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CONFLICT IN THE NIGER DELTA OF NIGERIA: ISSUES AND DYNAMICS

by
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Introduction

If Nigeria, Africa's most populous nation were to splinter as has often been predicted, it is likely that the first cracks would emerge from the conflict-prone mineral rich Niger Delta region.¹ Although the Niger Delta has had a tall history of political instability predating the emergence of Nigeria as a sovereign state, the region's political volatility deepened sharply with the discovery of oil in the late 1950s. Oil exploitation and exploration has produced a conflict-prone political economy animated by complex issues of environmental despoliation, resource control and distribution, and human rights violations. The conflict has evolved from isolated and sporadic protests against oil multinational corporations (MNCs) in the 1970s, to well organised popular movements challenging both the activities of oil MNCs and the Nigerian government's skewed management of oil revenue. It has produced what appears to be an alliance between the Nigerian federal government and MNCs against the oil producing communities. At the same time, local non-governmental organisations (NGOs) and pressure groups have allied with international NGOs to bring the plight of the Delta people to the attention of the international community in what has been seen as the internationalisation of the Niger Delta conflict. This policy brief focuses on two dimensions of the conflict; the main issues involved and the dynamics of the conflict.

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¹ The Niger Delta is a low, flat terrain, straddling 5° north of the Equator. It is a huge floodplain, stretching into the Gulf of Guinea and forming the Bight of Biafra in the east and the Bight of Benin in the west (Okonta and others, 2003: 62). It covers some 25,640 square kilometres of Nigeria's total land area with over seven million people, grouped into several "nations" and ethnic groups: the Ijo, Urhobo, Itsekiri, Isoko, Efik, Etche, Ibibio, Igbo, Andoni, Ikwere, Ogoni, Isoko, Edo, and Kwale-Igbo. Some of these ethnic groups are further divided into "clans" that have their own distinctive languages (Dike, 1956: 21). Indeed, the area presents a fascinating collage of ethnic nationalities, clans and languages. The majority of the inhabitants of the Niger Delta (80 percent) live in three states in present day Nigeria - Rivers, Delta and Bayelsa. The rest are scattered in such other states as Cross-Rivers, Akwa Ibom, Imo and Ondo (Okonta and others, 2003: 18).

The Arguments:

The analysis advances two sets of arguments. First, it asserts that issues of environmental despoliation, and resource management and distribution are at the heart of the conflict in the Niger Delta. More precisely, it argues that while the threats posed by oil exploitation to the environment, the health of local populations and their traditional sources of livelihood (farmland, fishing waters and the forest) have received the most attention in the discussion of the Niger Delta crisis, issues arising from the control and sharing of oil revenue have been most divisive. Together, contentious issues of environmental despoliation and resource control have pitched the Nigerian state and oil multinational corporations against local inhabitants of the Niger Delta in a vicious cycle of protest and repression – resulting in widely reported cases of human rights violations.

Although the political and economic marginalisation of peoples of the oil-yielding Delta region has been the most vexing issue in the conflict, it is the reality of environmental despoliation and human rights violations that have provided various social movements and pressure groups with a compelling case against the Nigerian state and its principal allies – the oil multinational corporations. Environmental and

human rights issues have provided a platform for garnering sympathy for the Delta peoples locally and internationally. It is difficult to determine which of the issues – between environmental concerns and grievances over the skewed nature of the management of Nigeria's oil wealth – have been more central in fanning the embers of conflict in the Niger Delta. However, it is obvious that if Nigeria's oil-bearing regions received a fairer share of the dividends of the oil wealth derived mainly from their land, they are more likely to be less vocal about environmental despoliation.

Second, with regard to the dynamics of the conflict, it is argued that while the triumph of the Yakubu Gowon-led federal government over the Emeka Ojukwu-led Biafran secessionists in 1969 marked the beginning of the progressive centralisation of the management of Nigeria's oil wealth – increasingly deepening the marginalisation of oil producing areas – the Ogoni uprising and the subsequent execution of the "Ogoni nine" in 1995 forced greater unity amongst the peoples of the oil producing regions and strengthened their resolve to redefine the management and distribution of oil wealth, including insistence on environmental friendly methods of oil exploitation.

