

COMPENSATION FOR ENVIRONMENTAL POLLUTION AND JUSTICE PROCUREMENT IN THE NIGER DELTA AREA OF NIGERIA: THE MASS MEDIA ROLE

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ABSTRACT

The oil and gas sector in Nigeria is believed to generate a large amount of pollution (air, water and land) which, oftentimes constitute severe threat to both life and environment. Pollution from oil and gas exploration across the world results from equipment failure, operational error, not keeping to globally acceptable operational standard and deliberate sabotage. The concept of pollution in the Niger Delta Region has been a subject of controversy and conflict among the stakeholders in the oil and gas sector of Nigerian economy largely because most times, when there is pollution incidence; oil companies usually show unconcerned attitude while the communities suffer and are not compensated. This paper defined in general term the concepts of pollution and environmental justice in Nigeria while it also put in perspective the recurring issues affecting the oil producing region of Nigeria. Besides, it evaluated the potential role of mass media in compensation for environmental pollution and justice procurement debates, detailing the socio-economic impacts of pollution specifically in Niger Delta region of Nigeria. The study also found that the media have performed below expectation contrary to the tenet of social responsibility theory of the press which emphasises that the freedom which the media savour must be used to advance socio-economic development of the society. This study concluded that the national media (prints and electronics) have not been able to carry the messages of pollution and environmental justice to the grassroots and therefore recommended community media as the feasible alternative.

Keywords: Pollution, Environmental Justice, Mass Media

INTRODUCTION

All over the world, environmental pollution from hazardous pollutants and poisonous chemicals from various sources constitute serious threat to human existence. This explains why the issues of environmental pollution and environmental justice have remained recurring in several international conferences where world leaders, academics, NGOs, and environmental and pollution specialists congregated to devise means of minimising the occurrences as well as mitigating the impacts on the vulnerable communities. According to the Nigerian National Environmental Standards and Regulations Enforcement Agency (Establishment) Act (2007), 'environmental pollution' is defined as 'the man-made or man-aided alteration of the chemical, physical or biological quality of the environment beyond acceptable limits'. In its definition, the United Kingdom Business, Enterprise and Regulatory Reform (2013) sees it as man's direct or indirect introduction of substances or energy into the relevant area which results, or is likely to result in hazards to human health, harm to living resources and marine ecosystem, damage to amenities or interference with other legitimate use of the sea. Going by the above definitions, an environment is deemed polluted when it is altered in composition or condition as a result of human activities such that it becomes less suitable for all or some of the uses for which it was naturally suitable.

Pollution may be in form of air, water and soil and it may be a product of massive and continuous industrial and oil exploration activities carried out by multinational corporations in different parts of the world. In the area of oil and gas industry, pollution occurs as a result of drilling, seismic activities, oil exploration, loading, transportation and refining, oil spills and gas flare which may be accidental due to operational error or technical fault, and may also be caused by deliberate sabotage of oil installation by hostile oil communities (Okonkwo 2014). There are evidences to show that between 1999 and 2004, 2,200 oil spill sites were discovered in Niger Delta (National Environment, 2004; Amnesty International, 2009). According to Shell Petroleum Development Company (SPDC) report, between 1989 and 1994 it recorded an average of 221 spills per year involving 7,350 barrels of oil per annum. The Department of Petroleum Resources (DPR) also reported that 4,835 oil spill incidents were recorded between 1976 and 1996 with a loss of about 1.8million barrels of oil to the environment. In all, about 95percent of these incidences were not cleaned up contrary to National Oil Spill Detection and Response (establishment) Act (NOSDRA Act) 2006 and the DPR environmental Guidelines and standard for the Petroleum Industry in Nigeria (EGASPIN), which stipulates that oil spills must be prevented as much as possible while clean-up exercise should start within 48hours of occurrence with a purpose of rehabilitating the soil and restore it back to its normal state. Although, according to Edo (2012), it is not for lack of policies and regulations to checkmate this dangerous business practice, the fact is that apart from the weakness of existing laws, they are hardly enforced by the government not to talk of bringing the culprits to book. It is disappointing to note that despite the frequency of oil spills in the Niger Delta region and its attendant negative impacts, the people are being unreasonably subjected to years of criminal abandonment and environmental injustice. The concept of environmental injustice stemmed from the fact that some communities or human groups are disproportionately subjected to greater environmental risk than others. It is against this background that the United States Environmental Protection Agency (USEPA) defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, colour, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies". Going by the above definition, the 1991 Environmental Leadership Summit held in Washington DC identified and agreed on 17 principles briefly summarised thus: environmental justice must guarantee the sacredness of the earth, ecological unity, right to be free from ecological destruction, right to ethical

balanced and responsible usage of land and renewable resources, protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes that can undermine fundamental rights of individuals or group to clean water, air, land, food and healthy living.

