An evaluation of natural resources extraction and host communities' reaction in Nigeria and South Africa 2005-2015

RO Ogunnowo

orcid.org/0000-0002-3546-6826

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Promoter: Prof V Ojakorotu

Graduation ceremony: November 2022

Student number: 32075405

Dedication

This thesis is dedicated to the Almighty God, to my husband – Tomide Oluwagbenga Ogunnowo and my Parents – Engr. & Mrs. Peter Abiodun Kajewole. I appreciate your love.

Declaration

I declare that this study, ***An Evaluation of Natural Resources Extraction and Host Communities' Reactions in Nigeria and South Africa, 2005 - 2015***, is my original work. It has not been submitted for the award of any degree in any institution within and outside NWU and the Republic of South Africa. I have duly referenced and acknowledged other materials and works used in this study as required by the University for the Award of the degree of Doctor of Philosophy. I declare that in the course of carrying out this study, there was compliance with the standard ethical principles of research and that the necessary training and certification were issued to me by NWU. I also declare that there is no conflict of interest in the conception and execution of this study.

RUTH OORE-OFE OGUNNOWO

Student Number: 32075405
Orcid: 0000-0002-3546-6826

Certification

I certify that this work was carried out by RUTH OORE-OFE OGUNNOWO, Student Number 32075405, of the Department of Political Studies and International Relations, North West University, Mahikeng Campus, under my supervision.

Promoter

_____ _____

Signature Date

Professor Victor Ojakorotu

Department of Political Studies and International Relations
School of Government Studies, Faculty of Humanities
North-West University,
Mahikeng Campus,
South Africa.

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Abstract

The study examined the impacts of natural resources extraction activities in Ogoniland, Nigeria and Marikana, South Africa. It assessed reactions of host communities towards the extraction of natural resources. The study examined the extant laws guiding the extraction of natural resources in Nigeria and South Africa, and evaluated the effectiveness of the government regulatory agencies in ensuring the compliance to SPDC and Lonmin to the extant regulations guiding their oil and platinum extraction activities in Ogoniland, Nigeria and Marikana, South Africa respectively. The study determined challenges faced by government regulatory agencies in ensuring natural resources extraction companies' compliance with extant regulations guiding their extraction activities in Ogoniland, Nigeria and Marikana, South Africa, leading to the perceived injustices meted on the host communities and the reactions of its members. The study identified ways of ensuring that the relationship between the natural resources extraction companies and host communities is mutually beneficial. These were with a view to advancing knowledge on contributions of natural resources extraction activities in Africa and other resources-rich countries towards ameliorating their negative impacts. The study utilized qualitative research design, sourced through in-depth interviews (IDIs) and focus group discussions (FGDs) with purposively selected participants from Ogoniland and Marikana respectively. A total of 26 participants were interviewed and 24 participants went through Focus Group Discussions in both Ogoniland and Marikana. Data were analysed using thematic method of data analysis. The results showed that natural resources extraction activities have led to environmental pollution, loss of indigenous job opportunities, influx of diseases, poor working and living conditions. Results also showed that these adverse impacts have led to hostile reactions in form of protests, strike actions, theft and artisanal form of extraction activities from the members of the host communities of Ogoniland and Marikana. Furthermore, results showed the adverse impacts and hostile reactions exist particularly considering that the government regulatory agencies have not effectively enforced compliance to extant laws by the natural resources extraction companies. Results also showed that the government regulatory agencies' inability to effectively enforce the natural resources extraction companies' compliance to extant laws is as a result of the challenges of conflicts of interest, the corruption of government officials and limited monitoring capacities, that the governments of Nigeria and South Africa must address to protect the fundamental human rights of members of the host communities of Ogoniland and Marikana. The study concluded that extraction of natural resources impoverishes host communities, which, in turn, provoked negative reactions in resources-rich communities in Ogoniland and Marikana The study recommended among other things that the governments of Nigeria and South Africa should furnish the regulatory agencies with adequate capacities to perform their oversight functions effectively. They should be intentional about protecting the fundamental human rights of the members of host communities of Ogoniland and Marikana.