Environmental despoliation: a threat to the Niger Delta people

Traditionally, the inhabitants of the Niger Delta have been farmers, fishermen, hunters and craftsmen. Over the years, they depended on the Niger Delta's fertile agricultural land, forests, creeks, and fish-rich rivers and coastal waters for their livelihoods. However, with the advent of oil exploration, the once sustainable Niger Delta and Nigerian coastal wetlands' ecosystems have become the most fragile in the world. Forty years of oil exploitation have transformed much of the Niger Delta into a blighted countryside, filled its atmosphere with carbon dioxide, carbon monoxide and hydrocarbon; it has led to the extinction of much of its wildlife, polluted its streams, creeks and rivers - robbing them of all aquatic life. Indeed, oil production activities have transformed the Niger Delta into a wasteland - a near ecological disaster. In light of the importance of agricultural land, forests and rivers for their livelihood, the Delta people have perceived the despoliation of their environment by the activities of oil MNCs as deadly ecological warfare against them.²

Aside from environmental damage and the associated risks of contamination

and infection, recurrent outbreaks of fires from old and carelessly laid oil pipes have claimed thousands of lives and property worth millions of Nigerian Naira. Oil pipelines in the Niger Delta run through farmland, streets, and even homes. Moreover, gas flaring and acid rain have impacted greatly on the Niger people and their environment. In this regard, it is noteworthy that while elsewhere gas is re-injected into the sub-soil or stored for use as energy by local communities, in the Less Developed Countries (LDCs) and in Nigeria especially, MNCs prefer indiscriminate gas flaring since it presents them with a cheaper option. And in light of the corrupt nature of successive Nigerian governments coupled with their strong ties to MNCs, environmental protection has never been taken seriously.

Because of the excessive dependence of successive Nigerian governments on oil revenue, they have been unwilling to enact credible environmental laws that could enforce responsible corporate behaviour from MNCs, especially in regard to respecting minimum environmental standards. Rather, Nigerian governments have deliberately passed very soft environmental laws with the aim of attracting foreign oil investors - to earn more foreign

² Willie Mwiido, "The case of the Ogoni," unpublished paper (nd). Mr. Mwiido was representative of the Movement for the Survival of the Ogoni People (Mosop) in South Africa.

exchange and to secure personal political and economic gains.³ Given MNCs' profit-mindedness, they have exploited loopholes in Nigeria's environmental legislation to exercise what some have seen as environmental genocide. They have, for example, used flaws in Nigeria's environmental laws to absolve themselves of responsibility for the damage caused to the Niger Delta region by recurrent oil spills.

With the growing importance of environmental issues in global political agendas beginning in the 1990s, the environmental plight of the Delta people readily became popularised – facilitated by the emergence of numerous environment-focused local and international non-governmental organisations (NGOs and INGOs). The emerging collaboration between local and global NGOs has highlighted the plight of the Niger Delta inhabitants – calling not only for corporate responsibility, but also for payment of restitution to the affected populations. Unfortunately, provisions for the payment of compensation to affected communities have created divisions between different communities in the region – divisions that have in some occasions resulted in violent confrontations. Oil companies have

used these divisions to their advantage in their divide and rule tactics in the oil communities, lavishing some groups with financial resources and using them to obstruct legitimate claims for compensation by other groups.

The real issue: the skewed distribution of oil revenue

Notwithstanding the negative impact of oil exploration activities on the environment and the people residing therein, revenue derived from oil could be a development vector for the regions where it is found. While elsewhere, mineral-yielding regions have been transformed into prosperous towns and cities, offering a wide-range of amenities and advantages to local peoples, in Nigeria the mineral-bearing regions of the Niger Delta present only scenes of appalling underdevelopment and abject poverty. The Niger Delta is endowed with substantial oil and gas reserves. Oil extracted in the region accounts for 95 percent of Nigeria's foreign exchange earnings and about a quarter of its gross domestic product (GDP). The bulk of Nigeria's proven oil reserves, currently estimated at 20 billion barrels, are located in the Delta area, although some oil exploration also goes on in the state of Bauchi and the Lake Chad Basin. The Rivers state, Bayelsa and

³ Victor Ojokorotu, "The internationalisation of a domestic crisis: a case study of the Niger Delta in Nigeria, 1993-2003"

(Draft doctoral thesis, Department of International Relations, Wits University, Johannesburg, 2004): 101.

