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# INSTIGATOR

A PUBLICATION OF HEALTH OF MOTHER EARTH FOUNDATION



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**Why Nigeria  
Should Stop  
Oil Exploration**

**Gambles of  
Risky  
Technologies**

**Sovereignty  
Matters  
Arising**

**Restorative Justice:  
a suitable response  
to environmental crime?**

The Eco~Instigator is a quarterly publication of Health of Mother Earth Foundation (HOMEF)

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## HOME RUN

We are glad to serve you a feisty edition of your informative Eco-Instigator. In it you will find articles and reports from our projects and our continuous struggles for ecological justice.

Due to the focus of extractive industry on offshore exploration and exploitation actions, the need for fishers to step up to the challenge has never been more urgent. Fishers stand at the frontline of the struggle against deep sea mining as well as offshore pursuit of oil and gas resources.

We serve you reports from our **Fish Not Oil community dialogues** where fishers review the state of our water bodies, note the changes, map the culprits and chart the course of action to protect our marine ecosystems. These spaces are also used to create linkages between fishing associations and for the expansion of an emerging **FishNet Alliance**.

We also bring you the reports from our **School of Ecology** focusing on **Life After Oil**. We held the maiden session of this exciting school in our Oronto Douglas Board Room, Benin City 30-31 July 2018. The second session was hosted by We The People in Port Harcourt, Nigeria, on 29 August 2018. Participants had two additional days during which they joined in the Right Livelihood Lecture as well as Sustainability Academy, both held at the University of Port Harcourt. Reports of these will be brought to you in our December edition. While the maiden edition was exclusively for youths, the second session extended the age bracket and admitted community persons with a bias to women. Life After Oil campaign is an offshoot of our Beyond Oil research that drove for a reimagining of development in the Niger Delta and Nigeria as a whole.

Our fight for food sovereignty continues in an atmosphere of absolute disregard for the dangers posed by the introduction of genetically modified crops into our environment. Nigerian Biosafety Management Agency (NBMA), gleefully announced the release of *Bt* cotton into the market while our case on their permit to Monsanto was awaiting decision in court. We considered this a disregard of due process and a crass display of the arrogance of the industry and their allies. The court eventually decided against us, but on the technical grounds that the case was statute barred and that we filed the suit outside the stipulated time boundary. The struggle continues.

As usual, we bring you poems, book review and books that you should read as well as indications of our forthcoming events. We will be glad to hear from you.

Until Victory!

Nnimmo

# The signs are here!

Fruitless trees and homeless bees  
Water sapped rivers and fishless lakes  
Bush and grasses are skirmishing for water  
The last remaining, from the cloudless skies  
frontrunner takes all and the chain collapses  
Herbivores demise in the grassless terrain  
Pallid skulls, little life, in the desert terrain

Soaring plastic and choking mammals  
Fishless seas and declining vessels  
blazing gases caused by soaring copters  
flaming lungs and vanishing people

Tripping rain and scorching thunders  
Tearing grounds and breaking structures  
Smoking skies, smoldering voices here strikes the thunders  
escalating graves, dreadful tears, the signs are here

Empty soils and varnishing food  
Hungry people in the midst of conflicts  
Shedding blood for the sake of food  
escalating graves, dreadful tears, the signs are here

Cold blooded governments, scattering gross domestic propaganda  
Ignoring the signs and thieving from the people  
Missing people, Missing money & bursting pockets  
escalating graves, dreadful tears, the signs are here

The signs are here, the time is now  
To roll up your sleeves and do what's right  
To wipe away tears and to stop the signs  
To restore lost hope and to save our lives  
The signs are here, the time is now  
- by Reinhold Mangundu

# RESTORATIVE JUSTICE: a suitable response to environmental crime? (Part 1)

By Femke Wijdekop ([www.earthrestorativejustice.org](http://www.earthrestorativejustice.org))

*...What if a wall of a dam containing highly toxic mining waste collapses, polluting the surrounding waterways and drinking water, decimating fish stocks and devastating the social and economic lives of the villages dependent on these waterways? Even if the State upholds environmental law and charges the mining company with environmental offences, how will the imposition of a fine – the usual sanction for environmental offences – assist the individuals and communities whose lives have been shattered by the criminal negligence of the company? And while some victims, such as the fisherman whose livelihood is destroyed, may be readily identifiable, what about the polluted river or the landscape whose vegetation has been polluted by the toxic waste?*

**T**his example demonstrates how the traditional way of addressing environmental violations can be inadequate to satisfy victims' needs for justice and restoration. In this article, I will explore if a restorative justice approach to environmental crime could lead to more satisfying results. Restorative justice is a fast-growing social movement and set of practices that aim to redirect society's retributive (punishment-oriented) response to crime.

Restorative justice views crime as a wrong against other members of the community not as a depersonalized breaking of the law. It attends to the broken relationships between three players: the offender, the victim, and the community. This means that restorative justice holds offenders directly accountable to the people they have harmed and that it restores, to the extent possible, the emotional and material losses of victims by providing a range of opportunities for dialogue, negotiation, and problem solving.

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Moreover it views criminal acts more comprehensively than our traditional judicial system because it recognizes how offenders harm victims, communities, and even themselves by their actions. It looks at the needs and obligations that result from those harms. It uses inclusive, collaborative processes in which those with a stake in the situation (victims, offenders, community members; representatives of the criminal justice system) come together to collectively resolve how to deal with the aftermath of the offence and its implications for the future. Next to the goal of repairing the harm done, restorative justice has an aspiration for the future: to prevent recidivism by confronting the offender with its victim, which can lead to repentance and behavioral change.

Restorative justice processes have the following general objectives:

- To give victims a voice; to encourage them to express their needs and enable and assist them to participate in the resolution process;
- To repair relationships damaged by crime, in part by arriving at a consensus on how best to respond to it;
- To renounce criminal behaviour as unacceptable and to reaffirm community values;
- To reduce recidivism by encouraging change in individual offenders and facilitating their integration into the community;
- To identify factors that lead to crime and to inform authorities responsible for crime reduction strategies about these factors.

There are four main types of restorative processes:

- 1) Victim-offender conferencing: a process which provides victims of

crime the opportunity to meet the offender in a safe and structured setting, with the goal of holding the offender directly accountable for their behavior while providing assistance and compensation to the victim.

- 2) Community and family group conferencing: a meeting between victims, offenders and their respective families and communities, led by a trained facilitator, in which the affected parties discuss how they have been harmed by the offence and how the offender might best repair the harm.

- 3) Sentencing circles: a community-directed process, conducted in partnership with the criminal justice system, to develop consensus on an appropriate sentencing plan that addresses the concerns of all interested parties. These circles, which are sometimes called peacemaking circles, use traditional (indigenous) circle ritual and structures.

- 4) Community reparative boards, an alternative to the criminal justice system.

Restorative processes can be applied alongside retributive sanctions (fines/imprisonment), as part of a convicts' rehabilitation process, or, if the prosecution or judge so decides, instead of retributive sanctions.

## Roots

Restorative justice is a young field that emerged in North America during the 1970s when alternative approaches to the criminal justice system, such as alternative dispute resolution, were becoming a trend. It emerged alongside the victims' rights movement, which advocated greater involvement of crime victims in the criminal justice process, as well as for the use of restitution as compensation for losses. A 1974 case in Kitchener, Ontario, Canada, is considered the beginning point of today's restorative justice movement. This "Kitchener experiment" required two teenagers to meet with and pay restitution to every one of the twenty-two people whose property they had vandalized. The Mennonite Church played a role of importance in rolling out these first Victim-Offender Reconciliation processes in Canada and the USA.

At the same time, many of the values, principles, and practices of restorative

justice reflect those of indigenous cultures such as the Maori in New-Zealand and the First Nations People of Canada and the USA. In these indigenous cultures, community-members, led by an elder, collectively participate in finding a solution for conflict. Until the Middle Ages such participatory forms of conflict resolution were also used in Europe, but they were lost when the government took over the role of conflict-solver in the late Middle Ages, leaving little room for the victim (or the affected community) to play a part in the resolution of the conflict.

Restorative justice has seen worldwide growth since the 1990s. Most academic studies suggest it makes offenders less likely to reoffend. A 2007 study also found that it had the highest rate of victim satisfaction and offender accountability of any method of justice. It is applied to individual criminal cases and to system-wide offences, of which the South African Truth and Reconciliation Commission is the most famous example.

In New Zealand and the Australian states of New South Wales and Victoria restorative justice is applied to environmental crimes, which I will discuss in the next paragraph.

## Application to environmental crime

Restorative justice can be applied to environmental crimes and the defendants' commitment to make amends can involve restoration of the natural environment.