Keywords: Natural resources; natural resources extraction; resource politics; extractive industry; Ogoniland; Marikana; host communities; host communities' reactions; SPDC; Lonmin.

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List of Abbreviations

ACHPR – African Commission on Human and Peoples' Rights

AfDB – African Development Bank

AMCU – Association of Mineworkers and Construction Union

AMDC – African Minerals Development Centre

AMGF – African Mineral Governance Framework

AMV – Africa Mining Vision

ANC – African National Congress

AU – African Union

B-BBEE – Broad-Based Black Economic Empowerment

BBSEE – Broad – Based Socio – Economic Empowerment

BMF – The Bench Marks Foundation

CALS – Centre for Applied and Legal Studies

CDC – Centres for Disease Control and Prevention

CESR – Center for Economic and Social Rights

CSOs – Civil Society Organizations

CSRs – Corporate Social Responsibilities

DEA – Department of Environmental Affairs

DMR – Department of Mineral Resources

DMRE – Department of Mineral Resources and Energy

DPR – Department of Petroleum Resources

DRC – Democratic Republic of Congo

ECA – United Nation Economic Commission for Africa

ECOWAS – Economic Community of West African States

EEP – ECOWAS Energy Protocol

EEZ – Exclusive Economic Zone

EGASPIN – Environmental Guidelines and Standards for the Petroleum Industry in Nigeria

EMP – Environmental Management Programme

EITI – Extractive Industries Transparency Initiative

EPH – Extractable Petroleum Hydrocarbons

EU – European Union

FDI – Foreign Direct Investment

FGD – Focus Group Discussion

GDP – Gross Domestic Product

GMoU – Global Memorandum of Understanding

GRI – Global Reporting Initiative

HDSA – Historically Disadvantaged South Africans

HYPREP – Hydrocarbon Pollution Remediation Project

ICCPR – International Covenant of the Civil and Political Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