Despite the fact that Nigeria is a signatory to many international laws regarding environmental protection, it is heartrending to note that most of the laws are not enforced or obeyed in Nigeria. This disregard is most vividly illustrated in the Niger Delta region of Nigeria where pollution and all kinds of socio-ecological and economic woes have been brought upon the inhabitants without compensation. For instance, in the Niger Delta, their traditional sources of livelihood are mainly agriculture/farming, fishing, animal husbandry and boat building. Pollution has caused massive devastation of their farmlands, destruction of fishing industry, severe destruction to tourism facilities amongst others. Between 1992 and 1993, the entire food crop production area in the states of Bayelsa, Rivers and Delta (Nigeria's major oil producing areas) was decimated by an average of about 25% according to a study (Gbadegesin, 1998, p. 45). With this level of destruction to the source of people's livelihood and with neither a replacement nor supports from the government and the oil companies, the rate of unemployment in the area is incredibly high which, according to NBS (2013) was put at 23.9 per cent in 2011, while urban unemployment was estimated at 29.5 per cent in 2013. However, it is interesting to note that this problem is generally acknowledged by both the oil companies and the Nigerian Government though no significant action has been taken. A Niger Delta Environment Survey established that pollution has caused severe deprivation to Niger Deltans (Eteng, 1998, p. 20). Oftentimes, when pollution occurs, oil companies especially SPDC usually attribute the act to sabotage by the indigenes. However, the communities and many NGO's have disagreed with this assertion, claiming that the actual cause of oil pollution is ruptured pipeline as a result of old age (Amnesty International, 2009). The mass media that ought to provide the systematic, comprehensive and objective assessment of the environmental impacts of pollution to the public and the government with the purpose of making the government to act in favour of the communities have not fared well. Instead of investigating most of the dubious claims by the oil companies what they do is to publish press releases to feed the public and the government with inaccurate information (Okunola, 2009); some of the misinformation has been debunked by the court as was the case of Bodo spills case against Shell Petroleum. While commenting on the issue of ecological degradation resulting from pollution caused by oil exploration, Ukpeh (n.d) notes that several efforts made by the oil producing communities to checkmate the unwholesome practices and get compensated for damages to their land have been resisted by the multinational oil giants with the Federal government and occasionally, states as collaborators. While groaning under the pains of negative socio-economic, health and environmental impacts, the communities have little recourse under the Nigeria's weak and ever corrupt legal system that could have assuaged their sufferings. Each time they resorted to legal solutions, oil companies usually take advantage of the court either to seek perpetual injunction or embark on repeated appeal until the instigators run out of funds, give up or die (US. NGO's Delegation Trip Report, 1999). It is in order to redress this flagrant and deliberate trampling on the rights of the oil communities that violent environmental activism developed in the region and it was for the same reason Ken Saro Wiwa and his kinsmen were brutally murdered by the military government of Gen. Sanni Abacha with active connivance of oil companies operating in the region (Aworawo, 2002, p.226). It is against this background that this paper takes a critical look at the issues of oil pollution and environmental justice in the Niger Delta region as well as evaluating the role of the mass media in promoting understanding of these issues so as to engender mutual actions and benefits between the oil companies and the oil producing communities.

By adopting analytical induction method, this study defines in general term the concepts of pollution and environmental justice in Nigeria while it also put in perspective the recurring issues affecting the oil producing region of Nigeria. Besides, it evaluated the potential role of mass media in the environmental pollution and justice procurement debates, with particular focus on how the community media as against the traditional mass media can ensure adequate compensation for the people of Niger Delta region. The Analytic Induction Method adopted in this study involves a repetitive relationship between data gathering and analysis, whereby the result of previously obtained and analysed data by a researcher determines what new data will be collected and analysed until the research questions are answered (Bryman, 2008 p.539). This paper therefore will answer the following research questions: why have the oil producing communities in Nigeria been consistently unfairly treated by the oil prospecting companies and why have they (communities) been unable to get fair judgement through the Nigerian legal system; what role have the mainstream media played in the circumstance and what are the reasons for the mass media's inability to help the case of the Niger Delta people as well as holding the pollutants accountable for causing environmental destruction?

THEORETICAL PERSPECTIVES

To properly situate this study, it is housed under two theories; Agenda setting by McComb and Shaw 1972) and the Democratic Participant Media Theory by McQuail (2005). The two theories were chosen because they possessed customised experience, principles and characteristics by which the roles of communication media in environmental pollution issue and getting the pollutants to account for their act can be evaluated. The Agenda Setting according to Coleman et al (2009) is used to refer to the perceived power of the press to influence the reporting of issues and events to the extent that certain issue are presented frequently and prominently with the result that a large segment of the public will come to perceive them as more important than others. Folarin (2005) also maintains the position as he defined agenda setting as the power of the media to predetermine what issues are regarded as important at a given time in a society. Folarin further identifies four interdependent elements which include the amount or regularity of reporting , status given to the reports through its positioning, headline display, picture exhibition and page layout in the newspapers/magazines as well as timing on radio and television. It goes to show from the above characterisation that media prominence given to issues of pollution and its impacts on the community on one hand and on the other, the effective strategies to employ in holding the pollutants accountable through amount of coverage in space and time can go a long way in helping the vulnerable communities to get justice as were the cases of Ejama Ebubu and Bodo communities recently (Owolabi, 2013).

