: A quality management perspective." *International Journal of Production Economics* 139.2 (2012): 447-458.

88 Mutti, Diana, *et al.* "Corporate social responsibility in the mining industry: Perspectives from stakeholder groups in Argentina." *Resources Policy* 37.2 (2012): 212-222.

There have been several attempts to establish a more robust and well-rounded definition of CSR for better understanding, as there are several individually biased definitions that exist.⁸⁹

It has been defined as the continuing commitment of a business to contribute to sustainable economic development and to behave ethically while improving the quality of life of the workforce and their families, as well as the local community and society at large.⁹⁰ It has also been defined as operating an organization in a manner that meets and exceeds the legal, public, commercial, and ethical expectations that society has of the enterprise. Social responsibility is and should perpetually be a guiding principle for every decision made in every aspect of the organization.⁹¹ The CSR concept can also be defined as a principle stating that corporations should be accountable for the effects of any of their actions on their community or environment.⁹²

The approaches to implementing CSR initiatives will be shown in Nigerian Petroleum Industry context in the subsequent chapter. A brief definition of the main categories is required, however. The categories are: (i) voluntary and (ii) regulated initiatives.

3.2.1 Voluntary Initiatives

The reason that voluntary CSR initiatives have been stressed by several international organizations and governments⁹³ is because the CSR concept involves corporations taking decisions and performing actions that go beyond what is legally required of them.

The United Nations Environment Program (UNEP) classified voluntary CSR into five categories:⁹⁴

- a. **Industry initiatives** where CSR projects are voluntarily undertaken by a company or within a particular industry;

89 Dahlsrud, Alexander. "How corporate social responsibility is defined: an analysis of 37 definitions." *Corporate social responsibility and environmental management* 15.1 (2008).

90 World Business Council for Sustainable Development. 2000. *Corporate Social Responsibility: Making Good Business Sense*. World Business Council for Sustainable Development: Geneva.

91 Dahlsrud *supra* 89.

92 Lawrence, Anne T., James Weber, and James Post. *Business and Society: Corporate Strategy, Public Policy and Ethics*. McGraw Hill Higher Education, 2007.

93 Howard, Janine. "Corporate Social Responsibility in the Mining Industry (2014)"

94 *Ibid*, 26.

- b. **Government initiatives** involve the goals that are set by the government which usually involves representatives from the relevant industry;
- c. **Joint government and industry initiatives** involve the agreements between both the government and the industry whereby the objectives and monitoring of progress are negotiated;
- d. **Third-Party initiatives** are established and run by a third-party, in consultation and conjunction with the government and representatives from the relevant industry; and
- e. **International voluntary initiatives** are implemented by international organizations such as the United Nations.⁹⁵

3.2.2. Regulated Initiatives

As corporations cannot be expected to take decisions and make actions based solely on moral considerations, the regulated initiatives act as a form of safety net to ensure CSR is achieved where the voluntary CSR initiatives fail or do not result in the desired outcome.⁹⁶

The forms of regulated CSR initiatives are⁹⁷ command-and-control state regulations with penalties for breach, disclosure of information with the aim of rectifying market failures, and encouragement of voluntary initiatives by the State.⁹⁸

Due to the vast array of definitions that exist, this chapter cannot explore only one dimension of the concept. It will instead explore four characteristics of CSR, which will be used in the subsequent chapters in the Nigerian petroleum industry context.

3.2.3 The Four Characteristics of CSR

This section of the chapter will focus on exploring the four characteristics of CSR: (i) Transparency and Accountability, (ii) Community Investment, (iii) Stakeholder Engagement, and (iv) Sustainability

⁹⁵ Howard, *supra* 93, 26.

⁹⁶ Howard, *supra* 93, 27.

⁹⁷ Howard, *supra* 93, 27.

⁹⁸ Kerr, Michael, Richard Janda, and Chip Pitts. Corporate social responsibility: A legal analysis. LexisNexis, 2009

Characteristic 1: Transparency and Accountability

The transparency and accountability elements are interrelated. The aim of the transparency element of CSR is to ensure that corporations disclose information concerning both their practices and their compliance with their obligations in terms of legal mechanisms.⁹⁹ It refers to the availability and accessibility of this information to the general public, with clarity concerning government decisions, rules and regulations.¹⁰⁰ It is of paramount importance that the information be understandable and communicated to the target audience so that it can be acted upon.

This element is crucial because it ensures that the other elements of CSR are implemented properly. Although the phased reporting methods implemented by governments across the world illustrate that there has been a shift in the belief that only shareholders should have access to sensitive information,¹⁰¹ there is still a significant percent of the information being disclosed voluntarily. There are various theories as to what motivates these companies to voluntarily divulge the information. Although a thorough analysis of these motivations is beyond the scope of this research, a brief understanding of each of these theories and the reasons why companies feel motivated to report various issues is crucial in understanding transparency in the CSR context.

The political-economic theory is the first to be reviewed, which acknowledges the power imbalances that exist between groups¹⁰² and it highlights the fundamental interdependence of both the political and economic forces in society.¹⁰³ It has been theorized that the companies' disclosure of the information is in their self-interest, as the disclosure legitimizes and sustains economic and political arrangements, institutions and ideologies which support their business.¹⁰⁴ This is an acknowledgement that reporting only economic information is impossible due to its relationship with the environmental and social elements.

99 Howard, *supra* 93, 25.

100 Heller, , Warren van Wicklin III, and Saki *supra* 25

101 Kerr, Janda, and Pitts *supra* 98, at 99.

102 Deegan, Craig. "The legitimising effect of social and environmental disclosures—a theoretical foundation." *Accounting, Auditing & Accountability Journal* 15.3 (2002): 282-311.

103 Miller, Peter. "Accounting as social and institutional practice: an introduction." *Accounting as social and institutional practice* 1 (1994): 20.

104 Mostert H, Chisanga K-M, et al "Corporate Social Responsibility in the Mining Industries of Namibia, South Africa, and Zambia: Choices and Consequences" in *Sharing The Costs and Benefits of Energy and Resources Activity* (2016, OUP: Oxford)

The second theory is the legitimacy theory, which speculates that companies disclose information to refute legitimacy threats.¹⁰⁵

The third theory is the stakeholder theory, which acknowledges that the behavior of and actions taken by corporations is shaped by the influences and pressures exerted by various stakeholders.¹⁰⁶ There are four key tools¹⁰⁷ supporting the transparency element:

1. public disclosure of information;
2. awareness-raising campaigns;
3. open-data activities; and
4. access-to-information laws.

The traditional view for most corporations is that their primary or even sole aim and responsibility is to generate revenue to then increase profits. This element is in contrast with that idea, as it promotes the idea that corporations should account for their business practices. The accountability element is broad and heterogenous, but its formulation is generally held to refer to the obligations of institutional power holders to take responsibility and account for their actions.¹⁰⁸ Again, accountability is a contested term that can mean different things to different parties or groups, but it usually centers around answerability and power to sanction¹⁰⁹. There are two major tools used for supporting the accountability element: monitoring and complaint handling. The monitoring tool has several aspects to it, such as third-party monitoring, participatory monitoring, community monitoring, independent oversight, public expenditure tracking, and input tracking.

The Extractive Industries Transparency Initiative (EITI) is a global standard created to strengthen public and corporate governance, promote understanding of natural resource management, and provide the data to inform reforms for greater transparency and accountability in the extractives sector.¹¹⁰ The global EITI was domesticized and specified

105 Deegan *supra* 102, at 290

106J. Husillos & M. Alvarez-Gil, 'A Stakeholder-Theory Approach to Environmental Disclosures by Small and Medium Enterprises (SMEs)' (2008) *Spanish Accounting Review* 125 at 130; H. Jenkins & N. Yakovleva
107 Heller, Warren van Wicklin III, and Saki *supra* 25.

108 Hupe, Peter, and Arthur Edwards. "The accountability of power: Democracy and governance in modern times." *European Political Science Review* 4.2 (2012): 177-194.

109 Utting, Peter, and Jennifer Clapp. *Corporate accountability and sustainable development*. Oxford university press, 2008.

110The Extractive Industries Transparency Initiative (EITI), "Who We Are" <https://eiti.org/who-we-are>
Accessed 5 September, 2020.

to Nigeria, thereby forming the Nigerian Extractive Industries Transparency Initiative (NEITI), with the aim of promoting prudent management of revenues derived from its natural resources, reducing poverty, and ensuring sustainable development¹¹¹. It aids MOCs and the other relevant actors in their journey to achieving transparency and accountability. It is the global standard for transparency and accountable management, in the extractive sector context. It requires the actors to disclose information along the extractive industry value chain from the point of extraction, to how revenues make their way through the government, and how they are being used for the benefit of the public.

Characteristic 2: Community Investment

Although a major portion of CSR centers around duties placed upon corporations due to the negative impacts of their actions, the community investment element highlights the aspect of positive action on the part of these corporations relating to their investment in relevant communities.

Community investment has been historically the most voluntarily motivated and self-regulated¹¹², due to the idea that corporations have a duty to give back to communities using a term known as strategic philanthropy. Strategic philanthropy refers to the voluntary donations given by corporations to communities without any actual engagement with the difficulties faced due to negative impacts of their practices. This term has been criticized as being a mere 'smokescreen'¹¹³, relieving these corporations of the responsibility of making meaningful attempts to develop these communities.

The community investment projects of companies typically involve¹¹⁴: (i)infrastructural development, (ii)employment and empowerment, (iii)the provision of health facilities, (iv)provision of scholarship and other educational development, (v)conflict awareness programs and peace building, and (vi)philanthropy and charity.

111 Brief History About NEITI www.neiti.gov.ng Accessed 4th June, 2022

112 Kerr, Janda, and Pitts *supra* 98

113 Hamann, Ralph, et al. "Universalizing corporate social responsibility? South African challenges to the International Organization for Standardization's new social responsibility standard." *Business and Society Review* 110.1 (2005): 7

114 Nwankwo *supra* 19, page 227-228.

Characteristic 3: Stakeholder Engagement

Over the recent years, corporations engaging with stakeholders other than the companies' shareholders has increasingly become popular¹¹⁵. Before examining the element, a brief explanation of the term 'stakeholder' is important. Stakeholders can be generally defined as those who can affect and be affected by corporations - in financial or non-financial terms.

There are three attributes¹¹⁶ of stakeholders, of which all stakeholders possess at least one. Firstly, the stakeholder must have the ability to exercise some power within its relationship with the corporation. Secondly, the relationship between the corporation and the firm should be considered as legitimate or at least socially desirable. Finally, the claim the stakeholder has on the corporation must be considered as urgent in that it is crucial in nature to the shareholder or that it is time-sensitive. This approach illustrates that all stakeholders are not viewed as equal in the eyes of corporations. Stakeholders who possess all three characteristics are referred to as 'definitive stakeholders'¹¹⁷ and their claims are usually prioritized by corporations due to the profound consequences that occur when they are neglected.