Environmental crime can result in the following violations of rights:

- Violations of the human right to health, to clean air, water, land, and quality of life.
- Violations of the right to property and amenity

Violation of natural and cultural heritage. In these cases, often aboriginal or indigenous people are the victim. An example is the Australian case *Garett vs. Williams*, which concerned the destruction of Aboriginal artefacts during construction and exploration activities undertaken by a mining company. As part of the settlement of the case, a restorative justice conference was facilitated by the prosecutor and funded by the defendant. The Aboriginal people nominated a representative of the relevant local Aboriginal Land Council to represent them in the process. The Court appointed an independent facilitator who conducted interviews with representatives of the Broken Hill Local Aboriginal Land Council, archaeologists, representatives of mining company Pinnacle Hills and representatives of the prosecutor in preparation for the conference. The conference itself provided the opportunity for the chairperson of the Broken Hill Aboriginal Land Council and the defendant to meet, and for the defendant to apologize for the harm caused. The parties produced a document outlining the agreement that

was reached at the conference, which included financial contributions to be made to the victims, future training and employment opportunities for the local community, and a guarantee that the traditional owners would be involved in any salvage operations of Aboriginal artefacts.

These results of the restorative justice intervention were taken into account by the judge in the sentencing process, but the restorative justice intervention did not substitute the court sentence for the offences committed by the defendant.

- Violation of the commons held in trust by the government.
- The rights of the environment itself are violated; the environment as a victim. Increasingly, the rights of the natural world are recognized in court decisions and legislation. In restorative justice conferences, trees and rivers can be represented by surrogate victims, which happened in the *Waikato vs. Huntly* case. In this case, sediment laden stormwater was illegally discharged from the offender's quarry affecting the quality of the New Zealand Waikato River. The river was represented at the restorative justice conference by the chairperson of the Waikato River Enhancement Society. The conference outcome included payment of costs of the facilitator and a donation to the Lower Waikato River Enhancement Society instead of a fine.
- The rights of future generations, who can be represented 'by proxy' in restorative processes, for example by NGOs who protect the interest of future generations in their statutes.





PHOTO from [bbc.com](http://bbc.com)(New South Wales drought now affects entire state)

There are several possible restorative outcomes in the case of environmental crimes: apologies, restoration of environmental harm and prevention of future harm, compensatory restoration of environments elsewhere if the affected environment cannot be restored to its former condition, payment of compensation to the victims and community service work. Measures addressing future behavior, such as an environmental audit of the activities of the offending company, or environmental training and education of the company's employees, are also possible outcomes.

Restorative Justice has been an important element in New Zealand sentencing since 2002. According to a 2012 report of the Ministry for the Environment, between 1 July 2001 and 30 September 2012, a restorative justice process was used in 33 prosecutions under the Resource

Management Act in New Zealand. In Australia, the New South Wales Land and Environment Court also uses restorative processes in addressing environmental offences. The Australian Victorian Environmental Protection Agency uses restorative justice conferences in communities afflicted with environmental damage.

Finally, in the context of transitional justice, environmental restoration and conservation activities after (civil) war can help processes of reconciliation and peacemaking. Such processes took place in Mozambique in 1994, in Afghanistan in 2003 and in Nepal in 2006. Currently, the Colombian government wants former FARC-members to assist with the environmental restoration of landscapes that suffered from the Colombian civil war.

(To be continued in next edition)

Photo: Nairobi, Kenya by Cadmus Atake-Enade

# Peace from Nature's Coffers

In serenity we sail  
in peace we cruise deep into the heart of nature's coffers  
Where calmness thrives in abundance and  
Peace reigns immeasurably

In the cool of the day we sailed  
Watching and wondering over nature's wealth and treasures  
in nature's coffers offered to us on the mangrove plains  
Grown across the ocean's banks with unimaginable calmness  
that soothes the heart and soul

In nature's coffers grow peace from unfathomable aquifers of life  
from nature's coffers we are delighted to thread upon  
Unadulterated and unpolluted lands and streams  
Where calmness soothes our hearts

From Nature's coffers we seek peace and calmness  
devoid of the stench and soot from the mindless extractive tycoons  
who came to steal our once peaceful company with nature's coffers  
Which delivers peace and joy to us on nature's platter of gold  
from nature's coffers lies all our peace and serenity  
let's not give nature's coffers up for a morsel of pudding

That will turn our environments to waste lands and steal our  
Peace offered to us from nature's coffers

- by Cadmus Atake-Enade

It is abnormal for a fisher or fishing community to depend on imported fish for protein. It is an unhappy situation when an experienced fisherman returns from a fishing trip with only flotsam or other debris, including plastics, in the nets. Unfortunately, this is the reality facing fishers in much of the Niger Delta and in other regions where extractive businesses have heavily polluted the creeks, rivers and seas.

The case of fishers toiling for hours, even days, and returning home empty handed and hungry due to the destruction of aquatic ecosystems by oil spills, is similar to the sad experience of farmers whose lands have been damaged by these oil spills, waste dumps and mining wastes. The ecological balance and health of our marine ecosystems have been heavily impacted by unmitigated pollution emanating from oil, gas and mineral exploration as well as other extraction activities.

Seismic activities disorient or even lead to the death of aquatic lives, including whales. In the heat of oil exploration in the offshore of Ghana, whales died and were washed onshore. In fact, between 2011 and 2017, thirty whales have died and been washed to the shorelines of Ghana. Although some people dispute the link between the recorded deaths and oil exploration activities, the spike in such incidents since the intensification of oil exploration and exploitation requires clear explanations.

We note that the undisputed causal links to similar experiences have been established by researchers elsewhere. For example, it is a usual experience to find fish, crabs and other aquatic life forms floating in oil coated waters whenever oil spills or oil-related fires breakout in the creeks.



**Fishers Unite!**

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Over 6.5 million Nigerians are engaged in the fishing business. This includes the fishers and the fish processors. When others in the value chain - involved in fish transportation, net fabrication and repair, boat building, outboard engines maintenance and cold storage operation – are considered, it is clear that this is a sector that requires support and protection.

The employment level in the fishing sector clearly trumps that of the oil and gas sector. While the petroleum sector may contribute in higher amounts to the national purse, the fishing sector directly impacts the lives of more individuals, families and communities than the oil sector. Indeed, if fishers are adequately protected and supported with necessary value addition avenues, fish could reasonably be expected to provide a more sustainable source of revenue and foods than the petroleum sector currently does.

We also bear in mind that millions of Nigerians and beyond depend on fish for 35 percent of their protein needs. This reality underscores the critical need to consider the overall health of our citizens in the management of harmful activities in our water bodies. There is over 12.5 million-hectare of inland water in Nigeria and with this the country can produce over 350,000 metric tonnes of fish yearly. With a huge proportion of our population depending on fish for animal protein, this is an area that requires careful ecological and economic attention.

These considerations become even more urgent when we bear in mind that in a few decades, crude oil will be abandoned as an energy resource. When the need for crude oil fades away, as it soon will, our creeks, rivers and seas will not suddenly become clean or healthy again. The pollution that is being currently condoned is an inter-

generational crime that needs to be stopped and accounted for.

If our fishers should tell tales of what they see, of what they experience, in the struggle to make a living and to provide healthy foods for our teeming population, hearts would be broken.

The questions are: why is the current state of affairs permitted in our waters? Why are our creeks, rivers and seas polluted with impunity and no one is held to account? Why are our fishers left to struggle to no avail with no compensations paid for fishing gears which are destroyed by oil spills, for loss of fishing grounds and for harms from divers factors?

Now is the time to stem the tide of destruction. Now is the time to use our tongue to count our teeth. Now is the time for fishers to unite and stand against pollution. It is time to demand a halt to extraction activities in our waters. It is time for fishers to say that our streams, rivers and seas are not waste dump sites or channels for disposal of toxic effluents. It is time for fishers to unite and loudly remind the world that our best interest is served by fish, not oil.

The FishNet Alliance provides the avenue for fishers to come together and forge a common front to protect our marine ecosystems, livelihoods, to build resilient economies and a sustainable and just future. Is this something we can do? This is our challenge. This is why we must come together, from community to community, from shore to shore and paddle together, united in the good fight for safe waters devoid of deadly pollution.

*Welcome words by Nnimmo Bassey, Director, Health of Mother Earth Foundation (HOMEF) at FishNet Community Dialogues at Mbo and Ibeno, Akwa Ibom State, on 19 and 20 June 2018*

# NIGERIANS BEWARE:

NBMA, NABDA and  
Monsanto, Despite Pending Suit in the  
Federal High Court, Release GMOs into  
Nigerian Environment  
- Friends of the Earth Africa

**R**eacting to the announcement by National Committee on Naming, Registration and Release of Crops, Livestock/Fisheries varieties at National Centre for Genetic Resources and Biotechnology (NACGRAB) and remarks made by Dr Rufus Ebegba, DG/CEO of National Biosafety Management Agency (NBMA) and Dr Rose Gidado, the country representative of Open Forum on Agricultural Biotechnology (OFAB) and staff of the National Biotechnology Development Agency (NABDA).

Mariann Basse-Orovwuje, Coordinator of Food Sovereignty Program for Friends of the Earth Africa, stated that the commercialization of Bt Cotton in the country is not a victory but a breach of law and order. It is also a pointed disregard of the best interest of the Nigerian people and their right to be consulted and respected. This adds a new dimension to the suspicion that disregard for judicial processes is taking a worrisome turn in the current situation of things in Nigeria and that we have surrendered our sovereignty to corporate interests.

