

Taking to the Gun as a Last Resort: The State, Militancy, International Oil Companies and Corporate Social Responsibility in the Niger Delta

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Abstract

Between 2006 and 2009, militancy ravaged the Niger Delta region of Nigeria. Militancy manifested in the form of kidnapping, vandalism of oil facilities/oil bunkering, killings, hijacking of oil vessels and car bombing. In fact, it foisted a blanket of insecurity, fear and terror over Nigeria. The economy was crippled. Its impact on the country was massive. What used to be a peaceful protest against the neglect of host communities by international oil companies (IOCs) assumed a revolutionary dimension following the state's use of force to quell locals' discontent. From a historic analytic approach, the paper explores the IOCs' corporate social responsibility (CSR) disposition, the cosy kinship between the state and the IOCs that triggered militancy in the Niger Delta. It was found that government's lip service to the welfare of Niger Deltans as well as its failure to sanction corporate bad practices that damage human rights and the environment emboldened IOCs to conduct their business with little regard for the lives and environment of their host communities. They rather resort to tokenism. The paper calls for a redefinition peace in the Niger Delta by the state to mean justice and not uninterrupted flow of oil.

Keywords: *.Militancy .International oil companies .Corporate social responsibility .Niger Delta .Nigeria*

INTRODUCTION

The Niger Delta region under Nigeria's political arrangement is made up of nine states: Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo and Rivers and is home to some 28 million people of different languages (National Population Commission, 2006). The region covers a surface area of about 112,110 square kilometres and constitutes about 12% of Nigeria's land mass. It is one of the 10 most important wetland and coastal marine ecosystems in the world and has basically three major physical divisions: the freshwater zone, the mangrove swamps and the coastal sand ridge zone. The people's main occupations are farming, fishing and hunting.

Between 2006 and 2009 the region boiled as a result of the destabilizing acts of militants fighting in the region for resource control. Palpable fear was the order of the day and Nigeria knew no peace until government's amnesty for militants came into effect in October 2009. Many scholars and commentators on the conflict that ravaged Nigeria believe it was due largely to state failure and in response to the state's use of violence to quell what was formerly a peaceful protest for better living conditions in the region (Ibeanu & Luckhan, 2006; Owugah, 2009).

The conflict in the region has centred on the negative impacts of the oil industry on the environment and means of livelihood, mismanagement of oil revenue since independence, corruption, failure to redistribute oil wealth, the utter lack of development in the Delta, failure of oil wealth to be translated into better living conditions for Deltans, state aggression in the region and lately, resource control. The quality of life of people living in the Niger Delta would not have been at the present sub-human level if the international oil companies (IOCs) in the region had shown enough respect for the lives and environment of their host communities, and if the state had placed the interest of citizens high and above that of the IOCs, which is to ensure that oil flows at all costs.

The following discourse, from a historical analytic approach, examines the hydra headed issue of militancy, the CSR disposition of the IOCs and state's alliance with these IOCs that has made life miserable for the inhabitants of the Delta region.

Militancy in the Niger Delta

What used to be a peaceful protest against the neglect of host communities by IOCs assumed a revolutionary dimension following the state's application of force to silence locals' discontent. Owugah (2009, p. 20) attributes the cause of militancy to the Nigerian government.

A survey conducted in the region between September 2006 and April 2007 by the Geneva-based Small Arms Survey (SAS) also found that, "Militancy has grown in the Delta in response to the continued lack of attention (by the government) to the basic needs of the population" (p.16).

By the violent nature of their activities, militants rely heavily on arms and ammunition to launch their protests, which range from kidnapping, blowing up of oil facilities and installations to oil bunkering and car bombing, among others. To be effective, they acquire a stockpile of arms and ammunition and undergo military training. For instance, the leader of the erstwhile Niger Delta People's Volunteer Force (NDPVF), Alhaji Mujahid Dokubo-Asari, claimed to have acquired military training in Libya in the early 1990s.

The UN estimates that Nigeria is host to the 350 million or 70% of the 500 million illegal arms in West Africa. This is a frightening statistics of small arms and light weapons in circulation in Nigeria among the civilian populace. Militants fighting in the Delta region possess some of the most sophisticated of these weapons.

