
'Victims of their own fortunes'

Ongoing environmental problems resulting from oil production in the Niger Delta in Nigeria

October 2000

'The Nigerian government and the oil companies should know that the time is now for them to stop treating the Niger Delta people as victims of their own fortunes. It is time oil exploitation in the Niger Delta is used for the benefit of the people and not at their expense.'

**Gbenewa Phido, president MOSOP-UK,
4 September 2000**

Colophon

'Victims of their own fortunes'; Ongoing environmental problems resulting from oil production in the Niger Delta in Nigeria is a publication of Milieudefensie

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Milieudefensie is the Dutch branch of Friends of the Earth International, a federation of independent environmental organisations from all over the world. Member groups are active in 61 countries and campaign on the most pressing environmental and social issues of today.

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1. Five years after Ken Saro-Wiwa

It has been five years after the assassination of Ogoni leader Ken Saro-Wiwa and eight other Ogoni people, whose campaign turned public attention to the social and environmental problems related to the oil exploitation in the Niger Delta. The environmental problems and the killing of environmental rights activists on November 10, 1995 both caused international outrage. Oil companies, most notably Shell, were publicly criticised for the environmental damage resulting from their operations. The international community condemned the human rights situation under president Abacha, and the United Nations and the European Community imposed sanctions.

It has also been a year and a half since the inauguration of the elected President Obasanjo. In his election campaign Obasanjo promised to take action to improve the living conditions of the people in the Niger Delta. In the meantime Shell had also promised to improve its environmental performance. These developments gave the peoples of the Niger Delta some hope (though they remained somewhat sceptical) for a solution to their environmental and social problems.

In November 2000, Mr. van Aartsen, Minister of Foreign Affairs of the Netherlands, will be visiting Nigeria. Milieudefensie (also known as Friends of the Earth Netherlands) wishes to use this occasion to take a look at the current environmental situation in the Niger Delta¹. Milieudefensie has gathered environmental reports from the Niger Delta made by its partner organisation Environmental Rights Action (ERA, Friends of the Earth Nigeria) and other local organisations from the Niger



Delta over the past two years. Milieudefensie will present some of the reports that have not been published by the Dutch media so far. Both the frequency and the content of these reports suggest a continued environmental degradation as a result of the oil operations. As in most cases Shell denies responsibility for cleanup, disagreements with local communities continue, and sometimes end up in new conflicts. The recent decision of the Nigerian government to deploy a special military task force to protect the oil operations² is another reason for growing concern, although on the individual level, the human rights situation in Nigeria has improved since President Obasanjo took office in May last year.

Milieudefensie is concerned that, if the problems of the people in the Niger Delta are not dealt with properly in the near future, the Niger Delta may run the risk of increasing conflicts and violence. Therefore, the organisation is making a strong appeal to the Nigerian government and the oil companies, including Shell, to launch an independent investigation into the past and present environmental and social degradation resulting from the oil operations in the Niger Delta. Such an independent investigation is a prerequisite to solving the environmental problems in this area, as well as resolving the local communities' current ongoing conflicts with oil companies and the Nigerian government.

Main environmental impacts of oil exploitation in Nigeria

Activities of oil companies in Nigeria affect the environment in a number of ways:

- Oil leakage

Oil leaking from pipelines affects agricultural land, rivers and wetlands. This is particularly important since the majority of people in the Niger Delta live from agriculture and fishery and depend on the rivers for drinking water.

- Gas flaring

More than half of the gas that is released during oil exploitation in Nigeria is being flared (burned). People have to live near the flares, which make noise, and in some places it never gets dark at night. SO₂ emissions are said to affect people's health while CO₂ emissions contribute significantly to global warming.

- Forest destruction

Forests are being destroyed for building pipelines, oil wells, access roads and canals and by cleanup activities in the event of oil spills.

- Dumping of waste

Oil residues and other wastes from drilling are being dumped in rivers, wetlands and the sea or in open oil wells.

- Damage to soil and water

Laying of seismic lines for exploration and construction of roads and canals affects hydrological balances and damages the soil.

¹ Milieudefensie has followed the activities of Shell in the Niger Delta since 1992. The organisation has actively encouraged improvements in Shell's environmental performance and stimulated the company's role in preventing conflicts about oil resources in the area in which it operates.

² Human Rights Watch, Briefing for U.S. President Clinton's visit to Nigeria, August 2000.