The Democratic Participant Media Theory on the other hand advocates that for the mass media to achieve its traditional roles of educating, informing, advocacy, and watchdog on the society, the communication process must undergo democratisation and decentralisation. This becomes necessary so that everybody regardless of the social class will have access to media usage and participate in the communication process in order to provoke even dissemination of information and knowledge on environmental pollution and justice among the affected people. Giving that that the DMPT strongly supports media pluralism, community media and horizontal media involvement and interaction, the media is therefore expected to guarantee people's rights to relevant information, and accessibility and affordability to media usage among the local settings. Against these backdrop, it is pertinent to mention that community media as against national media will better serve the information needs of the widely divergent Niger Delta communities.

THE PLACE OF NIGER DELTA IN THE ECONOMY OF NIGERIAN STATE

It has been confirmed by authorities of Nigerian history and language that in no other region is Nigeria's diversity and heterogeneity best exemplified than in the Niger Delta. Perhaps this is the basis of its diverse view by different people. While some see it as the southern minority group (Ashong and Udouo, 2007), another group portrays it as a geographical land mass that stretches around River Niger down to the coast of Atlantic Ocean from South-South to part of South-West region in Nigeria (Sayer et al, 1999). The Niger Delta, according to Fraser and Keddy, (2005) is also known to be one of the ten most important wetlands with coastal marine ecosystems in the world. According to Ukpe (n. d) and Akintola (2003), Niger Delta region comprises the nine states in the southern coastal area of Nigeria, which includes Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo and River states. Altogether, the region has a population of about 28 million people divided into 40 ethnic groups spreading across 5,000 communities (NDDC 2003). In this paper, how Niger Delta is defined and delineated is not as important as its position as the economic livewire of the Nigerian state. Prior to Nigeria's return to democratic regime in 1999, what is today referred to as Niger Delta Region was then known as Oil Mineral Producing States. The region derived its present name through the passing into law of oil development bill in year 2000 by the government of President Obasanjo. The passage of the bill was followed by the setting up of Niger Delta Development Commission (NDDC) and statutorily saddled with a mission to facilitate the rapid, even and sustainable development of the Niger Delta into a region that is economically prosperous, socially stable, ecologically regenerative and politically peaceful.

The region is reputed to be hugely endowed with massive natural resources especially oil and gas. With about 37.4 billion oil reserve in the region and an estimated 104.7 trillion cubic feet (tcf) of proven natural gas reserves (OPEC 2013), Nigeria stands as the 6th world's largest producer of oil and the tenth largest reserves in the world. Since early sixties when Nigeria began oil exploration activities in the region, it has generated an estimated \$600 billion from oil exportation alone. This is apart from revenue from gas which is adjudged to be twice greater than oil (World Bank 2008). Nigeria as a nation operates a mono product economy with oil and gas derived solely from the Niger Delta constituting about 90 percent of its foreign earning and about 48percent of its Gross Domestic Product (Odularu, 2008). However, Nigeria and particularly, the Niger Delta region have been described as an irony of a place. Despite the wealth deposit in the region, majority of the population still live in abject penury. While picturing the state of things in the region, United Nations Development Programme (2006, p.74) describes the region as suffering from "administrative neglect, crumbling social infrastructure and services, high unemployment, social deprivation, abject poverty, filth and squalor, and endemic conflicts". The level of poverty in the region in contrast with the wealth generated by oil has become one of the world's starkest and most disturbing examples of the "resource curse". Besides poverty, the people of Niger Delta have had to live with a range of environmental problems resulting from oil exploration activities. These include lack of access to clean water, good road network, threat to health and degradation of its fertile land. Despite the huge economic potential, broken promises and fractured relationship between the government and oil companies operating in the region have left the people reeling in pain and suffering while hoping to be delivered someday.

RECURRING ENVIRONMENTAL ISSUES IN NIGER DELTA REGION

All over the world, environmental degradation has always been a defining factor in most oil prospecting community. It is therefore not unexpected that Niger Delta has its own share of the problem. Presently, the greatest crisis confronting the region is oil pollution resulting from the activities of oil corporations that operate with impunity and without the least consideration for their operational environment and the inhabitants. The repeated devastation engendered by oil spills and without paying due compensation or without paying compensation all to the affected people is responsible for incessant violence in the region. According to SPDC reports (2009) there were average of 221 spills per year between 1989 and 1994 amounting to about 7,350 barrels of oil per year. The Department of Petroleum Resources DPR (2006) also reported that 4, 835 oil spills were recorded between 1976 and 1996. Perhaps the worst known environmental disaster involving SPDC occurred in Bodo creek between October 5, 2008 and 2009 when about 4,320 barrels of oil flooded Bodo environment daily for about 72 days destroying marine life and totally paralysed fishing and farming activities. SPDC had manipulated the investigation for a long time until the communities with the help of Amnesty International got justice for them on 20th June 2014 and was asked to pay \$50 million compensation to the affected communities (Owolabi, 2013).