The tale of militants and arms build-up in the Niger Delta is basically the tale of two major former militant leaders: Ateke Tom and Alhaji Mujahid Dokubo-Asari who have been described as "Two of the main driving forces in the evolution of armed groups in the Delta" (SAS, 2007, p. 77). Tom led the Icelanders, which later changed its name to the Niger Delta Vigilante Service (NDVS) in 2003 in search of a better image, while Asari headed the Niger Delta People's Volunteer Force (NDPVF).

Increased arms flow into the Niger Delta is believed to have started in the "lead-up to the 2003 elections, as violence became a tool for politicians to gain power" (SAS, 2007, p. 77). After politicians won the elections, militants retained the guns.

Apart from politicians, oil bunkering and kidnapping for ransom have boosted the arsenal at the disposal of militants to escalate violence. One estimate claims that oil bunkering provides USD 1-4 billion per year, enough money to buy sophisticated weapons and fund the operations of militants (Lubeck, Watts & Lipschutz, 2007). A consultancy group contracted to Shell found out in 2003 that "one day's worth of illegal oil bunkering in the Niger Delta (at 100,000 barrels and \$15/bbl) will buy quality weapons for and sustain a group of 1,500 youths for two months" (cited in ICG, 2006, p. 8). In other instances, militants have exchanged oil directly for weapons, especially new AK-47 assault rifles (Davis, Von Kemedi, & Drennan, 2006).

Kidnapping for ransom has also proved a veritable cheap source of money to procure arms and sustain militancy in the Niger Delta. Even though exact sums militants have made through this "booming business" is not easy to ascertain because of the secrecy that shrouds the entire operation and the unwillingness of victims and their relatives to admit the payment of ransoms, a *THISDAY* 2009 estimate put it at "over ₦6 billion" between 2006 and 2009 (*THISDAY*, May 20, 2009, p. 21).

Militants have reportedly raided police barracks and dispossessed police officers of their weapons (*THISDAY*, May 18, 2007, p.10). Such raids have provided large numbers of weapons to support militant activities. Militants have also boasted of disarming security forces, especially the JTF during shoot-outs. They cart away the weapons of officers killed in the process (*Vanguard*, April 19, 2008, p. 7).

Local communities are also believed to have assisted in the provision of arms for militant groups. This has often been the case among communities sympathetic to the militants' cause. Hence the State is perceived as an enemy of the people that must be fought and defeated to enable local communities to regain control of their land and resources. Some militant leaders, especially in Bayelsa State, have used the resources at their disposal to provide jobs for local women. Some are known to have built schools in their areas. These measures are said to have

impacted on the lives of the communities and further endeared them to their communities, thereby accounting for the arms and the other forms of support they have got from their local communities.

The Small Arms Survey (SAS) also indicates that security personnel have provided weapons to ethnic militias in their home area. Ebo (2006) quotes one custom official who claimed that the donation of 16 G3 rifles was his "contribution to the Niger Delta cause" (pp. 11, 25). The Group (SAS) quoted a 2006 survey of armed group members in Bayelsa State conducted by Isumonah, Tantua and James which "revealed that the majority of respondents received assistance from the police (30.4 percent), the mobile police (14.7 percent), and the military (24.5 percent) in obtaining small arms" (SAS, 2007, p. 37). A 2006 research publication of the Academic Associates Peace Works (AAPW) reveals that beyond providing access to small arms, serving and retired service personnel have also provided training to militants.

Even though it is difficult to ascertain the actual number and size of armed groups in the Niger Delta, figures provided by the Nigerian government showed that about 20,192 militants embraced the Federal Government's amnesty programme as of August 2010 (*Newswatch*, August 9, 2010, p. 20) while "a total of 26,760 guns of different types, 287,445 rounds of ammunition, 18 gun boats and 1,090 dynamite caps were surrendered" (Aaron, 2010, p. 210), suggesting that the arms holding of the militants could have been higher than they turned in before the October 4, 2009 deadline set by government for them to hand in their weapons and embrace government's offer of amnesty.

Corporate Social Responsibility (CSR)

Corporate social responsibility is a commitment by an organization to behaving ethically by acting in ways that portray it as a responsible corporate citizen. Socially responsible organizations are aware that their action can have a substantial impact on society and therefore look beyond the narrow pursuit of return on investment to investing in improving the quality of life of its local community and society at large.