Both agencies, NBMA and NABDA are defendants in the pending suit filed by the Registered Trustees of Health of Mother Earth Foundation (HOMEF) and sixteen other Civil Society Organisations in the Federal High Court of Justice of Nigeria in the Abuja Judicial Division, September 13th 2017, suit No FHC/ABJ/C5/846/2017.

The Plaintiffs - HOMEF and sixteen others, sought amongst other reliefs, a declaration that NBMA, the 1st Defendant in this case did not comply with the provisions of the National Biosafety Management Agency Act in granting the permits to the 3rd Defendant, Monsanto

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Agricultural Nigeria Limited and NABDA the 4th Defendant in this case; for the purpose of commercial release of Bt Cotton (Mon 15985) and confined field trial with (1) NK603 and (2) MON89034 x NK603 maize in Nigeria.

The plaintiffs also sought an order of perpetual injunction restraining the 3rd defendant and 4th defendant by themselves, their agents, servants, workmen or otherwise or whatsoever from carrying out any activity or further activities pursuant to the permits granted by the 1st defendant.

The Plaintiffs considered the permits granted by NBMA to Monsanto and NABDA in breach of and a threat to the Fundamental Human Rights of the Plaintiffs as well as the general public as stipulated in the 1999 Constitution of Nigeria as amended in 2011. They also want an order revoking the permits granted by the 1st Defendant to the 3rd and 4th Defendants/Respondents.

The Plaintiffs opined that the issuance of the said permits on the 1st of May 2016 which happened to be a public holiday being Sunday and Workers' Day is illegal, null and void.

While the court is yet to deliver her judgement on the case, the defendants, NBMA, NABDA and Monsanto in defiance to the ongoing court process has gone ahead on Thursday, July 26, 2018 to register and release some Genetically Modified (GM) products and the Bt cotton - one of the subjects of litigation, into the Nigerian environment.

The newly released and registered products amongst others include two transgenic hybrid cotton: MRC 7377 BG11 and MRC 7361 BG1.1 They were developed by Mahyco Nigeria. Mahyco is another name for Monsanto and MRC 7377 BG11 and MRC 7361 BG11 refer to the same Bt

Cotton (Mon 15985) that is the subject of litigation. This information is displayed on the webpage of the International Service for the Acquisition of Agri- Biotech Applications (ISAAA).

Dr, Rufus Ebegba, DG/CEO of NBMA, a regulator whose Agency is named in this suit and an agency that is supposed to be unbiased and ensuring a thorough regulation of these products stated in the light of this development that he has severally said that the country is ripe for commercialization of Genetically Modified (GM) products.

Mrs Orovwuje states that "this singular action speaks volumes. If these Agencies can show this brazen disregard for due process, if they can show this level of contempt for an ongoing court case over a matter of such grave importance, how do Nigerians trust them with their food, crops and livestock?"

The Federal Government should notify Nigerians if the NBMA, NABDA and Monsanto are above the laws of Nigeria. In the meantime, Nigerian farmers and potential traders and buyers beware of this threat to your foods, health and environment.

By: Mariann Bassej Orovwuje  
Coordinator Food Sovereignty Program,  
Friends of the Earth Nigeria and Africa  
and Chair Alliance for Food Sovereignty in  
Africa (AFSA).



# When Oilwatch Africa met in Lamu

A report from Oilwatch Africa Meeting, Lamu, Kenya held on the 6th – 10th August 2018

**O**n the 6th and 10th August 2018; Oilwatch Africa network members, Lamu community representatives, non-governmental organisations (NGOs) and community-based organisations (CBOs) met in Lamu, Kenya at the Oilwatch conference on the theme: Beyond Fossil Fuels.

The conference considered the politics of fossil fuel extractions, the impacts of fossil fuels on the continent and the strategy to unlock Africa's power using alternatives to fossil fuels energy systems that are environmentally friendly and socially just.

The participants of the conference explored the implications of the proposed LAPSET project (Coal power plant, deep Sea Port and Oil extraction) by the Kenyan Government on the socio-economic lives of the people of Lamu, including the impacts of this project on their culture, agriculture, fisheries and livelihoods of the people. After listening to the Save Lamu movement experiences, the conference noted that the LAPSET project is an example of similar dirty energy and mega projects being pursued on the continent without full consultations with the people and without their free prior informed consent.

The meeting began with welcome words from the chairman of Save Lamu, Muhammed N. Ali who lamented at the way and manner in which the people of Lamu are being marginalised, ever since the Kenyan Independence in 1961. In his words, "Lamu is an Island which occupies a land mass of 647.1sqkm covered with about 65% of mangrove forest, a beautiful Island, blessed with abundant natural resources, rare wildlife species, beautiful ocean front with eight different species of Mangrove plants seen all around the environment.



2018.

Save Lamu is totally against oil exploration and the activities of the coal miners. The organization which is made up of 32 grassroots organizations with partners in Nairobi has an objective to stand against the actions of the government for the Lamu environment.

Mr Ali concluded his welcome address by thanking the organizers for considering Lamu as a destination for the Oilwatch 2018 meeting and for standing in Solidarity with Save Lamu.

Yet with all these great attributes of Lamu county, we are not been considered by the government in terms of employment and development. Lamu has no tarmac road, we move around with canoes, speed boats and donkeys to carry loads. In the Island, there are only four cars.”

Lamu does not have any infrastructure so young people have to go out of the community in search for job opportunities but with the coming of LAPSET, the promise of employment opportunities have been made to the youths and with the proposed development of the sea port, some of these youths are being offered scholarships to study in the city.

While some famers have also been offered jobs, the fishermen who provide fresh sea food, fishes, and employments to majority of Lamu people were not taken into consideration. For the reason, Save Lamu took the government to court to ensure that the fishermen are properly provided for by the project and won the case in May

Ikal Angelei, representing Lake Turkana expressed appreciation to the leadership of save Lamu for hosting the oilwatch Africa members in Lamu. She explained that Oilwatch Africa organized the meeting in Lamu in other to support the people of Lamu against the proposed LAPSET project by the Kenyan Government. A project that will involve the construction of a Sea Port, a Coal Power plant and an Oil extraction company all to be established in Lamu County.

After her welcome notes, participants from Lamu shared brief experiences about their struggles to keep the coal in the ground as a move to 'Decoalize' Kenya and Africa.

One of the participants expressed displeasure in the way the government of Kenya is marginalizing them from other counties in the country despite their rich cultural and natural heritage. The participant complained that their lands were being grabbed by those in positions of authority such as the county government, legislatures and other high ranking government officials in Kenya.



Another participant from Save Lamu conveyed fears that security challenges also pose a problem to them. Narrating that as an activist in Kenya the greatest threat is from the security operatives. He gave an instance of a renowned activist in Lamu who has been missing for over a year now since he was taken away by the state security service.

He further stressed that the proposed projects by the Kenyan government will not remediate the problems of marginalization and displacement of the people rather it will further compound the situation. When the sea port, coal power plant and oil extraction begin in Lamu, the entire rich natural heritages will be destroyed by pollution, he believed.

After the testimonies, environmental activist, Nnimmo Bassey delivered a presentation on Just Energy transition where he explained that being in Lamu was

known that Oil does not respect boundaries as whether ones land has oil well or not, we should all be concerned about the impact of oil exploration and extraction. He noted that what was needed now was energy transition that is, a transition from fossil fuels to renewables.

According to Nnimmo, the crisis we are facing globally is been triggered by Climate Change, financial crisis, food crisis, earth grabs, sky grab (geo-engineering) and militarization - all mechanized by fossil fuels (oil).

Another problem of note in Africa is disunity among member states which has paved way for marginalization, neo-colonialism and energy / resource exploitations.

As campaigners we need to make impossible strong but possible demands that will bring about positive results, he concluded.



very significant as it showed that Africa had not lost everything. 'We still have the opportunity to preserve our environment!' He quipped.

In his presentation, Mr Bassey made it

Bobby Peek from Groundwork South Africa gave a presentation on Time to decolonize Africa. In his presentation, he explained that in Oilwatch, there are no "ifs and buts" as it is very clear that we need to keep the "oil in the soil"

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He reflected briefly on coal extraction in Africa, the resistance to this, and then focused on a critical path on the way forward which responds to peoples' demands and to an approach that serves people, which is termed by many as Just Transition, but in reality is nothing more than what development should be.

The presentation showed that coal in Africa was concentrated in Southern Africa and had a brutal history of being the backbone of major mining ventures that have destroyed the land, the water, the air and people's lives throughout the Southern African continent.

Bobby named some African countries that the network needed to be vigilant with. They are: Namibia, Senegal, Madagascar, Mauritius, Niger, Zambia, Ivory Coast, Ghana, Kenya, Nigeria, Tanzania, Mozambique, Malawi, Botswana, Morocco, Zimbabwe, Egypt and South Africa.