Delta alone produce three quarters of Nigeria's crude oil.⁴

In spite of the huge resource endowments of the Delta region, it has remained one of the poorest and least developed parts of Nigeria. It is estimated that over 70 percent of its inhabitants still eke out a rural and subsistence existence, lacking basic amenities such as electricity, pipe-borne water, hospitals, proper housing and motorable roads. Poverty, malnutrition and disease have been debilitating with annual incomes in the area, for example, being far below Nigeria's comparatively low national average of US\$ 280.⁵

Because oil is the pivot on which the Nigerian economy revolves, it is also the stuff of contemporary Nigerian politics. The Niger Delta region, by virtue of being the main oil bearing region in the country, has been the theatre in which the vicious battle for control of this money-spinner is staged. The struggle for control over the oil of the Niger Delta has been deepened by inherent contradictions in Nigeria's federalism. In this regard, although Nigeria is constitutionally a federal state, it operates as a *de facto* unitary state in matters of mineral resource

management, particularly oil. The foundation for the centralisation of the management of Nigeria's oil resources was laid in the post Civil War Petroleum Act enacted by the triumphant Yakubu Gowon military regime in 1969. This Act and subsequent legislation enacted in characteristic reckless military fashion transferred all oil revenue to the federal military government, which in turn was expected to disburse the money to various states, partly on the basis of need, which needs did not, however, include the special needs of the minority people of the Niger Delta, from where the oil wealth derived.⁶ Post Civil War legislation completely discarded the revenue allocation formula agreed to in 1954 by Nigeria's three main regions – the North, the West, and the East, dividing mining revenue equally between the regions from which they derived and the federal government.⁷

⁵ Ike Okonta and Oronto Douglass, *Where cultures feast: Shell, human rights, and oil* (London and New York: Verso, 2003): 19.

⁶ Ibid.

⁷ Revenue allocation based on derivation had been the practice prior to 1979. Under section 134(1) of the Nigerian Federal Constitution of 1960, the federal government was required to pay each region 50 percent of the proceeds of royalties and mining rents derived from that area. This provision was re-enacted without modification as section 140(1) of the 1963 constitution. Following the subdivision of regions into states, Decree 6 of 1975 reduced the states' share of the proceeds from 50 percent to 20 percent. Meanwhile, Nigeria's Land Use Decree of 1978 vested control and management of all land comprised in the territory of each state in the military governor of that state. Section 40(3) of the 1979 constitution vested control of minerals, mineral oil, and natural gas in, under, or upon any land in Nigeria in the federal government and conferred upon the National Assembly the power to make laws regarding revenue allocation. The Revenue Allocation Act No. 1 of 1982, as amended by Decree 36 of 1984, granted 55 percent of proceeds to the federal government, 32.5 percent to the state governments, 10 percent to local governments, 1 percent to the fund for the amelioration of ecological problems, and 1.5 percent to the Oil Mineral Producing Areas Development Commission (OMPADEC). Under Decree 23 of

⁴ Alexander Madiebo, *The Nigerian Revolution and the Biafra War* (Enugu: Fourth Dimension Publishers, 1980).

