

**EVALUATION REPORT ON
(ERA/FoEN institutional capacity and project delivery)**

**PROJECT SPONSORED BY
Norges Naturvernforbund (NORAD) Norway.**

**A PROJECT OF
ENVIRONMENTAL RIGHTS ACTION FRIENDS OF THE EARTH
(ERA/FoEN)**

**PREPARED BY
ROOSEVELT IDEHEN
IGBINEDION UNIVERISTY OKADA**

**AND
MATHEW AGHEDO
UNIVERSITY OF BENIN**

BENIN CITY

NIGERIA

MARCH 2011

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EXECUTIVE SUMMARY

Evaluation work was conducted on the five projects titled:

- Ensuring environmental concerns when developing oil sector in the South: A feasibility study on capacity building measures of the Oilwatch Network (NNV 2007).
- Promoting public participation and environmental concern when developing the oil sector in the south: capacity building for the Oilwatch Network. (NNV 2008).
- Promoting public participation and tackling environmental concerns in the oil sector in the South (NNV 2009).
- Strengthening the African Network in the south: environmental movement in the south (EMiS 2010).
- Promoting public participation and tackling environmental concerns in the oil sector in the South (NNV 2010).

The duration of the Evaluation was 5 weeks. It commenced on the 2nd of February 2011. And was fully completed on the 8th of March 2011.

The project has the following key objectives:

- i. Conduct an institutional assessment and capacity to deliver on projects objectives
- ii. Evaluate policy impacts of the project and what changes were effected
- iii. Assess the extent to which projects implemented through the grassroots perspective of ERA/FoEN facilitated participation and empowerment
- iv. Consider value added by ERA/FoEN to community empowerment through this project
- v. Assess what output and impact were achieved.

The Evaluation was conducted in line with the following Terms of References;

- i. Relevance of the project in relation to the context and problem identification, including opportunities for repositioning
- ii. Efficiency and impact of the components of the implementation in relation to inputs and outputs ratio
- iii. Project challenges and lessons learnt for guide to future partnership

Evaluation was done using a set of related evaluation criteria (see Annexure 1).

METHODOLOGY

The Evaluators adopted a participatory approach as the methodology for this research. Interviews and group discussions with target groups and beneficiaries were held in the process of evaluation.

FINDINGS

At the level of efficiency and capacity to deliver, the evaluation through documentary and oral evidence established the successful implementation of the programme. Undoubtedly, ERA has the capacity to deliver on project goals. The project is sufficient to galvanise public awareness and participation on environmental advocacy towards the desired paradigm shift in terms of policy change in favour of the environment and sustainable development.

RECOMMENDATION

We recommend both institutional support to aid project delivery and greater productivity. ERA/FoEN will require additional support to extend the projects to many other oil producing communities in the Niger Delta region of Nigeria and also to concretise the EMiS projects in the four designated countries. It is also recommended that more countries in the south should be incorporated in the implementation of the EMiS project.

ERA/FoEN management should work towards the diversification of sources of fund so as to increase their capacity (offices and staff) to cope with the enormity of task involve in their organizational goals. To this end, the organization should

work on the possibility of getting support from Nigerians and organizations base in Nigeria.

However, the Evaluators feel very strongly about the non availability of a permanent physical structure owed by ERA/FoEN. Both the international secretariat and the branches visited in the process of this Evaluation were rented apartments. This recommendation is necessary against the backdrop of institutional assessment and capacity to deliver on project objectives.

SECTION 1: PROJECT IMPLEMENTATION AND RELEVANCE

1. INTRODUCTION

Background of the Project

ERA was founded in 1993 as a response to the environmental problems in Nigeria. From a pioneering stage, the organization has evolved over the years to fill a needs gap of environmentalism in the environment and development processes. The NGO is relevant against the background of myriads environmental issues bisecting the country. Several studies show, that the environment has always been seen in narrow and managerial terms as something to be subdued and exploited for the sake of national development. It was not until 1988, as a result of the attention caused by the dumping of Italian toxic waste at Koko in Nigeria, that environmental management was properly institutionalized.

In spite of this, the official emphasis has been on erecting structures for enforcing sanitation laws. These remain largely ineffective as a result of many factors including: conflicting and confusing jurisdictions among the various tiers of government, poor funding, political instability and rapid turnover of top bureaucrats, absence of a coherent legal framework, and excessive federal centralization of power and resources. In addition, the enforcement process often targets the vulnerable social groups and the poor while leaving out the big corporate offenders in the name of promoting economic development.

What comes out of the preceding are the virtual absence of environmental considerations in official perceptions of security, and economic development, and

the non-recognition of security linkages in the process of environmental management. Thus the environment is trapped within the view that its subjugation and exploitation is a necessary price for development. This in turn has implications for rentier, multi-ethnic third world countries immersed in economic crises such as Nigeria. The issues of who gets the fruits of development, and whose environment should be “sacrificed” in exchange for what, become points of domination, alienation, resistance, and conflict. Yet the framework is based on a set of internal and external linkages that live off unsustainable modes of production and consumption and are forced through by the state.

This Evaluation reports presents an evaluation of ERA’S project, titled:

- Ensuring environmental concerns when developing oil sector in the South: A feasibility study on capacity building measures of the Oilwatch Network (NNV 2007).
- Promoting public participation and environmental concern when developing the oil sector in the south: capacity building for the Oilwatch Network. (NNV 2008).
- Promoting public participation and tackling environmental concerns in the oil sector in the South (NNV 2009).
- Strengthening the African Network in the south: environmental movement in the south (EMiS 2010).
- Promoting public participation and tackling environmental concerns in the oil sector in the South (NNV 2010).

The program was funded by NORAD through Norges Naturvernforbund (NNV) Norway. It commenced in 2007, whereas all the program has been executed and

concluded but the EMiS project is a pilot project whose first phase has only just been concluded at the time of this report, February 2011.

The projects have the following specific objectives as itemized in annexure 1;

- Conduct an institutional assessment and capacity to deliver on projects objectives.
 - Evaluate policy impacts of the project and what changes were effected
-
- Assess the extent to which project implemented through the grassroots perspective of ERA/FoEN facilitated participation and empowerment.
 - Consider value added by ERA/FoEN to community empowerment through this project.
 - Assess what intended and unintended outputs were achieved.

There are some relevant and compelling questions emanating from the forgoing which point to the central Aims of this project. They are:

- Relevance of the project in relations to the context and problem identification, including opportunities for repositioning
- Efficiency and impact of the components of the implementation in relation to inputs and outputs ratio
- Project challenges and lesson learnt for guild to future partnership.

1.2 EVALUATION RATIONALE AND OBJECTIVES

Era started its operation in 1993, although, many activities took place in the formative years of the organization. Many of those activities were based on voluntary advocacy under military rules. However, ERA has since institutionalised itself as a formidable advocacy group campaigning for policy change in Nigeria.

Its sphere of influence or program comprises Energy and Extractives, Food Sovereignty, Democracy Outreach Program, Forest and Biodiversity, Cooperate accountability and Environmental Health.

The evaluation will focus mainly on the original choice of Objectives, the execution of the program components, the relevance of those objectives in the context of public participation, the achievements and the impact of the programs.

For the purpose of clarity the evaluation shall be divided into two sections;

- Evaluation of projects.
- Institutional assessment and capacity to deliver on project objectives

1.3 Methodology

The methodology of this work adopted participatory approach in the evaluation process. Making use of in-dept interview guided by an unstructured questionnaire with a set of related evaluation criteria from a template (see Annexure 2).

The Evaluator did a one day familiarization visit to the office of ERA/FoEN (Headquarters). During this process filled document and communication materials relating to NNV and EMiS projects were glossed over. This exercise resulted in a first orientation to the terms of reference. Based on these findings, a working program was developed to facilitate the Evaluation. Elements of this working program have proven useful for the design of a semi-structured interview, which would be held with relevant representatives of local and national agencies, communities and knowledgeable persons.

The interviews were divided into four categories:

- Management staff; comprising the executive director, Nnimmo Bassey, Programmes director, Dr. Godwin Uyi Ojo, Program manager, Prince Chima Williams, and the Finance Officer, Eghosa Ogbemor.
- Some Project Officers which includes Mike Karikpo (Oilwatch Africa Coordinator and head of Port Harcourt office) Kentebe Ebieridor, Kate both in Port Harcourt branch, and Alagoa Morris Alagoa (Coordinator, Oilwatch Nigeria and head of ERA's Yenagoa Office).
- Representatives of NGOs, CBOs and other civil society groups working with ERA/FoEN in terms of collaboration in the realization of organizational goals, especially the NNV and EMiS projects
- The evaluators also interviewed a cross section of journalists who attended the Round Table and Environmental Parliament in Port Harcourt and Yenagoa. The relevance of this was to ascertain the level of cooperation and collaboration between ERA/FoEN and the Media in driving home organizational objectives especially in terms of public participations.

Evaluation formally started on the 2nd of February 2011 with visits to the office of Environmental Right Actions (ERA/FoEN Headquarters) in Benin City. The Evaluator had discussions with some Officers of the organizations including the Program Director Dr. Godwin Uyi Ojo on the Objectives of the organization. However, a formal interview was conducted on the 7th of February, 2011. First to be interviewed by the evaluators was the Executive Director of Environmental Rights Action, Nnimmo Bassey. Thereafter, the program director Dr. G. Uyi Ojo was interviewed followed by the Finance Officer, Mr. Eghosa Ogbemor. The Evaluators proceeded to Port Harcourt where Mr. Kentebe Ebieridor (Project

officer), Mike Karikpo (Oilwatch Africa coordinator) and Kate Clifford were interviewed. From Port Harcourt the evaluators proceeded to Yenagoa, Bayelsa State, where ERA maintains the Niger Delta Resource Centre and from where Oilwatch Nigeria is coordinated. The Yenagoa office is headed by Morris Alagoa, Yenagoa.

The evaluators interviewed him on projects executed and other issues relating to NNV and EMIIS projects. It is worthy to note that the Yenagoa office, like ERA's other offices are open to the public for research and consultations.

ERA's strong force depends greatly on its movement building abilities to work with all strata both in the public and private sector. We found that its work with communities is relevant and empowering to the communities. Other groups such as journalists, CBOs/NGOs and policy makers participate and buy into their activities. Clearly, ERA has demonstrated a good spirit of connectivity and networking in the pursuit of organizational goals especially in the execution of projects. This was evident in the "Round Table" organized and well attended in Port Harcourt, and Environmental parliament organized at the Yenagoa's office where a number of NGO's, Civil Organisations and CBO's were in attendance. Virtually all these organisations see ERA/FoEN as rallying point and a source of inspiration.

The Evaluators did an eight-day desk study at the office of ERA (headquarters).

This study went in detail into filled documents and the correspondences/communication that took place among stake holders over the period.

1.4 Report Lay-out

The structure of this report follows the structure of the terms of reference for the evaluation. Each main term of reference has its own section or sub-section, which consequently concludes with findings and recommendations.

1.5 Limitations

The prime limitation of this study was the inability to go into some of the local communities where this project had been executed because of the militarization of the region by both displaced militants who still indulge in illegal activities including oil bunkering and local refineries. Another limiting factor is the Joint Military Task Force (JTF) who seriously limit the movement of visitors into the communities and their creeks. There was also the limitation of time considering the enormity of task involved in terms of visitations of project communities. However, the much that was done sufficiently provided enough information for the conduct of this evaluation.

2. CONTEXTUAL ANALYSIS

Existing Constitutional/Legal Framework.

Environment has been taken to mean: “Water, Air, Land and all Plants and Human beings or Animals living therein, and the inter-relationships which exist, among these or any of them.” It has also been understood as the components of the earth, and includes; (a) Land, Water and Air including all layers of the atmosphere; (b) all organic and inorganic matter and living organism and, (c) the interacting natural system that include component referred to in paragraph (a) and (b).

However, environmental law is a complex mix of Federal, state and local laws, regulations, policy choices, science, and health concerns. In addition, it is a dynamic area of the law with changes occurring rapidly. In other words, Nigerian

environmental laws are collections of the statutes or enactments relating to, or affecting the environment and which exist and/ or are in force in Nigeria

The National Action Plan for the promotion and protection of human rights in Nigeria, *November, 2002 at page 52* recognises the right to a healthy environment and states that the Federal Government has the following constitutional obligations, namely that Government recognizes that everyone in Nigeria has the right to:

- An environment that is not harmful to her or his health or well being
- Have the environment protected, for the good of present and future generations through reasonable laws and other way of:
- Preventing pollution and ecological degradation
- Promoting conservation and;
- Securing ecological sustainable development and use of our natural resources while at the same time promoting valid economic and social development.

It is worthy to note that there is no single legislation that can be referred to as the Nigeria Environmental Law. However, there is a plethora legislations dealing directly or indirectly with environmental issues. Furthermore, some of the applicable laws to environment are not found in legislations strictly dealing with environmental matters but in other laws, which indirectly coincide with environmental matters. Some of these are:

1. Agriculture (control of importation) Act, Cap12, Laws of the federation of Nigeria (LFN) 1990
2. Associated Gas Re-injection Act, Cap 12, LFN, 1990.

3. Builders (Registration Etc) Act, Cap 40 LFN, 1990
4. Builders Lines (Federal Trunk Roads) Act, Cap 41, LFN 1990.
5. Civil Aviation Act, Cap 51 LFN, 1990
6. Civil Aviation (fire and Security Measures) Act, Cap 78 LFN 1990.
7. Criminal Code Act, Cap 77 LFN 1990
8. Criminal justice (Miscellaneous Provisions) Act, Cap 78, LFN. 1990
9. Electricity Act, Cap 106 LFN 1990.
10. Employees Housing Schemes (Special Provisions) Act, Cap 107 LFN 1990
11. Endangered Species (Control of International Trade and Traffic) Act, Cap 108 LFN. 1990
12. Energy Commission of Nigeria Act, Cap 109 LFN 1990.
13. Exclusive Economic Zone Act, Cap, 116 LFN 1990
14. Explosive Act, Cap 116 LFN, 1990.
15. Factories Act, Cap 126 LFN, 1990.
16. FEPA Act, Cap, 131 LFN 1990.
17. FEPA (Amendment) Act, Cap 86 LFN, 1992.
18. Federal Highways Act, Cap 135 LFN, 1990.
19. Federal Housing Authority Act, Cap 136 LFN, 1990
20. Federal Road Safety Commission Act, Cap 141 LFN 1990.
21. Harmful Wastes (Special Criminal Provisions) Act, Cap 165 LFN, 1990.
22. Hydrocarbon oil Refinery Act, Cap 170 LFN. 1990
23. Kanji Lake National park Act, Cap 197 LFN, 1990.
24. Land Use Act, Cap 202 LFN, 1990.
25. Minerals Act, Cap 226 LFN, 1990.
26. Mines and Quarries (control of Buildings, Etc) Act, Cap 227 LFN, 1990.
27. Natural Resources Conservation council Act, Cap, 286 LFN, 1990.
28. Navigable Waterways (Declarations) Act, Cap 287 LFN 1990

29. Oil in Navigable Waters Act, Cap 337 LFN 1990
30. Oil Pipelines Act, Cap 338 LFN 1990
31. Petroleum Act, Cap 350 LFN 1990.
32. Petroleum Control Act, Cap 351 LFN 1990
33. Petroleum Production and Distribution Anti-Sabotage Act, Cap 78 LFN. 1990.
34. River Basin Development Authorities Act, Cap 353 LFN 1990.
35. Territorial Sea Fisheries Act, Cap 426 LFN. 1990
36. Territorial Water Act, Cap, 428 LFN. 1990.
37. Wild Animal Preservation Act
38. Sanitation Edith of Lagos and other States
39. Town Planning Laws of the various States
40. Town Planners (Registration Etc.) Act, Cap, 431 LFN, 1990.