The two types of under this term are Primary and Secondary stakeholders. The primary stakeholders come in forms of internal parties, such as employees and external parties, such as communities, who enjoy a direct interest in the business or company, while secondary stakeholders are the public and special interest groups, and competitors, who by contrast have an indirect interest in the business or company. Within the context of CSR in the oil industry, it is necessary for the external parties (local communities) to be regarded as an important stakeholder, due to the potentially negative impact of the operations and practices on these communities. For the purposes of this research, the term "stakeholder" refers to the public solely.

Stakeholder engagement indicates the obligation on the part of MOCs to not only acknowledge the presence of stakeholders, but to also incorporate them into the decision-

115 In Dahlsrud (n 89) at 7 – 11, in the survey of 37 definitions of CSR across the world, it was found that stakeholder engagement featured in 29 instances.

116 Mitchell, Ronald K., Bradley R. Agle, and Donna J. Wood. "Toward a theory of stakeholder identification and salience: Defining the principle of who and what really counts." *Academy of management review* 22.4 (1997)

117 *Ibid.*

making processes.¹¹⁸ This is necessary because MOCs exist and are designed for the creation of social value;¹¹⁹ this includes the general public, and not only shareholders. To be properly effective the engagement between the stakeholders must occur at all stages of operations. Firms must be committed to the process and the engagement should continue throughout the lifetime of an operation.¹²⁰ Stakeholder engagement enables social legitimacy, because it can be used by the government and companies to communicate and understand the impacts of industrial activities, and to secure a social license to operate (SLO) which would enhance development and social welfare.¹²¹

An instance of SLO can be defined as an implicit contract between state actors or MOCs and communities that compels the former to behave in ways which are according to the latter's values. It has been stressed that SLO is a form of social approval or acceptance that the actors earn through consistent and trustworthy behaviour, and a socially constructed perception that the industry involved has a legitimate place within the community.

The incorporation of stakeholders manifests in different forms across the world. It is stated explicitly in some countries, such as Canada where the director of the MOC's duty is to consider "the interests of shareholders, employees, suppliers, creditors, consumers, governments and the environment" as set forth in the Canadian Supreme Court decisions. This creates an obligation to consult and engage with the stakeholders. Internationally, voluntary codes, such as the Organisation for Economic Co-operation and Development (OECD)¹²² Principles of Corporate Governance and the Global Reporting Initiative, exist to ensure that stakeholder interests are protected by involving them in the processes.¹²³

Characteristic 4: Sustainability

The sustainable decision-making process is a crucial period to incorporate social and environmental strategies which would promote sustainable development. Financial and economic concerns, plans and strategies, albeit important, are constantly regarded to be more crucial than the social and environmental aspects. The Sustainability element

118 Weissbrodt, David. "Corporate social responsibility: a legal analysis." (2010): 211.

119 *Ibid*

120 Prpich, George, Kabari Sam, and Frédéric Coulon. "Stakeholder engagement and the sustainable environmental management of oil-contaminated sites in Nigeria." *Energy in Africa*. Palgrave Macmillan, Cham, 2019. 79.

121 *Ibid* 80.

122 An acronym: Organisation for Economic Co-operation and Development

123 Weissbrodt *supra* 118, at 212.

promotes the concept of sustainability being considered during decision-making, rather than after the decision has been made. Sustainability and sustainable development, in this context, covers four (4) elements that are viewed as crucial to the concept. It encompasses a combination of social and economic development and social well-being and the protection of the environment¹²⁴.

Sustainable Development, also a contested term may be defined as the development that 'seeks to meet the needs and aspirations of the present without compromising the ability to meet those of the future.'¹²⁵ The concept can be considered in two (2) broad aspects. The first aspect deals with utility, highlighting that the future should be at least as comfortable in terms of its utility or happiness as experienced by itself. It stresses that the utility of the future generations should be sustained and non-declining.¹²⁶ The second aspect is concerned with physical throughput, emphasizing that it should be sustained. The physical throughput refers to the flow of natural resources. It attempts to ensure that the physical throughput is to be non-declining and, more specifically, the capacity of the ecosystem to sustain these flows is not to be run down overtime.¹²⁷

The physical throughput aspect is going to be adopted in this research, rather than the utility aspect. This is primarily because utility or happiness is an experience and it is non-measurable. It cannot technically be bequeathed to the future generations, and even if that can be done through tangible things left behind, their happiness simply cannot be guaranteed or controlled.

The ability to make decisions that are sustainable to the environment is aided with the implementation of legislative and regulatory support. This includes The South African Mining Charter, which requires the incorporation of processes contained in the Stakeholders' Declaration¹²⁸ which mandates mining companies to integrate sustainable development concerns into their decision-making processes and the failure to engage with sustainability

124 Howard *supra* 93, Page 9.

125 The United Nations Report of the World Commission on Environment and Development: Our Common Future (1987) at 34.

126 Daly, Herman E. "Sustainable development—definitions, principles, policies." *The future of sustainability*. Springer, Dordrecht, 2006. At 39.

127 *Ibid* at 40.

128 Department of Mineral Resources, "Stakeholders' Declaration on Strategy for the sustainable growth and meaningful transformation of South Africa's Mining Industry" (2010) 1.

appropriately would result in the delay or non-award of a mining right.¹²⁹ Mechanisms also have to be integrated to address environmental and socio-economic concerns which arise.

3.3 Critique of the Concept

3.3.1 The Lack of a Clear Definition and Purpose

As the concept of CSR is ever evolving, there is little agreement concerning its precise definition and establishing what its boundaries and goals are, as this typically means different things to the various parties involved. There is no internationally recognized definition of the concept¹³⁰. The overall lack of a precise definition of CSR is a double-edged sword. On one hand, its vagueness allows it to not be limited to a specific geographical location/ boundary or particular industry, and on the other hand, the vagueness is one of its greatest weaknesses because a certain level of cooperation by stakeholders to achieve goals cannot be reached due to the several definitions that exist.

When the concept is defined at all and in practice, it is typically as a business-oriented concept and it usually concentrates on its operational utility from a business perspective. It is seldom understood why other organizations that are not businesses, or stakeholders should wish to be engaged with CSR . It lacks the aspect of societal focus. However, there have been strides made by some entities to reclaim CSR from being regarded solely as a business management concept. The European Commission, being the central exclusive institution of the European Union, redefined¹³¹ the concept in 2011 to incorporate a more societal purpose in it. It defined the concept as the responsibility of enterprises or companies for their adverse impacts on society. For these entities to achieve full social responsibility and accountability, the integration of social, environmental, ethical, human rights, and consumer concerns¹³² into their plans, operations, and strategies must occur and must be in collaboration with their stakeholders.

3.3.2 Lack of a Social License Element

An important task that every MOC has to achieve in order to reduce the risk of socio-political challenges and halts or interruptions to its operations is to be wholly accepted by the communities. The CSR concept fails to stress the importance of this element, and it is

129 Mostert and Chisanga et al *supra* 104, 14

130 Morrison *supra* 85, at 31.

131 Morrison *supra* 85, at 31.

132 Morrison *supra* 85, at 31.

essential because it allows and encourages MOCs to have a healthy relationship with these communities prior to and from the commencement of any operations. Most of the characteristics of CSR encourage corrective, rather than preventive, measures. The CSR elements discussed do encourage preventive measures, but it is not explicitly stated. A key element that is focused solely on creating a safe and healthy relationship between MNCs and the public by putting pressure on industries to conduct their operations responsibly and the societal acceptance of their operations is the SLO¹³³.

Leeora Black, a globally recognised sustainability expert defines the concept as “the negotiation of equitable benefits and impacts of a company in relation to its stakeholders, over the near and longer term”¹³⁴. Through her work, it was elaborated that the concept can range from formal, such as a community benefit agreement, to informal, such as an implicit social contract.

The concept has been criticized for its ability to de-legitimize a business or company. A political editor, Luke Malpass, expressed that the concept itself creates an opportunity for opponents of certain industries, companies, or projects to de-legitimize it by proclaiming that its SLO has been or should be withdrawn¹³⁵. He also advises that although the concept is becoming appealing and fashionable to companies due to the Public Relations advantages it brings, they should resist its superficial appeal. This brings about the concept of legitimacy, which should also be an essential definitional component of the SLO.

It would further enhance the CSR concept if the element of a mandatory social license were to be integrated into it, as the social license cannot be self-declared¹³⁶. It entails an equitable balance of interests which permits the continuation of any specific activity and can be withdrawn when the requirements are not satisfied by the relevant actors i.e. MOCs.

133 Moffat, Kieren, et al. "The social licence to operate: a critical review." *Forestry: An International Journal of Forest Research* 89.5 (2016): 477-488.

134 Black, Leeora. "The Very Seductive Social Licence to Operate—A Reality Check." *ProBono News, Pro Bono Australia* 31 (2012).

135 Malpass, Luke. "Rule of law or social licence to operate." *National Business Review* 16 (2013).

136 Morrison *supra* 85, 36.

3.3.3 Epiphenomenalism

CSR has been criticized for being epiphenomenal in nature. In this context, an epiphenomenon can be defined as something that, although caused by some clearly outlined set of conditions, has no significant and consequential reciprocal relation to these conditions, nor to any other relevant factor, whether theoretical or empirical¹³⁷. It cannot be denied that the CSR concept has allowed entities to progress in their journey to attaining social accountability, it is frequently regarded as 'something of a sideshow and a distraction'¹³⁸ and as a by-product of the work of other more established and powerful theories.¹³⁹

A major problem is that CSR is still being regarded as only voluntary, and often when concepts are regarded as voluntary, the actualization of such a concept always occurs last, if at all.

137 Van Oosterhout, J., and Pursey PMAR Heugens. "Much ado about nothing: A conceptual critique of CSR." *ERIM Report Series Reference No. ERS-2006-040-ORG* (2006), at 25.

138 Morrison *supra* 85, at 34.

139 *Ibid* at 25.

4. Focus on Nigeria

The previous chapter described the CSR concept, and how the elements of this mechanism influences the social accountability concept. The aim of the present chapter is to form the foundation for the arguments developed in the subsequent chapter. It addresses the Nigerian approach to SA by scrutinizing the agencies, legislation, and initiatives put in place.

First, this chapter explores the Nigerian Government's approaches by examining the institutional and constitutional frameworks created for the purpose of addressing social accountability in the petroleum industry. Secondly, it will address the approach of MOCs, regarding the projects and CSR activities undertaken by them.

4.1. Institutional Frameworks

4.1.1 The Niger Delta Development Commission (NDDC)

The Nigerian Delta Development Commission (NDDC) is a Federal Government Agency established in 2000¹⁴⁰ by the Nigeria's former President, Olusegun Obasanjo, with the aim of formulating policies, guidelines and projects for the development of the Niger Delta and for its transformation into a region that is socially stable, politically peaceful, ecologically advanced, and economically thriving. The NDDC has major duties¹⁴¹ such as addressing the environmental issues which arise from the upstream oil projects that occur in the Niger Delta. It also advises the Federal Government on the prevention and control of environmental impacts, such as oil spillages, pollution, and gas flaring. The agency also has to communicate and cooperate with the various oil and gas prospecting and producing companies on matters such as the prevention and control of pollution.

