

Environmental Policy in Nigeria: Paradox of Niger Delta Sustainable Development

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ABSTRACT Recently, there has been growing public awareness of the importance of preserving and protecting the environment in Nigeria. In the case of Niger Delta, the environmental degradation has resulted in untold hardship for the people of the region. Their sources of livelihood have been destroyed as a result of pollution and the region is currently one of the most deprived and poverty stricken areas in the country. The neglect has angered the people, resulting in militant youth venting their anger on staff and installations of oil companies. The objective of the paper therefore is to examine the failure of environmental policy in the Niger Delta and its disastrous consequences on the people. The paper concludes that the restiveness in the region could only be brought under control when the people began to see a pragmatic approach or the seriousness of purpose by the government in the development of the area.

INTRODUCTION

The ecological disaster in the Niger Delta region is discernible and crying for solution. The sources of livelihood have been destroyed as a result of pollution. The people cannot have good drinking water, proper farming or fishing due to oil spillages and pollution. They feel dispossessed of their God-given wealth, alienated from the polity and disillusioned about the concept of Nigeria. The ecological problem in the area indicates that Nigeria has exploited the eco-systems for resources beyond the level of sustainability (Ashton et al. 1998). According to the World Bank report, there were 784 incidents of oil pollution between 1979 and 1989 which in some cases destroyed marine life completely (World Bank 1995). Of course, such a long forgotten, neglected, deprived and marginalised people of the Niger Delta have remain in abject poverty, suffering from all sorts of diseases, arising from oil pollution and gas flaring. Ironically, the Niger Delta is responsible for almost 95 percent of Nigeria's foreign exchange earning and 90 percent of its revenue for budget (Ugoh 2004). It is therefore alarming to note that an area which produces the bulk of the oil is the least developed of all the geo-political zones of the country. Angered by this development, the youths of the region have become restive in their bid for

greater control of their natural endowment. As expected, it has led to the formations of ethnic militia groups agitating for self-determination.

It is categorically clear that the government cannot feel unconcerned and insensitive about the pain, agony, deprivation, neglect and the suffering which the people of the Niger Delta are going through as a result of degradation of the environment. The federal government through various environmental policies have intervened towards ameliorating the agony of the oil communities. The paper examines these policies as it affects the Niger Delta region.

The paper is divided into five broad parts. The first is the introduction while the second part deals with the conceptual clarifications. The third part examines the environmental degradation in Niger Delta region. The fourth part evaluates the environmental policies and paradox in the Niger Delta while the last part is the suggestions and conclusion.

Conceptual Clarifications

Like most concepts in the social sciences, the concepts public policy and environmental policy do not lend themselves to generally acceptable definitions. These concepts have been explained differently by various scholars. Public policy in the words of Dibia (2000: 22) means

the actions of groups in authority to implement their decisions. These policies are attempts by relevant actors within a political system to cope with and to transform their environment by deliberate measures which may involve the commitment of physical or symbolic resources.

Public policies in a modern complex society are ubiquitous. They confer merits and demerits, cause pleasure, irritation and pain and collectively have important consequences for our well-being and happiness as well as constituting a significant portion of the environment (Anderson 2003: 1). Further, he argued that a policy is a purposive course of action followed by an actor or set of actors and factors in dealing with a problem or matter of concern. Jerkins says that public policy is a set of interrelated decisions by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation, where those decisions should in principle be within the power of those actors to achieve.

According to Sambo (2005), as authorities seek to allocate values, they make judgemental decisions which are favourable to some and unfavourable to others. The cumulative decisions of these authorities are what we generally refer to as public policies. In a similar manner, Public policies are the outcome of decisions taken by government at various levels, on serious and sensitive issues of general interest. According to Onyeoziri (2002: 5), public policies are the main instruments with which governments or state elite seek to respond to the demands of their publics.

As a follow up, Yagboyaju (2009: 8) explains all policies involve decision – making by public officials who authorize or give direction and content of public policy actions. Thus, Maduabum (2003:3) noted that public policy can be indicated by the framework of governmental formation and deliberation, the intentions of political actors, the formal statements of public activities, or the consequences of the activities for society. Generally, public policy is seen as a decision-making process.