IDEA – Institute for Democracy and Electoral Assistance

IFC – International Finance Corporation

IPILRA – Interim Protection of Informal Land Rights Act

JIV – Joint Investigative Visit

LGA – Local Government Area

MDGs – Millennium Development Goals

MNCs – Multinational Companies

MOSOP – Movement for the Survival of the Ogoni People

MOSR – Mineral Oils and (Safety) Regulations

MPRDA – Mineral and Petroleum Development Resources Act

MPRRA – Minerals and Petroleum Resources Royalty Act

MRA – Mineral Rights Act

NDDC – Niger Delta Development Commission

NEITI – Nigerian Extractive Industries Transparency Initiative

NEMA – National Emergency Management Agency

NESREA – National Environmental Standards Regulatory and Enforcement Agency

NGOs – Non-Governmental Organizations

NNPC – Nigerian National Petroleum Company

NOCs – National Oil Companies

NOSDRA – National Oil Spill Detection and Response Agency

NPIMS – National Petroleum Investment Management Services

NRGI – Natural Resource Governance Institute

NUM – National Union of Mineworkers

OEC – Observatory Economic Complexity

OECD – Organisation for Economic Cooperation and Development

OMPADEC – Oil Mineral Producing Areas Development Commission

OPEC – Organization of Petroleum Exporting Countries

PHC Fund – Petroleum Host Community Fund

PDPR – Petroleum (Drilling and Production) Regulation

PIA - Petroleum Industry Act

PIB – Petroleum Industry Bill

PIC – Public Investment Corporation

PGMs – Platinum Group Metals

PoM – Protocol on Mining

PRR – Petroleum Refining Regulations

PRSTF – Petroleum Revenue and Special Task Force

RDOs – Rock Drill Operators

SADC – Southern African Development Community

SAPS – South African Police Service

SDGs – Sustainable Development Goals

SERAC – Social and Economic Rights Action Center

SLP – Social and Labour Plan

SPDC – The Shell Petroleum Development Company of Nigeria Limited

TLGFA - Traditional Leadership and Governance Framework Act

UDHR – Universal Declaration of Human Rights

UK – United Kingdom

UN – United Nations

UNCTAD – United Nations Conference on Trade and Development

UNDP – United Nations Development Programme

UNDRIP – United Nations Declaration on the Rights of Indigenous People

UNEP – United Nations Environment Programme

UNGA – United Nations General Assembly

UNGC – United Nations Global Compact

UNIDO – United Nations Industrial Development Organization

UN Res – United Nations Resolution

WGEI – Working Group on Extractive Industries Environment and Human Rights Violation

WHO – World Health Organization

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CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

The continent of Africa is rich in natural resources. These natural resources include gas, crude oil, gold, diamonds, coal, uranium, platinum, zinc, among others. Nigeria and South Africa are major global exporters of oil and platinum respectively (National Petroleum Investment Management Services [NPIMS], 2018; Sousa, 2017). On average, Nigeria produced 2.5 million barrels of crude oil per day between 2015 and 2019 (Herman, 2020). On the other hand, South Africa accounts for about 73% of platinum production globally (Research & Markets, 2019).

The Ogoniland covers about 100,000 square kilometres of the Niger Delta region of Nigeria (Brown & Tari, 2015, p. 273) and has been a location for oil extraction and production since the late 1950s (United Nations Environment Programme [UNEP], 2011, p. 8; Bodo, 2019, p. 2). On the other hand, the location for the extraction of platinum in South Africa is Marikana, in the North West Province (Nkomo, 2015, p. 183). Extraction started in 1974 by Lonmin, the third-largest platinum extraction and production company in the world (Rubin & Harrison, 2015, p. 133).

Natural resource extractions are guided by global best practices and international standards, such as the protection of the fundamental human and environmental rights of the people in the course extraction of natural resources. Eric (2011, p. 131) notes that the United Nations Charter of 1945 provides principles that reveal that the United Nations is committed to preserving the freedom and rights of individuals and member states. In recent times also, there has been a need to 'responsibly manage the earth's natural resources to ensure their availability to future generations'; hence, the need for natural resources extraction companies to adopt 'best practices' in carrying out their operations (Eric, 2011, pp. 131-132). The United Nations General Assembly in 1972 created the United Nations Environment Programme (UNEP), to make certain that the development of sound environmental practices is coordinated all over the world (Pring, 1997, pp. 34-35).

The essence of the United Nations (UN) agencies such as UNEP is to ensure that rules and principles are articulated and become potential 'customary international laws' for the member states (Pring, 1997, p. 35). Furthermore, the United Nations Global Compact (UNGC) that was launched in 2000 provides principles for managing the earth's natural resources, which will ensure that mining industries around the area operate responsibly. The principles cover the areas of human rights, labour, environment, and anti-corruption, as they are derived from the Universal Declaration of Human Rights, the International Labour Organization's Declaration of Fundamental Principles and Rights at work, the Declaration on Environment and Development, and the United Nations Convention against Corruption (UNGC, 2019).

Principles 7, 8 and 9 of the UNGC explain that; businesses should provide preventive measures for environmental challenges. Extraction industries that have acceded to the United Nations Global Compact (UNGC) conditions are obliged to incorporate the principles into the policies and procedures of their operations wherever they have a presence (UNGC, 2019). The SPDC in Ogoniland and Lonmin in Marikana are signatories to the UNGC and are required to conduct their operations following the international best practices embedded in the UNGC principles.