He proposed several elements that could lead to a just transition and some of these elements are about urgently needed work in the coal regions while others are suggestions for a broader response such as:

- Building a new energy system based on socially owned renewable with jobs in manufacturing as well as construction and operations;
- Rehabilitating individual mines and the mining regions as a whole to restore and detoxify damaged land and ecosystems and use these lands to build utility-scale solar farms;
- Making people's food gardens as a first step towards creating a healthy food system under democratic control, based on ecological agriculture and ensuring enough for all;
- Building energy efficient homes supplied with solar water heaters (with servicing after installation) so that people stay comfortable with minimal energy use;
- Developing safe and reliable public transport for longer trips;
- Creating a zero waste economy by eliminating built-in redundancy and throw-away products and developing high levels of recycling and composting of organic wastes and introducing a basic income grant for all to enable poor and unemployed people, who are most vulnerable to climate change, to participate more actively in all areas of life.

The meeting progressed further with another presentation from Thuli Makama highlighted the roles of Africa Development Bank (AfDB) in the extractive industries, stressing that they are responsible for the financing of various extractives and explorative activities in Africa. Rather than fostering development in the region, they were destroying it all because of their selfish interest and profit drives. She mentioned that AfDB does not organize any of their meetings in the region rather they organize meetings outside Africa.

After the presentation, a plenary session was set up and the participants at the session made some recommendations for the just energy transition. Their recommendations were:

- Oil corporations have their own narratives so in similar way Oilwatch needs to build its own solutions to promote renewables and tackle false solutions.
- To promote renewable energy, we need to occupy political spaces to shape the future we want through our ideologies and mindsets.

- We need to deconstruct our mindset and re-channel it to the right narrative like the fact that Africa is not poor but rich in natural resources.
- Putting into the mainstream renewable energy techniques in use
- Injecting more funding into renewable energy utilization in Africa

### Field Trip to Siyu, 8th August 2018

On the second day of the conference, the team embarked on a field trip to Siyu, a community located far into the Indian Ocean, where the team had dialogues with the people of Siyu. They stood in solidarity with the people, who expressed their displeasure about the ongoing oil extraction and explorative activities going on in their community.

The people lamented that all their farmlands and coconut trees which they relied upon as sources of livelihood have all been pulled down by the oil company constructing roads for their heavy trucks to convey their equipment and staffs. They also decried the high rate of unemployment and displacement of some of the villagers from their settlements all because oil had been sighted there.

Nnimmo Bassey urged the people to defend their environment and livelihoods if they wanted to continue enjoying the blessings of Nature because the extraction of oil brings nothing but destruction to the environment.

Celestine Akpobari from Nigeria shared similar stories with the people of Siyu and encouraged them to stand in solidarity as the Ogoni people of Nigeria did, expelling Shell from their land for over 19 years now

and till date no oil company have been able to set their foot in Ogoni land. He promised to also stand in solidarity with the people of Suyi, adding that where ever he goes he will also make mention of their struggles alongside that of the Niger Delta people.

One of the participants from Save Lamu explained that in Siyu, they were about 24 oil blocks on the mainland but they were uncertain of the number of those in the high sea.

After the advocacy visit and dialogues, the team departed to Lamu, travelling about one hour thirty minutes on the high sea enroute to Lamu. On arrival at Lamu, the participants reconvened for the Oilwatch meeting. The meeting started with the various Oilwatch member countries presenting their country reports and the way forward for Oilwatch Africa was addressed. The hosting nation for 2019 OWA conference was decided as Nigeria was chosen to as the venue for the next Oilwatch meeting.

### Oilwatch Africa's Lamu Declaration

At the end of the two day conference, Oilwatch Africa members noted that “leaving the fossils in the soil” and embracing the use of “Renewable Energy” was possible. It was also the inescapable path to protecting our nations, tackling global warming and securing a future for our children.

Leaving fossil fuels in the ground will be a powerful means of mitigating the impact of climate change and living Beyond Fossil fuels.

The conference declared:

1. Full support for the demands of the Save Lamu movement;

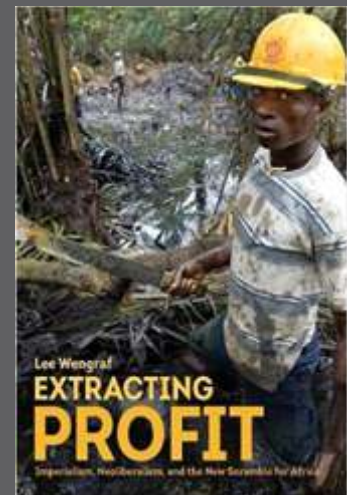
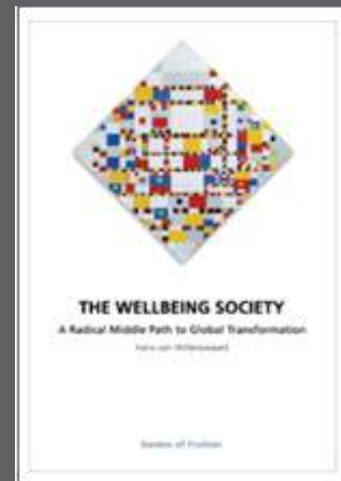
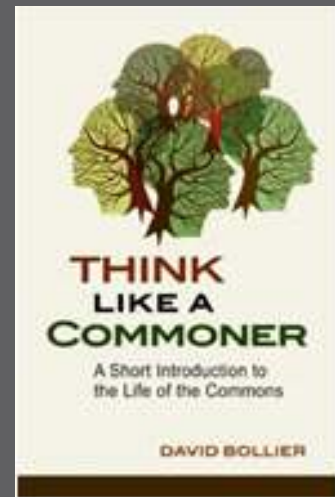


## BOOKS YOU MUST READ

2. Opposition to the use of public funds to subsidize fossil fuels;
3. Land tenure systems on the continent must respect community ownership as dictated by culture and tradition
4. Communities must give their free prior informed consents for projects proposed for their territories while retaining their right to say NO
5. Governments should urgently transit to renewable energy for all, owned and controlled by people
6. African governments must urgently diversify national economies away from dependence on fossil fuels, exploitation of peoples, and the destruction of the gifts of nature.

*This declaration was issued on the 7th of August, 2018 in Lamu, Kenya*

Participants at the meeting were drawn from Ghana, Kenya, Mozambique, Nigeria, South Africa, South Sudan, Swaziland, Togo and Uganda.



## THINK LIKE A COMMONER

The biggest “tragedy of the commons” is the misconception that commons are failures — relics from another era rendered unnecessary by the Market and State. Think Like a Commoner dispels such prejudices by explaining the rich history and promising future of the commons — ageless paradigm of cooperation and fairness that is re-making our world. With graceful prose and dozens of fascinating examples, David Bollier describes the quiet revolution that is pioneering practical new forms of self-governance and production controlled by people themselves. Think Like a Commoner explains how the commons:

- Is an exploding field of DIY innovation ranging from Wikipedia and seed-sharing to community forests and collaborative consumption, and beyond;
- Challenges the standard narrative of market economics by explaining how cooperation generates significant value and human fulfillment; and
- Provides a framework of law and social action that can help us move beyond the pathologies of neoliberal capitalism.

We have a choice: Ignore the commons and suffer the ongoing private plunder of our common wealth. Or Think Like a Commoner and learn how to rebuild our society and reclaim our shared inheritance. This accessible, comprehensive introduction to the commons will surprise and enlighten you, and provoke you to action.

### **The Wellbeing Society by Hans Van Willenswaard**

The book describes an engaging learning journey that began from meeting Ajarn Sulak in the Netherlands and reflects on a remarkable diversity of encounters in Thailand, SE Asia, and in Bhutan. The book leads to the question on how interactions between activists, intellectuals and practitioners from Asia and Europe, in particular around The Hague - City of Peace and Justice can play a creative role in the search for a new development paradigm, a new understanding of rights and duties regarding land and 'the commons', and a Wellbeing Society with organic agriculture at its heart.

The author was born in the Netherlands and lives in Thailand together with co-founder Wallapa. Educated as a 'cultural worker' in the revolutionary 1960ies, he became active in the organic movement after training at Emerson College, U.K.

### **Extracting Profit: Imperialism, Neoliberalism, and the New Scramble for Africa" by Lee Wengraf**

“Wengraf provides a potted history of imperialism in Africa and the damage it did/does. She also debunks a number of myths about the continent: that African poverty is inevitable; that the West's debt to the continent has now been paid; that there's a "resource curse" which has disabled Africa; that African countries are ungovernable sites of war and endemic violence; and that ordinary Africans are passive victims of authoritarian rulers or their dysfunction is fueled by ancient ethnic divides.

“It's a dire tale told brilliantly, with useful embedded mini-essays, graphs, diagrams and interviews. The quotes alone, which begin each chapter and slot seamlessly into the narrative, are a treasure trove. Coming from the mouths of western politicians, they are, generally speaking, a litany of hypocrisy and lies.