The common thread among these explanations depicts public policy as a goal or purposive- oriented action rather than random or chance behaviour implying that public policies are not just things that happen by accident. We also observe that public policy embodies courses of action by governmental officials rather than

private or personal decisions, as such, patterns of actions are subsequently backed by modalities for implementation and enforcement.

Regarding environmental policy, the term ‘environmental policy’ suggests the difficulty of explaining this field of policy analysis. Political scientists have probably done more in the area of natural resources policy than in any other field of public policy except foreign and military policies. Perhaps, the best approach to a definition for political scientist is expressed in the movement away from a concern only for development for man’s economic well-being and exclusively ‘natural’ resources to a concern for protection, avoidance of economic and social ‘bads’ and a recognition of man and his relationship to the environment, both natural and man-made.

A volume produced by Federal Environmental Protection Agency (FEPA 1988) recognizes the difficulties of defining the quality of the environment. The contributions deal with varying approaches to the concept of the ‘quality of life’ from a variety of disciplinary perspectives. The results cast doubt on the possibility of achieving aggregate measures of such a concept but suggest promising areas of research.

Much of what constitutes the best literature on environmental policy has been produced by economists. The question whether political scientists can improve on their policy analysis remains largely to be demonstrated. The focus is now on what political scientists have done on environmental policy while briefly tracing where relevant – the scholarly antecedents in the study of natural resources.

A notable political analyst who established himself in the discussion of public organization for environmental management is Onoinbholo (2011: 5). His articles represent both his philosophy with respect to environmental policy and his analysis of the political steps required to achieve a higher quality environment, is a quite reasonable, thoughtful and sensitive approach to consider.

More closely related to the above political economy is the work of Yudelman (1990: 15) on environmental problems. He has raised important question concerning the application of efficient system analysis in dealing with pollution, and maintain that elements of bargaining amongst constituent participants in the decision-making process could lead to substantial

divergence from the result anticipated by those espousing the techniques as the solution to environmental problems.

From the above, it is clear that environmental policy as a policy is the product of necessarily implicated decisional functions, whether performed avowedly or not. The quality of policy product - causing accident depends on the adequacy in explicitly performing the decision functions. Differing conceptual spaces likely foreclose any general agreement on distinguishing and defining these functions. But the need for them seems reasonable in principles without the analytical identification of the logically implicated choices in the making and implementing of policy. The environmental degradation in Nigeria is the process of national development and entails finding solutions to the problems of health, human settlement, educational and cultural upliftment, as well as planned exploitation of our natural resources for a better or more meaningful life. Environmental conservation is replete with controversial arguments between the quest and concern for the exploitation of the environment for economic development on one hand, and the ecologists' battle to save the environment from total destruction on the other hand. The major concern and preoccupation in most developing countries is with economic growth which the people are indifferent to, and place low premium on environmental quality. Perhaps, this attitude arises from a perception that economic growth and environmental quality are mutually exclusive and that economic growth *inter alia*, is a major perpetrator of environmental pollution. This is very true of the environmental problems being experienced in the Niger Delta region.

ENVIRONMENTAL POLLUTION IN THE NIGER DELTA REGION

The Nigerian state in alliance with the various multi-national oil companies have in the most barbaric manner vandalized both human and natural environment of the region.

Crude oil is one of the world's cherished natural resources. In Nigeria, this resource has been undergoing severe exploitation or mismanagement without adequate consideration of its consequences on the environment. The discovery of crude oil and its subsequent production in commercial quantity has adversely affected the socio-

political and economy of the oil producing areas of Nigeria. Oil exploitation by Shell d' Archoy started in 1956 at Oloibiri in Rivers State.

Since then, there has been a rapid increase in output which put the Niger Delta firmly on the path of oil production.

The Niger Delta is a heterogeneous, multicultural, ethnically diverse region. A geo-political definition of the region includes those states of Nigeria that border the coastal waters of the Atlantic. They are the oil producing Akwa Ibom, Bayelsa, Cross-River, Delta, Edo, Rivers, Ondo States including Abia and Imo states (Egbuche 1998).