2.1 **SHORT FALLS IN THE CONTEXTUAL FRAMEWORK**

- The absence of a well articulated compendium of environmental laws in Nigeria makes it cumbersome in the prosecution of environmental issues. That is not to say that the plethora of legislations dealing directly or indirectly with environmental issues is not sufficient for environmental advocacy.
- Conflicting and confusing jurisdictions among the various tiers of government, poor funding, political instability and rapid turnover of top bureaucrats.
- Absence of a coherent legal framework, and excessive federal centralization of power and resources.

- The enforcement process often targets the vulnerable social groups and the poor while leaving out the big corporate offenders in the name of promoting economic development.

2.2. CONCLUSIONS/RECOMMENDATIONS:

The role of ERA in filling the identified gaps

The role of ERA and the extent of relevance in filling the policy gap cannot be over emphasized. The quality of the projects and their implementation is satisfactory. Still, greater work remains to be done. There is the need for the intensification of the working relationship between ERA and the Federal ministry of environment towards better environmental policy regime and enforcement in Nigeria.

ERA's initiative that focuses on a concerted effort by working with NGO's, Civil Organizations and CBO's in the pursuit of better environmental laws should be encouraged and built upon in the coming years.

3. PROJECT PROFILES AND IMPLEMENTATION

The evaluations established the successful implementation of five projects as enumerated above. Here, a closer description and analysis is made. The projects are dealt with chronologically in sections 3 to 6.

3.1. ENSURING ENVIRONMENTAL CONCERNS WHEN DEVELOPING OIL SECTOR IN THE SOUTH: A FEASIBILITY STUDY ON CAPACITY BUILDING MEASURES OF THE OILWATCH NETWORK (NNV 2007).

The starting point of this program began with the preliminary work and data gathering process by a team of ERA staff made up of Prince Chima Williams (Program manager and Head of Benin office), Mariann Bassey, Project Officer, Maria Obaseki (Manager administration) and Mike Karikpo (Programme manager and head of Port Harcourt office). This preliminary work culminated in the design of program workplan that guided the implementation of the project.

3.2 STRATEGY

Work plan

Field Trip;	Location	Date
First Field Trip (policy makers and Journalists)	Ubeji community (delta state)	Oct 26 th 2007
Second Field Trip (policy makers and Journalists)	Gelegele (Edo State)	Nov. 15 th 2007
Preparation and production of newsletters on EIA.		Nov.1 st -20
Pilot Trainings;		
First pilot Training for journalists on EIA	Benin City (Edo State)	Nov.8 th 2007
Second pilot Training for journalists on EIA	Warri (Delta State)	Nov. 16 th 2007
Training on EIA;		
Training 1.	Ubeji (Delta State)	Nov. 22 nd 2007
Training 2.	Egi (Bayelsa State)	Nov. 28 th 2007
Training 3.	Egor. (Benin City)	Dec. 6 th 2007.
National NGO Stakeholders Meeting	Warri (Delta State)	Nov. 26 th 2007
Regional Oilwatch Meeting	Warri (Delta State)	Nov. 27 th -28 th

The execution of this project followed the laid down work plan. The strategic aim of the locations of the activities was to capture the interest of stakeholders in the oil bearing communities of Niger delta and to equip them for the campaign for policy change in favour of environmental concerns in Nigeria.

3.3 FINDINGS

The Field Trips organized and sponsored by ERA for policy makers and journalists were strategic in that it afforded this category of stakeholders to have a first hand and ‘on the spot assessment’ of environmental challenges in the oil bearing communities of Nigeria. These Trips culminated in several newspaper publications on environmental challenges and the necessity for strategic environmental policy change in Nigeria.

The deplorable state of the road leading to Gelegele, one of the oil bearing communities in Edo state where the field trip was located was a reference point in the media reports on institutional neglect and shortfalls in cooperate social responsibility by oil companies operating in Nigeria.

The pilot trainings organized for Journalists on EIA in Benin City and Warri was well attended. The attendance may not be unconnected to the initial field trips embarked upon by this sector. The EIA training was informative especially in the location of the gaps in environmental governance. Some of the papers delivered were, *“Understanding the Environmental Impact Assessment Process for the Protection of the environment and Community Livelihood”* and *“Non Implementation of the Environmental Impact Assessment and its Practical Effects on the Environment and Livelihood.”*

The training showed that though there is an existing EIA Act the government is the greatest defaulter in terms of its implementations. The Training located environmental crises of Nigeria in the failure by government and the multinational oil companies to carry out a comprehensive and transparent EIA before commencement of activities especially oil exploration. A case in point identified by Gabriel Enoghalase, one of the resource persons and a senior correspondent with the Vanguard newspaper, was the Bakolori Dam collapse in Sokoto State and its displacement effects on the people.

3.4 OUTPUTS/ IMPACT MEASURE

The field trips and trainings on EIA for journalists and policy makers have since created a catalyst for media campaign by journalists. The sharing of information, including the production of EIA newsletters helped build knowledge on EIA. The availability of this information has created a myriad of questions by people on the failure of multinationals and the Nigeria state to conduct EIA before commencement of oil exploration in the Niger delta region of Nigeria. One of such questions asked by Prince Babs Preye Paumu, a Gelegele community leader, was the rationale behind Dubril oil (oil company operating in the area) siting a gas flare point in the heart of the community when an EIA could have debarred that.

3.5 RECOMMENDATIONS

- ERA demands for an EIA report as elements of advocacy is relevant though inadequate. ERA should seek a review of the EIA Act to fill the gap of livelihoods mitigation. ERA can also produce a popular version of the Act that can be easily understood by the community people. The EIA Act demands that EIA documents should be made easily assessable to community people by keeping same in a central

place like the local government secretariat. This is has often not been the case. It is note worthy that ERA has completed a proposal to reflect the noted gaps and this is being presented at the national assembly, Abuja.

- As a learning process ERA/FoEN is mentoring other NGOs as well as community based organisations with less national and international profile in the process of bill initiation and how to work with policy makers. This form of capacity building is essential in advocacy and should be intensified.

4.0 PROMOTING PUBLIC PARTICIPATION AND ENVIRONMENTAL CONCERNS WHEN DEVELOPING THE OIL SECTOR IN THE SOUTH: CAPACITY BUILDING FOR THE OILWATCH NETWORK (NNV 2008).

TARGET GROUP

The main target group of the project was environmental NGOs and the civil society. The choice of this group is borne out of their commitment to environmental rights struggles. Equally targeted were media practitioners and policy makers at the local government levels because the media has a huge influence on policy issues when they understand and present the need for policies in relevant directions. The policy makers at the local government level were targeted because they are the level of policy making strata that is closest to the people.

Main Goals

The overall goal was to strengthen local community based organisations, environmental NGOs and the civil society in general, so that they can advocate for good and acceptable environmental management devoid of double standards in the areas of oil and gas activities.

4.1 APPROACH

Engagement in the Nigerian Extractive Industry Transparency Initiative (NEITI) process

ERA/Oilwatch worked closely on the understanding of the NEITI process and on the need to integrate the vital environmental aspects in order to promote transparency and accountability in the oil and gas sector of the Nigerian economy. One of the overarching outcome of the analysis of the NEITI was that the Act leans heavily on financial accounting and completely overlooks environmental costs.

4.2. Community training and workshops

In order to create awareness of the community people on issues of environmental protection especially using the Environmental Impact Assessment Process, as well as how communities can use the NEITI process to their own advantage in the demand for transparency and accountability in the oil and gas extractive sector, ERA organized a total of 8 (eight) community town hall training meetings in Ikot Ada Udo community of Akwa Ibom State, Oruma and Ikarama communities of Bayelsa State, Iwherekan and Otu-Jeremi communities of Delta State as well as Goi, Eremah and Akala-Olu communities of Rivers State. The average attendance at these training sessions was 42 participants per a community in the ratio of 35 males to 7 females.

4.3 output/impact measure

- Over 250 Community leaders were enlightened on the issues of environmental impact assessment process and the Nigerian Extractive Industries Transparency Initiative process and how they can use them to their advantage.
- The people received the information given to them and pledged to disseminate those information to other members of their communities, friends, associates etc.
- Participants were ready to be agents for the distribution of information and education materials distributed to them for other people in the society.
- Participants undertook to form coalitions and network with other like-minded people/groups in order to enlighten as many more people as possible.

4.4 Lobbying at National Assembly and Engagement with Government Establishments

A total of 10 visits and interactions were made to the National Assembly as well as the Federal Ministry of Environment within the year. These visits were maximized in the furtherance of the campaigns on gas flaring as well as NEITI and EIA issues.

Oilwatch Expertise on EIA

Capacity buildings were among the top most objective of this project. Oilwatch staffs were involved in the Environmental Impact Assessment (EIA) and NEITI training in order to fulfill this objective. This also happened at the African regional Oilwatch meeting held in September 2008 in Durban, South Africa.

4.5 Strengthening Community Relations through HoCoN and community exchanges

The Host Communities Network (HoCoN) was inaugurated in 2007 with membership strength of 20 registered members covering 12 communities of Delta and Rivers States of the Niger Delta.

HoCoN is an innovative creation of ERA/Oilwatch through which the meaning of a “host community” has been expanded beyond being one that plays host of industrial activities but also those who suffer or host the impacts. The impetus for this act of social engineering was the fact that patronage of the exclusive “host communities” was used as a tool for creating rifts between communities. HoCoN builds unity on the basis that hosting industrial facilities does not limit the reach or spread of impacts. The HoCoN has also shown that communities can defend their environments better when they fight with united fronts.

In 2008 membership strength reached 574 registered members covering 62 communities of Delta, Rivers, Bayelsa, Akwa Ibom and Edo States of the Niger Delta. Thus, 50 cells of the Host Communities Network in 50 communities of the Niger Delta with registered membership of 554 members were created in 2008.

Members were trained on field monitoring and on EIA issues. Community exchanges were also carried out.

To achieve this, ERA embarked on community outreach visits to over 11 communities within this project period to sensitize the people on the importance and derivable benefits in building coalitions first within the community and latter coalition of communities with the same or related challenges. In the process, ERA helped communities create units of the Host Communities Network of Nigeria as well as continuous mentoring of them. Some of the HoCoN cells are located in

Oruma, Ikarama, Ikot Ada Udo, Goi, Akala – Olu, Ekakpamre, Eruemukowhamen, Uegwere Boue – Khana, Luukoh Zaakpon-Bori, Mogho, Taabaa in Nyo-Khana, Omoku town, Obieti, Okwuzu Egbema, Isala Ndoni, Obokoroha, Usomini, Utu echi, Ndoni, Obosi, Obakata, Ohaukwu, Ibuzohna, Ogbidi, Oniukwu, Obiowuru, Egbada Igburu, Eluoha, Idu Ogba, Akabuka, Ahoma, Ohali elu, Okwuzi Egbema, Itu Ogba, Edie-Egi, Ase-Azagha, Aligwu/Alinso, Obigbor, Ibewa, Obiyebe and Odhiaje communities.

Other formations are planned for the year.

4.6 Output/impact measures

- Communities received knowledge on NEITI and EIA issues
- Communities learned basic monitoring and reporting techniques
- More communities show interest in joining the Host Communities Network of Nigeria.
- Community members get more easily responsive to environmental issues.
- Marked increase in cooperation and harmony existing between members of the Host Communities Network of Nigeria.

4.7 FIELD VISITS AND ENVIRONMENTAL HUMAN RIGHTS MONITORING

ERA field monitors visited over 29 locations that had environmental incidents arising from oil and gas extractive activities, dumping of toxic chemicals and deforestation activities. These communities are located in eight States of the Federation of Nigeria and reaches beyond the Niger Delta. The communities were: Ikot Ada Udo community in Akwa Ibom State, Ikarama, Oruma, Opuama, Lasuku

Gbene, Ondewari, Biseni, Okoroba, Peretorugbene and Fantuo and fish camps along Nembe creek, in Bayelsa State, Gana Agbarha Otor, Emu unor, Mosogar, Oghara, Aja Ometan, Jesse, Aruntan-Ugborodo, and Iwherekan communities in Delta State, Iguobazuwa and Ukhun communities in Edo State, Ogaminana town of Kogi State, Araromi Oke Odo community in Ogun State, Ilaje local government area of Ondo State and Otapha community in Rivers State.

The reports generated from these environmental/human rights field visits were circulated to stakeholders at the local, national and international levels. Importantly, the reports are disseminated to policy makers, affected communities, and the oil companies to pressurize them to adhere to environmental standards.

4.8 Output/impact measure

- The environmental human rights field monitoring reports provided alternative views from the green rhetoric of the oil companies
- The reports fed directly into campaigns thereby raising environmental awareness at the local, national and international levels.
- The monitoring reports have helped ERA to provide greater insights on the current situation in the Niger Delta, and have helped the quality of advocacy work and consultative meetings with other stakeholders and NGOs
- It has raised increased pressure on polluters resulting in a growing interest to adhere to environmental standards more than ever before.

4.9 ENVIRONMENTAL PARLIAMENTS AND ROUNDTABLES

Capacity building activities were carried out through 3 (three) Environmental Parliaments and 1 (one) Environmental Roundtable at four different locations within Delta and Rivers States. A total of 134 persons took part in the Parliaments

made up of 31 females and 103 males. These were held in and Warri, Ughelli and Asaba in Delta State. The Roundtable was held in Port Harcourt in Rivers State and was attended by 27 participants in the ratio of 20 males to 7 females.

4.10 Output/impact measure

- The Parliaments gave participants opportunities to hear from policy makers and also to directly ask questions on environmental issues. The Roundtables built the capacity of participants by providing them with enough information and materials to better acquaint themselves with the arguments and debates for the community ownership of the EIA and NEITI processes.
- NGO, CBO actors and Community leaders and activists present undertook to spread the message of making the EIA and NEITI processes work for the people.
- Policy makers agreed for a change and that they have to begin to do things differently in the area of application of the NEITI and EIA laws and processes.
- Media practitioners exhibit knowledge acquired in their reporting

4.11 NATIONAL CONSULTATION ON THE ENVIRONMENT

ERA/FoEN put together an assemblage of participants and experts under a single roof to discuss and brainstorm on ways to promote the Nigerian environmental wellbeing. The National Environmental Consultation on the Nigerian Environment and the Rule of Law was the theme of the maiden consultation in 2008. It was declared open by the President of Nigeria and brought together over 50 environmental activists and community people from different parts of Nigeria and beyond. It equally had in attendance representatives of over 100 NGOs, academia,

organized labour, ministries and departments of government, media practitioners, community people, students' bodies and policy makers. The consultation also provided an opportunity for collaboration between the Federal Ministry of Environment and ERA (see Annexure 3 and 5).

