

Niger Delta and vested the ownership in the central government. Before then Nigeria had a robust economy with the regions actively working to harness the resources in their territories. Why were the regions healthy and the states of today little more than beggars? Section 140 of the 1963 Constitution allowed that, "there shall be paid by the federation to each region a sum equal to 50% of the proceeds of any royalties received by the federation in respect of any mineral extracted in that region. 15% of the balance went to the central government while the remaining 35% were shared to the other regions."

When the General Gowon regime threw this healthy law overboard, the exigency of the war situation may have permitted the enactment of the confiscatory law that replaced it, but on the return of "peace" there was no reason for it. The law is absolutely undemocratic and the people directly affected were never consulted before its enactment. It was foisted on a "conquered" people. This posture was further entrenched in the 1979 constitution (Article 40/3) that we are set to operate once more.

Successive governments have built on this affront and made other laws to tighten the noose on civil society. We will talk only of a few other such laws. The first is The Land Use Act of 1978 (Cap 202, LFN, 1990): which has been modified and expanded to grant full control of all land as well as mineral resources of any community or state by the federal military government. This obnoxious law was crafted by the military administration of General Olusegun Obasanjo, then not retired. This law provides the teeth with which the transnational oil companies bite into the land of the Niger Delta. Oil companies such as Shell and Chevron proudly proclaim ownership of community lands once their comrades in government confer such "rights" to them under this law which the people have strenuously objected to. Compensations paid for lands so acquired are so laughable that we should not bother to mention them here. This law is at the root of the Ogoni conflict as well as the multifarious conflicts in the Niger Delta and elsewhere.

The other laws are the Land (Title vesting etc.) Decree No. 52 of 1993 (Osborne Land Decree) and the Inland Waterways Authority Decree No 13 of 1997. Decree 52 of 1993 more or less duplicates the already existing Land Use Decree of 1978. This law states that all lands adjoining the banks measuring up to 50 metres is now the property of the federal government. This effectively makes all riverine communities squatters who may be displaced without any substantial right to protect themselves.

Environmental protection laws such as the Environmental Impact Assessment Act (Decree No. 86 of 1992) is hardly enforced. Where the oil companies, etc., attempt to comply, they never make copies of such assessments available for study by the local communities. They are thus seen as elite matters on which the people in the line of fire no nothing about.

Most of the oil installations in Nigeria were put in place in the 1960s and have not been upgraded. Although the oil companies claim they would have done something better if they were to be installed now, they are doing little to upgrade them. Their claim is that the facilities satisfy the "prevailing" conditions in the country. But Nigerian laws require that international standards be met in these matters.