The Niger Delta environment is predominantly marine, that is, about 90 percent of the region is covered by water and mangrove forests. The Niger Delta wetlands region is one of the major food baskets of the world, particularly in fisheries and wildlife resources. The region also is adorned with large deposits of renewable energy resources as well as non-renewable energy resources (Egbuche 1998; Adilije 2011: 85).

The major activities in the Niger Delta are oil exploitation and prospecting. This is mainly characterized into four phases. The first phase is the site investigation and preparation. Phase two revolves around the construction and the commissioning of the project. Third phase consists of operations while the last phase is for the future and other activities that will be carried out in the project site from time to time.

Oil exploitation activities are characterized by accidental spillages which affect both the fauna and flora of the area resulting in direct negative effect on the overall productivity potential of the area. During oil exploration, the landscape is disturbed considerably through path construction, trampling and vehicular movement. In this case, agriculture is the prime loser. Oil spills and the use of explosives during seismic surveys in oil exploration is a serious environmental hazard, fish and some forms of aquatic life on which many riverine and coastal communities depend are sometimes exterminated (NEST 1991). The sinking of landmass within the coast has been attributed to the continued withdrawal of oil and gas from the porous reservoirs in the Niger Delta. The other problems arising from the activities involved in oil and gas prospecting and production in the region lead to the pollution of air and water as well as pollution and degradation of the land.

Adverse consequences of these environmental problems are the inhabitants, animals, plants and even non-living objects in the area. The misery, arising from the impoverishment of the region, its unhealthy living condition, and dwindling economic activity daily adorn our newspapers. The picture often painted the Niger Delta as a region whose inhabitants constitute a clan of the wretched of the Earth. This prevailing grim situation was portrayed by Ken Saro-Wiwa as an ecological war in which no blood is (apparently) spilled, no bones are (seemingly) broken, no one is (assumedly) maimed, but men, women and children die, flora, fauna and fish perish, air, soil and water are poisoned and finally, the land and its inhabitants die (SaroWiwa 1992 cited in Shell Annual Report 2003). This posture is certainly not farfetched.

Air Pollution in the Region

The air of the region is badly polluted as the main industries sited in the region, like, oil, gas, fertilizer, steel, brewing and fishing companies, are responsible for the pollution. The sulphur dioxide produced by the fertilizer companies causes the devastation of forests and also respiratory ailments in human beings. The refineries emit sulphur dioxide and particles which are harmful to man. The emission of dark fumes has deleterious effects on man and vegetation. The effects of vehicles emissions on the air cannot be over-emphasized. Carbon monoxide, sulphur dioxide, hydrocarbons, oxygenates, nitrogen oxides and lead particles are produced by motor vehicles during the combustion of fuels used by these vehicles.

The flaring of gas in the vast oil fields of the region is responsible for considerable air pollution. Gas flaring has resulted in health problems and in the devastation of forests in the oil producing areas. It is important to state here that the havoc done by gas flaring to the forests at Okpai in Ndokwa East Local Government Area is indescribable. The gas plant here is one of the largest in Africa. Comparatively, Nigeria has the worst record of gas flaring in the world. No less than 76 percent of the total gas production in the oil fields of this country is flared against 21 percent in Libya, 20 percent in Saudi Arabia, 4.5 percent in Mexico, Britain and Algeria, while Holland flares nothing at all (Okecha 1995).

Water Pollution in the Region

Pollution of water in the area is largely responsible for the incidence of water borne diseases such as typhoid, cholera, bacillary dysentery, river blindness and guinea worm infection. Offshore oil exploration has caused considerable pollution of water in the region resulting in the loss of aquatic plants and animals, and the contamination of water bodies.