The Niger Delta region is peculiar by the fact of its topography (riverine communities) which makes it susceptible to seasonal flooding with its network of roads easily washed away shortly after construction. The heavy duty trucks as well as construction equipment belonging to oil servicing industry that ply the roads always cause their rapid deplorable state. The government that has the responsibility of ensuring constant maintenance of these roads appeared to have abandoned its responsibility. Germane to the above is the issue of false claims about community development by the multinational oil companies. Echoes of unfulfilled promises to provide roads, schools, hospitals, boreholes, rural electrification and cottage industries for the communities are audible in the region while in few cases where they appeared fulfilled, the projects are either not completed, not built to standard, or are not maintained and as a result, are not serving the intended communities (US-NGO Reports, 1999).

The issue of divide and rule is also worth mention. It is a common practice among the oil companies that instead of genuinely investing in community development projects, they prefer to lure a few member of a community with money in order to divide the community or use money to pitch one community against the other so as to undermine communal spirit required to fight for their rights. Smith (2011) cites the example of armed conflicts between three different community-based militant groups allegedly funded by Shell. One of the gang members arrested (Chukwu Azikwe) confessed to the court that they got funding from oil companies, which they use in procuring arms and ammunition (Guardian Newspaper, Monday, 3rd October 2011). In such violent situations, lives have been wasted, women raped, many communities razed while perpetrators oftentimes got away with it. All the above are regular experiences of the Niger Delta people especially during the past military regimes. Although respite appears to have come their way since the advent of the new democratic experience in 1999, massive environmental degradation are still persistent in the region and oil companies in most cases, never considered it necessary to compensate the affected communities for the damages done. Occasionally when the communities put up spirited fight for their rights, they sometime pay them pittance in the name of compensation.

COMPENSATING FOR ENVIRONMENTAL POLLUTION: COMPARATIVE VIEWPOINTS

For whatever it is, the Nigerian Petroleum Act 1969 which is the primary legislation for oil exploration fails to clearly refer to spills or pollution; however by its section 37, it requires oil companies to pay “fair and adequate compensation for the disturbance of surface or other rights” to the owner or occupier of any land or property affected by oil exploration. Also, one of its regulations (the petroleum drilling and production regulation) requires fair and adequate compensation to the owner thereof especially where fishing rights are affected (section 21.2 & sections 23). The legal basis for entitlement to compensation and damages comes from Sections 11(5) and 20 of the Oil Pipelines Act 1965, Sections 125 (b) of the Minerals Act and to some extent section 19 of NOSDRA Act. Section 11 (5) of the Oil Pipelines Act 1965 provides that the holder of a licence shall pay compensation to any person whose land or interest in land is injuriously affected by the exercise of the right conferred by the licence, and to any person suffering damage because of neglect on their part and to any person suffering as a consequence of any breakage of or leakage from the pipeline or an ancillary installation. Section 19 empowers NOSDRA to assist in mediating between affected communities and the oil spiller and ensure appropriate remedial action and compensation is paid. It is however curious to know that the compensations mentioned in these laws are mostly not standardised by any law or rules. So practically, it may be based on the bargaining power of those involved. The DPR in 1998 attempted to standardise compensation, however, but it was never passed into law.

Research shows that the process of claiming compensation for damage caused by oil pollution is dominated by the courts (Adebowale, 2008). This obviously comes with lots of problems which include delays, wide-ranging rates of compensation, high legal costs, long distance from the court, dearth of core professionals on environmental law and adjudication among others. Though NOSDRA Act provides for involvement of NOSDRA in compensation negotiation, there is no proven involvement of either NOSDRA or any other agency in resolving compensation disputes nor is there a mechanism to help the claimants to seek damages similar to the National Pollution Fund Centre in the USA.

In actual practice, compensations are being paid on the terms of the oil companies. The limitations for compensation are wide, including damage done to buildings, crops and trees, disturbance to the user, damage suffered by neglect, leaking pipelines and loss in the value of the land. The current system is largely led by the companies through Oil Producers Trading Section (OPTS) of the Lagos State Chamber of Commerce where they agree to compensate, many times after long delay and possible litigation. OPTS is the organ representing the interests of petroleum producers in the Lagos Chamber of Commerce and Industry (LCCI) and OPTS’s recommendations were guided by government rates used when its ‘public interest’ projects encroached on private ‘surface rights’. The OPTS compensation rates is not a neutral umpire, it also lacks legal force and enforceability, being unrelated to any legislation in Nigeria. In our opinion, the OPTS recommendation is also far below what is universally accepted as fair. Akpan (2003) gives an insight to how much compensation Niger Deltans received in terms of damages to crops and sources of livelihood. In 1997, compensation for maize was \$58.84, Beans was \$82, Yam, \$369.23, sweet potato: \$50 amongst others. These compensations were not negotiated by the people affected or their chosen representatives. Besides, the rates were not contemplative of the aggravated inflation rate in Nigeria. Unfortunately, that standard is still being used today. This is a typical unequal distribution of burden and liabilities that constitute environmental injustice.