This new formula for sharing Nigeria's mineral revenue, especially oil, has created tensions that have deepened the crisis of the Nigerian state, the consequences being corruption, ethnicity, big-small region politics, North-South/Christian-Muslim dichotomies, and strained federal government-state relations. In many ways, issues of resource ownership and control have defined Nigeria's politics since the end of the Civil War. There is, for example, an obvious contradiction in the Nigerian state that pitches minority ethnic groups whose regions produce the oil (and that suffer the most from environmental despoliation) and the non-oil producing majority ethnic groups. The latter dominate the federal government and therefore control and appropriate the oil wealth. The Delta crisis in a large sense stems from attempts by desperate inhabitants of oil-producing regions to draw the attention of the Nigerian government and the international community to this injustice.⁸ Moreover, although Nigeria's oil-boom brought greater wealth to the country, it diverted attention away from agriculture and created an oil-dependent national economy that converted oil-producing regions into battle grounds for the control of oil resources. It equally fuelled corruption,

ensuring that the ordinary people did not benefit from oil dividends.

Despite the region's resource endowment, its contribution to the overall development of Nigeria, its immense potential for economic growth and sustainable development, it has remained under threat from deteriorating economic and environmental conditions as well as social tensions, pushing the people of the area to increasingly question the rationale of Nigeria's federalism. The indigents of the Eastern part of the country, particularly the oil-rich Delta region, feel that they are being treated as a conquered territory and people. The conclusion is that the distribution of oil revenue has been deliberately skewed in favour Nigeria's main ethnic groups at the expense of the minorities that incidentally host these resources.⁹ And to quote from Green Peace: "For years, Nigeria's oil-rich South-East has been considered a colony by the Nigerian political and military elite. Those oil revenues that the elite did not use to acquire luxury goods and top up foreign bank accounts were spent exclusively in the North or South West."¹⁰ Levi Lenee, a young Delta student, reasons in the same light when he laments: "Our oil

1992, the proportion of proceeds allocated to OMPADEC was raised to 3 percent.

⁸ Ojokorotu, 2004.

⁹ Nigeria historically has over 200 ethnic groups. However, three major groups have dominated Nigeria politics over the years – the Hausa-Fulani in the northern part of the country, the Yoruba in the West and the Igbo in the East.

¹⁰ Green Peace, 1996: 33.

money was used to build Abuja and Lagos but we are still in darkness.”¹¹ Perceptions of exclusion and deprivation of the Delta peoples from the development benefits of oil wealth have contributed to bitterness that has translated into various acts of violence which in recent times have taken dramatic forms like hostage-taking, hijacking and kidnapping of expatriate oil company workers and recurrent sabotage of oil installations.¹² Concerned mainly with ensuring the unperturbed flow of oil, the response of the Nigerian government and its allies – the MNCs – has been brutal military and police reprisals that have resulted in the deaths of hundreds of innocent local people.

The Niger Delta: dynamics of a conflict

Social conflicts most often occur when basic human needs, such as physical security and well being, communal or cultural recognition, participation and control, distributive justice are repeatedly denied, threatened, or frustrated, especially over long periods of time. Noticeably, many contemporary conflicts are the current manifestation of a cycle of historical grievances. In the

case of the Niger Delta, “severe political and economic discrimination have left a durable legacy of reverberating echoes of conflict.”¹³

For decades, the Niger Delta communities peacefully protested against the unacceptable injustices against them. However, the Nigerian government and MNCs simply ignored their pleas, resorting instead to various forms of intimidation and outright violence. This eventually hardened the local Delta communities, particularly with the formation of civil society groups such as the Pan-Niger Delta Resistance Movement, the Environmental Rights Action, the Ijaw Youth Council, the Movement for the Survival of the Ogoni People (MOSOP), the Movement for Reparation to Ogbia (MORETO) and the Movement for the Survival of the Ijaw in the Niger Delta (MOSIEND). Unlike earlier limited petitions of the 1960s and 1970s, these new social movements had wider agendas that included not only calls for corporate responsibility, but embraced issues as varied as democratic development and self-determination. More importantly, these movements slowly altered the complexion of the struggle of the Delta people from peaceful petitions to violent agitation.

¹¹ BBC News Online.

¹² Onduku, Akpobibibo, “Confronting the Human Security Dilemmas: towards building sustainable peace in Nigeria’s Niger Delta,” Paper presentation at the ceremony in honour of Ms Ibiba Don Pedro, the winner of the 2003 CNN African Journalist of the Year Award, at the Lambeth Town Building (London, Saturday 18 October 2003): 4.