2. The Niger Delta - in brief

Most of Nigeria's oil is found in the delta of the River Niger, an area of 70,000 km², in its broadest sense. Biologists describe the wetland area as rich in bio-diversity. There are fresh and salt waters, coastal and inland waters, mangrove areas and agricultural lands. The Ogoni people are the most well known inhabitants of the area. However, they are small in numbers, comprising 500,000 people out of a total of some 7,000,000 in a small area in Rivers State. The Ijaw community across the Delta is the largest segment of the population, with approximately 2,500,000 people. Many of them (and other Delta people) depend completely or partly on natural resources. Besides needing clean water for drinking and washing, many of them are fishermen or farmers, making a living from the rich soil and waters of the Delta.

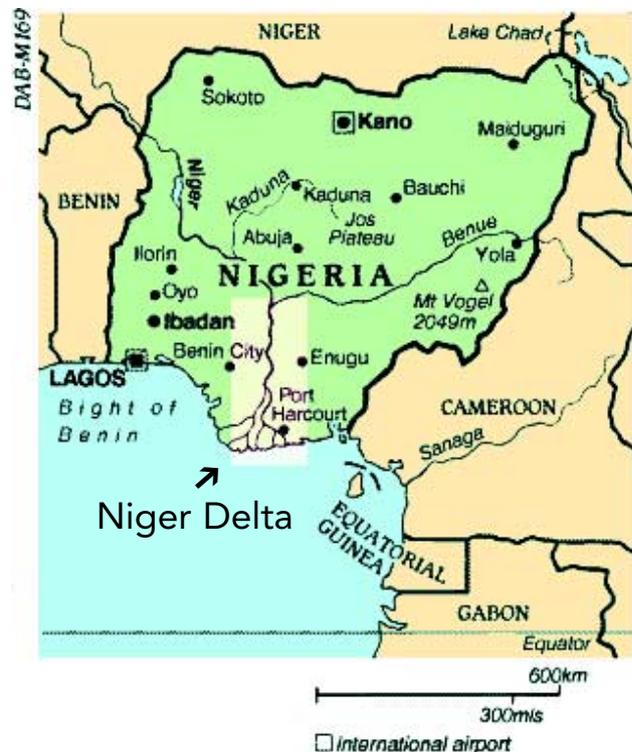
Oil resources and the involvement of Shell

The Niger Delta contains significant volumes of oil and natural gas. In 1958 Shell started exploring for oil in Ogoniland and other parts of the Delta. Other petroleum companies including Elf, Agip, Chevron, Mobil and Texaco are active as well. The petroleum incomes are vital to the Nigerian economy. Some 85% of the country's GDP is derived from oil, and 95% of export earnings. Experts expect gas production to take an even more prominent role in the future.

Nigeria is equally important for Shell, providing some 12% of its world-wide earnings. Shell (in Nigeria 'Shell Petroleum Development Company', SPDC) is responsible for the technical realisation of the exploration and exploitation of a consortium, which is comprised of 30% Shell, 55% Nigerian government, 10% Elf and 5% Agip. The consortium produces a million barrels, or approximately half of Nigeria's oil, a day.

Due to tensions between Shell and the Ogoni people, Shell has not drilled for oil in Ogoniland since 1993³. Oil exploration and production continues in other parts of the Niger Delta and in the rest of the country.

³ Transport of oil through pipelines is continuing in Ogoniland.



Oil spill, December 1998

The Niger Delta Human Rescue Organisation (ND-HERO) reported an oil spill at Nembe (Rivers State) in December 1998. According to the organisation the spill started on October 25 and lasted until the 28th, one day after Shell came to the site and started to repair the leak. On December 2 Shell reacted publicly. As the Nigerian newspaper This Day reports: 'The spill occurred on the 27th [...] and the cause of the spill has yet to be determined as youths of the community, allegedly armed with machetes, stopped the investigating team from having access to the area. [...] Early investigations of the leak is said to have revealed that it was from the stem of a valve or plug believed to have been removed by unknown persons.' This statement is vigorously contested by ND-HERO.

3. Current environmental reports from the Niger Delta

Inspired by the Ogoni people, the environmental rights movement in the Niger Delta has grown over the past years. Both the amount and the content of information suggest continued environmental and social damage resulting from the oil operations in the Niger Delta, including those of Shell (SPDC). Two examples of such reports from an area where Shell operates are given in this chapter. Other examples are given in boxes in the text.