“This isn't a cheerful book, but it's an essential one for anybody interested in this most beautiful and troubled of continents.” – as reviewed at <http://www.pmpress.org/content/article.php/20180406180931797>



# Life After Oil

## SCHOOL OF ECOLOGY

*Compiled by Joyce Ebebeinwe*

Life After Oil School of Ecology

**H**ealth of Mother Earth Foundation held the maiden session of the School of Ecology with the theme Life after Oil on 30-31 July at the organisation's head office in Benin City, Nigeria.

Life after Oil is aimed at challenging the mindset of people towards dependence on extractives and especially on the concept of energy and development based on fossil fuels. Participants learned that development is possible without harming our planet and that economic wellbeing and progress can be achieved through respectful use of the gifts of Nature.

A key focus of the school was that humans must reconnect to Nature and that a good way to do that is the platform of Re-Source Democracy. The school particularly aimed at shifting the focus of Nigeria from fossil fuel resources to building a vision of life beyond oil.

This session brought together passionate scholars from the Niger Delta and from other parts of Nigeria. After a careful review of many applications that were received, eighteen participants were admitted into the school.

Among the many other lessons, the two-day academy featured intense brainstorming and discussions on Political Economy of Fossil Fuels and Development Pathways, Extractivism and Crude Visions, Mechanisms of Empowerment Programmes, Pathways to a Clean Energy Future, Environmental Monitoring, Biodiversity and Agriculture (agroecology and food sovereignty).



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Nnimmo Bassey, Director of HOMEF opened the presentations with an overview of our current political-economic system and the idea of development. He pointed out that the present pathway of development which exploits and harms the environment and the poor but benefit a few leads only to more chaos in the world. He stressed that the fossil fuel civilization is in its dying days and this fact cannot be wished away.

The climate is changing because of the way we utilize fossil fuel resources and to have a good chance of keeping global temperatures at pre-industrial levels (2oC), we have to keep two-third of fossil fuels below the ground. Africa is on the verge of having more violent conflicts with hardnosed dependence on the model extractivism.

We must stand up against exploitation. We must redefine development.

## eco~INSTIGATOR

The presentation that followed by Ken Henshaw, Director of We The People, a Social Studies and Development Center, featured discussion on the mechanism that is popularly termed in Nigeria as “youth empowerment programmes.” “There have been very poor results from the huge sums of money and energy put into those efforts aimed at tackling youth unemployment and engaging them with the aim of bringing about an economic diversification in the country Nigeria,” he noted. According to recent statistics, the highest unemployment rates are found in key oil producing states in Nigeria: Rivers, Bayelsa and Akwa Ibom States.

It was also noted that Nigeria has the 20th highest illiteracy rate and 8th lowest life expectancy in the world despite our huge oil and gas earnings. Out of sixteen empowerment and diversification programs investigated in the HOMEF's Beyond Oil Report (2017), only one empowerment programme yielded positive results and only two diversification programmes remain effective. Many of these programmes never worked mostly because they were poorly conceived, planned and monitored. They also failed because rather than leveraging on available skills and capacity, beneficiaries were often chosen on the basis of political patronage.

The so-called empowerment programmes also failed because of a lack of continuity by governments and because new administrations focus more on creating new 'legacy' projects rather than pursuing and building on efforts made by their predecessors.

The School of Ecology also looked at the need for citizens to engage in budget preparations through participation in public hearings and thereafter to monitor their implementation. It was said that if budgets are monitored, there would be feedbacks to

show fault lines and we would be able to tell what projects will be impactful or not. There is need to demand transparency. The need to bring local governments into fiscal government frameworks was also emphasised.

### **Biodiversity for progress**

Another session, taken by one of the world's leading river defenders, Dafe Irikefe, looked at the threats on biodiversity caused by oil and gas exploration and extraction. Climate change, population increase, invasive species, overharvesting of resources, pollutions - including plastic pollution - threaten biological diversity. Some of the solutions to biodiversity erosion include: improvement of waste management systems, focus on prevention of biodiversity loss, restoration and protection of biological ecosystems. Mechanisms to organize and implement biodiversity protection solutions identified included: better understanding of biodiversity issues through improved monitoring; more effective communication and education; improved financial and economic tools; political leadership and commitment at all levels of society.

### **Dirty Energy, Clean Energy**

The impacts of dependence on dirty energy sources include climate change experienced through droughts, flooding, massive population displacement, coastal erosion and the shrinkage of water bodies such as Lake Chad.

In the session handled by Yadoma Mondara, Executive Director of Bukar Mandara Foundation, a climate change and environmental focused Non-Governmental Organisation, renewable energy was considered as the sustainable alternative as they would tackle climate conditions, competitiveness in our economy and make energy supply more secure.





Quick steps towards a clean environment highlighted include: walking often (avoid driving where possible); avoiding single-use and disposable items, carpooling, using the stairs instead of elevators.

More ideas on transition to renewable energy from the session include:

- There was a need to actively invest in and develop our alternative sources of energy.
- Nigeria can double her earnings from currently operating oil wells if ongoing industrial-scale oil theft is stopped. According to a former Finance Minister of Nigeria, as much as 400 barrels of oil are stolen per day. This is likely a conservative estimate as there is a lack of adequate metering system in Nigerian oil operations. Earnings recovered from oil theft and penalties for oil spills and ecological damage can then be invested in the development of alternative energy sources.
- The search for new fossil fuel resources should be halted as currently

booked ones, if extracted and burned will already lead to catastrophic temperature rise.

The School of Ecology in a session taken by Cadmus Atake-Enade, one of HOMEF's project officers, also emphasized the need for citizens to be active in environmental monitoring and reporting by paying attention to changes in their environment, exposing infringements and demanding timely interventions.

Another topic considered was on food systems and related challenges. This module which was taught by Joyce Ebebeinwe, HOMEF's project officer on Hunger Politics, looked at the options we have for food after the mindless harms done by oil extraction to our environment and sustainable ways of producing food. Agriculture is recognized as an alternative for economic development. But what system of agriculture? It was established that an agricultural system which will bring about economic diversification, is one that supports small scale farmers.

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This will be a system that is not necessarily driven by corporate interests but which focuses on empowering farmers, avoiding chemical and artificial fertilizers, pesticides and herbicides so as to replenish the ecosystems and tackle climate change.

Agroecology was acknowledged as such a system of farming which in addition to being productive, proffers solution to the food challenges including climatic impacts, pollutions, pests and diseases. Attention was drawn to the fact that modern agricultural biotechnology (genetic engineering) is falsely projected as the means to food security and economic empowerment for farmers whereas this technology locks them into dependence on corporate systems and jeopardises human health, biological diversity and cultural preferences.

The highly energetic maiden session of the School of Ecology rounded up with the following action points:

- Further interrogation of the concept of development to chart ways to build systems that promote wellbeing and cooperation rather than competition, waste and conflicts.
- Development of an environmental charter for engagement with politicians during the 2019 elections to demand for their plans towards environmental protection and conservation of biodiversity.
- Focus on monitoring how much the government at both state and federal level is investing on Life after Oil.
- Promotion of food sovereignty and campaigning against genetically modified products.

Each of the scholars in this session made personal commitments to the Life After Oil vision.



Fishers from Mbo and Ibeno in Akwa Ibom State came out in their numbers on the 19th and 20th June 2018 to attend FishNet community dialogues tagged “Climate, Oil and Fisheries” and Fish Not Oil” respectively. In these dialogues, the fishers and other community representatives deliberated on the issues of oil pollution and its overall negative effects on marine ecology and their livelihoods.

The FishNet Dialogue is a diagnostic interactive exercise which provides spaces for community (costal and non-costal ) members to review the environmental state and situations of their communities, identify their nature-given assets, identify needed areas to conserve and/or preserve/defend their heritage for future generations positioning them to change the narrative to press for natural sustainable fishing practices, press for restoration and cleanup of their oil polluted marine environment caused by oil companies operating in the areas.

# Fishers in Akwa Ibom Communities Demand an End to Offshore Oil Exploration and Exploitation

Report by Stephen Oduware

During the dialogues, FishNet Alliance with its guiding principles was introduced to the fishers and was well received and endorsed.

FishNet Alliance is a network of fishers engaging in, and promoting sustainable fishing in line with bearable limits of the marine ecosystem. As a network of like minds, we stand in solidarity against hydrocarbon exploitation and exploration and other extractive activities in our inland waters and offshore environments. We hold on to the tenet that demonstrates that Fish is more valuable than Oil.

In his opening words titled: Fishers Unite! Nnimmo Bassey, Director, Health of Mother Earth Foundation (HOMEF) said: "It is abnormal for a fisher or fishing community to depend on imported fish for protein. It is an unhappy situation when an experienced fisherman returns from a fishing trip with only flotsam or other debris, including plastics, in the nets.

Unfortunately, this is the reality facing fishers in much of the Niger Delta and in other regions where extractive businesses

have heavily polluted our creeks, rivers and seas."