4.12 Output/impact measure

- The consultation provided an alternative platform for discussing environmental issues and the way forward at the national level outside of what is usually done by government alone.
- The consultation examined the policy thrust of the government, which then was on enforcing the rule of law in every sphere of life. It was found that the environmental sphere had escaped the radar of the authorities.
- The consultation opened the door to direct collaboration with the Federal Ministry of Environment. And direct opportunities to influence policy.
- An opportunity for people to speak to themselves in an unambiguous term as it relates to the causes, impacts, effects and solutions to environmental problems in Nigeria.
- It created an avenue through which ERA could bring together several NGOs, CBOs etc to discuss the environment.
- The consultation boosted the membership of the Green Alliance Nigeria, another initiative of ERA, by drawing many new members into the fold.

4.13 FINDINGS

The robustness of the activities employed in the workplan made the mobilization of stakeholders easier especially the building of the Host Community Network

(HoCoN). The quality of media publication and intensity of reports also attested to the understanding and mobilization of journalists. Capacity program of ERA/FoEN and the training on EIA is something the evaluators find very rewarding and timely especially at this period of the Nigerian national life where the environment is seen as an object of exploitation.

4.14 RECOMMENDATIONS

It thus appear that ERA/FoEN operates within the parameter of certain assumption that the activities that degrade the environment are centered on oil exploration hence the concentration of their activities in the Niger delta region of Nigeria with emphasis on oil related activities.

The Evaluator wish to recommend that:

- the training on EIA should be extended to the 36 states of Nigeria especially area where other type of mining are going on, such as, Coal mine, Precious Stones, etc. here, diversifying environmental issues up north is sacrosanct.
- Following from above, it is recommended that the Advocacy and campaign program of the project be strengthened to enable ERA to widen the scope and thus give it a national outlook.

5.0 PROMOTING PUBLIC PARTICIPATION AND TACKLING ENVIRONMENTAL CONCERNS IN THE OIL SECTOR IN THE SOUTH (NNV 2009/2010).

5.1 APPROACH

Strengthening of HoCoN.

There was progressive Interaction with host communities with the intension to strengthen the Host Community Network (HoCoN). The interactive visits on varied issues leading to empowering the host communities including the aspects of possible litigation, education on how to relate with the environment and environmental problems arising from extractive activities impacts and environmental pollution reporting. In the process, more communities were drawn into the fold of the Host Communities Network. This is reported as completed because the target 10 communities for the year 2010 had been met and surpassed. Structurally, HoCoN has a functional leadership with a coordinating office space within ERA/ Port Harcourt office.

EIA Training for HoCoN members

EIA Training and inauguration of HoCoN Members in Abuja (FCT) Oghara (Delta State) and River state (see annexure 6).

The Environmental Impact Assessment Training which held in two states including the Federal Capital Territory, was to educate leaders of Host Community Network drawn from five out of the six geo-political zones of Nigeria on specific indicators when conducting an EIA Report and how to monitor the process to ensure that all the areas necessary for a proper assessment to be covered. This project was effectively executed with a communiqué issued at the end of the program.

Several other activities executed in line with the project objectives are;

- (a) Review of the EIA Act and production of proposal for amendment
- (b) Publication of book on Post Petroleum Nigeria (Conference proceedings)
- (c) Community exchange visit (HoCoN) Reps from Abuja, Bayelsa, Delta, Edo, Plateau, and Rivers visits HoCoN members in Ikot Abasi in Akwa Ibom State
- (d) Advocacy visit to the National Assembly on the proposed amendment of the EIA Act.
- (e) National Environmental Consultation
- (f) Joint meeting of Green alliance of Nigeria (GAN), Host Community Network Organisation of Nigeria (HoCoN), Student Environmental Assembly of Nigeria (SEAN). Hosted by ERA/FoEN on the review of Petroleum industrial Bill and the state of Gas Flaring in Nigeria. (See Annexure 7).

5.2 FINDINGS

In the long term, this project will contribute to the empowerment of communities affected by oil and gas development in Africa to make the right demands in their quest to securing a safer environment conducive for their development; and civil society organisations to be empowered to influence policies and practices around environmental management standards in the oil and gas sector.

5.3 RECOMMENDATIONS

Policies and practices within national environmental management are influenced.

The evaluators recommend:

- Greater participation of decision and policy makers. It is recommended that they should be more incorporated in the activities of the project implementations.

- The HoCoN Initiative is laudable. ERA/FoEN should consider extending the establishment of the Host Community Network (HoCoN) in all the communities where extractive activities are carried out throughout Nigeria. The impact of this on the development of oil sector cannot be quantified.

6.0 STRENGTHENING THE AFRICAN NETWORK IN THE SOUTH: ENVIRONMENTAL MOVEMENT IN THE SOUTH (EMIS 2010).

The EMiS project recognised the need to have coordinated actions across the African region in a way that would build on available competence and encourage synergy. The project also helped to grow a bottom-up environmental movement for the purpose of achieving the avowed objectives of Oilwatch Africa.

To participate in the pilot year of the project, groups were selected in Cameroon (Centre for Environment and Development, CED), Ghana (Oilwatch Ghana), Nigeria (Oilwatch Nigeria) and Uganda (National Association of Professional Environmentalists, NAPE). Oilwatch Africa effected the coordination from its secretariat in Port Harcourt, Nigeria.

6.1 APPROACH

Capacity building

In order to facilitate the implementation process of this project ERA/FoEN had a start-up workshop at the onset of the project. This start-up workshop was held in Port Harcourt Nigeria (February 2010) and was attended by all participating groups. At the workshop, participants were taken through all aspects of the project including its context, targets and actions. This workshop also serves as basic training in components and strategies for mobilisation advocacy and lobbying.

A midyear review workshop was held in Hoima, Uganda in May 2010. This was a prelude to a larger Oilwatch Africa meeting that took place in Kampala, Uganda. Among those in attendance were campaigners from GroundWork, South Africa as well as community activists from South Africa. Community activists who belong to the Host Communities Network from Nigeria and Uganda also participated in this review workshop.

6.2 TRAINING PROGRAMMES

The project had a number of capacity building opportunities for staff of the participating organisations as well as for target groups involved. These trainings were adapted to suit the peculiar contexts of the organisations.

CAMEROON

In Cameroon, CED organized an advocacy/lobbying workshop and dinner jointly with RELUFA and the Publish what You Pay Coalition (PWYP) In Yaoundé on November 9, 2011. The event had the theme “Parliamentarians and the challenges in managing the extractive sector in Cameroon” and brought together Cameroonian Parliamentarians, journalists and some selected civil society representatives.

6.3 Output/impact measure

The workshop provided the space for exchange of information with parliamentarians on the three major themes:

- a) Cameroon’s implementation of the Extractive Industries Transparency Initiative (EITI)
- b) Current events in Cameroon’s oil and mining sectors

- c) The role parliamentarians can play in promoting EITI, good governance in the extractive industries value chain, and transparency in the extractives sector.

A total of 18 NGOs and communities were trained during the year and focus was also linked to means of seeking redress in case of violation of rights by the companies as well as assessment of risks faced by local people in the project areas.

UGANDA

In Uganda, the workshop specifically on project planning and management skills was spread out in 2 hourly modules every Friday to strengthen capacity of NAPE staff in various program areas of the Organization. Also in Uganda, a five day training workshop for NAPE staff and core local partners on lobbying and advocacy was held with topics covering the politics of environmentalism, the use and advocacy role of the media, lobbying of legislature on EITI and social movement building. This was fully implemented in two separate workshops. One workshop was organized in June and NAPE used this opportunity to Officially Launch the Oil Watch Network – Uganda. The other workshop was in November 2010 and covered topics such as action research skills, oil advocacy, EITI and Publish What You Pay (PWYP) tools plus skills in Networking and social movement building.

GHANA

In Ghana, trainings were preceded by identification of communities to be engaged in the process as well as sharing of basic information with them.

The trainings on project management, monitoring and evaluation and Field Reporting targeted groups in Axim, Cape Three Points and Discover. Others were communities in south - eastern Ghana located in the Keta lagoon complex, Keta

and Anyanui communities. This activity looked at all the stages in project planning and management including project monitoring and evaluation and field reporting. This targeted participants from Jomorro Nzema East Districts.

The above activities were followed with more in-depth capacity training on lobbying and advocacy strategies for participants in the selected communities. A number of 45 people were trained.

NIGERIA

In order to facilitate the implementation of this project ERA organized a trainings on project management, lobbying and advocacy as well as training on media relations in April 2010 in Benin City. Further trainings of civil society groups and community based organisations with members of the Host Community Network as core were conducted in Port Harcourt, Ikarama and Yenagoa and had the campaign to leave oil in the soil as a major underlying focus.

In Nigeria the HoCoN was strengthened and various opportunities were seized to popularise the **leave the oil in the soil** campaign. Platforms utilised included conferences such as the World Environment Day celebration of the Rivers State government, media outreaches, community meetings and similar spaces.

Apart from the project activities, ERA international secretariat/Oilwatch were responsible for overall project leadership, coordination and reporting.

6.4 FIELD MONITORING AND REPORTING

All participating groups carried out regular field monitoring both as an avenue for environmental defense and for mobilisation through information sharing. An

essential empowerment element in this regard was that field visits were part of both the start off workshop in Nigeria and the mid year review meeting in Uganda. This served as practical on-the-field training

6.5 PUBLICATIONS GENERATED DURING THE PROJECT

ERA's publications are varied and cover wide range of subjects. They included books, magazines and newsletters and soft copies of field reports. These projects provided support for the following publications:

BOOKS

- Knee Deep in Crude volumes 1 and 2. (a book which documents field experiences and reports that has supported an evidenced based advocacy) ; Published 2009.
- The Nigerian Environment And The Rule of Law ; Published 2008
- Defending the Environment

NEWS LETTERS

- Environmental impact issue 3 June 2008 ERACTION May –August 2008

- Stop Gas Flaring Now (Environmental Impact Special)
- No more Oil Blocks (Environmental Impact Special)-Jan 2008
- Oil watch Nov 2010
- Environmental Impact issue 3 September 2008.

CAMPAIGN MATERIAL

- T-shirt on No more oil blocks
- T-shirt on Stop gas flare now
- T-shirt on Do not incinerate Africa
- T-shirt on Stop Toxic flares now.

PRESS RELEASES

- ERA wants PPMC probed over pipeline Fire,-Guardian
- Nigeria loses N12.3trn to gas flare in 40 years Business day 24th Dec, 2007.
- ERA slams extension of gas flare deadline Daily sun December 21 2007.

Other publications included Magazines and newsletters printed and circulated by Uganda (NAPE Lobby), Ghana (oilwatch Newsletter) while the Oilwatch Africa secretariat issued two electronic newsletters. The average print run was 1000 copies in each case. Press releases were made during the year and some media coverage of the campaign efforts was recorded. Web links to some of the media reports are annexed.

Cameroon only made compilations for their publication but did not actually publish any newsletter. This is traceable to the loss of support staff during the

period. This loss may have also influence the quality of work that perhaps influenced the proposal to substitute them with South Africa.

The publications further the work of advocacy and campaigns. The range of subjects covered include oil issues such as leave oil in the soil, environmental awareness raising, environmental monitoring and field reports documentation.

They provided materials for researchers and allies as well as campaign materials for advocacy and campaigns.

We find the materials suitable but limited by a few thousand hard copies. An increase in number of copies and dissemination is recommended considering the population involved.

6.6 OUTPUT/IMPACT MEASURE

- There was increased awareness of the consequences of the incidents and deeper demands for remediation as well as environmental protection. Further more, the network was strengthened and organizational and professional capacities on advocacy and other spheres were enhanced. Critical issues about oil exploration were raised in the civil society circles in Ghana and Uganda,
- The training programmes were very important in building the capacities of the groups. The startup workshop was very effective in preparing the groups for the activities in the project. The Ghana group acknowledged that they derived a lot of strength from the skills and capacity received from the pre project implementation-training workshop organized by Oilwatch Africa in Port Harcourt, Nigeria.

- Oilwatch Africa as a network built links with relevant policy makers and legislators in oil and gas issues. Lobbying and advocacy with Oilwatch Nigeria was a major activity. A visit to the Nigerian Senate on Leaving the Oil in the Soil was done. The participants advanced the need of constitutional amendment to make environmental rights a fundamental right.
- In Ghana, Lobby visits were made to the legislatures. In Uganda and Cameroun these took the forms of dinners while in Nigeria there were lobby visits to the national assembly's also. These were tied to the promotion of the "Leave the Oil in the Ground campaigns".
- The groups as well as Oilwatch Africa engaged in field monitoring and documenting of the negative impacts of the oil and gas sector and circulated these through the mass media and other circles.
- Consistent and frequent field monitoring in Nigeria led to responses from both government agencies and the offending oil companies. Communities are seeing quick actions in terms of stoppage of spills and they are also receiving more attention with regard to provision of basic infrastructures. An example is the field visit that followed the oil spill at JK4 in Ahoada West LGA. The advocacy work resulted in a 4 km stretch of rusty pipes being changed by Shell following reports. They also embarked on some clean up exercise.

6.7 Findings

To the Evaluators the EMI S project as a pilot project began well. The activities were robust enough to drive home the objectives of the project. The wide range of publication regarding EMI S across the four countries selected for the project is an

attestation to the commitment of ERA/FoEN and the participating groups to introduce a new dimension to environmentalism in Africa. The Evaluators wish to also commend ERA/Oilwatch for the quality of campaign materials such as, books, banners, flyers posters , T shirts and electronic media campaigns, etc.

6.8 RECOMMENDATION

- The evaluators wish to recommend that more countries be included in the subsequent phases of the project. The limitation of the project to four countries is not representative enough since we are dealing with the whole south.
- We revisit here the case of Cameroun and their proposed expulsion. While their removal may be expedient in the short term for the sake of outputs and results it might be counter productive on the long term. The strategic importance of Cameroun to the capacity building of the sub region cannot be overemphasized. While South Africa may come on board and indeed other countries interested, effort should be made to support groups facing capacity building problems that will enhance their productivity and output. The ERA model of movement building supports this case.

SECTION 2: INSTITUTIONAL ASSESSMENT AND CAPACITY TO DELIVER ON PROJECT OBJECTIVES

7.1. INTRODUCTION

An institutional assessment of ERA/FoEN is aimed at determining the organizational capacity to deliver on project objectives especially in the face of a relatively hostile environment occasioned by the *rentier* nature of the Nigeria state. It is also aimed at assessing ERA's capacity to implement activities in a strategic and transparent manner as drivers of change and environmental movement in the South. It is also to establish a baseline for institutional development in order to review progress and social change from time to time.

7.2. BRIEF HISTORY OF ERA/FOEN AND ORGANISATIONAL INSTITUTIONAL BUILDING

The Environmental Rights Actions/Friends of the Earth Nigeria (ERA/FoEN) is a non-governmental organisation founded in 1993, with an operational maxim "protecting the Environment, Democratizing Development". The organization operates as an advocacy group campaigning for radical changes in the policies of governmental, non-governmental and corporate organizations where these policies are likely to act against environmental human rights. ERA also targets actions of individuals, which impact, detrimentally on people and the environment.

ERA's philosophy via programs' are ultimately aimed at given local people a position to defend their environmental rights in law in order to define their own destiny by taking responsibility for the design and execution of development work in their own communities.

ERA is guided by the three core principles: non-violence of actions, the belief that all eco-systems are human ecosystems and that, environmental rights are human rights.