¹³ See J. Burton, *Conflict: Human needs theory* (New York: St. Martins Press, 1990); Pruitt, D. G. and J.Z. Rubin, *Social Conflict*:

Popular writer and activist Ken Saro-Wiwa organised the most formidable challenge against the Nigerian federal government's skewed management of Nigeria's oil wealth under the banner of the Movement for the Survival of the Ogoni People (MOSOP). In 1995, he and eight others of the Ogoni clan were executed for raising their voices over the management of the country's oil resources. While the Nigerian Civil War was the defining moment for the triumphant federal military authorities to wrest control of the mineral resources of the Niger Delta, the Ogoni uprising and the execution of the Ogoni nine was a watershed in the resolve of oil-producing communities to unite for a redefinition of the ownership, control and management of resources exploited from their land, thus bringing in new and complex dynamics in Nigeria's oil politics. In the aftermath of the execution of the Ogoni nine, other communities in Nigeria's nine oil-producing states have rallied around local elite-led pressure groups to challenge the powerful alliance of multinational oil companies and the federal government of Nigeria for a share of the country's oil wealth. This has seen the emergence of radical youth movements that have resorted to kidnapping western oil workers and using them as baits to negotiate ransom

or at least promises from the federal government and MNCs to provide them with basic amenities like schools, health centres, electricity and pipe-borne water. As in earlier years, the Nigerian government's response to these acts has been mobilising the police force and military to quell what they perceive as agitators, resulting in human rights violations. Indeed, there is a divergence of interests between the Nigerian state and MNCs on the one hand, and the interests of the Delta people on the other. The Delta peoples' main concern is with an improvement in their life conditions, in terms of a reversal of the degradation of their environment, greater access to oil resources, employment and more development in their areas. However, the Nigerian government and oil multinationals have securing the continued extraction of oil from the region as their principal concern.

The Delta conflict: between issues of resource distribution and environmental despoliation

Even with the best of efforts, oil exploration and exploitation will always have some negative impact on the environment. More importantly, oil would remain Nigeria's main source of foreign exchange for a long time. Therefore, it is not conceivable that the

Escalation, stalemate, and settlement (New York: Random House,

1986).

activities of oil multinationals will cease in the Niger Delta, even in the face of persistent violent protests by local communities. What is conceivable, however, is that if the distribution of oil wealth was tilted in favour of Nigeria's oil-producing communities, the agitation over the negative impact of oil exploration activities on the environment and sources of livelihood of the people of the Niger Delta would be less intense.

This is not to suggest that agitation over the degradation of the ecological system of the Niger Delta is a façade behind which lie the real struggle over the control of the oil resources of the region. Rather, it is to say inasmuch as oil exploitation has devastating effects on the environment and peoples of the Niger Delta, getting a fair share of oil dividends in terms of concrete development projects, employment and greater involvement in the operations of the oil industry, is more likely to give the local populations a sense of belonging. It will facilitate their acceptance of some of the environmental consequences of oil production as a necessary price to pay for the benefits that they get from oil activities.

Persistent protests by the youth and other organised pressure groups in the Niger Delta have forced the Nigerian

government and MNCs to realise that there is an urgent need to take some action to address the grievances of the oil producing communities. In this regard, the Obasanjo government set up the Niger Delta Development Commission (NDDC) in 2001 to diffuse the feeling that the region's oil wealth was being used largely for other parts of Nigeria. This commission is said to have spent over 4 billion Naira (\$ 28m) building schools, health centres and roads, and in bringing pipe-borne water and electricity to many local communities. It has also engaged in providing various skills to hitherto unskilled and idle youth in diverse fields, ranging from carpentry, computer literacy, to setting up transportation agencies. All this is aimed at reducing their bitterness and to distract them from violent tendencies.