The NDDC surveys the Niger Delta to ascertain the measures needed for the promotion of its physical and socio-economic development. It prepares the master plans and schemes created and designed for the promotion of the physical development of the Niger Delta region. It was also created to implement the measures approved for the development of the region by the Federal Government. Another responsibility of the NDDC is to assess and report on all the projects being funded or executed in the region by MOCs.

140 Niger Delta Development Commission (NDDC), <https://www.nddc.gov.ng/about-us> Accessed 20th August, 2020.

141 *Ibid*

Nigerian State	Electricity	Roads/Bridges	Water Supply	Reclamation/Shore Protection
Abia	Solar Street Light along Amokwe Bende.	The Construction of Okagwe Ohafia Link Road, Ohafia Local Government Association (LGA).	Water Supply Project at Ikot Ibit Ekpe, Abak LGA.	Erosion Control Works Section 1, Bende Road & Section 2 Ariam-Ikot Ekpene Road, Bende LGA.
Akwa-Ibom	Transformer Substation, Eastern Ibolo.	The Construction of Udong Ukpong Town Hall Road in Okobo LGA.	Water Project at Ikot Eyo.	Sandfilling and Shore Protection of Iko town, Eastern Obolo LGA.
Bayelsa	Transmission Line from Edepie to Gbarantoru in Yenagoa LGA.	The Construction of RT. Hon Boyyelafa Debekeme Road Azikoro, Yenagoa LGA.	Water Project in Sabagrea.	Supervision Of The Foreshore Protection Works at Ogbolomabiri, Nembe LGA.
Delta	Uro-Irri Electricity, Isoko North.	Uti Road Effurun, Uvwie.	Water Scheme at Azunze Utagba-Ogbe Kwale, Ndokwa LGA.	Shore Protection Ugorodo Community (Lot 1), Warri South West LGA.
Edo	Urhehue LT, Orhionwon.	Ugbomo-Idumogo Road at Iruokpen Town, Esan Central LGA (2.6 km).	Water Projects at Ologbo Nugu, Iguelaba, and Obozogbe Niro, Orhionwon LGA.	Wire Road/Osaghae Street Erosion Control Project, Oredo LGA.
Imo	The Rural Electrification of Ezinach Okigwe LGA.	Umuokpara/Umaka Road, Okigwe.	Water Projects at Ohaji/Egbema LGA.	Reclamation/Shore Protection of Opuoma, Ohaji/Egbema LGA.
Ondo	The Solar Powered Streetlights at Odigbo LGA, Ilaje LGA, and Akure.	Supervision Of The Construction Of Walkway With Embankment Linking Five Communities From Ilepede-Obenla.	Water Project at Igboegunrin, Module 1: Borehole Development.	Shore Protection Work at Ayetoro, Ilaje LGA.
Rivers	Wind Turbine Electrification of Ekweboko waterside in Bakana.	The Emergency Repair of Failed Portions from Eneka-Guake Road (3.7 km) in Obio/Akpor LGA.	Water Rehabilitation at Kpite, Tai LGA.	Supervision of the Construction of Sandfilling and Shore Protection af Ogbeinama Town, Bomadi LGA.

Figure 3: Selected projects in the Niger Delta Region Source: Author.

4.1.2 NDDC Community Investment Projects

As the NDDC's predominant responsibility concerns community investment in the Niger Delta region, this part of the chapter is solely to highlight the various projects created by the NDDC. Due to the vast amount of projects that exist, it will only involve a select few. The table below illustrates some of the projects that have occurred and are currently occurring in the Niger Delta region. The projects will be divided into 4 groups: Electricity, Roads and Bridges, Water Supply, and Shore Protection.

4.1.3 National Oil Spill Detection and Response Agency

The National Oil Spill Detection and Response Agency (NOSDRA) was established in 2006 to protect and preserve the environment by creating, nurturing and sustaining a zero-tolerance to oil spill incidents in the Nigerian Environment¹⁴². The agency has the obligation to assist in mediating between the affected communities and the licensee¹⁴³; assess the damages caused by the oil spill by using JIVs¹⁴⁴ and monitor the clean-up operations to ensure full rehabilitation of the affected areas¹⁴⁵. It is also obliged to undertake surveillance, and other response activities as they relate to oil spillages and encourage regional cooperation among West African sub-region countries and in the Gulf of Guinea, which is a part of the eastern tropical Atlantic Ocean off the Western African coast, for combating oil spillage and pollution in the contiguous waters¹⁴⁶. The agency contributes to the accountability element, as it exists to bring justice to these affected communities and it holds the offending licensee accountable for their oil spills.

4.2 Constitutional Frameworks

Several statutory and constitutional provisions exist for the protection and compensation of the affected communities.¹⁴⁷

142The National Oil Spill Detection and Response Agency (NOSDRA), "About NOSDRA" <https://www.nosdra.gov.ng/about> Accessed 17 September, 2020.

143 NOSDRA (Establishment) Act 2006, Section 19(f)

144 *Ibid*, Section 19(h)

145 *Ibid*, Section 19(k)

146 NOSDRA, "Our Functions" <https://nosdra.gov.ng/functions> Accessed 17 September, 2020.

147 Oluduro, Olubayo. "Oil exploration and ecological damage: the compensation policy in Nigeria."

Canadian Journal of Development Studies/Revue canadienne d'études du développement 33.2 (2012): 166

4.2.1 Framework Concerning the Protection of The Rights of the Communities

Under the Constitution of the Federal Republic of Nigeria (CFRN) 1999, Section 17(2)(d) protects communities by preventing the exploitation of human and natural resources for any other reason other than for the good of these communities¹⁴⁸. Section 17(2)(d) implies that the Nigerian Government must constantly consider the rights of the communities when making decisions which could directly or indirectly affect them. Consideration in this context includes taking precautions against environmental impacts that could potentially have adverse consequences on lives and property and compensating and providing relief for the victims.¹⁴⁹

Section 20 of the CFRN further makes it compulsory for the state to protect and to improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria¹⁵⁰. Section 44 (1)¹⁵¹ of the CFRN protects communities by compensating them for the taking of their property rights.

Under the Nigerian Petroleum Act 2004 and the Petroleum (Drilling and Production) Regulations (PDPR) 1969 Section 23¹⁵² concerns fishing rights, which protects communities by compelling a licensee to pay adequate compensation if they exercise the rights conferred by the license in a manner which is unreasonable and interferes with any of the fishing rights of the communities. Schedule 1(37) of the Petroleum Act the 2004 allows the licensee to be "liable to pay 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"¹⁵³.

4.2.2 Framework Concerning Sustainability

Section 3¹⁵⁴ of the Oil in Navigable Waters Act, 1968 and Section 6¹⁵⁵ of the Oil Terminal Dues Act (ODA) 1965 prohibit the discharge of oil into the waters of Nigeria and setting a penalty for those found guilty of this offence, with the ODA specifically prohibiting the

148 Constitution of the Federal Republic of Nigeria (CFRN) 1999 Chapter 2, Section 17(2)d. Accessed 20 August, 2020.

149 Idowu, Amos Adeoye. "Human rights, environmental degradation and oil multinational companies in Nigeria: The Ogoniland episode." *Netherlands quarterly of human rights* 17.2 (1999): 161-184.

150 CFRN *supra* 148, Chapter 2, Section 20.

151 *Ibid*, Chapter 4, Section 44(1)

152 The Petroleum (Drilling and Production) Regulations (1969), Paragraph 23.

153 The Petroleum Act 2004, Schedule 1, Paragraph 37

154 Oil in Navigable Waters Act 1968, Section 3.

155 The Oil Terminal Dues Act (1965), Section 6.

discharge of oil into any part of the sea from a pipeline, vessel or as a result of any operation for the evacuation of oil, except at an oil terminal.

Still relating to oil spills, Section 19¹⁵⁶ of the NOSDRA (Establishment) Act 2006, empowers the agency where a major oil spill occurs, to evaluate the extent of damage to the ecology by comparing the condition after the spill against what existed before;¹⁵⁷ and ensure that remedial action is taken for the restoration and compensation of the environment.¹⁵⁸

The offending licensee is obliged by the Act to report the spill no later than 24 hours after its occurrence, and the failure to report attracts a 500,000 Naira (\$1,300) penalty for each day¹⁵⁹. The failure to clean up the affected area(s), to all practical extent including the remediation, attracts a further fine of 1,000,000 Naira (\$2,600).¹⁶⁰ The responsibility to pay compensation to the victims is not on NOSDRA, rather it is the licensee. The act stresses the responsibilities of the polluters: to clean up the environment, to pay compensation to the victims, and to restore the environment to its natural state¹⁶¹.

Section 11(5) (c)¹⁶² of the Oil Pipelines Act (OPA) 2004 provides that a licensee will pay “compensation to any person suffering damage (other than on account of his own default or on account of the malicious act of a third person) as a consequence of any breakage of or leakage from the pipeline or an ancillary installation, for any such damage not otherwise made good”. This section creates a strict liability on the part of the licensee,¹⁶³ so it relieves the claimant of the responsibility of establishing negligence. The section does exclude compensation for sabotage-induced spillages, to further discourage the practice.

Under the Associated Gas Re-injection Act (1979), Section 3(1)¹⁶⁴ of the Act prohibits the flaring of gases produced in association with oil without the permission of the Minister of Petroleum. Section 3(2)¹⁶⁵ of the Act, however, allows the Minister of Petroleum to have the

156 NOSDRA *supra* 143, Section 19.

157 *Ibid*, Section 19(c)

158 *Ibid*, Section 19(e)

159 NOSDRA *supra* 143 ,

160 *Ibid*.

161 Oluduro *supra* 147, page 171

162 The Oil Pipelines Act (2004), Section 11(5)(c), <https://www.lawyard.ng/wp-content/uploads/2015/11/OIL-PIPELINES-ACT-2004.pdf> Accessed 21 August, 2020.

163 Oluduro *supra* 147, page 170

164 Associated Gas Re-injection Act (AGRA) 1979, Section 3(1)

165 *Ibid* Section 3(2).

discretion to grant gas flaring permits where either the reinjection of gas is inappropriate or not feasible. Section 4(1)¹⁶⁶ of the act concerned with penalty. An individual who commits the offence of flaring shall forfeit the concessions granted to him in the particular field or fields in relation to which the offence was committed.

4.2.3 Framework for the enhancement of Transparency and Accountability

Under the NEITI Act 2007, Section 2(c) states that one of the primary objectives of the NEITI Act is to eliminate all corrupt practices in the determination, payments, receipts and posting of revenue accruing to the Federal Government from extractive industry companies.¹⁶⁷

Section 2(d) and 3(a) of the Act both refer to transparency and accountability, which are the two foundational elements of the Act. Section 2(d)¹⁶⁸ places the responsibility on NEITI to ensure transparency and accountability by government in the application of resources from payment received from extractive industry companies. Section 3(a) states that the NEITI must develop a framework for transparency and accountability in the reporting and disclosure by all extractive industry companies of revenue due to or paid to the Federal Government¹⁶⁹ Section 4 of the Act compels the yearly-appointed independent auditors¹⁷⁰ to undertake¹⁷¹ and submit¹⁷² audits, for the determination of the accuracy of payments and receipts.¹⁷³

4.3 The MOCs Approach to Social Accountability

The major MOCs performing oil operations in the Niger Delta are: Shell, ExxonMobil, Chevron, Total Nigeria (TEPNG) , and Agip. The activities of Shell, Agip and Total will be examined through their Joint venture, The Shell Petroleum Development Company of Nigeria (SPDC).