The organisation has four offices: Benin City (Headquarters), Lagos office, Port Harcourt and Yenagoa office. While Benin City serves as the international Headquarters, the Lagos office is dedicated for Media outreach, and the Port Harcourt office serves as Niger Delta outreach. ERA as an organization is gender sensitive in management, staff composition and volunteers.

ERA/FoEN was founded as an environmental pressure group irrevocably committed to the protection of the human ecosystem. However, its formative years of activities were basically voluntary advocacy but with a radical perspective that contributed to mobilising Nigerians in the transition from the long spell of military regime to civilian rule.

The organization got a real boost of recognition and confidence in may 1999, when ERA started the execution of a two year program named, “capacity building for environmental human rights monitoring and community empowerment” (NOVIB contract NIA00199001). Thereafter ERA has since established itself as a credible Nigerian environmental advocacy group.

ERA has also developed varieties of programmes through which the organisational objectives are being pursued. Such programs included Natural Resources and Community Conservation, Energy and Mining, Environmental Education and Training, Democracy Outreach, Trade and Development, democracy outreach programme and Legal Resources, and Media and Publication.

8. ERA'S PROGRAMMES AND MAJOR ENVIRONMENTAL ISSUES

The major environmental issues ERA seek to address includes Climate change and energy, Gas flaring, Oil spills and Deforestation. The organization view environmental rights as fundamental human rights of which they seek a constitutional review. The NGO works to ensure that community rights as well as nature rights are respected thereby ensuring environmental sustainability and the protection of their ecosystem. It uses the rights based approach to a peoples centred development. These are linked up to national and regional environmental rights protection with global linkages through acts of solidarity.

ERA's programmes have evolved over the years. Currently its programmes cut across five broad areas that are listed below.

- i. **Energy and Extractives:** Mining, oil and Gas, Energy Sovereignty, Climate Justice, International Financial Institutions (IFI), Gender Justice.
- ii. **Cooperate accountability and Environmental Health:** Tobacco control, Water and Sanitation, Community Health, Trade and Corporate.
- iii. **Food Sovereignty:** Genetically Modified Organism (GMO), Law Rights and Agriculture Business, Climate and Agriculture, Agrofuel, Gender Justice.
- iv. **Democracy Outreach Programme:** Legal Resources, Community Resource Centres Policy Advocacy, Media, Election Monitoring, Budget Advocacy, Gender Justice.

v. **Forest and Biodiversity:** Deforestation, Resisting Plantations, Community Forest Management, Community Rights, Drought and Desertification, Climate Change,

In all the projects, the issue of gender justice and mainstreaming is adhered to through a project sponsored by other donors that is outside the scope of the evaluation. These programmes aside, other projects such as forests and climate change, and energy issues provide opportunities through which various projects and campaigners collaborate. The projects are broad and detailed enough to capture the spectrum of environmental issues that the organisation seek to effect social change. All the projects are running although short of the required number of staff per project which is a project head/programmes manager, project officer, project assistant, and support staff.

9. ORGANISATIONAL STRUCTURE AND GOVERNANCE

- General Assembly
- Board of trustees
- ERA Management Board (6 males, 3 females)
- ERA Management Executive committee headed by the programmes director and made up of programme managers and project officers. The Executive committee is made up of Programme managers, project officers, project assistants and support staff. This committee drives the organization. The office heads are the administrative heads of the various offices and responsible to the management of the organisation.

The organisational structure listed above supports the NGO governance and the day to day functioning. ERA/FoEN maintain an organisational Constitution that

clearly delineates the function of members of the organization and guild in the achievement of its goals. The General Assembly is the highest decision making body of the organization, followed by the ERA Management Board that is responsible for policy direction and oversight functions. The next in line is the ERA Executive Management Committee that is responsible for project implementation and report on projects activities as may be necessary. This committee is made up of project heads, and project officers and managers. The Executive Director oversees the day to day management of the organisation and is responsible to the Board.

The various organs of management of ERA are democratic in their operations, non-sexist and not under the control of political parties or religious structure.

9.1. Staff

ERA/FoEN currently has a staff strength of 25 full-time staff made up of an executive director, programme Director, three programme managers, project officers and support staff/admin that are complemented by over five thousands (5000) volunteers across the nation especially in the Niger Delta region. The staff background covers the areas of Law, environment and development, political ecology, Mass Communications/Journalism, Human Right Advocacy, Information Technology, and architecture. Staff salaries are based on their positions, years of service and experience, and available funds. ERA maintain a plan to review salaries when the need arises and based on funding/contracts.

The greatest asset of ERA/FoEN is their human resources. Hence this evaluation places emphasis on staff development to maintain their profound commitment and motivation. ERA staff are proud of the reputation of ERAFoEN internationally,

nationally and locally, and wishes to do more. However, this is only practical if they continue to enjoy commensurate welfare packages obtainable in the sector. Core funding to ensure organisational capacity building and continuity is essential to growth and efficiency.

9.2. Gender Sensitivity

ERA/FoEN staff composition is gender sensitive and it's currently skewed in favour of the female gender. ERA maintain a conscious policy of mainstreaming gender in all its campaigns and activities. The gender consciousness is necessitated by the fact that the impacts of oil extractive activities such as oil spills, gas flaring and deforestation are more heavily felt by women and children. They bear the burden of having their potable water systems and farmlands polluted.

Specifically, ERA has a gender committee that coordinates gender activities and training for staff and monitor progress. It also has a gender policy document to guide gender mainstreaming and gender friendly working environment.

ERA project leadership shows that women are heading at least three of the project areas and also members in the ERA Management Board.

10. POLICY DIRECTION

In terms of policy direction, the Board is the highest decision making body of the organization. Every major policy decisions and appointments of senior staff require the approver of the Board. Besides, the Board plays advisory and supportive role in fund raising.

The meetings of the Board holds at least once a year. This is sometimes done electronically because of proximity as some of the members leave outside the

country. However, those who are resident in Nigeria meet to strategize on the direction of the organization.

10.1. Leadership

Each of the offices is led by a programmes manager/head that oversees and coordinates work in those offices. The performance of ERA over the years is closely related to the open door policy of management. A less rigid hierarchical structure that permit unhindered horizontal and vertical flow of information and command has helped in the carriage of the generality of staff, stakeholders including journalists and fellow NGOs and CBOs at the national and international levels.

The international head office of ERA is in Benin City, Edo State. The NGO maintains branch offices in Lagos, Port Harcourt, and Yenagoa. The International secretariat serves as a clearing house and providing policy direction while the office in Yenagoa serves dual purpose charged with the principal responsibility of field monitoring in the Niger delta region, and as Niger delta resource centre (NDRC). They have hosted big names in journalism and in the research world and activists including a global team of Nobel Laureates on a mission visit to the Niger Delta. Students and researchers utilize the centre for their work. Others included NGOs and CBOs who take ERA/FoEN as parent body and as a rallying point for the struggle also visit the center for material support, encouragement, research and information gathering.

Internally, ERA leadership also demonstrate a good spirit of team work in their operations. Relaxed and friendly working environment are also noticeable among staff. There is also the practice of delegation of responsibility which helps in

project implementation and capacity building. Staff are enthusiastic about their work and passion for the environment. The high level of dedication is evident.

However, limited institutional funding has undermined the attempt to get a full complement of the staffing needed for such a high profile NGO that is limited by funding and staffing needs.

10.2. Strategic Planning and Direction

Each of the programme of ERA maintain an annual strategic workplan which is built into the organisational workplan. Each project leaders are given the opportunity to unveil their plans for the coming years that are in line with the organizational strategic aims or goals which is the protection of the environment and the democratization of development. The various workplans are then harmonised into a unified form through their annual retreats usually early in the year. The workplans are approved during the retreat programme designed for both training and project evaluation/workplan.

The direction of ERA projects for mobilizing is clear to its staff and the goal of empowerment of the public. The key element here, is ERA's ability to fill a gap by providing the platform to discuss topical issues such as "leave oil in the soil", and "stop gas flaring now", and "the hunger politics" campaigns. They provide the opportunities for robust debate and enhances environmental awareness of the general public and support policy formulation. These opportunities should be strengthened in the process of reaching out to specific target audiences and the general public.

10.3. Policy Analysis and Advocacy

ERA possesses the capacity for policy analysis which is the main thrust of its environmental advocacy. The NGO's advocacy program has been to effect necessary policy change in the management of environmental issues in Nigeria. ERA is involved in alternative formulation of environmental bills aimed at social policy change to protect the environment and livelihoods. The success so far enjoyed by ERA in this direction is as a result of the intensity of the campaign and transparency in the conduct of their affairs. However, ERA/FoEN has been working towards a review of environmental laws in Nigeria. There is currently an on going process of harmonization of ERA's environmental Bill with that of the government. ERA is also working towards achieving participatory Budgeting in Nigeria. Some of the bills proposed are currently being repackaged in readiness to engage more structurally with the national assembly policy makers from June 2011 when a new government/parliament is sworn in.

In the past the NASS relied on ERA's expertise when dealing with environmental issues such as climate change, bio-diversity and forests, NEITI process, oil spills, stop gas flaring, and other environmental issues of national importance.

11. CAPACITY BUILDING

Periodic Training. ERA conducts periodic internal and external capacity building training for staff and volunteers as well as local communities and the general public. Capacity training for ERA is to prepare the staff for the challenges ahead of them and also to re-invigorate the spirit in ERA which is in-built in the philosophy of ERA with the operational maxim; protecting the environment and democratising development.

Through international training and exposure in meetings and workshops they are able to learn and present a holistic picture of the environment and development issues in a unique way. Some funding is made available statutorily for staff training in addition to the numerous conference opportunities which staff are encouraged to attend.

11.1. Infrastructure and Technology

As mentioned, ERA has four offices located in various part in southern Nigeria. Yet, all the offices of ERA are rented and ERA does not own a vehicle. ERA's landed property located in Benin City is yet to be developed and this is essential for corporate organisational image, continuity, and prestige.

ERA/FoEN maintain a good number of computers in all their offices. There are internet facilities in all the offices. However, the following were observed:

- i. computers in the Yenagoa office are bad and need replacement.
- ii. The internet bandwidth in the head office is small compare to the number of staff, and this may slow down the pace of work. There is need to increase the Bandwidth to accommodate all staff. ERA/FoEN maintain a functional website (www.eraaction.org).
- iii. ERA needs better quality of video and still cameras for effective coverage of her work and for better disseminations of information and reports. The once available are becoming obsolete.

11.2. Information and Communication

ERA's media unit is headed by a media officer and journalist. All press releases are made through that unit to the press. The office functions as a facilitator of media coverage during ERA's activities/workshops. ERA projects officers

however may initiate media documents and coordinated by the media unit for maximum impact.

ERA/FoEN uses diverse means of information gathering and dissemination. It publishes quality and informative books some of which has been highlighted in Section 1. It also produces a quarterly ERAAction magazine; Environmental Impact Newsletters; and Field Reports as means of documenting and disseminating information about its environmental advocacy. These are in addition to its active Website, Emails and Facebook media channels.

12. SCOPE AND LEVEL OF INFLUENCE

ERA's towering image is due to its respectability as a grassroots advocacy group working at national and international levels. Its influence in shaping Nigeria's environmental profile for the better is growing in its increasing involvement in formulating alternatives. As a pioneer Nigerian environmental advocacy NGO it is providing support and direction for young and up-coming civil society groups across the nation as well as regional coordination and collaboration on environmental issues.

12.1. Networks and Positing within CSOs

ERA/FoEN is working with other civil society groups in Nigeria and globally for environmental protection and sustainable societies. ERA has been a member of member of Friends of the Earth International since 1996; a federation of grassroots environmental NGOs from over 70 countries. ERA's executive director is the current chairperson of Friends of the Earth International. Recently, he was selected as one of the Heroes of the environment 2009. In 2010, he was awarded the Rights Livelihood Award in Stockholm. Some of the groups leaders were also accorded

recognition in providing quality leadership in Nigeria. These are indicative of ERA's capacity in the area of the fight for environmental protection and democratization of development at national and global levels.

ERA/FoEN is currently hosting the secretariat of Oil Watch International and Oilwatch Africa. This she has done since 2006 being a foundation member of the network since 1996. Oilwatch is made up of civil society groups in the south contenting against the inimical practices of oil companies and the challenges of fossil energy production and dependence. The continuous hosting of the influential network is an attestation to ERA's leadership ability and the capacity to coordinate other member groups in the network.

ERA is also coordinating and hosting the secretariat of Green Alliance Nigeria (GAN). Green Alliance Nigeria is a group of Nigerian Environmental NGOs and CSOs concerned with environmental management and protection.

ERA facilitated the birth of the Host Community Network (HoCoN) and Students Environmental Assembly (SEA), and is currently giving strategic support to these bodies.

ERA/FoEN is currently hosting the secretariat of Africa Tobacco Control Regional Initiative (ATCRI). It was awarded the Bloomberg price in 2009, and several previous recognition for innovation, courage and excellence.

As a grassroots organisation it is close to the communities and their pains and misery that are related to increased expansion of economic activities. The campaign-advocacy and mobilisaion-consciousness raising strategy of ERA/FoEN as a grass root organization has had a profoundly positive effect on the attitude of

communities to environmental issues. As a result of the positive impact of the interventions, communities and civil society groups have inundated ERA/FoEN with demands for more interventions.

ERA has become a training ground for civil society groups which they continue to support for a common goal of environment and livelihoods protection.

12.2. Relationship with Government

ERA/FoEN employs advocacy and campaigns strategy in the pursuit for environmental policy change. ERA has been working towards a review of environmental laws in Nigeria. Since 1999 there is improved working relationship with national and state governments. ERA and relevant government agencies have collaborated on several environmental issues. For example, ERA had consistently partnered with the Federal Ministry of Environment in organizing ERA's National Consultation on the Nigeria environment. It is also currently a member of the NEITI-CSOs Steering Committee representing the environment sector. ERA has made useful contributions toward the development of the Nigeria Environment protection and management as exemplified by her contributions to the review of the federal ministry of environment's proposed Draft Environmental Management Bill and recently the Petroleum Industries Bill.

Through the environmental Bills developed it is occupying a leadership role and working to provide solutions to what some of its staff described as "the problems of impunity to plunder the environment and livelihoods of rural communities." They said, "they need to halt this trend."

13. FINANCIAL CAPACITY

ERA's financial capacity is relatively small compared to the dimension of work it has set for itself. Other organizations also make demand on ERA. The scope of work and the level of mobilization and environmental awareness raising is huge and much is expected from the public. However, the organisation is not lagging behind in fundraising perhaps due to the principle of selective engagement with donors. ERA do not accept funding from organisations whose ideas do not agree with their especially the oil companies.

Other areas to gauge financial capacity such as sources of funding, and financial management are considered next.

13.1. Sources of Funding

ERA/FoEN obtains fund from local and international donors. The main donors are OxfamNovib, HIVOS (up to 2008), FoEI and NNV.

ERA should seek to diversify its funding sources to improve its overall financial strength. In particular, the work with the local communities require greater push and regularity as an advocacy strategy combining with media outreaches that may be resource consuming.