The contamination of rivers of the Niger Delta through the spillage of crude oil is alarming. In fact, between 1976 and 1990 about 3,000 oil spill incidents were reported by the oil companies operating in the country. During the period, over 2 million barrels of oil spilled into Nigeria's terrestrial coastal and offshore marine environments (Okecha 1995). Indeed, the effect of oil pollution of water has been catastrophic. The formation of a film of oil on water bodies effectively prevents natural aeration resulting in the death of organisms trapped below the water surface. Fish may also ingest spilled oil directly or indirectly becoming unpalatable or even poisonous. The drinking water in a number of places is polluted as it has an unbearable stench. The contamination of the ground water resources is readily shown by the rise in the maximum permissible concentration (MPC) of crude oil found in ground water. The MPC is far above the permissible level, for example, the groundwater in Port Harcourt areas in 1987 had MPC of 1.8 milligrams per litre as against 0.1 milligram per litre recommended by World Health Organisation (Okecha 1995; Adilije 2011: 87).

Land Pollution in the Region

Land surface of the region has been degraded through misuse of the soil by poor agricultural practices, oil explorations industrial waste dumping and indiscriminate disposal of urban wastes. Oil spillage through petroleum production has changed the character of the land, polluting it to the detriment of living organisms. Such spillage is responsible for the destruction of crops, farms, vegetation and wildlife as well as impairs human health.

Land clearing for agricultural production, the gathering of wood for fuel and indiscriminate harvesting of timber are largely responsible for the deforestation of the Niger Delta. Gully erosion and coastal erosion are common features in

the region. Companies prospecting for oil in the area have contributed to the extensive devastation of land; such oil exploration activities have often resulted in land degradation and the loss of biodiversity.

The ceaseless dumping of domestic wastes in the cities of the Niger Delta poses serious threats to the environment. Poisonous chemicals capable of destroying human organs have been found in some of the dump sites. The stench in and around some of these cities emanating from piles and piles of solid wastes is unbearable. These dump sites are the sources of some diseases that do untold harm to some inhabitants of the Niger Delta.

Evaluating the Environmental Policies in the Niger Delta

The Nigerian government has been more pre-occupied with its predating role as a passive recipient of petrodollars than about the environment. However, this is not to say that absolutely nothing has been done about the environmental degradation in the Niger Delta region. The government on many occasions has come up with policies to deal with the issue. The passing into law of the Federal Environmental Control and Protection Agency Bill of 1993 were ample examples. They have since been complemented by the adoption of the National Policy on Environment. Relevant aspects of these policies' documents reveal in section 3:8 and 3: 10 that the federal government has adopted a number of measures to tackle environmental pollution and degradation. Such strategies include

- (a) Stipulation of procedures for the reclamation and the restoration of land, top soil and vegetation of mined out areas.
- (b) Maintenance of regular environmental audit to ensure the adoption of sound environmental practices in all mining operations.
- (c) Promotion of safe and pollution free operation in energy production and use.
- (d) Ensuring effective monitoring and assessment of environmental protection programme in upstream and downstream activities in the petroleum industry.

It is also a fact that the federal government, at much earlier periods, put in place some number of laws to contain environmental degradation. These include the Oil in Navigable Waters

Decree (1968), the Petroleum Decree (1967), the Associated Gas Re-injection Action (1980), the Federal Environmental Protection agency Decree (1983) and Petroleum Industry Bill 2009. The petroleum bill is meant to establish guidelines for the operations of the upstream and downstream sectors.

Of course, the foregoing clearly indicates that it is difficult to fault the Nigerian state at the level of intentions as far as the issue of environmental degradation is concerned. The common recourse today is that no matter what the government's intention may be, the implementation is the problem. It has been proved that governmental agencies such as Federal Environmental Protection Agency (FEPA) and the Nigerian National Petroleum Corporation (NNPC) are inefficient and ineffective. Their statutory provisions and regulations which are meant to protect the environment are breached with impunity by the oil companies.

The federal government also has done little in the ecological problems of the oil producing areas. On occasions, policy decisions are expressions of government intervention on issues of critical concern, a situation that is not comfortable with the oil communities. For instance, with the deepening of economic sabotage and an acknowledgment of neglect of the region as well as its peculiar ecological problems, the government raised the statutory allocation from 1.5 percent to 3 percent of the federation account. The government also set up Oil Mineral Producing Areas Development Commission (OMPADEC) in 1992 to administer the fund. As statistics showed, the commission got 68.1 percent at the initial stage. Subsequently, it declined to 53.9 and 52.5 percent in the periods 1993 and 1994 respectively. By 1995, it further reduced to 32.4 percent and 30.6 percent in 1998 (Ugoh 2004).