166 *Ibid*, Section 4(1).

167 Nigerian Extractive Industries Transparency Initiative (NEITI) Act 2007, Section 2(c) https://eiti.org/files/documents/neiti_act_2007.pdf Accessed 23 August, 2020.

168 *Ibid*, Section 2(d).

169 *Ibid*, Section 3(a).

170 *Ibid*, Section 4(1)

171 *Ibid*, Section 4(2)

172 *Ibid*, Section 4(3)

173 *Ibid*, Section 4(1)

4.3.1 The SPDC Approaches to Social Accountability

The SPDC is a joint venture (JV) between Shell, Nigerian Agip Oil Company, TEPNG, and the Nigerian National Petroleum Company (NNPC) which is Nigeria's national oil company.

The SPDC introduced a new method of working with communities in 2006, called the Global Memorandum of Understanding (GMOU), which is now being successfully being utilized by other oil companies¹⁷⁴. The GMOU is an agreement between the SPDC and a group of different communities. Under the terms of the GMOUs, an area for development is decided by these communities, and the SPDC, on behalf of its joint venture partners, provides the funding for five years, ensuring that the communities have stable and reliable finances as they undertake the implementation of their community development plans. The SPDC, through GMOUs, utilizes 3 key elements that are prominent in CSR: (i) Transparent and Accountable processes, (ii) Community Investment, and (iii) Sustainability.

1. SPDC-Community Transparency and Accountability relations

To sufficiently rebuild trust between the companies and communities, proper emphasis must be put on the implementation of transparency and accountability initiatives¹⁷⁵. The criteria for transparency and accountability were defined by Shell: (i) openness to public scrutiny, (ii) available, accessible and disclosed information on processes, (iii) activities and transactions, and (iv) periodic stewardship feedback¹⁷⁶.

¹⁷⁴Shell, Global Memorandum of Understanding (GMOU).

<https://www.shell.com.ng/sustainability/communities/gmou.html> Accessed 27 August, 2020.

¹⁷⁵ Egbon, Osamuyimen, Uwafiokun Idemudia, and Kenneth Amaeshi. "Shell Nigeria's Global Memorandum of Understanding and corporate-community accountability relations." *Accounting, Auditing & Accountability Journal* (2018). 14.

¹⁷⁶ Idemudia, Uwafiokun, and Nedo Osayande. "Assessing the effect of corporate social responsibility on community development in the Niger Delta: a corporate perspective." *Community Development Journal* 53.1 (2018): 155-172.

2. The SPDC approach to Community Investment and Development

To invest in the communities, the SPDC implements programs which focus on community and enterprise development, health, and education.¹⁷⁷

Health	Education	Enterprise Development
<ul style="list-style-type: none"> ● creation of health facilities, such as the Obio Cottage Hospital in Port Harcourt; and ● implementation of the SPDC JV community health-insurance scheme which enrolled more than 45,000 people by the end of 2015. 	<ul style="list-style-type: none"> ● investment of 10 million USD in scholarships and education programmes (In conjunction with Shell Nigeria Exploration & Production Co Ltd (SNEPCo); ● 930 secondary school students and 638 university undergraduates were awarded grants in 2015; ● postgraduate scholarships were also awarded to ten students from Niger Deltan states through the Niger Delta Postgraduate Scholarship to study at international universities; and ● the creation of the Cradle to Career programme, which launched in 2010 to pay for children from rural communities in the Niger Delta to attend some of Nigeria's leading secondary schools. 	<ul style="list-style-type: none"> ● through the GMoU, the SPDC provides funds for projects are nominated by community groups; and ● the creation of a youth entrepreneurship programme, LiveWIRE, which resulted in a total of 6,290 people being trained under the programme between 2003 and 2015 and 3,183 grants awarded.

Figure 4: The SPDC programs in the Niger Delta

Source:Author

177 Shell Sustainability Report 2015, Working With Communities <https://reports.shell.com/sustainability-report/2015/managing-operations/our-activities-in-nigeria/working-with-communities.html> Accessed 27 August, 2020.

3. The SPDC approach to Sustainability

One of the SPDC's approaches to sustainability is the voluntary release of their environmental performance through The Shell Sustainability Reports¹⁷⁸ It allows the corporation to show their contributions to sustainable development. The goal of the SPDC in relation to sustainable development is to:

1. ensure the general public has access to affordable, reliable, sustainable, and modern energy; and
2. positively influence the battle against climate change through climate change and energy transition¹⁷⁹ in support of the Paris Agreement's goal,¹⁸⁰ the limitation of methane emissions¹⁸¹ and other GHG¹⁸², carbon capture and storage.¹⁸³

4.3.2 ExxonMobil's Approaches to Social Accountability

ExxonMobil's contributions to social accountability manifests through the numerous projects that have been undertaken by them. The approaches made by ExxonMobil to Social Accountability will be critically examined through the relevant CSR elements implemented by them: (i) transparency and accountability, and (ii) community development

1. ExxonMobil's Approach to transparency and accountability

ExxonMobil has a Code of Ethics and Business Conduct¹⁸⁴ which promotes economic stability through strengthened accountability and transparent communications and processes such as fair and timely compensation for land use and provision of damages.¹⁸⁵

178 Shell "Previous Reports and Translations", <https://www.shell.com/sustainability/sustainability-reporting-and-performance-data/sustainability-reports/previous.html> Accessed 13 September, 2020.

179 Shell "Climate change and energy transition" <https://reports.shell.com/sustainability-report/2019/sustainable-energy-future/climate-change-and-energy-transition.html> Accessed 13 September, 2020.

180 The Paris Agreement, <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement> Accessed 13 September, 2020.

181 Shell, "Methane Emissions" <https://reports.shell.com/sustainability-report/2019/sustainable-energy-future/managing-greenhouse-gas-emissions/methane-emissions.html> Accessed 13 September, 2020.

182Shell, "Managing greenhouse gas emissions" <https://reports.shell.com/sustainability-report/2019/sustainable-energy-future/managing-greenhouse-gas-emissions.html> Accessed 13 September, 2020.

183 Shell, "Carbon Capture and Storage" <https://reports.shell.com/sustainability-report/2019/sustainable-energy-future/managing-greenhouse-gas-emissions/carbon-capture-and-storage.html> Accessed 13 September, 2020

184 ExxonMobil, "Code of Ethics" <https://corporate.exxonmobil.com/Company/Who-we-are/Corporate-governance/Code-of-ethics> Accessed 13 September, 2020.

185 ExxonMobil, "Transparency and Anti-corruption" <https://corporate.exxonmobil.com/Community-engagement/Working-with-communities/Transparency-and-anti-corruption> Accessed 13 September, 2020.

2. ExxonMobil's Approach to Community Development

To sufficiently improve the lives of the communities living in the Niger Delta, ExxonMobil and its affiliate companies have invested about \$280 million over the last decade for the development of the communities¹⁸⁶. The ExxonMobil projects stated in this research are grouped into a three-part taxonomy, as follows: (i)Water, Roads, and Electricity, (ii)Education, and (iii)Health.¹⁸⁷

Water, Roads, and Electricity	Education	Health
<ul style="list-style-type: none"> ● projects involving the provision of water and sanitation facilities were located at: <ul style="list-style-type: none"> ○ Lutheran High School in Obot Idim; ○ General Hospital in Oruk Anam; and ○ at Ibiono Ibom St. Theresa Hospital in Use Abat . 	<ul style="list-style-type: none"> ● through Mobil Producing Nigeria¹⁸⁸, 500 undergraduate scholarships were awarded annually to students in Nigerian universities;¹⁸⁹ ● Esso Exploration and Production Nigeria, Ltd (EEPNL) awards 10 post-graduate scholarships annually to qualified graduates of Nigerian universities;¹⁹⁰ ● ExxonMobil has also sponsored some competitions which include: 	<ul style="list-style-type: none"> ● ExxonMobil has invested almost \$15 million dollars to malaria, which is endemic to Nigeria, working through dedicated partners;¹⁹² ● Concerning malaria, they distributed 85,000 mosquito nets, organized malaria control workshops for over 3,000 health workers and malaria control seminars for 120,000 locals;¹⁹³ ● 1,670 pregnant women were treated and rapid diagnostic tests to examine and treat 27,310 people were used in rural areas;¹⁹⁴

186 Adeoye, Yemi, "CSR: ExxonMobil invests \$280 M on community development" (2010) *Vanguard*.

<https://www.vanguardngr.com/2010/03/csr-exxonmobil-invests-280-m-on-community-development/>

Accessed 14 September, 2020

187 Mbat, David, Enefiok Ibok, and Ekong Daniel. "Exxon-Mobil and Corporate Social Responsibility in Akwa Ibom State, Nigeria: Past and Present." *Public Policy and Administration Research* 3.3 (2013): 25.

188 The operator of its joint venture (JV) with the Nigerian National Petroleum Corporation (NNPC)

189 ExxonMobil,"Educational initiatives in Nigeria"

<https://corporate.exxonmobil.com/Locations/Nigeria/Educational-initiatives-in-Nigeria#MPNScholarshipAwards>

Accessed 14 September, 2020.

190 ExxonMobil *supra* 185.

192 ExxonMobil, "Health initiatives in Nigeria" <https://corporate.exxonmobil.com/Locations/Nigeria/Health-initiatives-in-Nigeria>

Accessed 14 September, 2020.

193 ExxonMobil *supra* 189.

194 ExxonMobil *supra* 189.

<ul style="list-style-type: none"> ● projects concerning roads include: <ul style="list-style-type: none"> ○ rebuild of failed portion of Marina Road; ○ build of a road at Qua Iboe Terminal; and ○ buld of Ekpowong Drains phase II along Marine Road. ● projects involving the provision of electricity are: <ul style="list-style-type: none"> ○ Eket urban electrification; ○ Mkpanak village electrification; and ○ Atibe electricity, Eket 	<ul style="list-style-type: none"> ○ Science Quiz competition in Akwa Ibom State; and ○ National Quiz and Projects¹⁹¹ competition. 	<ul style="list-style-type: none"> ● an affiliate of the company, EEPNL, in partnership with a local NGO concluded some projects and contributions which include: <ul style="list-style-type: none"> ○ Ofu-Obi health center in Anambra State; and ○ provision of generator sets, an ambulance and various medical equipment to health centres.¹⁹⁵
---	---	---

Figure 4: The ExxonMobil projects and contributions in Niger Delta Source: Author

4.3.3 Chevron’s Approaches to Social Accountability

Chevron has made several contributions to social accountability through the numerous projects that they have undertaken. The approaches made by Chevron will be explored through the relevant CSR elements implemented by them: (i) transparency, (ii) community development, and (iii) sustainability.

191 ExxonMobil *supra* 185.

195 ExxonMobil *supra* 189.

1. Chevron’s Approach to Transparency

Chevron’s approach to transparency is through the release of annual reports which explore, in detail, the numerous activities, projects and contributions made by the company. The Corporate Responsibility Report¹⁹⁶ is used to show the activities of the company, and the actions being taken to protect the environment, diversify the workforce, ensure the safety of people, and to address climate change.