13.2. Financial Management

ERA/FoEN has a qualified finance officer with professional training assisted by a Finance Officer at the head office in Benin City. The office maintains financial records and conduct other primary responsibilities of assisting projects officers in preparing budgets for project proposals. They handle all financial transactions on behalf of ERA. However, they perform this function in conjunction with the

executive Director and programmes Director who approves expenditure requisition through the specified proforma. The various office heads are in charge of the financial transactions in the branch offices and they report to the executive director. Funds for project execution are initiated by the direct project officer to the ED or his alternate.

ERA maintains a standard accounting procedure and financial policy guidelines for financial transactions. This obviously has a relationship with the financial prudence of the organization. As part of its institutionalizing, ERA maintains relevant accounting books and ledgers. The ledgers and accounting books are guided by the organisation's accounting manual and human resources regulations. A digital accounting package may be required to reduce the manual workload of the staff.

ERA maintain an External Auditor who audits the organisation's account at the end of each financial year covering January to December 31st. Such audits are usually followed with a management statement and auditors observations.

14. CHALLENGES

The major challenge of the institutional capacity of ERA is situated in both human and material resources. Funding limitation is a major constraint to increased staff capacity numerically that is needed for the overall capacity of the organisation. Insufficient funding has a militating effect on the realization of the full potentials of the organizations. In general, considering the volume of work and the unique nature of the environment they operate, the Evaluators wish to commend ERA for its resilience and doggedness in the pursuit of organizational goals especially in the area of advocacy on environmental rights issues.

15. CONCLUSION/RECOMMENDATIONS

The recommendations are based on two cardinal elements. First is on the scope and relevance and how to deliver more effectively on project goals, and the second deals on ERA's institutional capacity to deliver.

15.1. Project Relevance and Outcomes

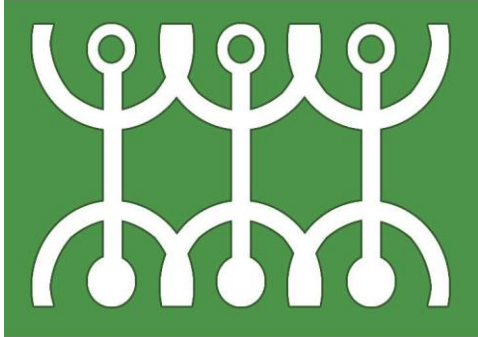
- ERA/FoEN programme design and scope captures the reality they contend with. Using a holistic approach of grassroots mobilisation and national and international involvement is relevant for shaping policy direction and change. The goal of community empowerment is evident. **However, for change to be more evident, ERA needs to intensify and collaborate with other NGOs and CBOs in their lobby strategy in order to pressure the necessary paradigm shift in environmental management and development in Nigeria.**
- The stop gas flaring campaign is urgent and require renewed vigor. So also is the new leave oil in the soil campaign that require more strategy and momentum to make it more readily acceptable to policy makers and the generality of the Nigerian public. **ERA needs to work more with her international allies as well as national policy makers in Nigeria to put pressure on oil companies to stop gas flaring in Nigeria and adopt internationally acceptable best practice in their operations.**
- ERA seem to possess the clout to lead in the process of demanding for change, accountability, outcomes. It can also provide the clout for support for a national endowment fund for local NGOs operating in Nigeria. This should be pursued in the long term. This underlines the potential of ERA.

15.2. Capacity to deliver on project goals

ERA is doing quite well and producing results. But ERA can do more than it is currently achieving. ERA has the moral force and credibility that can demonstrate greater results and social change in Nigeria.

- ERA/FoEN management should work towards the diversification of sources of fund so as to increase their capacity (offices and staff) to cope with the enormity of task involve in their organizational goals. To this end, the organization should work on the possibility of getting support from Nigerians and organizations base in Nigeria.
- The Management Board should be further strengthened to take up the responsibility of providing direction, oversight and advice to the Management Committee. The Management Board should meet more regularly in a year, to provide greater direction.
- Additional staff is required to fully address the huge and difficult but useful propositions (such as leave oil in the soil, green economy, HoCon etc.) that are being pushed by ERA. ERA require additional funding for institutional capacity development and improvement so as to attract more quality staff and to be internationally competitive in terms of salaries.
- Finally, it is our humble submission that a physical development in terms of office space is needed for institutional corporate image and continuity.

Annexure 1: Terms of Reference



**ENVIRONMENTAL RIGHTS ACTION/FRIENDS OF THE EARTH
NIGERIA**

214, USELU LAGOS ROAD, UGBOWO, BENIN CITY, NIGERIA

TERMS OF REFERENCE FOR EVALUATION OF THE NNV AND EMiS PROJECTS

1. INTRODUCTION

Since the last three years there has been a gradual partnership build up between the Environmental Rights Action/Friends of the earth, Nigeria (ERA/FoEN) and Norad covering national and regional support on advocacy campaigns around oil and gas issues in Nigeria and some countries in Africa. Although some of the activities have been successfully implemented (and some currently on-going), there has not be any attempt to evaluate project implementation and level of project impact. As a result, ERA in conjunction with NNV propose a project evaluation to gauge the level of success, relevance and impact. The evaluation will also serve as a learning process for future partnership between both groups and other related partnerships and allies.

In brief, The Environmental Rights Action/Friends of the Earth, Nigeria (ERA/FoEN) is the foremost Nigerian environmental advocacy group for the

protection of the environment and the democratization of development. Founded in 1993, ERA's mandate is enshrined in article 24 of the African Charter on Human and Peoples Rights which states that: *"All people shall have the right to a satisfactory environment favourable to their development."*

The goal of ERA's environmental justice work is to empower local people to legally defend their rights and mobilize their capacities for development efforts. The concern is for a safe and livable world for all.

2. OBJECTIVES OF THE EVALUATION

The objectives of the evaluation will be to describe, analyze and evaluate relevance of the programme, impact, contexts and achievement as well as identify strengths and weaknesses, and opportunities as a learning process.

Specific Objectives

- vi. Conduct an institutional assessment and capacity to deliver on projects objectives
- vii. Evaluate policy impacts of the project and what changes were effected
- viii. Assess the extent to which projects implemented through the grassroots perspective of ERA/FoEN facilitated participation and empowerment
- ix. Consider value added by ERA/FoEN to community empowerment through this project
- x. Assess what intended and unintended outputs were achieved

Some key Questions

- iv. Relevance of the project in relation to the context and problem identification, including opportunities for repositioning
- v. Efficiency and impact of the components of the implementation in relation to inputs and outputs ratio
- vi. Project challenges and lessons learnt for guide to future partnership

3. MAPPING EXISTING PARTNERSHIP

Friends of the Earth Norway (Norges Naturvernforbund) has developed contact with ERA/FoEN and visited the organization at various times. Through NORAD, it

has been working with ERA/FoEN in capacity mobilization and building of social movement in the South in relation to oil development.

The following projects form the core task for the evaluation:

- i. Ensuring environmental concerns when developing oil sector in the South: A feasibility study on capacity building measures of the Oilwatch Network (NNV 2007)
- ii. Promoting public participation and Environmental concern when developing the oil sector in the South: capacity building for the Oilwatch Network (NNV 2008)
- iii. Promoting Public participation and tackling environmental concerns in the oil sector in the south (NNV 2009)
- iv. Strengthening the African Network in the South: Environmental movement in the South (EMiS 2010)
- v. Promoting public participation and tackling environmental concerns in the oil sector in the South (NNV 2010)

4. METHODOLOGY

Participatory approaches will be employed by the Consultants. Interviews and group discussions with target groups and beneficiaries will be held.

Evaluation Team

A team of two persons with academic background but familiar with NGO advocacy and social movement building make up the evaluation team. In addition, one ERA person to assist in logistics. Attached is the CV of the lead evaluator, who has previously evaluated ERA's project in Nigeria.

A preliminary meeting was held with the proposed consultants on January 21. At the end, the terms of reference were agreed.

Information Gathering Methods

- Review of existing relevant documents relating to the existing contract
- Interview with programme staff, target groups, participants, environmental lobbyists, government officials, lawyers, and CSOs
- Participatory tools for group discussions and interviews
- Visits to some ERA projects areas/communities in the rural communities

- Publicity materials and other indicators of level of impact

Duration

Five weeks from the date of commissioning but within February/March 2011.

Week 1: Designing methodology, project documents review and interviews with ERA staff. This include phone calls to other participants outside Nigeria.

Week 2: traveling to specific project sites and interviews and discussions with target groups/beneficiaries

Week 3: Analysis and draft report

Week 4: Inception Report & review by Consultants and ERA management

Week 5: Final Report and submission to ERA management

5. REPORTING/EXPECTED OUTPUT

- Isolate and describe the various components of the evaluation, description of the facts, analysis of facts, and conclusions and recommendations, etc.
- Evaluation report in six bound copies
- Clear conclusions and recommendation
- Report to include Executive Summary and Findings

6. CONFIDENTIALITY OF REPORT

The report shall remain confidential, and except with written permission of the parties involved, the contents shall not be disclosed to a third party.

7. BUDGET

This covers two Consultants and one ERA person traveling with the Consultants as may be required. The real cost of the accommodation will be receipted and proper documentation made during implementation.

Annexure 2

Evaluation Criteria – Related questions

1. Effectiveness

- To what extent have the project's objectives been reached?
- To what extent was the project implemented as envisaged by the project document? If not, why not?
- Were the project activities adequate to realize the objectives?
- What has the project achieved?
- Where it failed to meet the outputs identified in the project document, why was this?
- what significant improvement has your organization brought to bear on the situation?
- What significant improvement has your organization experienced since the project commenced? Describe any unintended outcome arising from the project (negative or positive)

2. Relevance

- Were the objectives of the project in line with defined needs and priorities?
- Why the preferred choice of strategy to this project implementation?
- Were risks appropriately identified by the projects?
- How appropriate are/were the strategies (any examples?)

3. Sustainability

- To what extent has the project established processes and systems that are likely to support the continued implementation of the project?

- Are the involved parties willing and able to continue the project activities on their own (where applicable)?
- Are the project outcomes likely to be sustainable? If not, why not? Which remedial actions would have been good to take?

4. Project design and performance assessment/Efficiency

- Was the project design appropriate? If not, why not?
- Was the project, including its finances, human resources, monitoring, and oversight and support managed efficiently?
- What was the role played by the implementing agency(ies) and, where applicable, the executing agency in leveraging resources, internal or external, and expanding partnerships with other actors to support and expand this project?
- Assess the appropriateness of current formal and informal communication channels between national stakeholders, implementing and executing agencies and Norod, including recommendations for improvement

5. Impact

- To what extent has/have the realization of the project objective(s) had an impact on the specific problem the project aimed to address and on the targeted beneficiaries?
- To what extent has the project caused and is likely to cause changes and effects, positive and negative, foreseen and unforeseen, on society?
- Is the project likely to have a catalytic effect? How? Why? Please provide examples
- Have the needs of project beneficiaries been met by the project? If not, why not?

Annexure 3

COMMUNIQUE OF THE FIRST NATIONAL ENVIRONMENTAL CONSULTATION HOSTED BY ENVIRONMENTAL RIGHTS ACTION/FRIENDS OF THE EARTH NIGERIA IN PARTNERSHIP WITH THE FEDERAL MINISTRY OF ENVIRONMENT AT THE REITZ CONTINENTAL HOTEL ABUJA, DECEMBER 10TH -11TH, 2008

1.0 Preamble

In a watershed event which, signposts a new dawn in the annals of Nigeria's environmental evolution and the benefits of effective partnerships between civil society and the government, over 200 participants representing the academia, civil society groups, local communities, women groups, the media, government ministries and agencies, members of the national assembly, and comrades from Norway and America converged on Abuja for a two-day national consultation on the environment.

The thrust of the consultation themed: The Nigerian Environment and the Rule of Law, was to consider and develop a new template for environmental development and sustainability.

2.0 Opening

In his opening remarks, Chair of Friends of the Earth International, Rev Nnimmo Bassey said the theme of the consultation was carefully chosen to push the issue of environmental rights and sustainability through the government's avowed rule of law template.

The Minister of Environment, in his speech stated that "if we must be taken seriously in our strives for an environmentally sustainable society we must have a comprehensive body of laws regulating the environmental sector".

Vice President of the Federal Republic of Nigeria, Dr. Goodluck Jonathan in his remark stated "for this government, we believe that protecting the environment ultimately translates into good governance", therefore "now is the time for us all to join hands in this most important assignment of our generation for the protection of our environment".

The keynote address was delivered by Hon Uche Onyeagocha, a former member of the House of Representatives. Hon Onyeagocha emphasized the relationship between good environmental governance and credible elections because credible elections produce credible representatives of the people. He stated that such representatives are better motivated to protect the people and their environment because they can also be held accountable. He also emphasised the point that environmental governance is determined by the existence of laws directing citizen's activities as they relate to the environment. He observed that there is no law in Nigeria that gives any corporation the power to destroy the environment and that gas flaring is a flagrant violation of the rule of the law.

The consultation was divided into four plenary sessions and two working group sessions where participants critically examined the status of extant environmental laws in Nigeria, the need for fundamental reforms and the challenges that would have to be overcome in the process. Specifically, issues such as land rights, ecological justice, labour, gender and the environment, the vexed question of the Niger Delta environment, violence and the impact of oil on local livelihoods were discussed among others. In the process 16 well researched papers were presented by carefully selected resource persons and exhaustively debated by participants

3.0 OBSERVATIONS

In the course of the exhaustive discussions and debates, it was observed that:

- The environment is in danger and requires urgent action to rescue it from the path of sustained degradation
- The partnership between government and civil society is essential to drive the process of rescuing the environment and making it sustainable
- Good governance and a political system that produces and guarantees credible elections are a sine qua non for the enhancement of a sustainable environment
- There is an evident lack of political will to enact or implement needed legislations and reform or abrogate existing bad legislations because of vested personal, clique and class interests that have been elevated over and above the interests of the people
- The absence of a definitive constitutional regime on environmental issues to make them justiciable fundamentally impairs serious moves towards environmental reforms

- The wholesale extrapolation and import of legislative instruments from foreign jurisdictions without any attempt to draw impetus from our peculiar socio-economic and cultural milieu and the exclusion of local communities from the processes of making these laws are among the major reasons explaining why implementation of these laws has become impossible
- Guaranteed land rights are essential in achieving sustainable development and environmental laws. Some of the existing laws such as the Land Use Act and the oil pipelines law deny communities of these rights and are therefore obnoxious and anti people
- Extractive activities have led to the destruction of the local environment; as a result, the poor are being forced to bear a disproportionate share of the negative impacts of the destruction of the environment. The only way out of our mounting poverty and for guaranteeing future development lies in having a sustainable environment
- Gas flaring which emits dangerous toxins, destroys the environment, contributes to the climate change phenomenon and threatens existence on earth continues in Nigeria because of the insensitivity of the oil companies and lack of political will on the part of government to put a stop to it. This is evidenced by the continuous shifting of the gas flare-out date and the failure of the oil companies and the government to abide by the Federal High court judgement delivered by Justice Nwokorie on 15th November, 2005 in Benin City, Edo State Nigeria to the effect that gas flaring is illegal in Nigeria.
- Communities should be empowered to enable them effectively participate in the process of environmental impact assessment (EIA) and they should also be adequately represented within the Nigerian Extractive Industries Transparency initiative (NEITI) organs.
- The national consultation expressed concern about the high level of repression by the Nigerian state of dissenting voices in resource rich communities. This repression uses the full coercive powers of the state (military and paramilitary forces) to crush voices of protest at the instance of multinational oil companies like Shell. It also uses the militarization of oil rich communities to ensure uninterrupted access to energy security for an inflexible economic and social system built on fossil fuels.
- Participants observed, in particular, that the landing of American troops in the Gulf of Guinea through the instrumentality of AFRICOM would further militarize our communities, besides undermining the sovereignty of Nigeria

as an independent nation state. Participants also drew attention to the new forms of foreign American military presence in Nigeria which would involve American soldiers in full civilian roles such as bridge, schools and hospital builders in the nooks and crannies of the Niger Delta.