Basically, payment of compensation is something not even clear. The compensation process lacks transparency which has resulted in problems of selective exclusion of some people. Research by Essential Action and Global Exchange (2000) showed an unsatisfactory compensation system adopted by Mobil during the oil spills of January 1998 near Mobil's primary facility in Eket, Akwa Ibom State. This spill actually spread as far as the shores of Lagos, about 500 km to the west; devastating the entire west coastal areas. Although, Mobil agreed to pay compensation, it was only to people who were able to submit claims. Incidentally, many potential claimants were either not informed about the exercise or simply un-able to travel as far as Eket, in Akwa Ibom State because of the cost of transportation, therefore they were excluded. Of course one understands why they may not even borrow money and travel to submit claims; the compensation may not be paid, even if it will be paid, it may not be in good time and even if it is paid in good time, it may likely be a peanut, not worth all the troubles.

Oftentimes, litigations result from these, which in most cases do not help so much because of cost, delays in court and other political and legal technicalities. The calculation of compensation is further confused by the issue of damage done; usually, this varies depending on the judges, the court or cause of pollution. Nigerian law recognizes four types of damages; special, general, exemplary and aggravated (Okonkwo, 2014) with different levels of proof. Besides, damages are awarded at the court's discretion without standard. The quantum of damages is judged based on the volume of oil spill; the size of the affected area, the population affected and future effect on the environment and its people, regardless of whether the effect is continuous and perhaps there is no remediation plan available. The attitude of the polluters may also be taken into account. Aggravated damages are awarded where the conduct of the polluter is deemed to be malicious, while exemplary damages can be awarded if the conduct of the polluter has been shown to be outrageous or scandalous and must be done with guilty knowledge of the economic advantage of the defendant. High standard of proof is needed for aggravated and exemplary damages.

Also, the time lag before affected people get compensated contributes to environmental injustice. In many cases, years are spent in court to get oil companies to accept responsibility and even when they do, it takes another phase and time to agree on the amount. It took the people of Ebubu Community of Ogoni 40 years to get judgement to be compensated for the massive oil spills that affected about 255.369 hectares of their land in 1970 (Vanguard newspaper, July 6, 2010). This is not justice in our opinion as "justice delayed is justice denied". Also, Bodo Community that got judgement against SPDC in 2011 in London court is yet to be compensated for oil spill of 2008. According to Ogoni news, Bodo rejected the offer of compensation by the Royal Dutch Shell on Friday 13 September 2013. Oil companies are not bothered about this time lag as they lose nothing. Because of this delay, cost and the problems with the judicial system in Nigeria, People many times will not sue and may not get compensated. To buttress the point is a study covering the period between 1981 and 1986, which showed that of 1,081 claims for compensation, only 124 claims were settled, 24 of the remaining unsettled claims went to court, others without record (Okonkwo, 2014).

To claim compensation in Nigeria, claimant will notify the concerned company and a joint investigation visit involving the claimants, their counsel, representatives of the oil company and representatives of local government, with DPR and NOSDRA will be conducted round the site of the spills to agree on liability. The next step is negotiation which may start with arbitration from experts, however, OPTS rates is still being used till date. Noteworthy is the fact that compensation will not be paid if there is sabotage, theft, intentional damage or where the company did not cause the spill.

When compared with the United States Oil Pollution Act, 1990 (OPA) which deals with compensation for oil spill, the responsible party pays removal cost and damages in addition to compensation. With OPA, damage claims cover natural resources, real and personal property, and loss of natural resources, loss of revenues to Government, loss of profit or impairment of earning capacity, damages for net costs of providing increased or additional public services during removal. Natural resources include amongst others land; fish and drinking water supplies and claimant do not need to be the owner of natural resources. The claimant only needs to prove that he relies on the polluted environment for living. Compensation has been defined in the US by comparing income before and after the spill using insurance loss adjusters.

Natural resource damages are broadened with an establishment of higher liability limits for oil spills proportionate changes to financial responsibility requirements. This in addition to financial responsibility requirements have been identified as the most distinctive elements of US pollution laws that are most worthy of emulation by other countries. Accordingly, Boyd (2008) asserts that the imposition of liability for NRDs is an important innovation by the US in that it addresses a global need, restoration of damaged ecological services and acknowledgement that natural resources have significant economic value that needs to be included in the calculus of damages, which governments in other oil producing states can look up to as a successful first step.