2. Chevron’s Approach to Community Development

Health	Education
<ul style="list-style-type: none"> ● creation of the Chevron Roll Back Malaria initiative with focuses on helping pregnant women and children under the age of five;¹⁹⁷ ● launch of the River Boat Clinic program, which is run in collaboration with the Delta State government, to deliver health care directly to communities along the Escravos area in Delta State;¹⁹⁸ and ● provision of \$1.43 million to the PROMOT II HIV/AIDS prevention program in 2016.¹⁹⁹ 	<ul style="list-style-type: none"> ● investment of 7.5 Billion Naira in the Agbami Scholarship Awards in the last decade; and ● investment in several other scholarships, including: <ul style="list-style-type: none"> ○ NNPC/Chevron Nigeria Limited (CNL) JV National University Scholarship; ○ The Agbami Medical and Engineering Professional Scholarship; ○ NNPC/CNL JV scholarship award for the blind and physically challenged; and ○ NNPC/CNL community scholarship awards.

Chevron’s contributions to community development will be explored in 2 groups: (i) Health, and (ii) Education

Figure 5: The Chevron projects and contributions in the Niger Delta.

Source: Author

196 Chevron, “2018 Corporate Responsibility Report : Enabling prosperity” *Chevron in Nigeria* page 39 <https://www.chevron.com/-/media/shared-media/documents/chevron-nigeria-cr-report-2019.pdf> Accessed 14 September, 2020.

197 Chevron “2016 Corporate Responsibility Report: Partnership for Creating Wealth” *Chevron in Nigeria* page 9 <https://www.chevron.com/-/media/shared-media/documents/chevron-nigeria-CR-report-2016.pdf> Accessed 14th September, 2020.

198 *Ibid* page 9.

199 *Ibid*, page 9.

3. Chevron's Approach to Sustainability

Chevron's Environmental Stewardship (ES) operational excellence process promotes sound environmental management practices through the identification, assessment and management of environmental risks from the inception of a project to its decommissioning stage²⁰⁰. This allows the company to acknowledge and understand the potential environmental risks that could occur from their activities, in order to efficiently mitigate the risks²⁰¹. Environmental assessment studies have also been conducted in the offshore and onshore areas of their operations. These studies include Environment Impact Assessments for drilling operations and Environmental Evaluation Studies for their onshore assets, such as the Agbami field.

Chevron has also invested substantially in projects involving the elimination of routine flares from its operations. By doing this, it intends to execute a profitable gas business from the associated gas through a range of domestic, regional and export supply facilities that satisfy the requirements of its JV domestic gas supply obligation.²⁰² The projects include the Escravos Gas Plant, the Escravos Gas-to-Liquids plant, the Sonam gas development field, and the Abiteye and Makaraba non-associated gas development.

²⁰⁰Chevron *supra* 196.

²⁰¹*Ibid*, page 39.

²⁰²Chevron *supra* 197, page 39.

5. Governmental Critique

The chapter addresses the existing inadequacies of all the approaches that are present in the Nigerian Oil and Gas Industry by scrutinizing and measuring them against the four elements of CSR discussed in the previous chapter.

5.1 Corruption

The most significant challenge facing the NDDC is corruption. It has recently been made known that the commission has deviated from its core roles and responsibilities, and has transformed into a cesspool of corruption. To begin, the acting Managing Director of the NDDC, Prof Kemebradikumo Pondei, is part of an ongoing investigation for the mismanagement of NDDC funds amounting up to 81.5 billion Naira (\$210 million) within a period of five months.²⁰³

In July 2020, the Minister of Niger Delta Affairs, Godswill Akpabio, accused members of the National Assembly of allegedly being the beneficiaries of most of the contracts arising from the NDDC. He further remarked that the Commission was granted N15 trillion within the last 19 years, to which nothing was on ground to justify the funds.²⁰⁴ According to Akpabio, a total of 1,200 projects in the Niger Delta were abandoned in 2019.²⁰⁵ The funds granted for the development of the Niger Delta are constantly being redirected, and this is corroborated by the statements²⁰⁶ of Auditor General of the Federation, Samuel Ukura who stated that an estimate of 183 billion Naira has allegedly been diverted by the management of the NDDC.²⁰⁷

203 EFCC Begins Investigation On NDDC Acting Chairman, Pondei, *Sahara Reporters* (2020) <http://saharareporters.com/2020/08/19/efcc-begins-investigation-nddc-acting-chairman-pondei> Accessed 22 August, 2020.

204 Ochayi, Chris, "NDDC: Akpabio faults NASS over probe timing" (2020) <https://www.vanguardngr.com/2020/08/nddc-akpabio-faults-nass-over-probe-timing/> Accessed 22 August, 2020

205 The Editorial Board, "Cost of Corruption in NDDC" (2020) <https://businessday.ng/editorial/article/cost-of-corruption-in-nddc/> Accessed 17 September, 2020.

206 Udo, Bassey, "NDDC diverted N183bn Niger Delta development money, Auditor General insists" (2020) <https://www.premiumtimesng.com/news/headlines/188697-nddc-diverted-n183bn-niger-delta-development-money-auditor-general-insists.html> Accessed 17 September, 2020.

207 *Ibid.*

Nigeria's resource management is characterized by state bureaucratic inefficiency, opacity, a rentier mentality, and prevalent corruption.²⁰⁸ These allegations have further strengthened the distrust that these communities have in the government and the MOCs.

5.2 Ineffective implementation of the Frameworks

Although several constitutional frameworks exist for the protection and compensation of affected communities and their surroundings, in some instances, they cannot be used by the victims to achieve justice. It is not for the lack of constitutional and institutional frameworks, or approaches that the region is still severely underdeveloped and the communities are dissatisfied with the level of accountability. Rather, the presence of insufficient social accountability is primarily due to the lack of effective implementation.

The sections from the CFRN exist for the protection and compensation of communities so it is compulsory that they are mentioned, however they cannot always be utilized in this context. Due to Section 6(6) (c)²⁰⁹ of the CFRN- Judicial powers, sections 17 and 20 cannot be the subject of direct litigation and are therefore, they are non-justiciable against the state. They can, however, be used to seek justice against the MOCs. Oil is excluded from the list of compensable items under Section 44(1) because Section 44(3) vests all of the ownership and control “of all the minerals, mineral oils and natural gas in under or upon any land in Nigeria or in, under or upon the territorial waters and the Exclusive Economic Zone of Nigeria²¹⁰” in the Federal Government. This, therefore, means that in spite of the protection given by the sections, they are not actionable in the Nigerian courts.

The affected communities do have the opportunity to seek redress in the Nigerian courts. Often, it is to seek financial compensation for the damage caused, however these individuals who seek redress are typically confronted with a range of practical and legal obstacles²¹¹. In the PDPR (23), the term “adequate compensation” is vague. The victims are also only entitled to compensation if it can be proven that the licensee has exercised its rights in an unreasonable and negligent manner. This is usually an impossible task or at best,

208 Natural Resource Governance Institute (NRGI), “Country Strategy Note: Nigeria (2016)” <https://resourcegovernance.org/sites/default/files/documents/country-strategy-note-nigeria.pdf> Accessed 17 September, 2020.

209 CFRN *supra* 148, Chapter 1, Section 6

210 CFRN *supra* 148, Chapter 4, Section 44(3)

211 Lawyer-Keme, Koffi Romeo. “THE EFFECTIVENESS OF NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY (NOSDRA) AND THE MANAGEMENT OF OIL SPILLAGE IN THE NIGER DELTA, NIGERIA, 1999-2009” (2013)

Herculean, for the victims to prove, as they will often be poor and given the nature of oil operations, technical evidence is generally quite expensive to obtain.²¹²

In Nigeria's Oil Pipeline Act (2004), the exclusion of compensation for sabotage-induced oil spillage does have good intentions, however it fails to take into consideration the innocent individuals who were not involved in the sabotage. Unfortunately, this happens constantly in the Niger Delta due to a group of militants dubbed The Niger Delta Avengers (NDA).²¹³

Active since January 2016, the aim of the NDA is to campaign against the activities of MOCs and wage conflicts with the government.²¹⁴ They have orchestrated several attacks on the oil pipelines, installations, and facilities, halting the activities and operations of the MOCs.

Although the reason for the creation of the group was for the benefit of the affected communities, it is apparent that their activities have also had detrimental impacts on these communities. Apart from the victims not being eligible for compensation, the attacks and insurgencies have resulted in the deaths of civilians.²¹⁵ The four attacks worth highlighting are the Bonny Soku Gas Line,²¹⁶ Trans Forcados Pipeline,²¹⁷ the Chevron Valve Platform,²¹⁸ and the Chevron Well D25²¹⁹ attacks, which all occurred within 3 months in 2016. To reiterate, the local populations affected by the sabotage-induced oil spills will not be granted compensation, despite their non-involvement in the sabotage.²²⁰ Also, Section 20(3)²²¹ places limitations on the compensation that can be claimed by the victims.

²¹² *Ibid.*

²¹³ Godwin, Ann 'Niger Delta Avengers threaten return, vow to crash economy' *The Guardian* <https://guardian.ng/news/niger-delta-avengers-threaten-return-vow-to-crash-economy/> Accessed 5 June 2022

²¹⁴ Makpor, Mercy Erhi. "The Niger Delta Avengers: An Assessment of the Causes, Agitation, Major Challenges for OMNCs and Suggestions for Tackling Insurgency in the Niger Delta Region of Nigeria." *International Journal of Research in Humanities and Social Studies* 4.10 (2017): 20

²¹⁵ *Ibid*, page 20

²¹⁶ Niger Delta Avengers, "Bonny Soku Gas Line Attacked" (2016) <http://www.nigerdeltaavengers.org/2016/02/bonny-soku-gas-line-attacked.html> Accessed 22 August, 2020.

²¹⁷ Fick, Maggie and Raval, Anjli "Bombed Pipeline to Hit Nigeria Oil Output", *Financial Times* (2016) <https://www.ft.com/content/0f4f4820-e53f-11e5-a09b-1f8b0d268c39> Accessed 22 August, 2020.

²¹⁸ The Maritime Executive, "Chevron Platform in Niger Delta Attacked", *The Maritime Executive* (2016) <https://www.maritime-executive.com/article/chevron-platform-in-niger-delta-attacked> Accessed 22 August, 2020.

²¹⁹ The Maritime Executive, "Niger Delta Oil Facility Attacks Continue", *The Maritime Executive* (2016) <https://www.maritime-executive.com/article/nigeria-oil-facility-attacks-continue> Accessed 22 August, 2020.

²²⁰ Oluduro *supra* 147, page 170

²²¹ The Oil Pipelines Act *supra* 162, Section 20(3)

However, it is important to stress that the environmental degradation, ineffective legal protection, and overall lack of proper accountability are the major reasons for pipeline vandalism in the Niger Delta.²²² The initial issues cause frustration for the affected individuals, who in turn sabotage these pipelines in rebellion, causing even more degradation and its subsequent consequences. As this is cyclical in nature, to significantly reduce pipeline sabotage, the MOCs and the Nigerian government have to protect this region, and have to be held accountable for their actions or lack thereof.