- In spite of agitations by several mass movements, community groups and civil society groups in the Niger Delta to resist oil multinationals and the local ruling elite from the continuing plunder of their lands, resources and livelihoods, the government and oil multinationals have continued to pay deaf ears to the agitations. Rather government is dishing out palliative measures, while at the same time conniving with the western world to further militarise the region through the AFRICOM arrangement.
- It was also stressed that environmental problems are not only interrelated but also a result of international oil diplomacy. While gas flares in the Niger Delta, contribute to desertification in Nigeria and global warming, the entire framework for regulating and acting on oil problems in Nigeria is related to and derives from international interests in Nigeria's oil.

4.0 RESOLUTIONS

From the foregoing, and recognising that protection of the environment is a duty we all owe the earth and humanity, the forum resolved as follows:

The government should stop further operations aimed at discovering and exploiting new oil and gas fields. The oil should be left under the ground as oil operations are harmful and constitute a threat to the environment and continued human existence.

That there should be no further extension of the deadline on gas flaring beyond 31st December 2008 and where flares are not stopped oil production should be halted at such points. Nigerians should also embark on mass actions to ensure that flaring stops.

Land Use Act and other anti-people laws should be repealed and land returned to the people as of right. Nigerians should embark on sustained peaceful agitations and street protests until these obnoxious laws are repealed

Women, as key players in agriculture at both rural and urban areas, must be involved and play active roles in the Federal Government's land reform agenda.

Communities should be actively involved in any process that will produce legislations that affect their land, environment and future.

AFRICOM should not be allowed into the Gulf of Guinea and must NEVER be allowed into Nigeria. AFRICOM will, if allowed into Nigeria, invade the Niger Delta and other parts of the country that have resources that are needed by America.

Reparations should be paid to the oil-bearing communities by the government and the oil multinationals for extractive activities that have violated communities, groups and individuals in their areas.

ERA and other NGOs and civil society should embark on aggressive campaigns on environmental justice issues.

There should be a collaboration between ERA and the Nigerian Labour Congress, other labour unions and all progressive and patriotic organisations in Nigeria to push through the resolutions of the Consultation

Any law that tends or professes to protect the environment and people's rights to a peaceful and clean environment and land ownership should truly achieve the proposed aims. They must also be justiciable and local peoples and communities should be empowered by law to enforce these laws by seeking redress in law court.

Special environmental courts should be set up and judges that are knowledgeable about environmental matters should be appointed to serve in such courts

Oil companies must pay ecological debts which will be the cost of restoring the environment and human systems in the Niger Delta that have been left unaccounted for in the cost of their doing business, at huge profits in the Niger Delta. Communities must be mobilised to insist on payment of these ecological debts being owed them by oil companies from developed countries as a result of oil activities that have caused great ecological damage.

The forum commended the organisers of the consultation, the funders of the consultation, the Minister for the Environment, the Vice President of Nigeria and the entire participants for their invaluable contributions and for creating the time to be part of the epoch making event.

C: List of Participants

N/S	Name	Sex	Organization/office	Telephone
1	Maria Ohenhen	F	Environmental Right Action, Benin	08037869840

2	Philip Jakpor	M	Environmental Right Action, Lagos	08037256938
3	Murphy Akiri	M	Host Community Network Hocon	08034302277
4	Fred Iwenanogie	M	Environmental Right Action, Benin	08034286146
5	Alagoa Morris	M	ERA - Yenagoa	0807915833
6	Lilian Nwokobia	M	Centre for Rural Integration & Dev	08064278775
7	Allen- Wokoma Amella	F	University of Jos	07034905087
8	Stephen Omas	M	ERA Benin	08030740913
9	Karikpo Michael	M	ERA Port harcourt	08035526729
10	Tola Olujawon	M	Central Educational Service, Lagos	08033349285
11	Chima Williams	M	ERA, Benin	08059402385
12	Kentebe Ebiaridor	M	Oilwatch Africa	08037917731
13	John Linerkiro	M	Friends of the Earth Norway	@ Natureern. no
14	Okezie, Kelechi	M	Neighbourhood Environmental watch New ebonyi @ yahoo.com	08057197270
15	Rita Osarogiagbon	F	rhytai@yahoo.com ERA Benin	08023675828
16	Alali, Efanga	M	HOCON Oruma, Bayelsa	08034911051
17	Elder Friday Alfred Akpan	M	HOCON Ikot Ada Udo	08026768444
18	Akowe Shehu	M	Fed. Poly Idah	08073242829
19	Mariann Bassey	F	Mariann @ eractcom. org	
20	Betty Abah	F	Betty @eraction.org ERA	07032038897
21	F.O Ogierhiakhi ESQ		Legal hands, firm of F.O. Ogierhiakli Solicitors &Advocate	08035753397, 08053903502

22	Omokaro Osayanda	M	ERA/FoEo Osas @ eraction.org	08052076247
23	Fanty G. Waryai	F	Ijawmothers of Warri. Ijawmotherswarri@yahoo.com	08037274700, 08058509554
24	Dotun-Davids O.I		Cover. Covering@yahoo.uc.com	08034368980
25	Per.Erik Schulse	M	FoE Norway/Norges Natorvern. Forbono	4741856697 PES@Natorvern.no
26	Keziah Clifford Okpojo	F	Oil/Watch Africa	08037593883
27	Chioma Oruh	F	Howard Univ/Apsp	Col-202-320.55
28	Angela Okoye	F	Org. for the sustenance of the Nig. Environment	08032290333
29	Che. Ibegwuru	M	Host Communities Network (Hocon)	08068449481
30	Ikechhukwu Okpara	M	Host Communities Network (Hocon)	08037400478
31	Patrick A Chiekwe	M	Save Earth Nigeria (SEN)	08056577801 senigus@yahoo.com www. Senigus.interconnectioc.org
32	Elder Dandy Mgbenwa	M	Niger Delta Dev. Initiative. nddi	08068596003 nddi_2004@yahoo.com
33	Chilos Godsent	M	Council For Leadership & Dev.	08055435324
34	Etiosa Uyigue	M	Community Research & Development Centre	07039405619
35	Obayanju Wale- Seun	M	ERA/FoEN	08030916195
36	Mrs. Phoebe Mshelia	F	Abubakar Tater Al Poly Bauchi	08037860383
37	Nnimmo Bassey	M	nnimmo@eration.org ERA/FoEN	

38	Efiom Duke	M	Green Concern for Dev akamduke@yahoo.com	08055362963
39	Chidi Nwosu	M	Human Rights Justice & Peace Foundation	08035056312
40	I.O Omoruyi Esq	M	Faculty of Law Uniben	08023363101
41	Kingsley E. Itiose	M	Students Environmental Association	07037831529
42	Odey Oyama	M	RRDC odehyoyawaeluotwail. com	08035033824
43	Emem J. Okon	M	Kebetkache Women Development & R Centre	08033363172
44	Alhaja Roli Ralat Daniju	F	Ralataniju @yahoo. Com Ajegunle community Project	08033307190
45	I.A Akpoborie		Delta State Univ	08035878629
46	Festus Iyayi	M	Uniben, Benin	08023367012
47	Akpobari Celestine	M	Ogoni Solidarity Form Ogoniadvancement@yahoo.c om	08032733965
48	Inemo Adaka	M	Inemo.adaka@ negaton . org .ng NAEC, Abuja	08035514309
49	Imo Sunny Japhet	M	GLOBAL PEACE MISSION Yenagoa sugotex @ yahoo .com	08035654150
50	Prof. A M A. Imenvbore	M	Environmental Resources Limited (ERML)	08037260144
51	Prof. Kayode Soremekun	M	UNILAG	08057511458
52	Onyeagucha Uche	M	ERA Port Harcurt	08033107283
53	Onyeagucha Chidiebere	F		07025294975
54	Onyeagucha Amarachi	F		07025294975
55	Prof. Math. Ivbijaro	M	Mattin Ltd	08034833466

56	Nejiwie Ibru			08056442831
57	Dafe V.I	M	River Ethrope trust Foundation	08056872297
58	Everest Nwankwo	M	Anpez Centre for Environment & Dev.	08055170512
59	Ubrei-Joe Maimont	M	Students Environment Assembly (Delsu unit)	08070528180
60	Prof. M.T. Okoradudu Fubara	F	O.A.U.Ue-Ife	08036694792
61	Vichie Onyekun	F	Child Health Organ. Lagos	08052393399, 07031008989
62	Chief Joseph Dzer	M	Man Lusbe	08067942904
63	Durami	M	Association for Promotion of Human Right Comm. Deve. Billire, Gombe Stat Aphncod4dert@yahoo.com	07034565773, 08020601571
64	Olayinka Oluwakemi	F	Devnet Lagos	08060078182
65	Adenwke Iumememlia- -----	F	Peculia People Foundation	08033307130
66	Joshuna E. Oyem	M	Joshuna4real@yahoo.com CEPI, Abuja	07039272721
67	Ehikioya Boniface Favour	M	Students Environmental Assembly Favourobyire2004@yahoo.com MONI NIGERIA.	08036007283
68	Kola Lawal	M	LAWMUT@yahoo.com Child =====	08032500935
69	Ozo Nduka A.	M	ERA Cross River State. Spiritnozoalyahoo.com	08052212510
70	Prof. J.A Ekpere	M	Independent Consultants jekpere hypene. Com	08033230430
71	Felix Alumo	M	FEDUP	08029010945
72	Gloria M. Okon	F	Women & Children Life Advancement Initiative	080-54147484

			Katsina State.	
73	Buhari Olatunji	M	ERA/Lagos	08028827476
74	Oluwafumi Akinbode	M	ERA/Lagos	08060535681
75	Agoro O. A.	M	Federal Min of Science & Technology	08034526695
76	Alkinlode Olofan		ERA/Lagos	08060535687
77	L. R. Pangeru	F	N.D E. N0 5 Naraguta Avenue Jos	08037022077
78	Affoing Eyo Ekpenyong	F	Abgremono for Development abgremonigeria@yahoo.com	08065292379
79	Bunole Moses	F	Environmental Law Reseach Inst. Lagos bmoses @ elring.org	08025757002
80	Aligu Mohammed	M	Foundation for sustainble Development Kebbi	08036098046
81	Paul Ishaja	M	Youth environmental club Borno	07093231656
82	Joseph Ohaei	M	Insitute for Dispute Resolution Warri	08052583563/07033711531
83	Edith Ibuire	F	FEDUP	08020871866
84	Vivian Bellonwu	F	Social Action Portharcourt	07039370306
85	Jim Pressmdr	M	Equity Advocates Abuja	07040270629
86	Obodoekwe Styven	M	National Point Newspapers Portharcourt	08033390311
87	Achakpa Priscilla	F	Women Environmental Program info@wepnigeria.net	09-6721633/08023235798
88	Olotu E	F	FMEWXED nezra2014@yahoo.com	08053449885
89	Friday Olorok	M	fridayolorok@yahoo.com	08033054246
90	Wale Okediran	M	Assoc. of alizantin	08035765553

91	Maryam Ali Alo	F	Ass. Of Nig. Authors(Nat)	08035837949
92	Emmanuel E. Basse	M	Ed Basee Dev. Foundation edbasee yahoo.com	08037625910
93	Nasidi Adamu	M	Daily trust Abuja nakurd77 @ yahoo.com	08064416006
94	Tochukwu Ezech	M	New Age tochukwuezeh @ yahoo	08033644593
95	Clement Egbeona	M	Fed. Min. of Environment	08033258327
96	Chief Eze – Oze Mad	M	Fed. Min. of Environ	08055709820
97	Mrs Dudu manuga	F	Association for Responsible Citizenship. Gombe ARC	08060887313
98	Ohabuenyi Ebele Chukwu	F	Institute of Human Rights & Humanitarian Law	08036760456
99	Nkemakolam Gregg	M	Niger Delta Standard	Grggnndduodyahoo.com 08036073153
100	Nwadishi Faith	F	Koyenum Immalah Foundation (Rifgender@yhoo.com)	07030190560, 08058179269
101	Sunday Kalu Ama	M	Prime Juris Consult @ Jinifa plaza CBA Abuja	08060188090
102	Engr J. O Agade	M	Bajulaye Street mafoluku – Oshodi – Lagos	08033497087
103	E.S Akinwale	M	F.M of Environment	08032412396
104	Idongesit Okon	F	Niger Delta Women for Justice	08037515427
105	Onyemakonor Ogbe	M	AIT	08038115983
106	Glonz Ezeiru	F	Financial Standard	08064172749
107	Gbenro Olay=====	M	Action Aid	08055081533
108	Aminah Mahammed	F	Leadership N/paper	08072427440
109	Odele Muyiwa	M	UNDP	08023301263

110	Nurudeen Ogbara	M	Citizens Centre	08023072749
111	Patrick Obahiagbon	M	Network Assembly	
112	Excellence Toyo Oppiong	M	Young People Initiative Calobale	08039416455
113	Hon. Eziucle Ubani	M	Nass	08054333154
114	Mrs Ikemffuma Nkechi	F	Uicy Mota Women Environment Yola.	08035550278
115	Barri. Agbai N. Agwu	M	Prime Juris Consult	08033973090
116	Prof. Emmanuel Oadepo	M	I== Project, Niamey	+22796108922, 08033137693
117	Adekola C.D	M	Fed Min of Env & Housing	08033320754
118	Steve Okenyi	M	AECI	08033154115
119	Boduvrin Adebayo	M	AIT Abuja	08037003789
120	Otive Igbuzor	M	Action Aid Nigeria	08033039797
121	Edherue Benedict	M	Solidarity Center	08051656224
122	O. Michael Leslie	M	Solidarity Centre Washington DC	08033014040
123	Patrick Naagbautan	M	Centre for Environment Human Right & Dev.	08033367823
124	Emmanuel Ojor	M	National Assembly	08036782180
125	Egbe Victor C.	M	Host Community Network	08033605603
126	Ubaka Emeka Betram	M	Persons With Disabilities Action Network Nigeria.	08028262702
127	David Ogbebor	M	Society For Water & Public Health Protection	08037824251
128	Ralph Okhiria	M	The Reliance	08062149979
129	Mr Chikezie Ezondu	M		08053915763
130	Mrs Nkechi Ezandu	F		08059664512
131	Mr. Otofon David	M	Students Environmental	08056814888

Assembly, UNIBEN.