Organizations must consider the interest of society by taking responsibility for the impact of their activities on their various publics and the environment, in all aspects of their operations. Businesses run from a CSR perspective are managed in ways that engender an overall positive impact on society – not destructive. After all, the survival of businesses in a competitive market depends on their perceived value in society. An organization that fails to meet public expectations will soon fizzle out unless something drastic is done urgently to address growing public discontent. As Rawlins (2005 p. 212) contends, "If an organization's practices deteriorate society, it will not have viable resources to successfully operate in the future."

CSR, Rawlins (2005) insists, recognizes that organizations have responsibilities to society that extends beyond the traditional contract to produce goods and services at a profit. Consequently, Buchholz (1989, p. 25) maintains that, "corporations are more than just economic institutions and have responsibilities to help society solve some its most pressing social problems, many of which corporations helped to cause, by devoting some of their resources to the solution of these problems." Businesses benefit from a better public image which results from investing in CSR.

Seital (1987) lists the following six key areas of CSR:

1. Product lines: Not producing dangerous products and maintaining good product standard that are environmentally safe;
2. Marketing practices: Responding to consumer complaints; setting fair prices and maintaining fair advertising message contents;
3. Employee services: Training, counselling, granting allowances for the welfare of employees;
4. Corporate philanthropy: Contributing to community development activities and initiating social projects;
5. Environmental activities: Embarking on pollution control projects, adhering to federal government standard and evaluating procedures of new packages to ensure ease of disposal or possible recycling; and

6. Employee safety and health: Setting effective work environment policies, accident safeguard, food and medical facilities.

The Issues

The Nigerian Government is both a regulator of, and operator in, the oil industry. Its regulatory function is carried out by the Ministry of Petroleum Resources and the Directorate of Petroleum Resources (DPR) while the Nigerian National Petroleum Corporation (NNPC) manages its business interest.

The leading international oil companies (IOCs) operating in Nigeria (as joint venture partners with the NNPC) are Shell Petroleum Development Company of Nigeria (SPDC), Mobil Producing Nigeria Unlimited, Chevron Nigeria Limited, Nigeria Agip Oil Company Limited, and Elf Petroleum Nigeria Limited. Although there are six major IOCs operating in the Niger Delta, Shell accounts for 40% of Nigeria's oil output (Watts, 2010), thereby making it the sector leader (Bassey, 2013).

The company discovered oil in commercial quantity in Oloibiri in Rivers State (now in Bayelsa State) in 1956. From an initial production of 6,000 barrel per day in 1958 when the first cargo of oil was lifted to Britain, Shell's daily production potential is now over 100,000 bpd (Ogbondah & George, 2004). Statistics from Shell indicates that it has over 6,000 km of pipelines and flow-lines, 87 flow stations, two export terminals, gas plants and more than 1,000 producing wells in over 1,500 communities spread across Nigeria (*Vanguard*, January 17, 2006, p. 26). Niger Delta communities say all this has brought more harm than good to its impoverished locals. Today, Oloibiri, the symbol of oil exploration in Nigeria, represents "squalor, poverty and neglect" (*Niger Delta Standard*, October 8, 2006, p.1).

Shell has been held accountable for the bulk of environmental hazards and destruction of lives and means of livelihood of Deltans (Okonta & Douglas, 2001; AI, 2009), and is therefore the focus in this section. The oil giant has a long history in Nigeria spanning over fifty years and has enjoyed close political and security alliance with a neglectful Nigerian State. This alliance is at the heart of the insecurity and conflict in the Niger Delta (Ibeanu & Luckham, 2006; AI, 2009).

Oil firms, particularly Shell, are known to have exploited their close ties with the state and used state security forces to suppress peaceful community protests as was the case in Umuechem in 1990 when an entire community was levelled by Nigerian security forces on the invitation of Shell. So powerful is Shell in Nigeria that it maintains its own private police force (Shell Police) and its own arms and ammunition (Okonta & Douglas, 2001). The authors describe Shell Police as "something of an elite force..." (p. 80).

The Umuechem community, host to Shell since 1958 (Nwogu, Onyesoh, Amaele, Nwodim & Nweke, 2003) has 29 oil wells and one flow station. By November 1990 when the community protested peacefully, it had no electricity, pipe-borne water and no motorable road. No native of Umuechem was in the employ of Shell.