The NEITI audits have been criticized for being too technical and difficult to understand by its target audience, which is the Nigerian civil society. To properly achieve efficacious stakeholder engagement, the information being passed to these individuals must be communicated in a clear and understandable language. For clear communication, the NEITI has to create and apply a user-friendly structure for the audit reports it presents to the public by utilizing simple and uniform standards which Nigerians can easily adopt. An increase in the involvement of stakeholders in the industry will ensure transparency.²²³

5.3 Lack of Sufficient Punitive Powers

Although gas flaring is considered an offence²²⁴ in Nigeria and there are Federal-Government-imposed penalties²²⁵, the volume of gas flared by MOCs in the Niger Delta have not decreased²²⁶. A model²²⁷ was used to analyze the impact of gas flaring fines on the volume of the gas flared, dating from 1965-2013. In 1988, a slight increase in the penalty for gas flaring did not significantly reduce the volume of gas flared. However, a higher fine was imposed in 2008 to be paid per 1000 cubic feet, and this resulted in a significant reduction in the gas flared²²⁸. It is evident that the imposition of larger penalties deters MOCs from the flaring of gas.

222Tukur Umar, Ahmed, and Moh'D. Shahwahid Hajj Othman. "Causes and consequences of crude oil pipeline vandalism in the Niger delta region of Nigeria: A confirmatory factor analysis approach." *Cogent Economics & Finance* 5.1 (2017): 1353199.

223Ihugba, Bethel U. "Compulsory regulation of CSR: A case study of Nigeria." *J. Pol. & L.* 5 (2012): 71.

224Associated Gas Re-injection Act (AGRA) 1979, Section 3(1)

225*Ibid*, Section 4(1).

226 Myles, Paul et al, "SPECIAL REPORT: Nigeria's gas flares increase ahead 2020 deadline" (2018) *Premium Times*.

227 Olaoluwa, Ladeinde and Laniran Temitope. "The Impact of Fines on the Volume of Gas Flared in Nigeria." (2015)

228 *Ibid*

In 2019, the President of Nigeria, Muhammadu Buhari, declined assent to the National Oil Spill Detection and Response Agency Amendment Bill 2018 for the increase of the penalty for oil spills.²²⁹ The reason stated is that the bill undermines the powers, function, and responsibilities of the Ministry of Petroleum Resources.²³⁰ Currently, stakeholders in the petroleum sector have again called for the NOSDRA Amendment Bill to ensure that oil spill defaulters get harsher penalties, as the penalties currently existing appear to not deter the defaulters.²³¹ Tengi George-Ikoli, a program coordinator of the Nigerian Natural Resource Charter expressed concern over NOSDRA's poor responses to oil spills, due to the lack of capacity, funding, and efficient punitive powers.²³²

In order to significantly reduce gas flaring and oil spills, the government has to be firm with the penalties and very minimal to no waiver should be granted to MOCs regarding the practices.

5.4 The MOCs Approach

The activities of each of the MOCs concerning social accountability in the Niger Delta are similar in that they all generally concern infrastructural development, employment and empowerment, the provision of health facilities, provision of scholarships, conflict awareness programs and peace building, and philanthropy and charity. To address the inadequacies within each MOC's approach would be repetitive and unvaried. Therefore, the major challenge within the MOCs approach will be addressed as one. The challenge to be addressed is the lack of accountability.

The previous chapter shows that the MOCs have made several approaches to achieving social accountability for these affected communities through transparency and accountability, community investment, engagement, and development, and sustainable decisions and actions. However, it is evident that the majority of these communities are

229 Iroanusi, QueenEsther. "Buhari declines assent to NOSDRA Amendment Bill, gives reasons" (2019) <https://www.premiumtimesng.com/news/top-news/320005-buhari-declines-assent-to-nosdra-amendment-bill-gives-reasons.html> . Accessed 19 September, 2020.

230 *Ibid.*

231 The Sun, "Stakeholders seek stiffer penalties for oil spills in amended NOSDRA Bill" (2020) <https://www.sunnewsonline.com/stakeholders-seek-stiffer-penalties-for-oil-spills-in-amended-nosdra-bill/> Accessed 17 September, 2020.

232 *Ibid.*

dissatisfied²³³ with these efforts because the practices i.e. gas flaring and oil spills and their consequences, still occur. There are several projects that have been and are still being undertaken by the MOCs, but at the foundation, the actual issues that require significant attention are not resolved. Although the creation of opportunities and basic amenities has been highly appreciated by these communities, conflicts over petroleum operations persist because the adverse impacts of these practices they endure outweigh the “good” that these MOCs have invested in.

The level of accountability in the form of reparations, compensation, and the cessation of these practices is simply not sufficient

233Yafugborhi, Egufe. "Niger Delta insecurity: Write solutions, not inflammatory reports, stakeholders caution media" (2020) <https://www.vanguardngr.com/2020/08/niger-delta-insecurity-write-solutions-not-inflammatory-reports-stakeholders-caution-media/> Accessed 18 September, 2020.

6. Conclusions

6.1 Analytical Review

In chapter one, two key research questions were identified:²³⁴

- I. are the approaches made by the Nigerian government and MOCs strategic enough to actually achieve Social Accountability; and
- II. is the current level of social accountability which exists in the Nigerian petroleum sector, regarding the Niger Delta Region, efficient and competent enough?

The analysis of the current practices²³⁵ that MOCs engage in reveals that the communities living within the region are still enduring the adverse effects of gas flaring and oil spills, as the MOCs have not been held accountable for these actions. Through the examination of the existing frameworks and approaches made by the government and MOCs²³⁶, it is evident that it is not for the lack of approaches that social justice has not been achieved for these communities. Although several legislations, projects, and initiatives have been undertaken by the Federal Government and the MOCs, the root of the problem i.e. the damaging practices, have not been properly addressed. The protections provided to these communities often cannot be utilized by them, as there are usually several obstacles in their way²³⁷. Addressing the first research question, the approaches made by both actors are not strategic enough as they fail to sufficiently address the foundational problem, minimize these practices, and they have not provided a less strenuous system²³⁸ for these communities to achieve social accountability.

An analysis of the relevant frameworks and approaches made by both the Nigerian Government and the MOCs revealed three dominant shortcomings²³⁹: (i) the lack of accountability, (ii) insufficient punitive powers and (iii) the ineffectiveness in the implementation of the approaches. These issues are hindering the effective promotion of social accountability in the region, which has resulted in deep dissatisfaction within the communities of the region. Through these findings, it can be concluded that the current level

234 See heading 1.2

235 See Chapter 2

236 See Chapter 4

237 See heading 5.2

238 See heading 5.2

239 See Chapter 5

of social accountability in the Nigerian upstream petroleum sector, regarding the communities of the Niger Delta, is not efficient and competent enough.

6.2 Recommendations

There are two recommendations to be made in this dissertation, namely:

- I. firstly, the current frameworks regarding the protection and compensation of the affected communities need to be revisited and reformed by both the Nigerian government and the MOCs, as they have not succeeded in their aim; and
- II. secondly, the implementation of stricter penalties for engaging in the damaging practices is needed, in order to deter the MOCs from continuing these actions

To reiterate, Social Accountability can only be sufficiently achieved for these communities if the level of accountability in the sector is aligned with the level of the other elements,²⁴⁰ of which most MOCs are fixated on.

240 See heading 3.2.1

Bibliography

Primary Sources

Domestic Legislation and Policy

Associated Gas Re-injection Act, 1979
Constitution of the Federal Republic of Nigeria, 1999
Nigerian Extractive Industries Transparency Initiative Act 2007,
Oil in Navigable Waters Act, 1968
The National Oil Spill Detection and Response Agency Act, 2006
The Oil Pipelines Act, 2004
The Oil Terminal Dues Act, 1965
The Petroleum Act, 2004
The Petroleum (Drilling and Production) Regulations, 1969

International Instruments

The Paris Agreement, United Nations 2015

Secondary Sources

Adebayo, Bukola "Major new inquiry into oil spills in Nigeria's Niger Delta launched" CNN

Ajugwo, Anslem O. "Negative effects of gas flaring: The Nigerian experience." *Journal of Environment Pollution and Human Health* 1.1 (2013)

Albert, Oshienemen N., Dilanthi Amaratunga, and Richard P. Haigh. "Evaluation of the impacts of oil spill disaster on communities and its influence on restiveness in Niger Delta, Nigeria." *Procedia engineering* 212 (2018)

Anomohanran, O. "Determination of greenhouse gas emission resulting from gas flaring activities in Nigeria." *Energy Policy* 45 (2012)

Bakpo, M. T., and S. A. Emejuru. "Gas Flaring and Biodiversity Depletion in Nigeria: A Study of Selected Gas Flare Sites in Rivers State, Nigeria." *J Environ Sci Curr Res* 2.011 (2019).

Black, Leeora. "The Very Seductive Social Licence to Operate—A Reality Check." *ProBono News, Pro Bono Australia* 31 (2012).

Bodo, Tombari. "Deep issues behind the crisis in the Niger Delta Region: The case of oil exploration in Ogoniland, Rivers State, Nigeria." *Asian Journal of Geographical Research* (2019)

Bodo, Tombari, and Batombari Gbidum Gimah. "Oil Crisis in the Niger Delta Region of Nigeria: Genesis and Extent." *European Scientific Journal* 15.36 (2019)

- Bodo, Tombari, and Batombari Gbidum Gimah. "Petroleum pollution and decrease neuroplasticity in brain development of the Ogoni children in Rivers State, Nigeria." *Journal of Advances in Medicine and Medical Research* (2019)
- Burger, Andrew. "Shell in Nigeria: oil, gas, development & corporate social responsibility." *Triple pundit* (2011).
- Chinedu, Enevide, and Chukwuma Kelechukwu Chukwuemeka. "Oil spillage and heavy metals toxicity risk in the Niger delta, Nigeria." *Journal of Health and Pollution* 8.19 (2018): 180905.
- Christen, Kris. "Environmental impacts of gas flaring, venting add up." (2004)
- Chukwuka, K. S., et al. "The Impacts of Petroleum Production on Terrestrial Fauna and Flora in the Oil-Producing Region of Nigeria." *The Political Ecology of Oil and Gas Activities in the Nigerian Aquatic Ecosystem*. Academic Press, 2018.
- Dahlsrud, Alexander. "How corporate social responsibility is defined: an analysis of 37 definitions." *Corporate social responsibility and environmental management* 15.1 (2008).
- Daly, Herman E. "Sustainable development—definitions, principles, policies." *The future of sustainability*. Springer, Dordrecht, 2006. At 39.
- Deegan, Craig. "The legitimising effect of social and environmental disclosures—a theoretical foundation." *Accounting, Auditing & Accountability Journal* 15.3 (2002): 282-311.
- Department of Mineral Resources, "Stakeholders' Declaration on Strategy for the sustainable growth and meaningful transformation of South Africa's Mining Industry" (2010) 1.
- Dung, Elisha Jasper, Leonard S. Bombom, and Tano D. Agusomu. "The effects of gas flaring on crops in the Niger Delta, Nigeria." *GeoJournal* 73.4 (2008)
- Duru, Emmanuel JC, and Ufiem Maurice Ogbonnaya. "The poverty of crisis management strategies in the Niger Delta region of Nigeria: A focus on the amnesty programme." *African Research Review* 6.2 (2012): 162-170.
- Efe, S. I., and J. O. Mogborukor. "Acid rain in Niger Delta Region: Implication on water resources quality and crisis." *AFRREV STECH: An International Journal of Science and Technology* 1.1 (2012)
- Egbon, Osamuyimen, Uwafiokun Idemudia, and Kenneth Amaeshi. "Shell Nigeria's Global Memorandum of Understanding and corporate-community accountability relations." *Accounting, Auditing & Accountability Journal* (2018). 14.
- Ejiba, Ikenna V., Simeon C. Onya, and Oluwadamilola K. Adams. "Impact of oil pollution on livelihood: evidence from the Niger Delta region of Nigeria." *Journal of Scientific Research and Reports* (2016)
- Ekpoh, Imo J., and Ajah E. Obia. "The role of gas flaring in the rapid corrosion of zinc roofs in the Niger Delta Region of Nigeria." *The Environmentalist* 30.4 (2010): 349.