In addition to the global regulations, countries also enact laws to guide and regulate natural resource extraction within their territories. For instance, as oil companies increased in Nigeria, it became necessary to modify the extant petroleum (oil and gas) laws in Nigeria (Duru, 2011, p. 5). For instance, the Mineral Oils Ordinance of 1914, despite amendments, could not contain the pressures of the oil industry. The Petroleum Act of 1969 was promulgated to establish a comprehensive law to guide extraction activities (Duru, 2011). The Nigerian Petroleum Act enjoins that multinational oil companies must operate by 'good oil field practice' – an internationally accepted standard for oil extraction operations. Furthermore, by the powers vested in the Minister by Section 9 of the Petroleum Act, the Petroleum (Drilling and Production) Regulation (PDPR) 1969 and Petroleum Refining Regulations (PRR) 1974 were enacted.

Regulation 25 of the Nigerian Petroleum (Drilling and Production) Regulations (PDPR) 1969 provides that all multinational oil companies adopt practicable precautions to prevent and control the pollution and contamination of water bodies to avoid the destruction of marine life. Paragraph 43 (3) of the PRR also provides that the manager of the refinery ensures the prevention of pollution of the environment by the petroleum products (Petroleum Refining Regulations, 1974).

Furthermore, Section 20 under the Environmental Objectives of the Nigerian Constitution 1999 (as amended) provides that 'the state shall protect and improve the environment and safeguard the water, air, land, forest, and wildlife of Nigeria'. According to the national mandate, every individual has a right to a healthy and unpolluted environment (Olowokere, 2019, p. 279). The Department of Petroleum Resources is an agency of the government that regulates laws in the oil industry (Ekhator, 2016, p. 65). Punitive measures are proposed in Section 8 of the Petroleum Act 1969 to be exercised by the Minister of Petroleum over defaulters.

On the other hand, Section 24 of the 1994 South African Constitution explains that every citizen has a right to an environment that is not harmful to their health. Sections 40-46 of the Mineral and Petroleum Development Resources Act No. 28 of 2002 (MPRDA) also make it mandatory for the platinum extraction companies to provide a Social and Labour Plan (SLP) before the commencement of operations in a given area. The SLP "contains the principal measures by mining rights holders to address the socio-economic conditions of mine workers and the host communities" (Snyman & Krause, 2017). The Department of Mineral Resources (DMR) is the government department that ensures that mining companies comply with the provisions of the MPRDA 2002.

Despite these global and national regulations, extant literature is replete with the activities of exploration companies that have elicited the reactions of their host communities. In South Africa, the Centre for Applied and Legal Studies (2017) notes that Lonmin, in compliance with regulations of the United Nations and the South African government, provided the SLP for its operations in Marikana, which is subject to regular review by the authorized government departments. The SLP describes the number of workers at the mine, the

measures to train its employees and develop their skills, the measures to contribute to the host communities, and the projects on basic amenities to be launched (Centre for Environmental Rights and Lawyers for Human Rights, 2009, p. 20). However, platinum extraction activities in Marikana are characterized by sulphur dioxide and dust emissions into the atmosphere, water pollution, indiscriminate dumping of solid waste, loss of farmlands, the forced relocation of residents to other villages, and mineworkers experience poor living and working conditions (Mudd & Glaister, 2009).

In Nigeria, UNEP (2011, p.10), Fentiman and Zabbey (2015, p. 617) observe that oil spills from the operations of Shell Petroleum Development Company's (SPDC) (a major oil extraction company in Ogoniland) have led to the contamination of farmlands and water bodies as well as exposed host communities to chronic health hazards. The transportation of oil by pipeline from the different flow stations to the refineries leads to the rust and burst of pipes, spilling some oil on the land and water; thereby allowing for the destruction of terrestrial and aquatic vegetation (Akinyetun, 2016; Okeagu et al., 2006).