He expressed his displeasure over the spate of pollution in the seas, creeks and rivers of fishing communities by oil exploration companies. He emphasized that these activities kill aquatic organisms. According to him, "Seismic activities disorient or even lead to the death of aquatic lives, including whales. In the heat of oil exploration in the offshore of Ghana, whales died and were washed onshore.

In fact, 30 whales died and were washed to the shorelines of Ghana between 2011 and 2017."

Fishers contribute more fundamentally to the Nigerian economy through job generation and provision of fishes for nutrients. Oil companies employ only a few hundreds. He went on to say that "Over 6.5 million Nigerians are engaged in the fishing business. This includes the fishers and the fish processors. When others in the value chain - involved in fish transportation, net fabrication and repair, boat building, outboard engines maintenance and cold storage operation

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– are considered, it is clear that this is a sector that requires support and protection.”

In a solidarity message, Ibrahima Thiam from Rosa Luxemburg Stiftung, Senegal, sympathized with the community people, stressing the fact that they are not alone in the struggle for a better environment as the impacts of pollution on coastal communities are replicated across the shores of Africa as a continent.

“Fishermen across Africa are faced with various kinds of attacks and oppressions from the extractive industries and its time we stand in solidarity and in one voice to speak about these ill activities,” he said.

The chairman, Fishermen Association of Nigeria, Akwa Ibom State - Samuel Ayadi lamented about the problems faced by the fishermen and explained that because of the pollutions from oil spills in their coastal communities they no longer find fish along their coast lines. He demanded on behalf of the association that all extractive activities in offshore should be halted. “We can eat fish but we cannot drink crude oil. So, we want fish not oil,” he declared.

At the end of interactive, informative and educative dialogues, the fishers and all other stakeholders at the dialogue demanded the following:

1. There should be laws to stop the use of toxic chemicals, dynamites and other harmful substances for fishing.
2. All seismic, extractive and gas flaring activities in the coastal communities must stop as this contributes to climate change, kills and scare away fishes and aquatic organisms from rivers and streams.
3. The Federal Government should ensure that all sources of oil spills and waste water pollution in and around coastal communities be identified and halted, while all polluted communities should be cleaned-up and restored and adequate compensation paid to them.
4. It is important that the government and oil companies operating in our communities provide affordable

healthcare facilities and potable water for impacted communities.

5. Government must put a stop to illegal refineries and the military must stop the act of burning of illegal refinery because it also contributes to the pollutions in our coastal communities that leads to loss of fishes and aquatic organisms.

6. Oil companies should be held accountable for any pollution in the host and non-host communities and pay adequate compensations to those whose environments have been polluted by their operations.

7. Coastal community people must be supported to regain their sources of livelihoods as fishers by providing fishing and preservative equipment at subsidized rates in other for them to be affordable for the community people.

8. Government should provide adequate securities for fisher folks along the coastal areas as their equipment and boats are been seized by sea pirates operating in the rivers where they fish.

9. There should be active trainings and learning exchanges between fisher folks in Nigeria and those in other parts of the world who experience similar situations from the extractive and exploration activities.

10. Government should provide satellite communications along the coastal waterways in other to aid communications of fishermen operating in the high seas who lack communication networks.

The resolutions were signed by:

- Artisan Fishermen Association, Akwa Ibom State
- Peace Point Action
- NACGOND
- Kebetkache Women Development and Resource Centre
- Health of Mother Earth Foundation (HOMEF)
- FishNet Alliance



**T**here will be life after oil. The sooner we realize this, the better for us economically, psychologically, spiritually and otherwise. Oil has been the ruin of Nigeria. These are the words of Nnimmo Bassey, Director, Health of Mother Earth Foundation (HOMEF), in an interview with Mohammed Shosanya, on Nigeria's oil and gas sector as well as why Nigeria should stop oil exploration and begin to plan for Life After Oil.

Enjoy the conversation.

**What is your take on the clamour for the review of Production Sharing Contract agreements between the NNPC and International Oil Companies in the country?**

Reviewing the PSC is long overdue. There should be no arguments over that. After so many years, it is a good time to take stock of the situation and decide on next steps. Although we never campaign on issues of getting more money from oil, we believe that after 60 years of oil extraction, the NNPC should be in a better position to get a better deal for Nigeria. What would be critical for me in such a review would be to ensure that a good percentage is set aside for environmental remediation, especially seeing that the petroleum civilisation is on its deathbed.

**There are concerns over revenue leaks arising from obsolete laws in the oil industry. What do you think about that and how can the government block it?**

Plugging holes through which revenue is lost would definitely yield more funds to the government's purse. Would that make the sector profitable?

Not if you consider that environmental costs related to oil operations are externalised. The oil field communities and the environment have been condemned to subsidise the cost of oil production, thus giving it a semblance of being a sector that contributes positively to our nation. Think of how much it will cost to clean up the Niger Delta from six decades of unmitigated pollution! The Ogoni cleanup requires an arbitrarily set takeoff sum of \$1billion to be spread over 5 years. That clean up and restoration process will then go on for another 20-25 years. To my thinking, all the revenue derived from oil since 1958, when the first shipment was made from Oloibiri, may not be enough to remediate the gross damage wreaked on the land, water and the biodiversity of the Niger Delta.

Looking away from the externalities, we still see the basket case that the sector is. The government is the major shareholder in the joint venture arrangements with the oil majors.

Sadly, even with this position, the oil companies are the operators and have retained that position for decades.

The implication of their position as operators is that operational costs are deducted from whatever revenue comes in before the balance is distributed according to the ratio of shareholding. The operators determine the cost of operation.

The government agencies simply have no way of objectively verifying whether what the companies say as the operating cost is true or not. That is a huge basket case.

And how about the metering of the fields to ascertain that declared volumes of oil being pumped is true? Does Nigeria know the actual amount of oil being pumped on a daily basis?

The responsible government agency may scream that they have state-of-the-art equipment for determining the volumes being extracted, but that just comes through as a sad joke.

More credible sources have declared that the volumes being declared do not represent reality. Now consider the matter of importation of refined petroleum products.

**“Does Nigeria know the actual amount of oil being pumped on a daily basis?”**

We have heard recently that the declared volumes are higher in the periods of scarcity! Consider the financial disputes that have dodged the relationship between the Federal Government and the NNPC.

Consider also the recent difficulties of reaching an agreement on what revenue ought to come from the NNPC to

the national pot. These circumstances do not lend an iota of confidence in the sector, irrespective of whether you are looking at the internal oil companies or at the National variants. It is a murky and disturbing cesspit.

Of course, more revenue can come to the government if the war laws governing the sector are reviewed. I call them war laws because they are more concerned about revenue than about the people or the environment.

The industry operates like an army of occupation or conquest. This accounts for the permanent militarization of the region. However, we all heard from Wikileaks that the players in the sector would not accept any arrangement that cuts into their profit. This is why the former PIB dragged on in the National Assembly for almost a decade and came to nothing. Even if we have excellent laws, you would still require excellent structures to implement them.



The fact that the sector as constructed cannot meet this requirement has been widely recognised and concerned Nigerians are making efforts to see something more tolerable.

**The National Assembly has submitted the PIGB to the president for assent. What are your misgivings and expectations about the bill?**

The PIGB as the acronym suggests doesn't portend anything clean. The last National Assembly struggled with an omnibus PIB and it turned into an albatross that couldn't be delivered.

The same fate met the Gas Flaring bill that was introduced by Senator Saraki in that NASS. Why did the gas flare bill not go through? Probably because the offending oil companies could not imagine paying a reasonable penalty for blatant and unending infringement.

Now, the current National Assembly has fragmented the PIB into many pieces, the number of which is anyone's guess.

The argument is that the bills will be easier to pass piecemeal, probably because the key players in the sector, namely the oil companies, do not want a situation where citizens have clarity of the direction of the new law.

So, you have one piece today, another piece tomorrow and each piece can shift in any

direction according to who may happen to give it the most pivotal push.

The old PIB couldn't fly because of some annoying squabbles and petty disagreements from politicians that do not understand the depth of the pains of the communities whose territories happen to be the oil fields.

The angriest arguments were over the paltry 10 per cent that was to go to the impacted communities popularly labeled "host communities."

That was rather queer, because the same bill had provisions that would have made it impossible for the monetary consideration to get to the communities.

I'm referring to the clause that suggested that communities and local governments would have to bear the cost of repairing oil facilities tampered upon by third parties in their territories. That clearly was a booby trap against the communities.

For years, oil companies have been claiming that every oil spill is caused by third party interferences or sabotage. They still hold to that claim, because when that is accepted, the law excuses them from paying compensations for the damage done to the environment or to properties.

In recent years, the rise of illegal or bush refineries has given the international oil companies the platform to gloat, saying "we told you!"

## eco~INSTIGATOR

The rise of the polluting refineries is something that requires forensic investigations to unravel the roots and social manifestations that gave birth to it and feeds it with industrial scale oil supply. Such a study would yield sustainable solutions to the menace. This is what one expects should be done before jumping into so-called modular refineries as a response.