132	Sir Jonas Odocha	M	Jonakos Nig Ltd	08035300958
133	Dr Osagie Obayuwana	M	NCP	08023412349
134	Chikezie Ezenrendu	M	Abuja NNPC	
135	Baachi Nnamdi	M	Committee For Advancement of Peace & Progress	08069414237
136	Charles Tonte	F	Uniport	08023147982
137	Nwagwu J. N. (Mrs)	F		08035862792
138	Christabel C. Nwagwu	F		08036815844
139	Helenrose C. Nwagwu	F		0803685866
140	Gbemre Jonah	M	Hocon	080752675
141	Makelemi E. Vote	M	evotu@yahoo.com ANEEJ/Benin ehropeyahoo.com	08035855805
142	Nwosu Ijeoma C.	F		08068939587
143	Chief Joseph Dzer		Lugbe	0806949114
144	Godwin Alumo	M	Zone 5 Lubbe	08033648867
145	Stella .I. Amadi	F	==== Abuja	08033124940
146	Onoja D. Ejeh	M	New Nyanya	08036897120
147	Agbata Joy Iyo	F	Kobwa	08036783650
148	Obodoekwe Styon	M	National Point Newspaper Ph	08033390311
149	Daniel Alabrah	M	The Sun Newspapers	08037082821
150	Adeyemi S.O	M	Fmi	08023100577
151	Godwin Harmna	M	This Day	07033066342
152	Jim Pressmdr	M	Freelance	07040270629
153	Friday Olokor	M	Champion N/paper	08033054246
154	Nasidi Adanny	M	Daily Trust	08064416006

155	Tochukwu Ezeh	M	New Age	08033644593
156	Mmaduakolam Gregg	M	Niger Delta Standard	08036073153 greggnduo@yahoo. Com.
157	E.B Akinwale	M	FMET Abuja	Talk2tamroai @ yahoo.com
158	Onyemakonor Ogbe	M	AIT	08038115983
159	Ralph Okhiria	M	The Reliance	08062149979

5.1.10 Summary of ERA Field Reports for 2008.

1.	Months After, Oil Spill at Shell's Okordia Manifold Remains Ikarama, Yenogoa L.G.A., Bayelsa State Alagoa Morris February 7, 2008
2.	Observations at Oruma in relation to the oil spill that occurred in 2005 Oruma in Ogbia L.G.A., Bayelsa State Alagoa Morris January 31, 2008
3.	Follow Up To Aguobiri Spill: Opuama Encounter Opuama, Southern Ijaw L.G.A., Bayelsa State
4.	Shell spills render lands and lake waste to host community Ikarama, Yenogoa L.G.A., Bayelsa State Alagoa Morris February 7, 2008
5.	Michelin Converts Iguobazuwa High Forest to Rubber Plantation Iguobazuwa Community, ovia South West L.G A .
6.	Mobile policemen burn buildings

	<p>Ogaminana Town, Adavi LGA, Kogi</p> <p>Murphy Akiri</p> <p>March 6, 2008</p>
7.	<p>Community raises alarm over alleged collaboration between saboteurs and agip</p> <p>Lasuku gbene, Southern Ijaw L.G.A, Bayelsa</p> <p>Alagoa Morris</p> <p>March 15, 2008</p>
8.	<p>Shell refuses to heed community's cry for relocation of families</p> <p>Gana Agbarha Otor, Ughelli North LGA, Delta State</p> <p>April 2, 2008</p>
9.	<p>Community Protests Dumping of Toxic Waste</p> <p>Emu Unor Community in Ndokwa West L.G.A of Delta State</p> <p>Murphy Akiri</p> <p>April 9th 2008</p>
10.	<p>Pipeline Vandalism</p> <p>Mosogar and Oghara in Ethiope West L.G.A, Delta State</p> <p>Murphy Akiri</p> <p>April 19th, 2008</p>
11.	<p>Ondewari Oil Spillage- an unusual experience</p> <p>Ondewari Community, Bayelsa State</p> <p>Alagoa Morris</p> <p>April 19th, 2008</p>
12.	<p>Nembe Creek Oil Spill: Community's Livelihood severely threatened</p> <p>Fantuo, Brass LGA, Bayelsa State</p> <p>June 7, 2008</p>
13.	<p>10 Years After the Parabe Incident</p>

	<p>Ilaje L. G. A, Ondo State</p> <p>Wale Obayanju & Ruth Iziduh</p> <p>July 3, 2008</p>
14.	<p>Oil Spill in Esan Community</p> <p>Omoyemen Odigie – Emmanuel</p> <p>July 9, 2008</p>
15.	<p>Effluent from Lagos State Water Corporation wreaks havoc on host communities</p> <p>Ifo LGA, Ogun State</p> <p>Philip Jakpor</p> <p>July 4, 2008</p>
16.	<p>The Condition of my People</p> <p>Ilaje LGA, Ondo state</p> <p>Larry Bowoto</p> <p>July 14</p>
17.	<p>Daewoo’s Operation causes oil spillage in Peretorugbene</p> <p>Ekeremor LGA, Bayelsa State</p> <p>Alagoa Morris</p> <p>July 26, 2008</p>
18.	<p>Oil spill on Sombrero River</p> <p>Otapha, Abua Odua LGA, Rivers State</p> <p>Kentebe Ebiaridor</p> <p>August 11, 2008</p>
19.	<p>Chevron Intimidates Host Community</p> <p>Aja Ometan, Warri North LGA, Delta State</p> <p>Akiri Murphy</p> <p>August 4, 2008</p>

20.	<p>Oil Spills & Sabotage at Ikarama: a Case of Collaboration between Shell staff/contractors and community youths</p> <p>Ikarama, Yenagoa LGA, Bayelsa State</p> <p>Alagoa Morris</p> <p>August 29, 2008</p>
21.	<p>Ten years after, Jesse records another oil pipeline fire</p> <p>Jesse, Ethiope West L.G.A, Delta State</p> <p>Rita Osarogiagbon & Murphy Akiri</p> <p>September 23, 2008</p>
22.	<p>Confirmation of Biseni Oil Spill</p> <p>Biseni, Yenagoa L.G.A , Bayelsa State</p> <p>Alagoa Morris</p> <p>October 24, 2008</p>
23.	<p>Another Season of Oil Spills</p> <p>Ikarama, Yenagoa L.G.A, Bayelsa State</p> <p>Alagoa Morris</p> <p>October 24, 2008</p>
24.	<p>Major Oil Spill at Ikarama: Taylor Creek Communities Cry Out as Slick Spreads Down Stream</p> <p>Ikarama, Yenagoa L.G.A, Bayelsa State</p> <p>Alagoa Morris</p> <p>November 11, 2008</p>
25.	<p>Shell Deny ERA & AIT Access to Oil Spill Site: Use Military to Intimidate Community Folks</p> <p>Ikarama, Yenagoa L.G.A, Bayelsa State</p> <p>Alagoa Morris</p> <p>November 11, 2008</p>
26.	<p>Chevron Security shoots peaceful protesters at Aruntan – Ugborodo community</p>

	Delta State Wale Obayanju, Murphy Akiri & Stephen Omajugho November 25, 2008
27.	Okoroba environment threatened as oil spills from Agip's pipeline Okoroba, Nembe L.G.A, Bayelsa State Alagoa Morris November 30, 2008
28.	Shell's endless oil spills at Ikarama Ikarama, Yenagoa L.G.A., Bayelsa State Alagoa Morris December 14, 2008
29.	NNPC Flares Gas in Community Iwhrekan Community, Ughelli South L.G.A., Delta State Murphy Akiri & Jonah Gbemre December 15, 2008
30.	SHELL oil spill remains un-cleaned in Ikot Ada Udo community, Ikot Abasi L.G.A, Akwa Ibom State. Chima Williams & Kingsley Itiose

Annexure 4

COMMUNIQUE ISSUED AFTER THE OILWATCH AFRICA GENERAL ASSEMBLY HELD BETWEEN THE 11-14TH OF AUGUST 2009 AT MIKLIN HOTEL, ACCRA, GHANA

1.0 Preamble

Civil society groups, community based campaigners, academics, lawyers, the media and individuals from various communities in Africa converged in Accra Ghana, under the auspices of Oilwatch Africa to discuss emerging environmental concerns in Africa such as climate change, the impact of the global economic crisis on the environment and livelihoods and the suppression of dissent and militarization of resource rich communities in Africa.

The theme of the meeting was *popularizing the of concept of “Keep the Oil in the Soil”*

2.0 Opening

In his opening remarks, Chair of Friends of the Earth International and Steering Committee member of Oilwatch International, Rev Nnimmo Bassey said the theme of the consultation was carefully chosen to provide a concrete basis for addressing the multiple crises confronting our civilization. These crises manifest themselves in the form of climate change food crisis, financial crisis, corporate greed and poor political governance. That the existing development paradigm, shaped by neoliberal theories of economic development and driven by an unwholesome dependence on fossil fuels would push the world over the precipice

Positions articulated by the various resource persons, experiences shared by our community representatives and practitioners in the field during the plenary as well as in-depth discussions by participants during the group work form the basis of our observations below

3.0 OBSERVATIONS

- The African environment is in danger and requires urgent action to rescue it from the path of grave degradation
- The pitiable conditions of oil rich communities who have continued to live in penury inspite of the huge revenues being generated from the exploitation of their areas by African governments and oil transnationals
- That the oil business is intrinsically violent, from the destruction of the forests to lay seismic lines, the forceful displacement of communities, the detonation of explosives to determine the availability of oil and the roaring flames from gas flares and the pollution of communities from oil spill
- That a careful appraisal of world history clearly shows the nexus between oil and the military industrial complex and the numerous wars, that have occurred and are occurring as a consequence; such as in Dafur, Iraq and the Niger Delta of Nigeria.
- It is now generally agreed that the displacement of fossil fuels from where nature intended them to be is the major contributor to the emission of unsustainable amounts of carbon and other green house gases into the atmosphere. This is the leading cause climate change, which is impacting our communities disproportionately.

- That the Kyoto protocol and other mechanisms that have evolved from it such as carbon trade, clean development mechanism etc have failed to address the climate crisis because it is not founded on justice, equity and fairness. Annex 1 countries (industrialized countries) have used the Kyoto process to evade their responsibility to take drastic action to reduce emissions and have instead, foisted on Africa, and the rest of the global south, the added burden of cleaning up their mess.
- In the run up to the conclusion of negotiations on post 2012 climate treaty in Copenhagen annex 1 country have tried to obfuscate the discussions, divide the global south and pass on the responsibility of taking action to address the crisis from which they have benefitted disproportionately. This has eroded the confidence of participants on the success of the negotiations in Copenhagen.
- That oil and gas bearing communities in Africa live in perpetual danger as a result of the unethical practices of oil multinationals. Rather than our governments listening to and addressing the issues of environmental injustice on the continent, they in conjunction with the oil multinationals continue to criminalize our just struggles, repress and militarize our communities to ensure unhindered exploitation of natural resources.
- In the course of our meeting on August 11, 2009 we were informed that AngloGold-Ashanti directed security personnel attached to the company to bury 40 small scale miners, who were scouring for gold at one of the company's abandoned pits at Tom Collins near Obuasi because they were criminals. It took the pleas of well meaning individuals in the community to forestall the slow and cruel deaths the 40 miners would have suffered
- That the plan to put American booths in the Gulf of Guinea through the instrumentality of AFRICOM would further militarize our communities, besides undermining African sovereignty. Participants also drew attention to the new forms of deceptive military presence in Africa, which would involve American soldiers in full civilian roles such as bridge, schools and hospital builders in Africa.
- There is no doubt that Africa's environmental problems are worsened by the global financial crisis, this crisis has increased poverty for millions in Africa, drastically reduced revenues for many countries and would result in greater pressure on the environment which in turn further increases the vulnerability of the poor.
- The current neoliberal and Market driven development paradigms have led the world to the brink of collapse and made it incapable of providing a

sustainable socio/economic future. This makes it imperative for governments in Africa to start thinking along the lines of a new economic development model that is anchored on justice, fairness and equity.

- That the World Bank and other financial institutions who have invested disproportionately in extractive activities to the detriment of the environment should not be the instrument through which funds mobilized for addressing climate change should be channelled.

4.0 RESOLUTIONS

Recognising that protection of the environment is a duty, we all owe the earth, humanity and our civilization, the forum resolved as follows:

- That African governments should embrace the idea of **keeping new oil in the soil**. The development benefits inherent in this approach are enormous. An appropriate cost benefit analysis would show that multinational oil companies externalize the environmental cost of their activities and this erodes the perceived benefit of oil exploitation.
- Keeping the oil in the soil would further ensure that government revenues are not undermined but rather guaranteed given the vagaries of oil pricing which our governments have no control over. Oil is a finite resource and so emphasis should be on evolving the practice whereby citizens and donors contribute towards halting new oil exploitation. This idea would also lead to the reduction and ultimately the elimination of violent conflicts in the oil fields, ensure safe and clean environment and recreate the broken link between government funds and the peoples' money thereby ensuring ownership, accountability and transparency.
- That all communities in Africa must deepen their struggles against environmental and climate injustices by building alliances, solidarity and sharing experiences
- That the global north must take the lead in reducing carbon emissions, providing finance and technology for adaptation and addressing the climate change problems
- That funds for addressing climate change should be provided in the form of payment of ecological debt which the global North owes to the global South. The ecological debt is a result of resource plundering, colonialism, inequitable use of global commons and disproportionate contribution to emissions that have resulted in climate change
- That African peoples must ensure that only governments that flow from their mandates are allowed to govern them.

- AFRICOM should not be allowed into the Gulf of Guinea and must NEVER be allowed into any African country.
- That the Ghanaian government as true representatives of their people should immediately investigate this barbaric action by AngloGold-Ashanti and bring all those involved in the decision to bury these small scale miners to answer for their actions.

sign

Barr. Chima Williams

Head of Legal Resource/ Democracy Outreach

Environmental Rights Action

Annexure 5

Communiqué issued at the end of the Second National Consultation on the Environment held in Port Harcourt, Rivers State, 25 - 26 November 2009

Civil leaders, community-based organizations, civil society organizations, development experts, the academia, legal practitioners, the media and representatives of government agencies met from November 25-26, 2009 at the Grand Montecito Hotel in Port Harcourt, Rivers State to critically examine the growing impact of fossil fuel extraction on the climate and issues around oil as a sustainable economic backbone for Nigeria.

The event, themed: “*Envisioning a post-Petroleum Nigeria*”, was the second in the series of convergence, aimed at stimulating broad-based national discourse on the state of the environment and was organized by the Environmental Rights Action/Friends of the Earth Nigeria (ERA/FoEN) in collaboration with the Federal Ministry of Environment.

In his introductory remarks, ERA/FoEN Executive Director, Nnimmo Bassey explained that the theme of the consultation was chosen as a wakeup call to all stakeholders in the Nigerian project, to address the devastating effects of crude oil

on the economy and environment as well as the central need of planning for a post-oil economy.