The people of Ogoniland and Marikana have in turn reacted to the unhealthy practices of the extraction companies in their respective communities. For instance, in October 1990, the Ogonis launched the Ogoni Bill of Rights, stating demands for 'environmental, social, and economic justice' (Boele et al., 2001, p. 79). Shortly after, the Movement for the Survival of the Ogoni People (MOSOP) was established by the bill of rights. In 1992, Ken Saro-Wiwa, – the spokesman for MOSOP, made an international presentation of the plight of the Ogonis (Boele et al., 2001, p. 79). On January 4, 1993, 300,000 Ogonis peacefully protested against the operations of SPDC on their land (Bodo, 2019, p. 8). In April 1993, while some Ogonis protested against SPDC's bulldozing of their farmlands to make way for the construction of oil pipelines, the police fired at them, and this left many injured (Times, 1995 as cited in Young, 1999, p. 441). On November 10, 1995, the Nigerian military government executed Ken Saro-Wiwa and eight other MOSOP members after being charged with murder. Yeeles and Akporaiye (2016, p. 188) note that 'the protests have continued in one form or the other even till recent times and have grown to include the kidnapping of oil company workers, oil theft, pipeline sabotage, and piracy'.

The host communities of Marikana comprise the indigenes, the Lonmin workers, and their family members. Since the breach of Lonmin's agreement with the International Finance Corporation (IFC) in 2006, as regards the socio-economic development of the host communities, the women in the informal settlements of Marikana have continuously protested and complained to the Office of the Compliance Advisor/Ombudsman, about the filthy state of the area (Benya, 2015; Marinovich, 2015). Platinum extraction activities in Marikana have resulted in environmental pollution, making it difficult to engage in livestock and farming activities. Furthermore, the majority of the men who are workers at the mine and by whose influence the women constitute the host communities of Marikana earn meagre wages, insufficient to earn a decent living. On August 16th, 2012, Lonmin workers in Marikana also protested against poor working and living conditions and meagre wages; they demanded that wages be increased to R12,500. In the course of the protest, 34 striking mineworkers were gunned down by the police, leaving about 78 others injured (Alexander, 2013, p. 605; Lukhele, 2015, p. 69; Magaziner & Jacobs, 2013; Schutte & Lukhele, 2013; Sinwell, 2013, p. 93). In 2014 also, Lonmin workers, alongside other workers in the platinum extraction industry, went on a five-month-long strike; persistent in their demands (Alexander, 2013, p. 609; Sinwell, 2013, p. 93).

To mitigate the situation in Marikana, the DMR ensures that as provided for in the MPRDA, Lonmin fulfils its obligations as provided for in its SLP (The Bench Mark Foundation, 2013). The DMR also makes certain that the commitment as regards to provision for decent housing units for instance is monitored, as provided for in the SLP. However, Amnesty International's (2016) research reveals that, the DMR lacks human and financial resources to execute its responsibilities. For instance, for lack of finances, the DMR can go on site visits for only about twenty times in a year, or has not more than three staff in the North- West province to review the SLP of Lonmin. In Nigeria also, the defunct DPR under the Federal Ministry of Petroleum Resources is responsible for enforcing environmental laws. The non-compliance of SPDC to extant legislations had attracted penalties and compensation for the affected host communities, as enforced by the Nigerian judicial system (UNEP, 2011). For instance, the government enforced repeated attempts of the clean-up of oil spills on the contaminated Ogoniland. However, the oil spill has continuously occurred for over 50 years

and it may take about 40 years to have an Ogoniland that is absolutely void of contamination, only if regulations are upheld by the oil extraction companies (Naanen, 2015; UNEP, 2011).

Furthermore, CSRs are more or less de facto compulsory obligations of natural resource extraction companies in Nigeria and South Africa (Aaron, 2011; Ackers & Eccles, 2015; Kloppers & du Plessis, 2008; Mordi et al., 2012), it is expected that these companies fulfil their 'social friendly plans' documented in their Articles of Association, even as extraction activities progress in the host communities (Mordi et al., 2012). In Aaron's (2011) opinion, fulfilling CSRs may grant the extraction companies a social license to operate especially in conflict prone areas like Ogoniland and Marikana.