Also, the USA has Oil Spill Liability Trust Fund as a kind of intervention funds in case a responsible party denies a claim or fails to settle a claim within ninety (90) days or where claims exceed liability limits. The OSLTF pays for prompt oil removal and uncompensated damages up to \$1 billion per incident. There is a similar provision in the UK as the Minister may instruct Licensee to ensure that availability of funds to discharge any liability for damage in the event of release or escape of Petroleum. There is also a provision for joint and several liabilities making it easy to hold one party wholly liable if other licensees are incapable in both the USA and the UK. These provisions are to make sure that victims of oil pollution get compensated and on time. The question then is: what happens to victims of oil pollution in Nigeria if oil companies deny a claim or fails to settle a claim or if claims exceed liability limits? There is virtually no contingency arrangement in place to take care of such situation. The affected communities will only resign to fate or resort to court, and with all the environmental injustices abounding the end result is predictable.

Against this backdrop, one is compelled to believe that compensation regime for oil and gas pollution in Nigeria is at a low-ebb. However, the mass media in Nigeria are not doing much to communicate these important facts to the public (stakeholders) the oil companies and the government that have the responsibility of effecting necessary changes. Most times what we read in the pages of newspapers and what we hear in the news are jaundiced reports which, most times, contradict the reality. Our anticipation is that the media as a watchdog and alarm blower should be upright in its surveillance role by regularly and professionally digging into the politics of oil and pollution and the attendant injustices meted out to oil communities in Nigeria. In the next segment we will look at the role of the media in communicating environmental injustice since discovery of oil in the Nigeria.

REPORTING ENVIRONMENTAL JUSTICE IN NIGERIAN MEDIA: A CRITICAL APPRAISAL

The media have been defined in various ways to accommodate different criteria or settings. For example, it is defined as “a contraction of the term media of communication, referring to organised means of disseminating facts and opinion, such as newspapers, magazines, cinema, films, radio, television and the internet” (Owolabi and Okafo 2013). It is also defined as a generic term for systems of information gathering, processing and dissemination to intended audience, entertainment and exertion of some social influences and controls (Krippendorff, 1986). In addition, as a result of the advent of satellite technology (ST) that gave birth to information and communication technology (ICT), all the various kinds of media have been lumped together as a single entity. These include newspapers, magazines, book publishing, radio and television, recording industry, films, movies, theatre, and of recent, the social and digital media.

The mass media over the years have been identified as agent of social changes. This assertion is based on the understanding that apart from the four traditional functions of the media (information, education, watchdog and entertainment) the media have had thrust upon it the new responsibilities of increasing understanding of development in the society, build up a common solidarity in a collective effort; and enlarge the capacity of the people to take charge of their own development (Lanihun 2008). The media are known to possess the power and the tools to bring salient issues to public domain through its agenda setting power (Folarin, 2005) This shows that issues not brought up by the media in the public domain rarely form part of the agenda for public discourse.

While commenting on the emerging role of the media as development carrier, Curran (1977), Chibnall (1980) and Owolabi (2014c) observed that the complexity accompanying the modern society has necessitated a paradigm shift from the old press tradition of mere information dissemination to a more all-encompassing and proactive investigation of current issues. This, according to Owolabi (2014d) predisposes the media and journalism profession to the ability to probe into public and private sectors of the economy and governance to sniff out wrong doings especially those that constitute a threat to the society or a section of it. This type of media practice transcends the level of traditional news reporting style of 5W+H to a new mode anchored on social responsibility and development media theories which, according to Anaeto *et al* (2008) stipulate that the freedom which the press enjoy must be used to dig out hidden truth and mobilise for citizens’ active participation in developmental process.

The issue of environmental justice around the world and particularly, in the Niger Delta region of Nigeria has constituted a major concern among environmentalists and pollution experts, NGOs and the various communities where environmental problems are prevalent and it has equally become a recurring issue among the transnational media. According to Udouo and Ashong (2008) whenever there is major pollution in the Niger Delta region, information is usually distorted as most oil companies usually claim that the oil spill is caused by sabotage and not their fault. While confirming the preponderance of pollution, Amnesty International (2009) noted that the media have not significantly reported incidences of oil spills and the damaging effects on the environment in Niger Delta and perhaps, this is why the government and the pollutants are not seeing it appropriately and do something positively about it. Besides, the scanty news reports are not only lacking in depth but also display high level of unprofessionalism. This is because of the media’s dependence on the oil companies’ press releases and public relations as sources of information to the exclusion of the communities and reporter’s independent investigation. This therefore calls the media reports to question concerning lop-sidedness and objectivity. A good reporter should not solely rely on public relations office but should be

smart enough to visit the scene of pollution to confirm the company's claims as well as digging out behind the scene reports obtained from the communities and other interested parties.

Owolabi and Ekechi (2014) have established that a major constraint why most communities are still suffering from environmental injustice is lack of basic knowledge of law. According to Nigerian laws and regulation guiding the management of oil pollution, operators are required to report spills, respond to it, investigate, pay compensation while clean-up process commences within 24 hours otherwise, the party responsible will be penalised (NOSDRA Act, 2006; EGASPIN, 2002). In a country like Nigeria and indeed, Niger Delta communities where people are largely untutored in what constitutes environmental hazards and how they can seek justice in case their environments are unlawfully hazarded, there is the urgent need to educate the citizens to know their basic rights to compensation under the law. It has been observed that most communities fear to challenge the oil companies because of wrong assumption that they will never get justice in the ever sluggish and corrupt Nigerian court. To them, it takes indefinite years of appeal until the plaintiffs run out of money, give up or die. It was Lippmann (1997) who says "there can be no liberty for a community which lacks the information by which to detect lies". To identify lies in the midst of deception, one must possess the ability to identify the truth. The independent media possess this ability and to maintain constant flow of vital information necessary for disaster management and environmental sustainability without which most indigenes of oil communities may die of poverty.