Against this backdrop, the government was criticised for doing too little to ameliorate the ecological problems of these areas. The people claimed that the arrangements fall short of the demands of the oil communities and their objective needs as ecologically endangered and economically dispossessed communities. They demand for an increase in the allocations from 3 percent to 10 percent of the Federal Account (Suberu 1996: 37). Also, the 12 Member Commission appointed by the government engendered some reactions from the oil communities. They claimed that the composition excluded certain

oil producing communities whereas persons from the non-oil producing areas were included in the commission. Furthermore, they argued that the formulae which prescribe that each community's share of OMPADEC – sponsored development projects be tied to the size of volume of oil produced were faulted. The problems confronting these arrangements gave rise to marginalisation to those communities which were major oil producers in the past but no longer produce oil in larger quantities.

The practical expression of the oil communities prompted the government of president Obasanjo to visit the Niger Delta region in 1999. The president expressed shock at the level of infrastructural decay and human misery in the Niger Delta. Immediately, the administration set up the Niger Delta Development Commission (NDDC) to replace OMPADEC. Mr. President also released the sum of ten billion Naira (N10 billion) to complete many projects in the region (Ugoh 2010: 71). The government furthermore called for the National Political Reform Conference in 2005 to address among other things, the problems affecting various nationalities. The south-south delegates expressed the desire to have a minimum of 25 percent of oil revenues for the development of the region. The demand was contentious as delegates from other regions were unwilling to devote the minimum to the Niger Delta. As a result, the south-south delegates had to stage a walk out and the conference ended without a success. Another attempt by the government to uplift the human misery in the region was to establish the National Policy on Poverty Eradication Programme (PAP). It charged the NDDC to implement the programme in the region. Evidently, the NDDC failed to achieve the objective hence the burden of poverty increased. The situation attributed to the government inability to release enough fund to finance the programme.

Thus, environmental problems are the main basis for the Niger Delta crisis. The government's inability to minimize the environmental pollution has angered the people resulting in their militant youths venting their anger on staff and installation of oil companies. The unprecedented violence that characterises the Niger Delta in the last decade has created more tension and crises that threaten the peace and security of the Nigerian nation. In 1966 for example, Isaac Adaka Boro with about two hun-

dred volunteer army from the region declared the Niger Delta Republic that lasted for twelve days (Ugoh and Ukpere 2010). The Ogoni crisis is another example where the community rose against the leadership in 1994. The joint venture business between the NNPC and Shell, Elf and Agip has five major oil fields in Ogoni with a total production capacity of 28,000 barrels of crude oil a day (Shell Report 2003). Ironically, the community has been neglected and marginalised. Thus, the anger arising from environmental degradation and poverty led to conflicts in this peaceful community. In his address, Ken Sero Wiwa said, "my Ogoni people are the object of genocide in which environmental degradation had been the lethal weapon in the war against them. In its report, the Ogoni Bill of Rights laments experience of the Ogonis includes marginalisation, control of resources and access to companies that work in the area. The document therefore calls for the right to control and use of a fair proportion of Ogoni economic resources for Ogoni development (Ogoni Bill of Rights 1990).

In a similar manner, the Ijaws through the famous Kiama Declaration in 1998 articulates the aspirations of their people. It calls for resource control and repeal of laws that rob the communities of the right to ownership and control of resources. The Ijaws are uncomfortable with the existing socio-economic order in Nigeria.

Another significant document which expresses the feelings of one ethnic group in the region is the Ogbia Charter 1994. The document laments the experience of the people with reference to environmental degradation. It decries the impact of petroleum exploration on the physical and human environment. The document calls for the halting of petroleum exploitation in the land until the right socio-economic and political environments are created to end marginalisation and alienation of the people (Efemini 2005).