As part of its CSR, SPDC in 2008 spent $84 million on community development projects in its host community (Royal Dutch Shell, 2009). Also, in 2010, the company contributed to the educational development of members of the host communities at the primary, secondary and tertiary levels. Some others were supported with training on skills and crafts (Ojukwu & Agbata, 2012). Other projects such as, the construction of roads, the provision of micro-credit for farmers and traders, the donation of speed-boats, among others were executed. Yet, there are still records of failed projects and a lack of top-down approach (Ojukwu & Agbata, 2012).

In the case of Lonmin, since the aftermath of the events at Marikana in 2012, the company has made efforts to develop a constructive relationship with its employees. An Employee Share Ownership Programme has also been launched to improve employee ownership in the company and dialogue among the employees, the union and the company (Lonmin, 2015). Also, the company supports the education needs of children who have lost their loved ones to the 'Marikana Massacre'. Some members of the host communities have been supported in Cadette training for the purpose of access to employment opportunities in the future. In 2014, a total of R200 million was provided for members of the host communities for procurement benefits. Formal structures of forums between the company and members of the host communities have been developed where issues as regards, employment, community infrastructures and the status of the SLP are discussed (Lonmin, 2015). Yet, Amnesty

International's (2016) report shows that Lonmin has not fulfilled the requirements stated in the SLP as for instance, the housing condition of workers remains 'truly appalling'.

From the foregoing, one may nonetheless submit that the non-compliance of SPDC and Lonmin to extant regulations guiding the extraction of natural resources in Nigeria and South Africa is due to the reluctance of the assigned agencies, such as, the Ministry of Petroleum Resources in Nigeria and the Department of Mineral Resources in South Africa, to strictly enforce the extant legislations on the extraction companies. This is largely due to conflict of interests and insufficient resources to carry out effective monitoring and oversight functions (Amnesty International, 2016; Ekhator, 2016; Naanen, 2015; The Bench Mark Foundation, 2013). Yet, it is imperative that the natural resource extraction companies comply with extant operational regulations in order to avoid; the abuse of human rights, perpetual degradation of the environment, persistent loss of lives to sicknesses, diseases and food shortage, extinction of the host communities, spates of violence and insecurity in the host communities, and by extension, the host countries (Emetumah & Okoye, 2018).

In Australia for instance, a natural resource extraction company must provide a rehabilitation scheme and continuously rehabilitate the environment where mining is carried out in order to obtain and sustain a state-government's approval to carry out resource extraction activities or the social license to operate (Mineral Council of Australia, 2018). The environment of natural resource extraction activities must be repaired of any damages caused in the course of resource extraction (American Mine Services, 2022). The government of each state in Australia ensures that the extraction sites are always non-polluted and safe for human activities (Mineral Council of Australia, 2015 & 2018).

Woodcutters ceased lead-zinc extraction activities in the Northern parts of Australia in 1999, having produced the resources for fourteen years. Newmont, upon the acquisition of the extraction site in 2002, rehabilitated the site, transferred about 480,000m^3 of soil to a designated site the disposal tailings, so as to prevent the pollution of the waterways (Casey, 2019). The company has hitherto worked with the Indigenous Consulting Group and works towards transferring ownership to the Kungarrakan and Warai people (Casey, 2019).

Some of the international legislations that guide the activities of natural resources extraction include the; United Nations, United Nations Global Compact, African Union, African Commission on Human and Peoples' Rights, African Mining Vision, African Mineral Governance Framework, ECOWAS Energy Protocol, SADC's Protocol on Mining, among other resource extraction guiding frameworks.

Despite the numerous global and national mechanisms designed to regulate natural resource extraction activities in Ogoniland and Marikana, both the SPDC and Lonmin still perpetuate practices and activities that trigger host communities' reactions, such as strike actions, incessant violent protests, vandalism of natural resources extraction companies' equipment and illegal artisanal extraction activities. It is against this backdrop that this study examines the extraction of natural resources and the reactions of host communities in Ogoniland, Nigeria, and Marikana, South Africa.