- Emam, Eman A. "GAS FLARING IN INDUSTRY: AN OVERVIEW." *Petroleum & coal* 57.5 (2015).
- Gervet, Bruno. "Gas flaring emission contributes to global warming." *Renewable Energy Research Group, Lulea University of Technology, Lulea, Sweden* (2007).
- Giwa, Solomon O., Oluwakayode O. Adama, and Olasunkanmi O. Akinyemi. "Baseline black carbon emissions for gas flaring in the Niger Delta region of Nigeria." *Journal of Natural Gas Science and Engineering* 20 (2014)
- Hamann, Ralph, et al. "Universalizing corporate social responsibility? South African challenges to the International Organization for Standardization's new social responsibility standard." *Business and Society Review* 110.1 (2005): 7
- Heller, Katherine, Warren van Wicklin III, and Saki Kumagai. *Integrating social accountability approaches into extractive industries projects: A guidance note*. World Bank, 2016.
- Howard, Janine. "Corporate Social Responsibility in the Mining Industry (2014)
- Hupe, Peter, and Arthur Edwards. "The accountability of power: Democracy and governance in modern times." *European Political Science Review* 4.2 (2012): 177-194
- Idemudia, Uwafiokun, and Nedo Osayande. "Assessing the effect of corporate social responsibility on community development in the Niger Delta: a corporate perspective." *Community Development Journal* 53.1 (2018)
- Idowu, Amos Adeoye. "Human rights, environmental degradation and oil multinational companies in Nigeria: The Ogoniland episode." *Netherlands quarterly of human rights* 17.2 (1999)
- Ihugba, Bethel U. "Compulsory regulation of CSR: A case study of Nigeria." *J. Pol. & L.* 5 (2012): 71.
- Ite, Aniefiok E., and Udo J. Ibok. "Gas flaring and venting associated with petroleum exploration and production in the Nigeria's Niger Delta." *American Journal of Environmental Protection* 1.4 (2013)
- Ito, E. E., and I. L. Ugbome. "Impact of gas flaring on biodiversity in Niger Delta, Nigeria." *Nigerian Journal of Science and Environment* 15.1 (2017)
- J. Husillos & M. Alvarez-Gil, 'A Stakeholder-Theory Approach to Environmental Disclosures by Small and Medium Enterprises (SMEs)' (2008) *Spanish Accounting Review* 125 at 130; H. Jenkins & N. Yakovleva
- Kadafa, Adati Ayuba. "Oil exploration and spillage in the Niger Delta of Nigeria." *Civil and Environmental Research* 2.3 (2012): 38-51.
- Kalagbor, Ihesinachi A., Amalo N. Dibofori-Orji, and Ozioma A. Ekpete. "Exposure to Heavy Metals in Soot Samples and Cancer Risk Assessment in Port Harcourt, Nigeria." *Journal of Health and Pollution* 9.24 (2019): 191211.

Kerr, Michael, Richard Janda, and Chip Pitts. Corporate social responsibility: A legal analysis. LexisNexis, 2009

Laskar, Manzoor. "Summary of social contract theory by Hobbes, Locke and Rousseau." Locke and Rousseau (April 4, 2013) (2013).

Lawrence, Anne T., James Weber, and James Post. Business and Society: Corporate Strategy, Public Policy and Ethics. McGraw Hill Higher Education, 2007.

Lawyer-Keme, Koffi Romeo. "THE EFFECTIVENESS OF NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY (NOSDRA) AND THE MANAGEMENT OF OIL SPILLAGE IN THE NIGER DELTA, NIGERIA, 1999-2009" (2013)

Maduka, Omosivie, and Charles Tobin-West. "Is living in a gas-flaring host community associated with being hypertensive? Evidence from the Niger Delta region of Nigeria." BMJ Global Health 2.4 (2017): e000413.

Malpass, Luke. "Rule of law or social licence to operate." National Business Review 16 (2013).

Makpor, Mercy Erhi. "The Niger Delta Avengers: An Assessment of the Causes, Agitation, Major Challenges for OMNCs and Suggestions for Tackling Insurgency in the Niger Delta Region of Nigeria." International Journal of Research in Humanities and Social Studies 4.10 (2017): 20

Mbat, David, Enefiok Ibok, and Ekong Daniel. "Exxon-Mobil and Corporate Social Responsibility in Akwa Ibom State, Nigeria: Past and Present." Public Policy and Administration Research 3.3 (2013): 25.

McLuckie, Craig W., and Aubrey McPhail, eds. Ken Saro-Wiwa: Writer and Political Activist. Lynne Rienner Publishers, 2000.

Miller, Peter. "Accounting as social and institutional practice: an introduction." Accounting as social and institutional practice 1 (1994)

Mitchell, Ronald K., Bradley R. Agle, and Donna J. Wood. "Toward a theory of stakeholder identification and salience: Defining the principle of who and what really counts." Academy of management review 22.4 (1997)

Moffat, Kieren, et al. "The social licence to operate: a critical review." Forestry: An International Journal of Forest Research 89.5 (2016): 477-488.

Morrison, John. "The social license." The Social License. Palgrave Macmillan, London, 2014.

Mostert H, Chisanga K-M, et al "Corporate Social Responsibility in the Mining Industries of Namibia, South Africa, and Zambia: Choices and Consequences" in Sharing The Costs and Benefits of Energy and Resources Activity (2016, OUP: Oxford)

Mutti, Diana, et al. "Corporate social responsibility in the mining industry: Perspectives from stakeholder groups in Argentina." Resources Policy 37.2 (2012): 212-222.

Myles, Paul et al, "SPECIAL REPORT: Nigeria's gas flares increase ahead 2020 deadline" (2018) Premium Times

Nriagu, Jerome, et al. "Health risks associated with oil pollution in the Niger Delta, Nigeria." *International journal of environmental research and public health* 13.3 (2016): 13.

Ntukekpo, SS. "Oil companies and corporate social responsibility in Nigeria: An empirical assessment of Chevron's community development projects in the Niger Delta." *British Journal of Arts and Social Sciences* 4.2 (2012).

Nwankwo, Beloveth Odochi. *Conflict in the Niger Delta and corporate social responsibility of multinational oil companies: An assessment*. Diss. 2016.

Ogbonna, G. N., and Appah Ebimobowei. "Petroleum income and Nigerian economy: Empirical evidence." *Oman Chapter of Arabian Journal of Business and Management Review* 34.965 (2012)

Olabisi, Odutola Toyin, and Amobi Chukwuka. "Experimental Investigation of Pipeline Corrosion in a Polluted Niger Delta River." *International Journal of Oil, Gas and Coal Engineering* 8.1 (2020)

Olaoluwa, Ladeinde and Laniran Temitope. "The Impact of Fines on the Volume of Gas Flared in Nigeria ." (2015)

Olawuyi, Damilola S., and Ayobami J. Olaniyan. "Local Content and the Sustainable Development of Oil and Gas Resources in Nigeria. 2021

Oluduro, Olubayo. "Oil exploration and ecological damage: the compensation policy in Nigeria." *Canadian Journal of Development Studies/Revue canadienne d'études du développement* 33.2 (2012)

Olumuyiwa, B. "Gas Flaring, Agriculture and Livelihood Security in the Niger Delta Areas of Nigeria."

Ordinioha, Best, and Seiyefa Brisibe. "The human health implications of crude oil spills in the Niger delta, Nigeria: An interpretation of published studies." *Nigerian medical journal: journal of the Nigeria Medical Association* 54.1 (2013)

Osuagwu, Eze Simpson, and Eseoghene Olaifa. "Effects of oil spills on fish production in the Niger Delta." *PloS one* 13.10 (2018): e0205114.

Parast, Mahour Mellat, and Stephanie G. Adams. "Corporate social responsibility, benchmarking, and organizational performance in the petroleum industry: A quality management perspective." *International Journal of Production Economics* 139.2 (2012): 447-458.

Pegg, Scott. "Introduction: On the 20th anniversary of the death of Ken Saro-Wiwa." *The Extractive Industries and Society* 2.4 (2015)

Pegg, Scott, and Nenibarini Zabbey. "Oil and water: the Bodo spills and the destruction of traditional livelihood structures in the Niger Delta." *Community Development Journal* 48.3 (2013)

Prpich, George, Kabari Sam, and Frédéric Coulon. "Stakeholder engagement and the sustainable environmental management of oil-contaminated sites in Nigeria." *Energy in Africa*. Palgrave Macmillan, Cham, 2019. 79.

Raji, A. O. Y., and T. S. Abejide. "An assessment of environmental problems associated with oil pollution and gas flaring in the Niger Delta region Nigeria, C. 1960s-2000." *Arabian Journal of Business and Management Review (OMAN Chapter)* 3.3 (2013)

Sule, Joseph Okwori Abubakar. "Revenue Sources and Economic Growth in Nigeria: An Appraisal." 2016

The United Nations Report of the World Commission on Environment and Development: Our Common Future (1987) at 34.

Tukur Umar, Ahmed, and Moh'D. Shahwahid Hajj Othman. "Causes and consequences of crude oil pipeline vandalism in the Niger delta region of Nigeria: A confirmatory factor analysis approach." *Cogent Economics & Finance* 5.1 (2017): 1353199.

Ubani, E. C., and I. M. Onyejekwe. "Environmental impact analyses of gas flaring in the Niger delta region of Nigeria." *American journal of scientific and industrial research* 4.2 (2013)

Utting, Peter, and Jennifer Clapp. *Corporate accountability and sustainable development*. Oxford university press, 2008.

Van Oosterhout, J., and Pursey PMAR Heugens. "Much ado about nothing: A conceptual critique of CSR." *ERIM Report Series Reference No. ERS-2006-040-ORG* (2006), at 25.

Visser, Wayne. *Landmarks for sustainability: events and initiatives that have changed our world*. Routledge, 2017.