A. The Biseni oil spill

On 25/26 June 2000, a rupture occurred in a 6-inch (15 cm) wide line Shell had placed along Adne Access Road in Biseni village, reports Environmental Rights Action (ERA, Friends of the Earth Nigeria)⁴. Crude oil streamed into farmlands, rivers and swamps and flooded access roads. When ERA visited the community and the site of the incident on 25 July, they discovered that there was still a rupture in the surface pipeline. The nearby Taylor Creek was covered with a thick layer of crude, according to the report. ERA found the cause to be 'rust and corrosion'. It also appeared that another less serious spill had occurred with the same pipeline in March of this year, and that a major spill of a flowline had taken place in the community itself in October 1999. The March spill was still to be cleaned at the time of the ERA report, and a major disagreement had arisen about the cleanup operation of the 1999 spill. Communities objected to the choice of forest burning as a method of cleaning up.

Community Chief Henry Okosika told ERA that the community had made an official report to Shell about the most recent spill, but that Shell claimed the cause of the spill was not known. When ERA visited the Shell flow station in order to ask for clarification Shell declined to comment on the situation.

Further interviews by ERA with local people give an indication of the local people's attitudes: 'Crude oil spill is no news here. Let me say it clearly: there is no year that we don't record major crude oil blowouts here and Shell always tells us it is sabotage', explains a villager to ERA. 'Shell always comes to the place with armed policemen and plain-clothes security officers to intimidate

⁴ Environmental Rights Action, Field report #65, 15 July 2000.

[us] to accept under duress that such spill is caused by sabotage,' a local community leader added.

Milieudefensie is not aware of any new developments in the area.

Oil spill



Leaking flowline, December 1999

ERA investigations following local complaints revealed a leaking flowline connected to Well 4 in Bodo-West field in Ogoniland in December last year. Oil was floating into mangrove areas and swamps, which is difficult to clear because of tides. People depend on the area for their fish. According to the organisation it was not the first accident since Shell left Ogoniland in 1993*.

* ERA Shell facilities spew oil, 27 December 1999 and ERA field report #31.



Gas flare at Kolo Creek, Nigeria

B. Otuegwe Oil Spill and Forest burning

'The sight that greeted us when we finally arrived at the spill was horrendous', writes Human Rights Co-ordinator Mike Fleshman of the Africa Fund⁵ in an account of his visit on June 12 1999⁶ to an oil spill from Shell's Bonny pipeline at Kolo Creek, Num River, running through the Otuegwe 1 community. 'A thick brownish film of crude oil stained the entire area, collecting in clumps along the shoreline and covering the surface of the still water. The humid air was thick with oil fumes, caused, Robert [the guide] explained, by the sun's evaporation of the crude, and quickly making me nauseous. We passed two men tending a fire; dumping sludge and oil soaked rags from the cleanup into the flames and sending thick black smoke up through the dead palm trees into the sky. They had neither masks nor gloves, and told us that they had been burning the waste since early morning.

We passed a large dead tree whose trunk was stained with oil fully ten feet over my head. Robert explained that this was the high water mark, as the area flooded several times a year, spreading the hundreds of thousands of barrels of spilled crude over many hundreds of square miles and devastating the entire region.

By the time we reached the site of the rupture the fumes were so thick it became difficult to breathe. A sheet of oil covered the water in all directions, extending out into the creek and spreading throughout the region's waterways. Two men from the village, wearing only shorts, stood waist deep in the oil-soaked water, skimming the surface of the water with stained cotton rags and wringing the oil into plastic buckets'. US experts told Fleshman afterwards that this cleanup was far from sufficient and that the cleaners would risk illness from diseases including

cancer. Local people told him that some of them indeed had become ill, and one had even died. They thought this was the result of contaminated water, allegedly resulting from the spill.

Mike Fleshman's account was made one year after a spill that lasted for six months, from 10 June 1998 to December 1998, according to the Niger Delta Human Rescue Organisation (ND-HERO) in their report dated 17 March 2000.

Shell's reaction

Shell told the Africa Fund that the spill was caused by sabotage. The company apparently issued a statement with a similar content. Fleshman has his own thoughts about this. The pipeline was buried beneath the stream bed, and 'the supposed saboteurs would have had to drag scuba gear, an underwater drill and a generator through the swamp for miles to cut a hole in a 16-inch pipe. Shell reached this conclusion without carrying out the required investigation', writes the Human-Rights Co-ordinator of the Africa Fund.