1.2 Problem Statement

The non-compliance with the regulations guiding natural resources extractions and the lack of its enforcement by relevant government agencies, to hold accountable, the defaulting multinational corporations or oil exploration companies, are responsible for the unhealthy activities of the Shell Petroleum Development Company (SPDC) in Ogoniland, Nigeria and Lonmin in Marikana, South Africa. These sub-standard practices, according to Boele et al., (2001) and Sinwell, (2013) have proven to be detrimental to the socio-economic and environmental development of host communities in both countries. Besides, scholarly evidence has shown that the lives, means of livelihood, and properties or environment of people in host communities are threatened by the illicit activities of multinational corporations (Capps, 2012; Alexander, 2013; Anstey, 2013; Frankel, 2013; Benya, 2015; Fentiman & Zabbey, 2015; Yakubu, 2017; Agboola, 2018; Bodo, 2019). These recurrent inhuman or illegal activities, in host communities, in turn, have provoked studies and debates that have merely focused on reactions of host communities against the multinational corporations with little or no positive compensation to the affected communities (Irogbe, 2013; Lindén, & Pålsson, 2013; Hennchen, 2015; Horne, 2017; Heyns, 2019). This has created some limitations in addressing the rationale behind the non-compliance of the oil and platinum multinational corporations with regulations guiding the natural resources. The study

sees this as an academic gap and seeks to bridge it by examining the level of compliance by the natural resources extraction companies to extant regulations guiding its operations that trigger reactions from host communities in Ogoniland and Marikana.

For instance, the host communities of the Lonmin platinum mine in Marikana, South Africa are exposed to diseases derived from an unwholesome environment that has been polluted in the course of the extraction activities at the mine (Bench Mark Foundation, 2012, 2013). The majority of the inhabitants of this region live below the poverty line and have no access to basic social amenities. Lonmin workers are as well faced with issues of low wages, non-existent bonuses, and little compensations' (Schutte & Lukhele, 2013). These are proof that the host communities' right to a healthy environment (as provided for in the 1994 Constitution of the Republic of South Africa) is being violated by Lonmin. Also, the regulations provided by the MPRDA 2002 and the agreements of the SLP to address the socio-economic conditions of mine workers and the host communities have not been firmly adhered to by Lonmin.

More so, the crude oil extraction activities of SPDC in Ogoniland, Nigeria have had drastic effects on the health and socio-economic life of the host communities. The aquatic bodies and farmlands are being destroyed by persistent oil spillage. This has adversely affected the basic means of sustenance (fishing and farming) of the host communities. Subsistence farming that used to be the mainstay of Ogoniland is fast eroding. Arguably, the SPDC's violation of the provisions of the PDPR 1969 and the PRR 1974 to adopt all practicable precaution measures and employ up-to-date equipment for its operations, has allowed for incessant oil spillage and environmental degradation which in turn results in the uprising of host communities.

While there are many studies on the compliance of natural resources extraction companies to existing regulations, not many of the studies have examined the rationale for non-compliance by the natural resources extraction companies to extant regulations guiding its operations that trigger reactions from host communities in Ogoniland and Marikana. Extraction industries are supposed to comply with statutory regulations guiding their operations in host communities. Their full compliance to regulations is critical to the sustainable development

of host communities, especially in areas of human, environmental, and food security. However, the reality in most communities, including Ogoniland and Marikana is that the activities of these industries have continually constituted great harm to lives and properties in these communities.

Despite measures put into place to address this lingering problem in most host communities, it has persisted. Results from extant studies such as Schutte and Lukhele (2013) and Sinwell (2013) showed that non-compliance of these companies with regulations has severe socio-economic and environmental implications. For instance, there is destruction of the; aquatic lives, farmlands, waterbodies, livestock, and the underground water sources, further aggravating poverty, mal-nutrition, loss of indigenous jobs. That is, farmers whose farmlands and crops are damaged by the natural resources extraction activities lose their jobs. The environment is often polluted, allowing for respiratory sicknesses and diseases, as well as degradation of soil nutrients, rendering incapable, adequate crop production. All these factors in the long run affect lives and properties in host communities: it hampers both economic growth and the development and most often trigger insecurity problems in host communities.

