



The Ogoni Bill of Rights (OBR): Extent of actualization 25 years later?



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ABSTRACT

In 1990, the Movement for the Survival of Ogoni People (MOSOP) under the aegis of Kenule Beesor Saro-Wiwa, submitted the Ogoni Bill of Rights (OBR) to the Federal government of Nigeria and Shell. MOSOP's action, at the time, came as a result of more than 30 years of Shell's oil exploration and exploitation that severely despoiled the Ogoni environment. The OBR made several key demands on the Shell and the federal government. This article takes a "relook" at the OBR and the extent of actualization, 25 years later. The author finds, among others, that: (a) Saro-Wiwa sculpted one of most viable instruments of demand in Nigeria; (b) although none of the key demands enshrined in the OBR has been fully actualized, the document remains a potent working instrument for the Ogoni people and a framework of demand for other ethnicities in the Niger Delta (b) Ogoni still wallows in environmental degradation and the 2011 UNEP Report is yet to be implemented; (c) demand for autonomy (statehood) although made, has been rebuffed by Nigerian government; (d) although the OBR's actualization is limited, it made great impact on the socio-political, environmental, and human rights consciousness of the Nigerian state and Shell.

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1. Introduction

In human history, there is always a "Moses" ready to lead his people out of slavery, fight oppression, or front their particular "cause," for example, cause(s) against exploitation, environmental indiscretions, underdevelopment, tyranny, economic inequity, human rights violations, political high-handedness, and other social malaises. This equally holds true for the Ogoni people. Over the years, Ogoni has been blessed with such 'Moses' in self-sacrificing and brave leaders like Paul Timothy N. Birabi and Kenule Beesor Saro-Wiwa. Saro-Wiwa, more than any other Ogoni leaders of his generation, not only understood the predicaments of his people but also took bold steps to confront these predicaments, notwithstanding the odds. Under the umbrella of the Movement for the Survival of the Ogoni People (MOSOP) the *Ogoni Cause for survival* took on the bold task of confronting human and environmental tyranny in Ogoni, the Niger Delta, and Nigeria (Okonta and Douglas, 2001; Saro-Wiwa, 1995).

MOSOP, through Saro-Wiwa, challenged Nigeria and multinational oil-prospecting industries like Shell's environmental and human rights consciousness; making the nation, her leaders, and multinational oil industries realize that the Ogoni struggle for survival was, according to William Boyd, "an ecological more than a political one" (Saro-Wiwa, 1995, p. xi). By this action, the Ken-led MOSOP elevated the Ogoni people and their circumstances from

local to both national and international status. According to Bob (2005), "by 1995, MOSOP had propelled the Ogoni to the front ranks of activism on two fronts, human rights and the environment" (p. 55). It was a non-violent activism that went down the annals of Nigeria's history books as effective though minuscule (Bob, 2005). Professor Claude Ake, a renowned Nigerian scholar (he died in plane crash November 7, 1996) summed Saro-Wiwa's positioning of Ogoni succinctly in his famous quote,

"MOSOP and Ogoniland must survive and flourish for the sake of us all. For better or worse, MOSOP and Ogoniland are the conscience of this country. They have risen above the slave culture of silence. They have found courage to be free and they have evolved a political consciousness which denies power to rogues, hypocrites, fools, and bullies. For better or worse, Ogoniland carries our hopes. Battered and bleeding, it struggles on to realize our promise and to restore our dignity. If it falters, we die." (Okonta and Douglas, 2001, p. 4).

Professor Claude Ake's summation underscored the importance of Ogoni struggle not only to the Ogoni nationality but also to the entirety of the Niger Delta and other voiceless ethnic minorities in Nigeria. According to Okonta and Douglas (2001), it was a non-violent struggle "to put an end . . . to tyranny . . . a struggle for the soul of Nigeria and its future" (p. 4). Saro-Wiwa's determination, vis-à-vis MOSOP, to lift the Ogoni people from the shackles of governmental and multinational oil-extracting companies' (example, Shell) bondage and exploitations earned him and eight other

Ogonis (the Ogoni 9) unjustified death by hanging at the Port Harcourt Maximum Prison on November 10, 1995. One of the most important instruments Saro-Wiwa's MOSOP used to front the struggle for the survival of the Ogoni people, confront tyranny, lay down frameworks for other agitating instruments in the Niger Delta, and up the struggle the souls of Nigeria and her future was the Ogoni Bill of Rights (OBR) (Bob, 2005; CLO, 1996; Mbeke-Ekanem, 2000; Igbara and Keenam, 2013; Manby, 1999; MOSOP, 1992; Okonta and Douglas, 2001; Saro-Wiwa, 1995).

2015 marks the twentieth anniversary of Ken Saro-Wiwa's hanging and makes it 25 years since the Ogoni people presented the OBR to the federal government. The question that preoccupies the mind is: to what extent have the demands of the Ogoni people, as enshrined in the OBR, been met after 25 years of its presentation? Over the years, this question has not been given proper attention. The focus of this paper, therefore, is to generate vibrant debates and discourses on the OBR. It is expected that these debates and discourses might occasion plausible attitudes and proactive actions commensurate with Saro-Wiwa's expectations and the demands of the Ogoni people and, by extension, Niger Deltans as well as other voiceless ethnic minorities in Nigeria.