Forest burning as a method of cleaning up

The ND-HERO report recounts the cleanup operations that followed. '... Shell went and hired Willbros Nigerian Ltd to clamp the leakage. They also hired inexperienced hands to mop up the thick layer of oil spill with hand pans and afterwards the forest was set on fire as a means of cleaning the remaining residue of the oil spill.' Precisely how much forest has been destroyed is not known.

⁵ A human rights NGO from the US

⁶ The Africa Fund, Nigeria: Environmental destruction and dangerous unrest, April 2000.

4. Conflicts between local communities and the oil industry continue

These and many other reports mentioned in this booklet, as well as the high frequency of the reports from environmental and human rights organisations, cannot help but create the impression that Shell's activities are still causing environmental problems in the Niger Delta. It should also be mentioned that these organisations do not have anywhere near the capacity to cover the entire Delta.

There are as many of these reports as there are unresolved conflicts between the local people/environmental organisations and the oil companies and/or the Nigerian government. Shell often denies responsibility for the damage, pointing the finger at local people who it claims have caused the damage. As the cases show, it is the word of NGOs and/or the local people from the Niger Delta against the word of Shell. The local people themselves do not have the necessary means (often technical) to investigate the cause or magnitude of a spill or take care of cleaning up the damage. Also, the government does not carry out a thorough investigation into the matter. As a result, little is being done to improve the situation in most of these cases.

Even in the few cases where Shell admitted having caused the damage, cleanup operations either do not take place at all or in a way that is not satisfactory in the eyes of the local people, which gives rise to new conflicts. Forest burning as a technique for removing the spilled crude has been a point of argument between environmental and human rights organisations and Shell for a number of years. Shell's forest burning in Aleibiri (Ekeremor LGA, Bayelsa State) on 25 March 1998, in which 10 to 20 ha of forest was burned⁷, sparked outrage within the community. After written exchanges with Human Rights Watch, Shell admitted that 'procedures were not in compliance with their requirements'⁸. On 24 July 1998 ERA reported an oil spill near Foutorogbene (Bayelsa State), after which Shell set 12 hectares of forest on fire, according to the local people, who prevented Shell contractors from continuing to operate. The burning of forest in Otuegwe described above indicates that Shell, or its contractors, still consider this an acceptable form of 'cleaning up'. In the opinion of Milieudéfense, it would be better for Shell to do the cleaning up in a more environmentally friendly way, since burning forests obviously is a potential source of conflict.

Pipelines for oil transport



Photo: A. van der Hoek / A. Seed

Violence

The question of violence from the side of the Nigerian government and Shell remains an issue in the Niger Delta, despite the clear improvements of the human rights situation in some respects since President Obasanjo took office.

The residents of an Ogoniland village which was burned down earlier this year by government troops forced President Obasanjo to publicly admit to the BBC that he regretted that this had happened, although he added that the soldiers acted in response to alleged violence from local people. The issue of violence recently prompted the Director of ERA, Nnimmo Bassey, to ask the Nigerian Senate to launch investigations into human rights violations as a result of the oil operations since 1970⁷. One of Bassey's objections was to the deployment of troops or soldiers at oil facilities.

Human Rights Watch described the situation as follows: 'Although there is a clear need for law and order to be established in the region, the security forces have both failed to protect civilians from violence in many cases, and have also themselves carried out serious and widespread violations of human rights. The Nigerian government has deployed large numbers of soldiers and paramilitary Mobile Police across the delta, including a special task force to protect oil pipelines, and has announced plans for the training and equipping of a "special" police unit to be deployed in the Niger Delta. This unit would be drawn from elements of the Mobile Police, which has been responsible for serious human rights violations in the delta and other parts of Nigeria¹⁰.

Milieudefensie does not regard the deployment of soldiers and paramilitary forces as a viable long-term solution to the problems, despite the need to maintain

Oil Spill, January 2000

A brief report by ERA dated 27 January 2000 mentions that Shell has not cleaned up an oil spill Eresegbene (Warri, Delta State), which apparently had started 6 days earlier. Shell visited the site, reports ERA, but did not detect the source of the spill, according to ERA, because it was high tide at the time. Local environmentalists mentioned that Shell employees said they did not have the time to visit the wider area to investigate the impact of the spill*. The local people are not sufficiently equipped to do so themselves.