Vittoz, Pascal, et al. "Climate change impacts on biodiversity in Switzerland: A review." *Journal for Nature Conservation* 21.3 (2013)

Weissbrodt, David. "Corporate social responsibility: a legal analysis." (2010): 211.

World Business Council for Sustainable Development. 2000. *Corporate Social Responsibility: Making Good Business Sense*. World Business Council for Sustainable Development: Geneva.

Internet Sources

Adeoye, Yemi, "CSR: ExxonMobil invests \$280 M on community development" (2010) *Vanguard*. <https://www.vanguardngr.com/2010/03/csr-exxonmobil-invests-280-m-on-community-development/> Accessed 14 September, 2020

Amnesty International, "Oil Spill Investigations in the Niger Delta Amnesty International Memorandum (2012) <https://www.amnesty.org/download/Documents/16000/afr440422012en.pdf> Accessed 15 September, 2020.

Arts Activism Education Research "The Ogoni Struggle". <https://platformlondon.org/background/the-ogoni-struggle/> Accessed 8 September, 2020

Babatunde, Abosede O., "Challenges to Food Security in Nigeria's Oil Rich Niger Delta Region" (2017) <https://kujenga-amani.ssrc.org/2017/02/03/challenges-to-food-security-in-nigerias-oil-rich-niger-delta-region/> Accessed 1 September, 2020.

"Bad Information: Oil Spill Investigations in the Niger Delta" Amnesty International (2014) <https://www.amnestyusa.org/reports/bad-information-oil-spill-investigations-in-the-niger-delta/> Accessed 15 September, 2020.

Brisibe, Patrick "'Strange black soot' blankets Nigeria's oil hub" <https://phys.org/news/2017-02-strange-black-soot-blankets-nigeria.html> Accessed 16 September, 2020.

Chevron "2016 Corporate Responsibility Report: Partnership for Creating Wealth" Chevron in Nigeria page 9 <https://www.chevron.com/-/media/shared-media/documents/chevron-nigeria-CR-report-2016.pdf> Accessed 14th September, 2020.

Chevron, "2018 Corporate Responsibility Report : Enabling prosperity" Chevron in Nigeria page 39 <https://www.chevron.com/-/media/shared-media/documents/chevron-nigeria-cr-report-2019.pdf> Accessed 14 September, 2020.

CSR-In-Action "The Impact of Soot to Human Health: An Environmental Analysis of the Niger Delta" <https://www.csr-in-action.org/impact-of-soot-to-human-health-an-environmental-analysis-of-the-niger-delta/#:~:text=The%20heavy%20emission%20of%20black,the%20coastal%20cities%20in%20Nigeria> Accessed 16 September, 2020.

EFCC Begins Investigation On NDDC Acting Chairman, Pondei, Sahara Reporters (2020) <http://saharareporters.com/2020/08/19/efcc-begins-investigation-nddc-acting-chairman-pondei> Accessed 22 August, 2020.

ExxonMobil, "Code of Ethics" <https://corporate.exxonmobil.com/Company/Who-we-are/Corporate-governance/Code-of-ethics> Accessed 13 September, 2020.

ExxonMobil, "Educational initiatives in Nigeria" <https://corporate.exxonmobil.com/Locations/Nigeria/Educational-initiatives-in-Nigeria#MPNScholarshipAwards> Accessed 14 September, 2020.

ExxonMobil, "Health initiatives in Nigeria" <https://corporate.exxonmobil.com/Locations/Nigeria/Health-initiatives-in-Nigeria> Accessed 14 September, 2020.

ExxonMobil, "Transparency and Anti-corruption" <https://corporate.exxonmobil.com/Community-engagement/Working-with-communities/Transparency-and-anti-corruption> Accessed 13 September, 2020.

Fick, Maggie and Raval, Anjali “Bombed Pipeline to Hit Nigeria Oil Output”, Financial Times (2016) <https://www.ft.com/content/0f4f4820-e53f-11e5-a09b-1f8b0d268c39> Accessed 22 August, 2020.

Godwin, Ann ‘Niger Delta Avengers threaten return, vow to crash economy’ *The Guardian* <https://guardian.ng/news/niger-delta-avengers-threaten-return-vow-to-crash-economy/> Accessed 5 June 2022

Hallmark, Terry “Oil and Violence in the Niger Delta Isn’t Talked about Much, But It Has A Global Impact” Forbes (2017) <https://www.forbes.com/sites/uhenergy/2017/02/13/oil-and-violence-in-the-niger-delta-isnt-talked-about-much-but-it-has-a-global-impact/#3748e5774dc6> Accessed 6 September, 2020.

Iroanusi, Queen Esther. “Buhari declines assent to NOSDRA Amendment Bill, gives reasons” (2019) <https://www.premiumtimesng.com/news/top-news/320005-buhari-declines-assent-to-nosdra-amendment-bill-gives-reasons.html> . Accessed 19 September, 2020

“Movement for the Survival of the Ogoni People (MOSOP) & Ogoni News and Resources” <http://www.mosop.org/> Accessed 8 September, 2020.

Natural Resource Governance Institute (NRGI), “Country Strategy Note: Nigeria (2016)” <https://resourcegovernance.org/sites/default/files/documents/country-strategy-note-nigeria.pdf> Accessed 17 September, 2020.

Niger Delta Avengers, “Bonny Soku Gas Line Attacked” (2016) <http://www.nigerdeltaavengers.org/2016/02/bonny-soku-gas-line-attacked.html> Accessed 22 August, 2020.

Niger Delta Development Commission (NDDC), <https://www.nddc.gov.ng/about-us> Accessed 20th August, 2020.

Niger Delta Negligence’ Amnesty International <https://www.amnesty.org/en/latest/news/2018/03/niger-delta-oil-spills-decoders/> Accessed 5 June, 2022

Nigerian content in oil sector grows to 42%- NCDMB’ *The Guardian* (2022) <https://guardian.ng/news/nigerian-content-in-oil-sector-grows-to-42-ncdmb/> Accessed 5 June, 2022

Nigerian Extractive Industries Transparency Initiative (NEITI) Act 2007, Section 2(c) https://eiti.org/files/documents/neiti_act_2007.pdf Accessed 23 August, 2020.

Ochayi, Chris, “NDDC: Akpabio faults NASS over probe timing” (2020) <https://www.vanguardngr.com/2020/08/nddc-akpabio-faults-nass-over-probe-timing/> Accessed 22 August, 2020

PunchNG “Odi massacre: Anyone with tribal marks on their chest was slaughtered, corpses littered everywhere –Bolou, former Bayelsa commissioner” (2017) <https://punchng.com/odi-massacre-anyone-with-tribal-marks-on-their-chest-was->

[slaughtered-corpses-littered-everywhere-bolou-former-bayelsa-commissioner/](#) Accessed 15 September, 2020.

Shell, “Carbon Capture and Storage” <https://reports.shell.com/sustainability-report/2019/sustainable-energy-future/managing-greenhouse-gas-emissions/carbon-capture-and-storage.html> Accessed 13 September, 2020

Shell “Climate change and energy transition” <https://reports.shell.com/sustainability-report/2019/sustainable-energy-future/climate-change-and-energy-transition.html> Accessed 13 September, 2020.

Shell, Global Memorandum of Understanding (GMOU). <https://www.shell.com.ng/sustainability/communities/gmou.html> Accessed 27 August, 2020.

Shell, “Managing greenhouse gas emissions” <https://reports.shell.com/sustainability-report/2019/sustainable-energy-future/managing-greenhouse-gas-emissions.html> Accessed 13 September, 2020.

Shell, “Methane Emissions” <https://reports.shell.com/sustainability-report/2019/sustainable-energy-future/managing-greenhouse-gas-emissions/methane-emissions.html> Accessed 13 September, 2020.

Shell “Previous Reports and Translations”, <https://www.shell.com/sustainability/sustainability-reporting-and-performance-data/sustainability-reports/previous.html> Accessed 13 September, 2020.

Shell Sustainability Report 2015, Working With Communities <https://reports.shell.com/sustainability-report/2015/managing-operations/our-activities-in-nigeria/working-with-communities.html> Accessed 27 August, 2020.

The Editorial Board, “Cost of Corruption in NDDC” (2020) <https://businessday.ng/editorial/article/cost-of-corruption-in-nddc/> Accessed 17 September, 2020.

The Extractive Industries Transparency Initiative <https://eiti.org/> Accessed 15 September, 2020.

The Extractive Industries Transparency Initiative (EITI), “Who We Are” <https://eiti.org/who-we-are> Accessed 5 September, 2020.

The Maritime Executive, “Chevron Platform in Niger Delta Attacked”, The Maritime Executive (2016) <https://www.maritime-executive.com/article/chevron-platform-in-niger-delta-attacked> Accessed 22 August, 2020.

The Maritime Executive, “Niger Delta Oil Facility Attacks Continue”, The Maritime Executive (2016) <https://www.maritime-executive.com/article/nigeria-oil-facility-attacks-continue> Accessed 22 August, 2020.

The National Oil Spill Detection and Response Agency (NOSDRA), “About NOSDRA” <https://www.nosdra.gov.ng/about> Accessed 17 September, 2020.

The NOSDRA, “Our Functions” <https://nosdra.gov.ng/functions> Accessed 17 September, 2020.

The Oil Pipelines Act (2004), Section 11(5)(c), <https://www.lawyard.ng/wp-content/uploads/2015/11/OIL-PIPELINES-ACT-2004.pdf> Accessed 21 August, 2020.

The Paris Agreement, <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement> Accessed 13 September, 2020.

The Sun, “Stakeholders seek stiffer penalties for oil spills in amended NOSDRA Bill” (2020) <https://www.sunnewsonline.com/stakeholders-seek-stiffer-penalties-for-oil-spills-in-amended-nosdra-bill/> Accessed 17 September, 2020.

The World Bank, “Nigeria’s Flaring Reduction Target:2020” (2017) <https://www.worldbank.org/en/news/feature/2017/03/10/nigerias-flaring-reduction-target-2020> Accessed 29 August, 2020.

Udo, Bassey, “NDDC diverted N183bn Niger Delta development money, Auditor General insists” (2020) <https://www.premiumtimesng.com/news/headlines/188697-nddc-diverted-n183bn-niger-delta-development-money-auditor-general-insists.html> Accessed 17 September, 2020.

Vidal, John “Shell oil spills in the Niger delta: 'Nowhere and no one has escaped'” (2011) <https://www.theguardian.com/environment/2011/aug/03/shell-oil-spills-niger-delta-bodo> Accessed 9 September, 2020.

“What is Acid Rain?” United States Environmental Protection Agency. <https://www.epa.gov/acidrain/what-acid-rain> Accessed 2 September, 2020.

Yafugborhi, Egufe. “Niger Delta insecurity: Write solutions, not inflammatory reports, stakeholders caution media” (2020) <https://www.vanguardngr.com/2020/08/niger-delta-insecurity-write-solutions-not-inflammatory-reports-stakeholders-caution-media/> Accessed 18 September, 2020.



Centre for Energy, Petroleum
and Mineral Law and Policy
University of Dundee

Centre for Energy, Petroleum and Mineral Law and Policy
University of Dundee
Nethergate
Dundee
DD1 4HN

e: dundee.ac.uk/cepmlp