The PIGB before the president touches the institutional architecture of the sector. The benefit of having a scaffold without a full building plan is a questionable way to build a structure. What we are saying is that we need to see the drafts of all fragments of the PIB before we can say whether the structure would support the weight of the efficiency that is needed in the sector.

Even the newly proposed bill that would cover community concerns does not address foundational issues. For what we have seen, it would create another pot around which men with long spoons and long throats may gather. We cannot but wonder why the community provisions in the Solid Minerals Act 2007 cannot be imported wholesale into the Petroleum Industry Bill. Why?

You once advocated that no new oilfields should be opened in Nigeria. Does that not amount to investors stopping investment in the sector that rescued the country from economic recession?

There will be life after oil. The sooner we realize this, the better for us economically, psychologically, spiritually and otherwise. Oil has been the ruin of Nigeria.

We could feel a sense of awakening when oil prices slid to less than \$40 a barrel. There were concerted talks about economic diversification. Now oil prices

have inched up, we are nodding towards slumber.

The best option for Nigeria is to wind down on the dependence on crude oil. Our other arguments are that Nigeria can double the revenue from oil simply by stopping oil theft both by those that tap into the pipelines and those that simply pump the stuff without declaring the right quantities.

We once heard a Finance Minister saying the 400,000 barrels of crude oil was being stolen daily. Others have said that as much as is being declared officially is also being stolen. There are no hard figures, but certainly something fishy is going on.

Secondly, the world is transiting away from fossil fuels. This is a reality that wishful thinking will not prevent from taking hold and making oil a stranded asset. It doesn't matter how much reserve we may have, when the world moves from the climate harming source of energy, we will end up with the wrong end of the stick. Now is the time to clean up the mess in the oil fields, dismantle aged equipment and prepare workers in the sector for new, decent jobs.

It is our running an oil economy that pushed the country into recession. An economy that depends on prices that it cannot control and a resource that poisons your people and environment cannot be anything to be proud of, or to defend.

We should also add that even though the recession is said to be ebbing, most citizens cannot attest to such an effect in their personal lives. What recession are we out of when workers in the public sector go for months without salaries, thanks to dependence on a voodoo economy where we expect cash without productive activities?





If we wind down dependence on oil we will regain our ability to think. We will reimagine responsible pathways to the future. My organisation, Health of Mother Earth Foundation, carried out a research in 2017 that clearly showed that unless we go Beyond Oil, we will remain stuck on an economic treadmill- plenty of motion and no movement.

Countries are waking up to the fact that their biodiversity is more valuable than oil and that healthy population can only be assured in a clean environment.

Nigeria officially has about 6.5 million fishers and workers in the fishing sector. Oil extraction is destroying our fish besides the military cordons around oil installations keeping fishers from reaching offshore fishing grounds.

**Nigeria has shifted the goal post for the eradication of gas flaring to 2020. What are your concerns about the endless postponements of the deadline?**

The 2020 goal post is another phantom

date that will soon come to pass. There are plenty of promises, but this is an election season, so you should expect more of such promises. However, if it happens that the flares go off on whatever date in 2020, it will be great that our people can breathe again.

Gas furnaces have been burning in the Niger Delta for 60 years now.

The Act was outlawed in 1984. A 2005 judgement by a High Court sitting in Benin City on the case of Jonah Gbemre versus Shell affirmed that gas flaring is an illegal activity and an abridgment of the human rights of the people. The act is an economic rascality and a wholesale disregard for the lives of our peoples.

The health impact of this wasteful activity is so severe that it is a monstrosity that no government should permit. But for the incestuous relationship between the government and the corporations, this would be unthinkable.

## eco~INSTIGATOR

Crude oil theft is still here with us with attendant economic loss to the country. How did we get here and what are the best measures to nip the act in the bud?

Crude oil theft is an industrial-level activity. We see pictures of persons caught with drums or buckets of stolen crude. We do not see the shiploads of stolen crude that can only be operated by well-heeled individuals and companies. It is so bad that the stories we hear appear to be anecdotal because they sound outlandish. Persons assigned to ensure that thievery is halted in the area become immersed in the dastardly act.

To stop this rot, our oil fields must be metered in a way that multiple agencies can monitor and ensure that the true quantity of oil extracted is known.

Communities should be empowered to monitor pipelines traversing their territories.

This empowerment would not be by way of contracts, but by way of oil companies behaving responsibly in the oil fields, halting oil spills and quickly cleaning up spills that occur. Government would have to provide essential social services including roads, safe water ways and distribute renewable energy provisions. And, of course, paying adequate rent for using the territory and for historical debt.

### **Do you support calls for the suspension of destruction of illegal refineries by the Federal Government?**

Government never needed to destroy the so-called illegal refineries.

The refineries are not sophisticated constructions. They can very easily be

dismantled. This is what our security agents should be doing. Dismantle the bush refineries and cart away to a dedicated place for safe disposal.

The act of setting crude on fire is extremely detrimental to the environment and the health of the security agents and citizens. Using swamp buggies to crush the illegal refineries is another manifestation the fact

that our security agencies need to set up schools of ecology so that officers can get to know how dangerous it is to burn or crush the crude into the swamps.

### **What is your take on the current campaign by the government to establish modular refineries in the country?**

The modular refineries that some of us expected to hear about would be the type that emerges from our socio-economic conditions. We have research institutions in

this country.

We have engineering outfits that can fabricate refineries based on available skills, suitable research and which would meet environmental standards. What we are hearing of is the importation of modular refineries that repentant artisanal refiners cannot afford. If the idea is to halt the proliferation of illegal refineries, Nigeria should invest in local fabrication of refineries that collectives of artisanal refiners can afford. It should not be beyond us to upgrade what the people are already doing in the bush. If government sets a target of achieving this within say 5 years, from research to fabrication and with adequate funding, it should be doable. Importation of off-the-shelf modular refineries simply locks in our dependency.

**“Crude oil theft is an industrial-level activity.”**

### How far has the UNEP report implementation gone in environmental remediation of Ogoniland?

The concern of Nigerians is that the implementation of the UNEP report on Ogoni environment should pick up speed. That is quite understandable, especially with regard to the provision of potable water in highly polluted localities.

Health auditing is another clear action that is urgent and can be embarked upon expeditiously. The Hydrocarbons Pollution Remediation Project (HYPREP) is taking steps in these directions.

### What are the challenges and prospects of the implementation?

After so many years of inaction, it is essential that something is not only done, but that it is done well. While most people expect to see the excavation of polluted land and cleaning of the water, there are essential steps that must be taken to ensure that this isn't another game of the more you look the less you see.

Things that are essential preliminary activities before actual clean up can be embarked on including the clear delineation and quantification of the work to be done in identified locations. This is part of the reason why consultations have been hired by HYPREP. Without knowing the quantum of

work to be done and the methods of work delivery, you could get all the workers you like to the site, shovel all you want, and money would be spent, but the outcome will be totally worthless.

### The House of Reps is set to embark on the probe of NNPC's finances soon. What is your take on the endless probe of this institution and what would the development pose to the nation's oil industry?

We have been hearing of probes of the NNPC. The institution's finances appear to be a special case, a dark hole, so we hope that the House of Reps will dig in there with head lamps on their foreheads. We need transparency in the NNPC.

A probe is not a bad thing. It is a means of clarifying situations. With the sort of image that the NNPC has, and from the quirky incidents that followed the leaked memo written by the Minister of State for Petroleum Resources, this sort of action from the House of Reps should be a good thing. Combined with the recent difficulties even between different official arms of the sector to agree on basic figures, like with reference to quantities of petrol imported and distributed in the country as well as subsidies paid or not paid, a probe of the NNPC will be excellent for the corporation and for everyone.

## eco~INSTIGATOR

**What is your take on the decision of the NNPC to finance some of its gas projects through the capital market?**

Public financing through capital markets have been shown by researchers to be a new way of pushing funds into the deep pockets of private sector operators. There is an evolving financial architecture that ensures that governments bear all the risks while the so-called market walks away with the profits and multiple consultancy fees. There is a boom that should interest your readers titled Licensed Larceny. I'm not saying that this is what the NNPC wishes to do. I'm not a financial expert. My take is that if properly managed, a corporation like the NNPC would be able to fund its projects without having to open its purse to the open throats of the market.

**How would you assess the policies of the current government on the oil and gas sector?**

What policies? Have they decided to look away from oil? With oil spills and gas flaring marching on unchecked, with toxic produced waters from the oil wells going into our environment daily, and with our people drinking polluted waters, breathing poisoned airs, eating contaminated fish and other foods, one needs to be a magician to spot a difference between the various regimes.

C u l l e d f r o m :  
<https://independent.ng/why-nigeria-should-stop-oil-exploration-basse/amp/>



**FishNet  
Dialogue – Calabar**

**Life After Oil,  
School of Ecology – Port Harcourt  
& Abuja**

**Farm Yard Dialogues Benin**



# GAMBLES OF RISKY TECHNOLOGIES

By: Stephen Oduware

Technology and science are supposed to be tools for understanding nature and develop models to help us live in harmony with nature's life cycles. Some people use technology and science interchangeably nowadays, but are they really the same? Some people argue that the ultimate goal of science is the pursuit of knowledge for its own sake while the goal of technology is to create products that solve problems and improve human life from the practical application of science. But according to Mae-Wan Ho, author of Genetic Engineering: Dream or Nightmare? "Science is nothing more and nothing less than a system of concepts for understanding nature; for obtaining reliable knowledge that enables us to live sustainably with nature."