* ERA brief, Shell spill in Eresegbene, 27 January 2000.

Oil floods farmlands, January 1999

In January 1999, as ERA reported on 22 November 1999, a blowout took place at a 'railway manifold' half a kilometre from Umusia village (Oyigbo, Rivers State) as a result of a failure of a valve, according to ERA. Oil flowed into farmlands and wetlands. The community depends on these wetlands for their drinking water. Though Shell officials acknowledged that equipment failure was the cause of the spill, according to the report, the company neither cleaned up nor compensated the affected people. ERA visited the site and reported that the oil equipment site was cleaned up, but the farmlands and nearby waters were not clean at all. Local people told ERA that another spill had occurred in 1991, which had also not been cleaned up*.

* ERA Field Report #46, 22 November 1999.

law and order. Recent developments suggest that the government intends to suppress protests against the oil companies. Milieudefensie is afraid that this might lead to a repetition of the situation during the 1990s before Obasanjo took office, when human rights were violated on a massive scale. Milieudefensie believes that if the oil companies keep their promises to improve their performance and President Obasanjo keeps his promises to improve the difficult living conditions of the Delta people, a significant part of the violence could be prevented.

7 The Africa Fund (USA), Nigeria: Environmental destruction and dangerous unrest, April 2000.

8 Human Rights Watch, The price of oil, January 1999.

9 ERA, letter to senate president, 'Death of soldiers...' 25 July 2000.

10 Human Rights Watch, Briefing for Clinton's visit to Nigeria, August 2000.

5. Independent research and monitoring lacking

After years of ongoing conflicts between the local people and the oil companies, it is questionable how much either the Nigerian government or the oil companies have done to fundamentally improve the situation. Conflicts are still common, and could even intensify again. In the opinion of Milieudefensie such a situation requires independent research, mediation, and monitoring of environmental and social performance of oil companies. Research on the site of the spills itself is particularly necessary, in order to identify the cause of the spills - a major source of disagreement - and the exact environmental and social damage (including to health) done by the spill itself, as well as other forms of environmental destruction. Samples of spilled oil that do get collected can be revealing¹¹.

This is not the first time in history that a plea for an independent study is being made. Earlier attempts have been made to get clarity about the causes and responsibilities for environmental damage resulting from oil exploitation and to improve the circumstances for communities in the Niger Delta. Nevertheless, these attempts have never resulted in concrete findings and recommendations for solving the problems:

- UN Human Rights Rapporteur Sorabjee recommended that the Nigerian government assess the environmental and social damage in Ogoniland resulting from the oil industry, including Shell¹². When asked by environmental organisations if the company was willing to co-operate with such an investigation, Shell responded that they would co-operate if the Nigerian government approached them. The government never did.
- In an attempt to provide an answer to environmental questions Shell initiated an environmental study, called Niger Delta Environmental Study, NDES. The Dutch consultant Euroconsult, who carried out the first part of it, mentioned that the study more or less failed for a variety of reasons, including a lack of co-operation by the oil companies¹³. The report was never published. Milieudefensie asked for clarification at Shell's shareholders meeting. Director Van de Bergh answered that the study had been delayed, but would be finalised. To date we have not seen an official report, and do not know what role NDES has ever played in changing Shell's environmental performance. Milieudefensie is not aware of any new investigation by Shell since.
- Recently initiatives have been announced to improve the living conditions for communities in the Niger

Delta. President Obasanjo promised to improve the situation of the Niger-Delta people in his election campaign some 2 years ago. However, his plan for a development committee NDDC (Niger Delta Development Commission, including a development fund) did not tackle fundamental issues such as resource control, and was thus not received with great enthusiasm by the Delta peoples. Earlier funds have not been very effective. Corruption is said to have been the cause for failure in those cases. Therefore, the Delta people are sceptical about whether the NDDC will really work.

- Earlier this year Obasanjo publicly revealed a figure of 4,000 oil spills in the Niger Delta¹⁴. As far as Milieudefensie and ERA are aware, no studies have been launched into the responsibilities for these spills. Obasanjo still has to come up with a sound plan for the management of the natural resources.
- Obasanjo's visit to Ogoniland in September was welcomed by the Ogoni people, but they have repeatedly stated they want concrete actions rather than empty gestures. 'He has yet to add substance to [his] interest in resolving many problems in the Niger Delta', said a MOSOP spokesperson afterwards¹⁵.