It has also been said that "information is power, without it; there can be no freedom from oppression and poverty. The more people who possess it, the more power are distributed" (Pope Jeremy, 2000, p.21). Most oil community dwellers are not sufficiently educated about the fact that if they lack financial ability to challenge the oil companies legally, they can still instigate legal proceeding under human right instrument and seek free legal assistance from competent NGOs and civil society groups such as Amnesty International, Clean-up Nigeria, Friends of the Earth, Human Rights Watch, Socio-Economic Rights and Accountability Project, (SERAP) and United Nations Environment Programme (UNEP) among others. The oil communities also lack the knowledge that justice can be obtained against oil companies outside Nigeria as the case of Ikot Ada Udo in Akwa Ibom state and Bodo Community of River state versus Shell Petroleum which took place in Netherland (2013) and London (2014) respectively.

It needs be reiterated here that reporting oil pollution, environmental degradation and injustice is all about providing information to stakeholders in the oil producing region about what the law says concerning pollution and environmental offences in order to ensure that everyone acts within the limit of legality and also that no one is unjustifiably disadvantaged. It is the right of the Niger Delta communities to seek to know their rights concerning oil pollution activities, where they stand, where to find specialists advice, and how to seek justice even when they are financially strapped. However, research findings show that the media in Nigeria has failed to sufficiently raise awareness and promote this understanding by bringing environmental injustice in the Niger Delta area to the public domain. For example in a research results by Alawode *et al* (2011), out of 64 stories reported by radio and television in Lagos state on Niger Delta region, only one (3%) is on environmental pollution while others are on politics, crime and economic/business. In another similar study, Udoudo (2006) observes that within a period of one year, pollution coverage of five newspapers were evaluated in Niger Delta with the reports showing that only 10.46% of their news sources were traced to the local communities while others originated from government and corporate bodies (44.4% and

14.3%) respectively. The above statistics presents a serious indictment of an institution that has social contracts of informing, educating and mobilising the public for actions that can engender sustainable development (Agboola and Hodder, (1983) cited in Akinleye and Ojebode, 2004). This also reinforces the finding of Adenekan (2008) that the reporting pattern of environmental issues in Nigeria is significantly deficient.

A number of reasons have been identified as responsible for this minimal coverage. One reason often cited is lack of access to information. The task of reporting oil pollution and its attendant environmental injustice in Nigerian media vis-a-vis the Niger Delta in the opinion of Akpati (1996) is due to physical, institutional and legal constraints impeding the free flow of information among the stakeholders in the area. Owing to long years of neglect by the government and the oil companies, the Niger Deltans have developed hatred for everybody who is not part of them, and hardly wanted to volunteer information to reporters most of who are erroneously perceived as collaborators in their predicaments. Besides, most of the communities are not accessible by roads except by canoe and most reporters usually hesitate to go there unless those who can swim if the canoe capsized.

Another reason for low coverage is what Okunlola (1996) considers among others as lack of specialised training on environmental issues and the laws guiding them, non-availability of relevant information and statistics, and novelty of the field in Nigeria. Most of the reporters covering environmental beat lack the requisite experience and understanding of the politics and complexity of the beat and as a result present inaccurate information to the public. For example, each time there is oil spill; media reports are quick to attribute the cause to sabotage and deliberate vandalism of oil installations by oil thieves based on unverified information volunteered by the oil companies. This is contrary to Amnesty International Reports (2009) on Bodo Creek spills which proved that the actual cause of most oil spills in Niger Delta region was equipment failure and not sabotage.

According to Tejumola and Adelabu (2011), the media and the government collaborate in nation building and good governance. While defining good governance, the World Bank cited in Adepoju and Adelabu (2011) reasoned that governance is the manner in which power is exercised in the management of a country's resources for development and the capacity of the government to formulate, implement policies and discharge functions for the total wellbeing of a considerable population in a state. It is through the media that feedbacks on government policies and public opinion are conveyed to enable the government tailor its policies and programs to the needs of the people. Most government's development programs usually ended up a failure due to some social factors such as lack of probity and accountability in governance, absence of enabling legislation, ethnic and political considerations, misplaced socio-economic priority, policy inconsistencies and a range of professional and official misconducts in the private and public sectors of the economy (Tomori and Akanno 1999, p.502).