2. Ogoni: people and location

The Ogoni people are a distinct ethnic nationality in Nigeria (MOSOP, 1992; Saro-Wiwa, 1995). They occupy four local government areas (LGAs) in Rivers State—Eleme, Gokana, Khana, and Tai. Ogoni is located in the eastern Niger Delta region and covers an area of 404 square miles (1000 km²) (Saro-Wiwa, 1995; UNPO, 2009). It is bordered to the east by the Ibibio/Anang, to the south by the Andoni, Nkoro, and Opobo, to the north by the Ikwerre, and to the south by the Ijaw. With Bori as its traditional headquarters, Ogoni is about eleven miles (Igbara and Keenam, 2013), that is, less than forty-five minutes' drive from Port Harcourt, the Rivers State capital (Manby, 1999).

Traditionally spread within the six kingdoms of Babbe, Eleme, Gokana, Ken-Khana, Nyo-Khana, and Tai, the Ogoni people form "part of the early indigenous settlements of the Eastern Niger Delta territory from a period . . . about 2000 years before the present era" (Igbara and Keenam, 2013, p. vi). Given this lexicostatistics estimation, the Ogoni might have been one of the oldest settlers in the eastern Niger Delta basin. The 2006 National census in Nigeria puts the population of Ogoni at more than 832,000 (UNEP, 2011). This figure is, however, widely disputed by the Ogoni people. They argue inaccuracy of the 2006 census numbers; claiming a population of more than one million (MOSOP-USA, 2009).

3. The Ogoni Bill of Rights (OBR) and the Ogoni demands

As observed of bills of rights and declarations worldwide, they are instruments that give voice to the peoples' circumstances and, in most cases, make demands on governments and authorities. For example, the United States of America's Bill of Rights of 1791 largely written by James Madison sought to curtail certain governmental powers while protecting individual liberties (Bill of Rights Institute, 2010). Same instances apply to the OBR. However, although bills of rights like the United States' are always directed at government, the OBR was the first of its kind to be directed at both government of Nigeria and transnational oil-prospecting companies such as Shell. Saro-Wiwa's linkage of the Nigerian nation state to Shell made them prime precursors of the Ogoni situation. In which case, both parties were liable for the environmental and human rights conditions existent in Ogoni (Saro-Wiwa, 1995).

Ken Saro-Wiwa wrote the OBR. Again, it needs to be stressed that the OBR was the first of any of such bills of rights and/or charters by any group in the Niger Delta that served three historic purposes, viz:

made the bold case for self-determination, tied environmental and human rights into the political discourses of Nigeria, and contrary to the traditional nature of bills of rights, the OBR was directed at the Nigerian state and multinational oil companies at the same time. Manby (1999) argued that every association or group in the Niger Delta that made representations to the Nigerian government and the multinational oil-prospecting companies referenced "the Ogoni situation" (p. 129). She also stressed that although groups in the region have been demanding recognition prior to independence in 1960—a probable reference to complaints of Niger Deltans to the 1958 *Willink Commission of Inquiry into Minority Fears*—"the more recent demands have been noticeably radicalized by MOSOP's own bill of rights" (p. 129). These arguments underscore another salient point about Saro-Wiwa and the OBR he sculpted. Saro-Wiwa, through the OBR parented as well as established the framework adopted by Niger Delta groups to front their demands. For instance, the Kaiama Declaration, the Charter of Demands of the Ogbia People of (MORETO), the Ikwerre Rescue Charter, the Chikoko Movement declaration, and the Oron Bill of Rights, though varied in terms of their specific demands, all replicated the OBR in style, substance, approach, and structure (Ako, 2012; Douglas, 2001; Okonta and Douglas, 2001; Manby, 1999).

In 1990, following more than three decades of oil exploitation and environmental devastation of Ogoniland, the Ogoni people, under the aegis of the Movement for the Survival of the Ogoni people (MOSOP), met, ratified, and signed the Ogoni Bill of Rights (OBR) at Bori, the traditional capital of Ogoniland. In its preamble, the OBR proclaimed:

"We, the people of Ogoni (Babbe, Gokana, Ken Khana, Nyo Khana, and Tai) numbering about 500,000 being a separate and distinct ethnic nationality within the Federal Republic of Nigeria, wish to draw attention of the Government and people of Nigeria to the under mentioned facts . . ." (Mbeke-Ekanem, 2000; MOSOP, 1992; MOSOP-USA, 2009).

Eleme later signed the document, completing the six kingdoms of Ogoni.

In its preamble, the OBR outline 20 facts about contributions of and the ill-treatments the Ogoni have received in the hands of successive leaderships in Nigeria and Shell. Historically, though not conquered, enslaved, or colonized by any group in Nigeria prior to the advent of British colonialism, the Ogoni people were forced into various political contraptions in Nigeria from 1908 through 1967 for which the vehemently protested. In 1947, for instance, the Ogoni people were given the Ogoni Native Authority after protesting against being under the Opobo Administrative Division. They were placed under the Rivers Province and annexed to the Eastern Region. Their representation before the 1958 *Willink Commission of Inquiry into Minority Fears* had them put into the present day Rivers State at the creation of twelve States in Nigeria in 1967. Economically, Shell extracted crude oil in commercial quantity from Ogoni in 1958. For three decades, Ogoni oilfields contributed more than N40 billion (\$30 billion) into the Nigerian economy with nothing in return except suffering, poverty, sickness, death, and the devastation and degradation of the Ogoni environment (MOSOP, 1992). These "facts" underscored the basis of the Ogoni people's argument; hence necessitating the sculpting of a document that articulated as well as institutionalized their demands. The Ogoni people had hoped that the presentation of the OBR will sprout dialogue with the federal government and Shell to seek plausible means of resolving the issues advanced in the OBR (CLO, 1996).

Fondly called the "Ogoni Bible" (Okonta and Douglas, 2001), the OBR became the cardinal instrument with which the Ogoni people articulated their demands on the federal government and Shell. The OBR stated unequivocally the intent of the Ogoni to manage

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