At present, the situation in the region has resorted to breaking of crude oil pipelines, extracting the crude oil and selling it in international market and to major refineries. In turn, they use the money to finance their guerrilla movements and buying of arms and ammunitions. Some of these militias come in different gabs and coloration. They include Egbesu Boys, Movement for Emancipation of Niger Delta (MEND), Niger Delta Volunteer Force (NDVF), etc., who goes about terrorising people by ex-

torting money from oil workers and at times hold them hostage. They adopt guerrilla methods of warfare to achieve their objectives. It has become a question of tit for tat between the government and the militants. A good example is in Odi where the militants killed seven policemen and the reprisal attack by the government's security forces. Meanwhile, the government has stationed a Joint Team of Military Forces (JTF) in the region to deal deceitfully with the militants. The action perceived by majority of the people across the country as evidence of a failed state.

Recognising this, President Musa Yar 'Adua set up the ministry of Niger Delta for the rapid development of the region. Furthermore, the president proclaimed amnesty for the militants and ask them to surrender all illegal arms in their possession completely, renounce militancy in all its ramifications unconditionally within 60 days from May 5, 2009 to October 6, 2009 (Nwankwere 2009). Regarding this, he set up the presidential panel and disarmament of militants in the region. Nonetheless, the tentative acceptance of the amnesty deal was to give the government the benefit of doubt. Thus, the restiveness in the region may be brought under control if the people began to see a pragmatic approach or the seriousness of purpose by the government in the development of the area.

The Way Forward for the Region

The problems of environmental degradation and oil pollution can be minimised through the development of environmental policy with an effective monitoring team. Meanwhile, the study has put forward the following suggestions:

1. There is need for enhanced legislation and enforcement on environmental pollution related issues in the country.
2. A variety of prevention measures in oil spillage must be given priority especially in education and training which is one of the best strategies in an environmental awareness.
3. Environmental assessments to be carried out periodically with the aim of identifying the consequence of hydrocarbons. The plan is to monitor both chronic discharges and accidental events that could lead to petroleum contamination in all environments.
4. The oil companies, under the reformed Nigerian state can do more in terms of safety standards, employment generation and support services to the oil communities.
5. Prospective oil companies should reserve a certain quota or percentage of their staff allocation for indigenes of the communities where they are located. The logic is that when people are denied or deprived of the traditional occupations practicable in their environment, they should be given alternative employment. It is when youths cannot find gainful employment that they resort to violence.
6. The issues raised in the aspect of militancy of the people must be thoroughly addressed through dialogue and not through coercion or intimidation. The JTF set up by the government to combat crime which have become ready tools of terror in the Niger Delta be scrapped.
7. All unjust laws which deny the people of their rights be removed. The removal of such laws will give oil communities a sense of belonging in the Nigerian nation.

CONCLUSION

In this paper, we have argued that the root cause of the Niger Delta crisis is the persistent degradation of the environment. The intense pollution on the environment has threatened the people's means of livelihood since the economy of the people depends on the fertility of the soil and purity of the water system. This is reflected in the increasing vibrancy and militancy of the people. We also tried to show that the problems in the Niger Delta are political. Politics has simply degenerated to warfare where winners control state power and all the resources associated with the control. As a result, the ethno-cultural impulses have grown more pronounced in their manifestations instead of being subordinated to the drive to create greater unity among the component parts of the Nigerian federation. On many occasions, there have been cases of brutalisation of the youths in the region by security forces on orders of the government dominated by majority groups. In addition, the study pointed out the oil companies has worsened the problems of rural underdevelopment. This is through environmental devastation which has distorted socio-economic development without

the provision of commensurate developmental infrastructure. More than this, they deny employment to the sons and daughters of the oil communities in the oil companies. However, the government is presently determined and committed towards ensuring the peace and rapid development in the region. In an effort to achieve this, the necessary structures have been put in place such as the NDDC, creation of the Niger Delta ministry, enacting and legislating laws against environmental degradation and pollution as well as the amnesty granted to militant youths in the region. These factors are signposts of hope for the development and upliftment of lives in the Niger Delta today.

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