Amnesty International, AI (2009) concludes that "the communities in the Niger Delta confront powerful business actors whose word appears to be law in some cases, and rarely see any governmental authority act to protect their rights" (p. 48). The government has also failed to provide data on the human impacts of the oil industry and often IOCs, AI notes, "do much of their own monitoring of waste disposal and pollution control" and "their data do not appear to be subject to any regular, independent checking to verify accuracy" (p. 46).

As AI (2009) researches establish, "By failing to deal adequately with corporate actions that harm human rights and the environment, the government of Nigeria has compounded the problem (in the Niger Delta). A culture of impunity has been reinforced for oil companies in the Niger Delta because of a lack of adequate sanctions for bad practice that damages human rights" (pp. 51-52).

However, it seems things may begin to look up in the country as an absentee Nigerian government is beginning to come home to check some excesses of IOCs, with the signing into law by government in April 2010 of the Nigerian Content Act which is envisaged, among other things, to create 30,000 direct employment for Nigerians within the first four years as well as seek to retain \$10 billion of the yearly industry expenditure in the Nigerian economy from the current \$4 billion, and ensure that most of the oil jobs are executed in Nigeria and by Nigerians.

A Petroleum Industry Bill is lying at the National Assembly. Some industry watchers claim that if the Bill is eventually passed, it will address many of the concerns raised by oil-producing communities. Government in September 2008 created the Ministry of Niger Delta to address the problems facing the Delta region.

Despite Shell's professed commitment to end gas flaring by 2008 (*The Shell Bulletin*, 2002) it has failed to keep to its pledge. And even though the Nigerian government decreed that gas flaring would end by 1984, it has been very reluctant to enforce it. The deadline has been shifted endlessly. Gas flaring is known to contribute to acid rain in the Niger Delta, which in turn reduces soil fertility and pollutes sources of drinking water. The World Wide Fund for Nature says gas flared in Nigeria emits more than 34 million tons of carbon (IV) oxide annually (*World Press Review*, 1996). Today, Nigeria flares the highest quantity of gas in Africa and is only second to Russia in the world. It is estimated that Nigeria emits around 1.8 billion dollars worth of gas annually (Hassan & Kouhy, 2013). As shown in Table 1, oil companies in Nigeria flared 289.6 billion standard cubic feet of gas in 2014.

Table 1: Flaring levels of oil companies in Nigeria

Oil Company	Volume of gas flared (in billion square cubic feet)
Chevron Nigeria Limited	53.6
Shell Petroleum Development Company	51.92
Mobil Producing Nigeria	42.86
Nigeria Agip Oil Company	35.79
Addax Petroleum Development Company	35.6
Total Exploration	22.78
Total Upstream Nigeria	18.73
Esso	4.517
Chevron Texaco	4.43
Amni Petroleum	3.87

Source: *Vanguard*, 2015, July 14

Oil spillage is another area where IOCs have displayed corporate irresponsibility in their operations in the Niger Delta. Even though there is no accurate data about the number of cases of oil spills in Nigeria (AI, 2009), the Nigerian government says the country recorded 3,203 cases between 2006 and 2010, claiming further that 45 percent of this figure was from sabotage/vandalism (*The Guardian*, August 24, 2010, p. 1).

Although vandalism/sabotage could be possible causes of spillage, Niger Delta communities and NGOs have strongly disagreed with official figures attributed to sabotage/vandalism and rather insist that IOCs make such claims to evade culpability for cases of spillage that would warrant payment of compensations to affected communities. AI (2009) reveals that figures quoted by the Nigerian government are supplied by oil operators to the DPR without any independent verification.

Okonta and Douglas (2001), quoting the World Bank, demonstrate that "the actual figure of oil spills in the Niger Delta every year is actually about ten times the official estimate" (p. 89). By April 2008, the National Oil Spill Detection and Response Agency (NOSDRA) set up in 2006 had identified approximately 2,000 oil-spill sites, and the majority of these sites, according to AI, were apparently Shell sites. Shell's clean-up response has been very slow and haphazard.