By this definition, technology is supposed to be the application of techniques and procedures that solve problems and improve human lives, serve the common good of mankind in sync with nature.

Technologies such as Synthetic Biology, Geoengineering, Genetic Modification and others are springing up and their emergence is without recourse to nature and her cycles. Nature is a delicate and a complex system and some of her cycles once altered may be irreversible.

Climate change is here, but rather than cutting emissions at source, corporations with vested interests are promoting false solutions to the crisis. One of these false solutions is geoengineering (GE), a term for 'reengineering' the earth. Several techniques for reengineering the earth have been suggested by some scientists.

- Solar Radiation Management (SRM), which is a technique that seeks to reflect part of the sunlight incident on the earth back into space. The associated techniques as good as they may sound could bring about unprecedented changes to our weather, our seasons and may turn out to be a case of creating a bigger problem while trying to solve one.
- Another technique is Greenhouse Gas Removal (GGR) - which refers to a set of proposed technologies aimed at removing greenhouse gases from the atmosphere. This includes ocean fertilization, carbon capture and storage, enhanced weathering etc. like SRM, GGR is a technofix designed to alter and recreate nature by artificial means.

Technological advancements can be great but only if it helps us live harmoniously with nature and mother earth. Let us collectively rise in solidarity and say no to technologies that threaten mother earth and places future generations at risk.



# Court Decides on GMO Case: HOMEF and CSOs Pledge to Fight on!

**H**OMEF and sixteen (16) other Civil Society Organizations have sued NBMA and their cohorts on the commercial release of Bt Cotton (Mon 15985) and confined field trial with (1) NK603 and (2) MON89034 x NK603 maize in Nigeria citing that the supposed regulatory agency did not comply with the provisions of the NBMA Acts.

The Federal High Court of Justice, sitting in Abuja on the 15th August, struck out the Plaintiffs GMO case with suit No: FHC/ABJ/C5/846/2017 due to technicalities. The Judge in delivering his judgment said that it was his opinion that although the plaintiffs had a Cause of Action in this matter, the court's hands were tied due to one of the objections raised by the defendants which was that the suit was statute barred. The suit was brought a year after the permits had been issued. According to the Judge, it is a contravention of the provisions of the Public Officers Act, which states that any action instituted against a public officer as regards his/her discharge of duties, must be instituted within three months, after the said breach occurred. The case was struck out not for lack of merit or cause of action (the court did establish a Cause of Action) but because of technicalities.

Reacting to this, Health of Mother Earth Foundation (HOMEF), in a statement made available to newsmen expressed great displeasure as they consider this a fall back on efforts to preserve the nation's food system from being overturned by the agricultural biotech industry.

The registered Trustees of Health of Mother Earth Foundation (HOMEF) and sixteen other Civil Society Organisations in September 2017 filed the lawsuit against the Nigerian Biosafety Management Agency (NBMA), the Hon. Minister of Environment, Monsanto Agricultural Nigeria Limited, National Biotechnology Development Agency (NABDA), Hon. Minister of Agriculture, the Attorney General of the Federation and National Agency for Food and Drugs Administration and Control (NAFDAC) over permits granted.

In the summons which was taken out by Ifeanyi Nwankwere of Basilea Juris Associates, the plaintiffs insisted that 1st defendant did not comply with the provisions of the National Biosafety Management Agency Act in granting the permits to the 3rd and 4th defendants. The CSOs asserted that the procedure and issuance of the permits flouts and threatens the fundamental human rights of the people as enshrined in section 33, 34, 36 and 39 of the 1999 constitution of Nigeria as amended in 2011.

Other issues which the plaintiffs brought forward were that NABDA, which by the way is part of the governing Board of NBMA, in their application did not state adequate measures put in place to prevent cross pollination with natural varieties during field trials and that NBMA granted the permits without any public hearing regardless of the consequential issues raised in objections sent in by the Plaintiffs.

HOMEF maintains that agricultural biotechnology along with its current advances come with specific risks both immediate and long-term and require thorough safety assessments.

Recently, the Jury in San Francisco, USA after deliberating for days found that Monsanto's glyphosate based weed killer caused cancer for a man named DeWayne Johnson, who used the weed killer for his job as groundskeeper in a school. Monsanto was ordered by the Jury to pay a fine of \$289 million to the man for failure to warn him and other citizens about risks posed by its weed-killing products.

These same products accompany the cultivation of the seeds our regulatory agency is bent on flooding the Nigerian environment with. GMOs are accompanied with heavy doses of herbicides, most of which have glyphosate, which in addition to the health risks degrade soils.

According to Nnimmo Bassey, environmental activist and Director at HOMEF, "Nigeria's present regulatory architecture cannot ensure food and environmental safety as shown by the manner in which the National Biosafety Management Agency handles GMO applications. One troubling example is the case of genetically modified maize varieties which were illegally shipped into the country by WACOT Nig. Ltd. in September 2017. The agency after announcing that together with the Nigerian customs service they would ensure that the illegal seeds were repatriated approved an application by this company to import these products over a period of 3 years, barely a month after its announcement that illegal maize should be repatriated. This action contradicts the biosafety law which requires 270 days' notice before imports to allow for adequate safety assessments."

Bassey emphasized that "the only essence of genetically modified crops is for the economic benefit of the biotechnology corporations and their counterparts and not the interest of Nigeria. With the release of these products into the environment, damage will be irreversible and the current economic strength of Nigeria cannot afford that damage."

The activist added further in the statement that this ruling by the court encourages the administrative rascality and constant disregard for public interest and due process.

It is instructive to note that while the case awaited judgment, the defendants, NBMA, Monsanto and NABDA on 26th July went ahead to register and release the Bt cotton varieties (MRC 7377 BG11 and MRC 7361 BG11) along with other GM product into the Nigerian environment.



# HEALTH OF MOTHER EARTH FOUNDATION SCHOOL OF ECOLOGY



To participate  
write to  
**schoolofecology**  
**@homef.org**  
before  
**30.09.2018**

Admitted  
participants will be  
notified by  
**09.10.18**

**Abuja**

## ECO- COLONIALISM

- GMO 2.0
- SYNTHETIC BIOLOGY
- GEOENGINEERING



These cotton varieties refer to the same cotton MON 15985 in the suit as evident on the website of the International Service for the Acquisition of Agri- Biotech Applications (ISAAA). This shows a stark disregard for judicial processes and a violation of law and order.

“The health and economic welfare of all Nigerians, which constitutes our fundamental rights, are at risk if GMOs are allowed in the country. Nigerians must be aware that we are neither respected nor protected,” he warned.

Also reacting to the court ruling, Mariann Bassej-Orovwuje, Lawyer and Chair of the Alliance for Food Sovereignty in Africa (AFSA) said in the statement that it would have been in the interest of justice to grant the reliefs set out on the face of the summons as this case represented not just consumers safety but the survival of millions of small scale farmers whose livelihoods are threatened by the corporate takeover of food systems in the guise of agricultural biotechnology. “We hope that when the impacts of GMOs sets in, the government of Nigeria will not say 'we were not informed or warned about the impacts of GMOs.'”

It is regrettable that Federal High Court's decision came at a time when the Chemical Company Monsanto has only been recently found guilty of knowingly causing grievous harm to one of its consumers. This is not the first time Monsanto has been dragged to court. It is on record that Monsanto spends enormous amounts on legal defence to fend off the cases brought by the victims of its activities. Monsanto has a history of

impunity, abuses and crimes. They manufacture highly toxic products that have contaminated the environment and permanently sickened or killed thousands of people around the world. They have destroyed life, plant and human health alike.

In April 2017, The Monsanto Tribunal of International Judges presented in The Hague their legal opinion after 6 months of analyzing the testimonies of more than 30 witnesses, lawyers and experts. Their conclusions are that Monsanto's practices undermine basic human rights and the right to a healthy environment, the right to food and the right to health. It called for better protective regulations for victims of multinational corporations and concludes that International law should clearly assert the protection of the environment and recognise 'ecocide' as a crime. Monsanto was found guilty!

Earlier in 2015, the cancer research arm of the World Health Organization had reported that glyphosate, a major component of weed killers used worldwide was a potential carcinogen (cancer causing agent).

The civil society coalition is of strong conviction that this is a cause worth fighting and would continue to seek redress. The organizations pledge not to relent in pushing the case for food safety and food sovereignty in Nigeria. They pledge to continue to resist attempts by Monsanto, its international and local partners to control our food, land, life and democracy.

# FISHNET ALLIANCE

FISHERS UNITED DEFEND OUR RIVERS, LAKES, OCEANS



**JOIN OUR  
FISHNET ALLIANCE TODAY**

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