Leakage of pipelines, May and September 1999

In a report on 12 January 2000 Environmental Rights Action (ERA) mentions leaks from pipelines in Gana (Ugheli, Delta State). The spills took place on 26 May and 11 September 1999, one of them as a result of technical failure, according to ERA. The report contains accounts of health problems of the inhabitants, as well as environmental problems due to the oil leaking into vulnerable mangrove areas, and socio-economic problems as a result of dying fish*.

* ERA, Shell's leaking pipes, 12 January 2000.

11 Samples taken by Project Underground in Ukpeleide on 16 April 1997 reveal an amount of hydrocarbons in drinking water of 680 times the EU standard (Project Underground, Independent Annual Report 1997).

12 United Nations Special Rapporteur of the Commission on Human Rights, Mr Soli Jehangir Sorabjee, 'Situation in the Niger Delta', February 1998.

13 Euroconsult, Niger Delta Environmental Survey, July 1996, unpublished.

14 IRIN report of Pres. Obasanjo's visit to Norway, 14 July 2000.

15 MOSOP press release 22 September 2000.

6. Independent research: a first step for solving the problems

Five years after the death of Ogoni leader Ken Saro-Wiwa, Milieudefensie is calling on the Nigerian government and the oil companies, including Shell, to initiate an independent study into the past and present environmental and social impacts of the oil industry in the Niger Delta, since conflicts between the oil industry and environmentalists from the Niger Delta are continuing to occur. Local people and environmental rights organisations have frequently reported oil spills and other negative environmental impacts over the past few years. Even practices that can easily be avoided, such as forest burning, seem to have been continued. Shell has continued to deny responsibility in most of these cases.

Milieudefensie wants to stress the need for independent involvement, so as not to aggravate existing conflicts in the Delta. Independent studies could be a start for solving some of the environmental and social problems the people from the Niger Delta have been facing for 40 years. Such investigation should include at least the following elements:

- it should be performed by an institution that is completely independent from all parties involved;
- free access to all relevant information should be guaranteed for the investigators;
- the results of the investigation should be publicly available;
- all relevant stakeholders (government agencies, affected communities, oil companies, NGOs) should be subject of the investigation;
- the investigation should be performed within a reasonable amount of time, i.e. within a period of two years;
- interviewing local communities and NGOs should be done in the absence of representatives of the oil companies and the government (such as soldiers or policemen);
- the investigation should:
 - identify the nature and scope of environmental damage resulting from oil exploitation;
 - identify the social impact of such damage;
 - identify the causes of the damage;
 - find out who is responsible for the damage;
 - identify how the damage can be cleaned up;
 - make proposals for compensating those who are affected by the damage.

Milieudefensie believes that if oil companies are found responsible for environmental damage resulting from oil exploitation, these companies also should bear the responsibility for cleaning up the damage and compensating the communities that have been negatively affected.

If the roots of the problem are not addressed, the cycle of violence could return. In our view, the increased deployment of troops in the area to protect the oil operations does not contribute to a long-term solution. Milieudefensie believes the people of the Niger Delta are entitled to a peaceful existence, and must not continue to be 'the victims of their own fortunes'.

Land for waste management, from 1997 on

Citizens of Umuakuru-Igbo (Rivers State) told ERA they had discovered in 1997 that Shell apparently had plans to seize 23 hectares of land. At that time Shell had already made an Environmental Impact Assessment (EIA) without involving the people concerned. It appeared that Shell intended to use the site as 'an integrated waste management facility (IWMF)' for Shell's eastern division (Warri, Bayelsa State, Rivers State and Imo State). More than half of the company's oil production takes place in this region (in total 1 million barrels per day). It would contain industrial wastes, including a number of hazardous substances. ERA reports that the EIA 'falls short of international acceptable standards for a project of such magnitude and complexity'*.

According to the ERA report it was only after pressure from the local community that Shell met with them, on 3 June 1998. The community told Shell they opposed the project. The community depends on natural water for their livelihood, as well as for drinking and washing, and they regard the IWMF as a major threat. They approached the Federal Environmental Protection Agency (FEPA), the Rivers State Government, and others in an attempt to stop the project.

* Era field report #21, 2 April 1999.