The UNEP report submitted to the Nigerian government in August 2011 indicates that Shell's operations in Ogoniland were far below industry standards, and that it may take up to 30 years to recover Ogoniland from oil spills which have wasted both terrestrial and aquatic lives and destroyed the means of livelihood of the people (UNEP's Environmental Assessment of Ogoniland, 2011). To an extent Shell has made some economic contributions to the Nigeria. Figures released in its 2015 Sustainability Report indicate that it has invested billions of dollars in different ventures in the country. Details are contained in Box 1 below. Also, according to a press release, Shell was said to have emerged the best company in the poverty reduction, and child and maternal health categories at the annual Social Enterprise Report and Awards (SERA) ceremony that took place in Lagos in 2010 (*THISDAY*, October 5, 2010, p. 32).

Box 1: Shell's economic contributions

In addition to SPDC and SNEPCo, Shell also holds interests in a number of offshore licences including the Shell-operated Bonga field (Shell interest 55%). Shell also has a 25.6% interest in Nigeria Liquefied Natural Gas (NLNG), which exports LNG around the world.
\$42 billion: economic contribution from SPDC JV partners to the Nigerian government 2011–2015.
\$1.1 billion: Shell share of royalties and corporate taxes paid to the Nigerian government in 2015 (SPDC \$0.6 billion; SNEPCo \$0.5 billion).
93%: SCiN contracts awarded to Nigerian companies.
\$0.9 billion: SCiN spend on local contracting and procurement.
94%: employees of SCiN are Nigerian (data as of October 2015).
\$145.1 million: SPDC JV and SNEPCo contribution to Niger Delta Development Commission in 2015 (Shell share \$62.3 million).
\$50.4 million: SPDC JV and SNEPCo direct spending on social investment projects in 2015 (Shell share \$15.4 million).

Source: 2015 Shell Sustainability Report

While analysts agree that some Shell public relations strategies in response to the Niger Delta crisis are praiseworthy, Grunig and Hunt (1984) characterize them as "public information" which tends to highlight favourable information only. Similarly, Ogbondah and George (2004) have also argued that, "Shell has not only over represented its community development projects, but more important, has also consistently failed to admit or volunteer negative information, including the deleterious environmental effects of its flaring of gas and oil spillage" (p. 270).

The researchers conclude that:

Shell's response to the Niger Delta crisis has been a public relations error. By and large, Shell's initial denials of complicity in oil spillage, environmental degradation and ecological despoliation, its use of violence and force, as well as its involvement in socio-economic development projects in the Niger Delta that were not sustainable have only deepened the crisis rather than resolving it (p. 272).

While it is incontrovertible that Shell has made some significant contributions to the welfare of some of its community neighbours, industry watchers argue that when compared with the destruction of lives and the environment its oil exploration activities have brought to Delta communities all these contributions pale into oblivion. A foremost environmental activist maintains that Shell's mouthed CSR in the Niger Delta is just a smokescreen.

Jamshedji Tata, one of the pioneers of social responsibility, said: "Wealth that comes from the people as far as possible must go back to the people" (cited in Reddi-Narasimha, 2009, p. 159). This has remained the philosophy behind CSR and it is only organizations that adhere to this counsel that can be guaranteed the social license to operate in today's complex world.

Conclusion and Recommendations

CSR requires significant investments and commitment to solving social problems, and being socially responsible. Any organization that ignores it is in for trying times. It is a truism that CSR benefits both an organization and society. A business benefits enormously from better image which results from investing in CSR: consumers buy from it; investors invest in it; employees seek employment from it; hostility is reduced; guarantee of social and legal license to operate, etc., while society gains from improved quality of life. Socially responsible organizations are great assets.

Militancy in the Niger Delta does have a link to IOC's lack of genuine commitment to CSR. They rather resort to tokenism. The state on its part fails woefully to protect the interest of her citizens in the region, choosing instead to forge a cosy kinship with the IOCs in their mindless pursuit of the economic benefits of the black gold. All these have necessitated the following recommendations.

- The state should redefine peace to mean justice and not uninterrupted flow of oil in the Niger Delta.
- IOCs should exhibit genuine commitment to CRS.

- IOCs should show more respect for human rights and the environment. It is important to remember that the social license to operate resides with the people.
- The passage of the Petroleum Industry Bill is long overdue. It can help address some of the concerns raised by oil-producing communities if it is eventually passed into law.

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