By far the most significant watchdog role of the media to the society is to the political and the economic class (Daramola, 2008). The media's responsibility as the nation's watchdog is to clearly ferret out every underhand deals among the political and business groups as well as uncover harmful behaviours among the citizens which are capable of compromising good governance and constitute potential threat to development. It is the media's responsibility to hold the parliament and the judiciary responsible for enacting relevant laws on oil pollution and compensation, and ensuring prompt and equitable dispensation of justice (Owolabi, 2014). Besides, the media provide surveillance and checkmate corrupt practices, abuse of power and violation of the social contract and most importantly, holding members of the

political and business class more accountable (Balkin, 1999; Azekome, 2008; Yuezhi, 2000; Meijer, 2010). These it does through frequent piercing editorial comments, balanced news and in-depth news analysis, features, opinion articles, pictures and cartoon that expose any harmful occurrence to any part of the society. Evidences abound of how in the past, the media in Nigeria through its watchdog roles have pulled the string that pulled down unpopular governments, removed dishonest heads of National Assembly, Cabinet Ministers, de-robed corrupt judges while it caused some boardroom Governors to be removed for breaching the corporate rules (Adaja, 2013). The present media, from our findings could not be said to perform this role due to extinct of core professionals from the field as a result of low incentive and job insecurity, harsh economic climate vividly illustrated by high inflationary trend, soaring import duties payable on equipment, prohibitive cost of production, poor infrastructure and underfunding yet, low purchasing power on the part of the media audience have all combined to constitute serious economic challenge to media effectiveness in carrying out its traditional role of reporting national issues (Owolabi and O'Neill, 2013a).

According to Owolabi (2014) the issue of cultural and linguistic plurality in Nigeria especially in the Niger Delta region is also a major complication in media effectiveness while reporting environmental issues. This is based on the observation that the region alone has 40 ethnic, language and cultural groups spreading across 5,000 communities (NDDC 2003). The wide diversity coupled with high illiteracy level in the area is another factor limiting the media coverage of environmental issues. In reporting environmental injustice especially in a divergent society like Nigeria, it is necessary to consider which channel of communication can be most suitable to carry the message to the grassroots. For example, print media will not make much impact to the illiterate audiences that constitute about 54% of the population, and giving the fact that most print media are elitist in contents. Similarly, television may be more efficient to reach the urban audiences but surely not suitable for rural communities lacking electricity supply. Although, radio is credited with the greatest capacity to carry large volume of information to wider audiences than other media notwithstanding, it has its disadvantage in that most villagers may not be able to operate their radio on battery most often. It is pertinent to ask the question here that given the language diversity in Niger Delta region, in how many languages will the financially incapacitated media publish or broadcast in order to reach a considerable number of target audience? This is why Wilson (1997) and Kalejaye *et al.*, (2006) noted that for media to make impact in a region as diverse as Niger Delta, there are well-organized indigenous communication channels that can be incorporated into the mass media contents to produce expected effect. These include music/lyrics, oral poetry, folklore, cinema and movies. Influential people such as market women leaders, charismatic opinion leaders, popular religious leaders, village school teachers and trade union leaders are effective channels that can be used to communicate environmental messages to the local communities through the mass media.

IMPLICATIONS OF THE STUDY

As we draw conclusion in this study, we find that the Nigerian media have not performed their responsibilities creditably well especially in not giving adequate coverage to pollution and environmental injustice. This is contrary to the assumptions of the agenda setting and democratic participant theories which state that the media must use its freedom of information to educate and raise public awareness particularly on environmental issues. It is pertinent to mention that the multilingual and multicultural nature of Niger Delta region have made the media participation in development process difficult. This research has discovered that for the mass media to function effectively under this arrangement, community

media as against national media will be more effective in satisfying the information needs of the various divergent communities.

In contemporary times, it has been observed that there is the disturbing incidence of rural–urban information imbalance, a domestic replica of the New World Information and Communication Imbalance (NWICI) experienced between developed and developing nations. In Nigeria for example, it is a common experience to note that most development messages being propagated in the national media are not beneficial to the rural communities because they were not tailored to meet their needs. Most of these messages are too technical and did not take cognizance of the peculiarities of the rural communities especially on the ethnic, cultural, language and religious diversities as well as their infrastructural deficits (Owolabi, 2014). This is why messages are either lost in transit through the channels, not getting to the intended audiences or are totally misinterpreted and the audiences are unable to make good use of it. The national media (prints and electronics) have been found to be unable to carry environmental messages to the grassroots. This is because they are concentrated in the hands of the powerful elite city dwellers most of who are the direct beneficiaries of the environmental problems in the rural areas. This also explains why mass media are believed to be elitist in contents and focus with little coverage devoted to the Niger Delta communities where about 90% of the national incomes are derived.

This study therefore observes that for pollution and environmental injustice to be effectively reported in Nigeria as well as in other developing nations, the affected communities should come together to establish their own independent media which will be located in and managed by the indigenes and which will focus on the environment information needs of Nigeria’s sharply divergent rural populace. Based on the aforementioned, this study suggests that the NGOs operating in each of the regions where there are environmental issues should assist the communities to establish community media and also help in personnel development.

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