At the end of the Consultation, participants observed that:

- Global warming and other grave environmental hazards are primarily a result of extractive activities, particularly oil extraction.
- Over five decades of oil extraction in Nigeria have not impacted positively on the citizenry and particularly the people of the Niger Delta, whose livelihoods have been eroded because of regular pollution of farmlands and rivers.
- Women, children and other vulnerable persons in the Niger Delta and other resource-bearing communities across the country have been made vulnerable due to resource conflicts and are exposed to severe human rights abuse.
- By failing to halt gas flaring in the Niger Delta, the Nigerian government has demonstrated a lack of preparedness to committing to reduce the effects of climate change even as it joins climate talks in Copenhagen
- Violent conflicts and criminality in the Niger Delta region and particularly in oil-bearing communities are direct results of corruption rooted in the operations of oil industry.
- Life expectancy in the Niger Delta has continued to decline yearly as a result of environmental pollution in the region and today stands at an appalling 41 years.
- There is flagrant disregard for international standards in the oil industry particularly the non-observance of Environmental Impact Assessment (EIA) on projects with far-reaching impacts on local communities.
- The Federal Government's planned deregulation of the downstream oil sector will only benefit a profiteering cabal in the country and not the vast majority of the population.
- The Petroleum Industry Bill (PIB) as currently prepared by the Federal Government is fundamentally flawed and is anti-people as it neither allows for communities to be notified of risks nor seeks their endorsement for environmental management plans. In addition to numerous gaps, the PIB does not offer sufficient penalties to deter infringement of its provisions.
- Nigeria's oil industry is still rife with oil theft and inaccuracy in volumes of oil extracted and what is actually made public, and makes a nonsense of governments touted policy on transparency and accountability

- The amnesty programme of the Federal Government is yet to address key human rights and developmental challenges in the Niger Delta and may fail with unimaginable consequences.
- Ecological funds meant for remediation have been regularly diverted to other uses that do not have a bearing on impacted environments.
- Massive land grabs promoted by agribusinesses and oil corporations erode traditional farming practices on the African continent.
- The Nigerian government is yet to demonstrate sufficient commitment to growing the national economy by failure to fund research and qualitative education in addition to poorly thought-out policies that promote disruption in the educational sector.
- There is low awareness on environmental issues in the country.

Participants therefore strongly recommend that:

- All new oil finds must be left in the ground. The planned exploitation of bitumen should be halted as the extraction will inflict unmitigated disaster on communities and raise new levels of conflicts.
- The *Leave Oil in the Ground* message should be popularized.
- Gas flaring is a violation of the rights of Nigerians to life as is enshrined in the constitution and must end today
- The Federal Government must take steps to ascertain and publish the volumes of oil extracted daily in the nation. As a follow up to this, it must take immediate steps to stop all forms of oil theft.
- A need exists for mass awareness and mobilization of local communities to resist gas flaring and other unfriendly environmental practices in the Niger Delta and other parts of Nigeria where resource conflicts are a growing reality.
- The authentic Petroleum Industry Bill must address genuine concerns of the oil-bearing communities by seeking their endorsement on environmental management plans. It must also proffer sufficient penalties for infringement of the provisions.
- Any provision in the Petroleum Industry Bill that is aimed at expropriating land and resources from the people must be abrogated.
- Political leadership of the Niger Delta must judiciously use the resources of the region for development.
- The amnesty programme of the Federal Government should address the real issues of underdevelopment in the Niger Delta and open channels for genuine reconciliation of all aggrieved people of the region.

- The Nigerian state must fund qualitative education and indigenous research to address challenges of development.
- Women and the vulnerable in the society must be protected from the fallouts of resource conflicts while identified cases of violation of their rights must be adequately redressed.
- All stakeholders-communities, civil society groups, government agencies, the media, among others, must work collaboratively to expose unsound environmental practices and mobilize for laws that will reverse the trend.

In conclusion, we are united in our opposition to new oil blocs and call on all progressive-minded peoples and organizations to support our call that new oil finds be left in the ground and bitumen left in the soil.

Signed:

1. Environmental Rights Action/Friends of the Earth Nigeria
2. Host Communities Network (HoCoN)
3. Nigerian Environmental Study/Action Team (NEST), Ibadan
4. Social Action, Port Harcourt
5. Nigeria Cassava Growers Association
6. African Centre for Leadership Strategy and Development, Abuja
7. Environment, Health and Communication Initiative
8. Persons with Disabilities Action Network (PEDANET)
9. United Action for Democracy (UAD)
10. Conflict Resolution Trainers Network (CROTIN)
11. Grace Fellowship Africa
12. Students Environmental Assembly
13. Campaigners for Justice, Equity and Fairness (CJEF), Benin City
14. Society for the Rights of the Girl Child
15. Women Environmental Programme
16. Journalists for Democratic Rights (JODER)
17. Council for Leadership and Development (CLD)
18. Society for Empowerment and Self-Reliance (SESER)
19. Youth Empowerment and Child Labor Elimination Project (YCEP)
20. Foundation for Conservation of the Earth (FOCONE)
21. Green Concern for Development (Green Code), formerly ABGREMO, Calabar
22. Centre for Rural Integration and Development
23. UGREEN Foundation
24. Development Information Network (DEVNET)

25. Child Health Organisation
26. Concern for Habitat Development
27. LEAP Foundation
28. Nigeria Tobacco Control Alliance (NTCA)
29. Niger Delta Budget Monitoring Group
30. Children Initiative
31. Centre for Development Communications (CENDEC)
32. National Point Newspapers
33. Foundation Against Social Trauma and Environmental Ravage (FASTER)
34. Wildlife Preservation Trust
35. Trade Network Initiative (TNI)
36. Centre for Socio-Economic Development
37. HRJPF
38. Movement for Survival of Ogoni People (MOSOP)
39. CEHRD
40. Oruma Community
41. Ogoni Solidarity Forum
42. Institute of Human Rights and Humanitarian Law
43. HEDA, Lagos
44. People Against Drug Dependence and Ignorance (PADDI)
45. Gender Awareness and Development Associates (GADA)
46. Centre for Development Support Initiatives
47. CUAED
48. Nurses Across Borders
49. Institute for Dispute Resolution
50. Kebet Kache Women Development and Resource Centre
51. Environ-Green Integrated Initiative
52. Alfred Ozo Foundation
53. Social Development Integrated Centre (SDIC)
54. Centre for Human Empowerment, Advancement and Development
55. Association for Promotion of Human Development, Gombe State
56. Bamidele Aturu & Co
57. Women and Children Life Advancement Initiative, Katsina State
58. Foundation for Sustainable Development
59. Care for Youth Initiative
60. Future of Our Environment
61. CIC Benin
62. Centre for Development Support Initiatives (CEDSI-Nigeria)
63. OGDREMOVE
64. Centre for Social and Corporate Responsibility (CSCR) Port Harcourt

65. Hand of Hope Foundation
66. Friends of the Needy and Oppressed Foundation (FONAO) Foundation
67. Centre for the Advancement of Children and Women Rights
68. Centre for Creative Arts Education, Port Harcourt
69. Goodwill Homage Foundation
70. Green Earth Links
71. The Olive -Child Foundation
72. Mag Foundation for Women
73. Freshfields Solicitors, Port Harcourt
74. Our Niger Delta
75. River Ethiopie Trust Foundation
76. Gender and Development Action
77. Civil Liberties Organisation (CLO)
78. Peculiar People Foundation
79. Impact and Systems International, Abuja
80. Justice Development and Peace Commission (JDPC), Ijebu-Ode
81. Centre for Constitutionalism and Demilitarisation (CENCOD), Lagos
82. Imo Mass Movement
83. Women in Technology Education and Employment
84. Civil Society Legislative Advocacy Centre (CISLAC), Abuja
85. Basic Rights Action
86. Legal Hands, Benin City
87. Rural Women and Youth Development Initiative, Ikom, Cross Rivers State
88. Koyenum Immalah Foundation (Publish What you Pay)
89. Save Earth Nigeria
90. Peace and Development Projects
91. Neighborhood Environmentwatch Foundation
92. Organisation for Sustenance of the Nigerian Environment
93. Ijaw Council for Human Rights
94. Association for Responsible Citizenship (ARC) Gombe
95. Women Centre for Quality Living and Practice, Benin City
96. Campaign for Democracy
97. Gender Environmental and Sustainable Development Initiative (GENSDI)
98. ANPEZ Centre for Environment and Development
99. Peace and Development Projects (PEDEP)
100. African Network for Environment and Economic Justice (ANE EJ)
101. D.U Akamakusi & Associates
102. Global Youth Coalition on HIV/AIDS (GYCA)
103. Niger Delta Coastal Communities Development Association

ND-COCODA

104. Christars Global Development Foundation, Port Harcourt
105. African Center for Sustainable Livelihoods (AFRICSUL)
106. Iwherekan Community, Delta State
107. Africa Centre for Corporate Responsibility (ACCR)
108. Community Forest Watch (CFW), Iguobazuwa, Edo State
109. Singles & Success Organisation
110. Academic Foundation Network, Ete Community
111. Gender Action Group
112. Climate Change Network Nigeria (CCN)
113. Niger Delta Development Initiative (NDDI)
114. Environmental Outreach Magazine, Yenagoa
115. FISHCAREPLUS
116. Oilwatch Africa
117. Publish What You Pay

Annexure 6

Communique Issued At The End Of A One-Day Training on Environmental Impact Assessment for Leaders of Host Communities Network in Erema Community, Rivers State on the 25th June, 2010

PREAMBLE

Fifty three (53) community representatives, youths, women and civil society actors from three geo-political zones: North Central, South East and South South of Nigeria converged in Eremah community of Rivers State in a one-day training workshop.

The program organised by the Environmental Rights Action/Friends of the Earth Nigeria was to educate and sensitize participants on the issues of Environmental Impacts Assessment.

Participants were taken through:

- (1)Evaluating an Environmental Impact Assessment Report-the communities perspectives by Dickson Achimota

- (2) Processes and procedure for enforcing Environmental Impact Assessment Compliance by Bar. Chima Williams, and
- (3) Community views on Environmental Impact Assessment process in Nigeria.

After the incisive presentations and discussions, participants observed as follows:

1. That despite the existence of rules and regulations making it mandatory for Environmental Impact Assessment to be conducted before the embarking of certain projects, these rules are hardly followed.
2. That the worst culprits in this regard are governments and their agencies who not only flout the rules themselves but equally create room for corporations especially those engaged in extractive activities to equally flout the laws with impunity.
3. Arising from the above is concoction of Environmental Impact Assessment Reports that has no bearing with the realities of the demands of the project sites let alone the host communities. This results in preparation of beautiful but not realistic desktop EIA Reports.
4. That the desktop EIA Reports are made possible because both the project promoters and the government agencies do not carry the community people along as they do not create room for public participation and transparency in the process.
5. That most oil companies have dubiously taken advantage of the exclusion of certain degree of projects to subvert the EIA Act especially as it relates to the issue of pipeline replacements which they purposely request for short lengths within periods instead of holistic application.
6. That despite the fact that community people and their environment are the direct victims of non adherence to the requirements of the Environmental Impact Assessment Act, the Act has denied them the right to seek redress by placing the right to litigation only on the Minister of Environment thereby making the community people powerful in seeking redress for the destruction of their environment and source of livelihood.

Flowing from the above observations, participants resolved as follows:

1. There should be a review of the Environmental Impact Assessment Act to bring it in tandem with the constitution of the Federal Republic of Nigeria by granting both individual citizens, companies and the government the right of litigation to seek redress for non implementation

- of the Environmental Impact Assessment before execution of projects by their promoters.
2. The EIA Act should make express provisions for the participation of host communities to any project from the first site visit to the design and evaluation of the Environmental Impact Assessment of the project to construction, monitoring and evaluation of the project and where this is not complied with adequate penalties prescribed as the present penalties stipulations in the Act is an inducement to violation of the Act.
 3. That punishment should be prescribed for any public officer whose duty it is to ensure compliance with the provisions of the EIA Act but either by omission or commission neglects, refuses or fails to ensure compliance.
 4. That community people must demand and ensure that not only that Environmental Impact Assessment of projects are conducted before execution but that they are fully involved from the beginning till the end and that all the provisions of the EIA Act are complied with.
 5. That while awaiting the review and amendments to the EIA Act, community people will engage the services of creative lawyers to begin to test the efficacies of the EIA Act vis a vis the constitutionally protected rights to life, dignity of the human person and not to be discriminated against by circumstances of birth and standing in society.
 6. That since the most grievous harm to the human health, the environment and citizens source of livelihood through non compliance with the Environmental Impact Assessment Act stems from the activities of extractive industries across Nigeria, participants unanimously and unequivocally demand that all new minerals should be left in the ground while gradually phasing out the existing ones.

Barr. Chima Williams

Head of Legal Resource/ Democracy Outreach

Environmental Rights Action
Network of Nigeria

Comr. Che Ibegwura

National Chairman

Host Communities

Benson Attah

Women Environment Program (WEP), Abuja

Communiqué drafting team.

Annexure 7

Communiqué Issued during a One-day Joint Meeting of Green Alliance Nigeria, Host Community Network of Nigeria and Student Environmental Assembly Nigeria Hosted by the Environmental Rights Action/Friends of the Earth Nigeria on the Review of the Petroleum Industry Bill and the State of Gas Flaring in Nigeria

Preamble

A one-day meeting of the Green Alliance Nigeria, Host Community Network of Nigeria and Student Environmental Assembly Nigeria Hosted by the Environmental Rights Action/Friends of the Earth Nigeria held at Gubabi Hotel, Wuse Zone 5 Abuja on the 8th September 2010. The objective of the meeting was to review the Petroleum Industry Bill and discuss the state of the gas flaring in the Niger Delta. About 30 participants from different part of the country participate in the event. The participants were drawn from the NGOs, CBOs, community members, media and student bodies.

Observations

- Gas flare is still practices in the Niger Delta region; new gas flare sites have been put off but old gas flares are still on till date
- Languages used to describe environmental issues are complex and difficult to comprehend at the local level
- The Petroleum Industry Bill (PIB) is weakening the potency of existing laws.
- The Petroleum Industry Bill (PIB) has given so much powers to the Minister
- The Petroleum Industry Bill is silent over issue of oil spillage
- The Petroleum Industry Bill is silent on environmental issues associated with oil exploration e.g. seismic survey drilling and transportations and even refinery.

Resolutions

- NGO and CBOs to conduct independent research to elicit empirical data to advocate for environmental justice

- NGOs and other civil society group should be properly coordinated to advocate for environment justice
- There is need to use local languages to communicate environmental concerns for easy comprehension at the local level
- The need to employ intellectual build up as a strong advocacy tool to address environmental problems in Nigeria.
- The civil society groups should debunk the idea claiming carbon credits from gas flares. This is has become an excuse by the Nigerian state to stop gas flaring in the Niger Delta.
- NGOs should address the issue of quality representation in governance. Thus there is the need to strengthen civic education in the Nigerian society to enable people elect credible leaders.
- There is need for Uniformity of the NGO position on the Petroleum Industry Bill
- It is not acceptable for Local Government Area to pay a percentage for cleaning of spillage.
- For the Petroleum Industry Bill to work effectively, there is need to amend the Land Use Act
- Called on the inclusion of environmental auditing in the Petroleum Industry Bill; the inspectorate to conduct bi-annual audit
- Individuals and cooperate bodies should be accountable on issues of the environment.
- Provision for prohibition of gas flaring in the PIB.
- Call on the need to use international measurement standard as penalty for gas flare
- Where oil spill occurs, defaulter shall pay substantial compensations to community.
- Called on the imprisonment of anybody not complying by the provision of the act.
- Called on the establishment of environmental tribunal on the PIB, to take into considerations several issues before making judgment.
- There is need for NGOs and civil society groups to build up strong network with Nigerian Labour Congress and other political movement to advocate for environmental justice.
- Campaign for environmental justice should begin at the grass roots.

Sign