While on paper, the NDCC appears to be determined to play a major role in improving the lives of the Niger Delta inhabitants and in reducing instability in the region, on the ground it appears to be used largely for political purposes, with little potential to herald meaningful change. Poverty, therefore, remains deeply ingrained in the area and the potential for violent conflict remains rife. The Delta people have remained unimpressed and the perception persists that Nigerian governments and MNCs have had a record of making

promises in the past that they have hardly kept. Therefore, whatever projects have been earmarked or executed in various parts of the Delta region thus far, have been seen simply as the usual gimmicks of the federal government and its allies, the MNCs. Hence, the continued escalation of the conflict.

Conclusion

The issues involved in the Niger Delta conflict and the dynamics of the conflict lead to the conclusion that unless the financial hegemony of the federal government (that sharply contrasts with the fiscal emasculation of oil producing regions) is corrected, there can be no lasting peace in the Delta region. Indeed, only the satisfactory resolution of the issues of resource control and management can guarantee peace in the Niger Delta. In light of the centrality of oil resources for the economic viability of the Nigerian state, oil activities are bound to continue in the Delta region for many years to come. This implies that issues of environmental despoliation will have to be contended with in the area. However, as argued earlier, giving the people of the Delta region a fair share of the dividends from the oil "manna" would encourage them to accept environmental degradation as a price for the benefits of oil exploitation. More broadly, the skewed management and

distribution of oil revenue in Nigeria mirrors what prevails in other mineral-rich Sub-Saharan African countries. In this regard the ongoing conflict in the Niger Delta of Nigeria should serve as a lesson to the governments of these countries to improve the management of revenue deriving from natural resources if they must avert being visited by complex conflicts of the type going on in the Niger Delta.

Policy considerations

- I. *Enacting credible environmental legislation:* Given the centrality of issues of environmental degradation in fuelling conflict in the Niger Delta, the Nigerian federal government should look beyond merely attracting more oil companies to enacting credible environmental legislation that would oblige oil companies to adhere to internationally recognised principles of corporate social responsibility. Only credible and enforced environmental legislation will reverse the trend of environmental despoliation in the Niger Delta, halt the destruction of the traditional sources of livelihood of the Delta people and by so doing remove a critical source of bitterness of the Niger Delta communities.

- II. *Moving away from an oil-dependent economy:* The Nigerian government needs to urgently strive to look for means of reducing its excessive dependence on oil revenue. This could be done by reviving its one time vibrant agricultural sector and in developing other non-oil economic sectors, especially the textiles and tourism industries.
- III. *Rethinking Nigeria's revenue sharing formula:* More importantly, the Nigerian government should rethink its oil revenue sharing formula to make it more accommodating of the special needs and interests of Nigeria's oil producing areas, particularly in terms of their development needs. This is a precondition for lasting peace in the regions.
- IV. *Sensitising oil-producing communities:* There is also need to sensitise oil-producing regions of the fact that oil is the mainstay of Nigeria's economy. Therefore, inasmuch as it is their legitimate right to aspire to control what is rightfully theirs, they must learn to accept the fact that oil proceeds have to be shared with other regions of the country.
- V. *Fighting corruption in Nigeria's oil industry:* The Nigerian government and oil multinationals should evolve more effective strategies to fight the corruption surrounding Nigeria's oil industry. Mechanisms need to be put in place to ensure greater transparency and accountability in the management of oil revenue.
- VI. *Need for assistance from regional organisations and the international community:* Continental and regional organisations such as the African Union and the emergent NEPAD, together with the broader international community have to put pressure on various actors in Nigeria's oil industry to use revenue derived from oil to meet the development needs of the masses. More importantly, they must be willing to impose and uphold sanctions against the Nigerian government and multinational oil companies in instances of the violation of the human rights of Niger Delta people.

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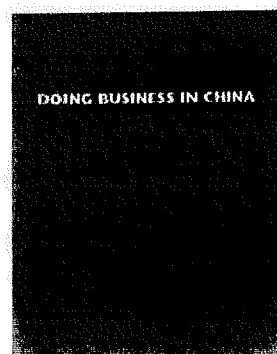
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