This problem has remained persistent in most host communities. In fact, in some severe cases, the government has intervened to bring enduring solutions to this problem, but the flagrant disobedience of both international and national regulations on resource extraction by these companies has continued unchecked. The need to have a lasting solution to this problem brings to fore this study, which tries to examine natural resources extraction and host communities' reactions in Nigeria and South Africa, 2005-2015.

Research in this direction, especially in the area of investigating how the nefarious activities of extraction industries have provoked negative reactions from host communities, will advance knowledge in the possibility of designing a comprehensive policy guide to check the excesses of these companies and promote citizens' sustainable development.

Although similar research has been conducted to offer solutions to this problem (Ikpeze & Ikpeze, 2015; Lukhele, 2015; Humby, 2016; Joseph, et al., 2020; Nyembo & Lees, 2020), evidence shows that the majority of these studies were too focused on how the government could deal with these companies to make them comply with its rules. Little, or nothing, has

been done to examine how negative reactions from host communities against the activities of the extraction industries impede the security and sustainable development of not just the host communities, but the entire country. This study seeks to provide new information and advance knowledge on how the Nigerian and South African states can amicably address conflicts driven by illicit operations of the extraction industries.

1.3 Aim of the Study

This research aims to investigate the extraction of natural resources and the reactions of host communities in Marikana and Ogoniland between 2005 and 2015.

1.4 Research Objectives

The specific objectives of the study are to:

i. examine the extant laws guiding the extraction of natural resources in Nigeria and South Africa;

ii. determine the extent to which natural resources extractive regulatory agencies in Nigeria and South Africa have enforced extractive industries' compliance with the extant laws regulating natural resources extraction in Ogoniland and Marikana respectively;

iii. assess the level of compliance by Shell Petroleum Development Company (SPDC) in Ogoniland, and Lonmin Company in Marikana, with the extant laws regulating natural resources extraction in Nigeria and South Africa; and

iv. evaluate the impact of the activities of Shell Petroleum Development Company (SPDC) and Lonmin Company in Ogoniland, Nigeria and Marikana, South Africa on host communities.

1.5 Research Questions

i. What are the extant laws guiding the extraction of natural resources in Nigeria and South Africa?

ii. To what extent do natural resources extractive regulatory agencies in Nigeria and South Africa enforce extractive industries' compliance with the extant laws regulating natural resources extraction in Ogoniland and Marikana respectively?

iii. What is the level of compliance by Shell Petroleum Development Company (SPDC) in Ogoniland, and Lonmin Company in Marikana, with the extant laws regulating natural resources extraction in Nigeria and South Africa?

iv. How do the activities of Shell Petroleum Development Company (SPDC) and Lonmin Company in Ogoniland, Nigeria and Marikana, South Africa impact the host communities?

1.6 Significance of the Study

This study is significant in various ways. First, the study advances new knowledge in the management of conflicts between multinational corporations and host communities. The study's findings certainly provide information and advance knowledge in natural resources extraction as a sub-field of international relations. The study provides an empirical and evidence-based analysis on how the operations of Shell Petroleum Development Company (SPDC) and Lonmin impact the host communities in Ogoniland and Marikana respectively. The study also suggests ways to improve the relationship between host communities and natural resources extraction companies in the areas of study. It is expected that findings from this study influences the process of policy implementation as regards resources extraction activities, which will in turn guide host communities' reactions to resources extraction activities in their areas.

This study contributes to knowledge in the study of conflict resolution, international organizations, multi-national corporations (MNCs) and extraction of natural resources, as well as Foreign Direct Investment (FDI). Contributions from this study assists policy makers and other stakeholders of resources extraction industries in adopting the best policies to ensure host communities are not adversely affected by its activities. This study is a model for resource-rich African countries where natural resources extraction activities are present (or potential sites for extraction activities) to implement policies and enforce compliance of resource extraction industries.

1.7 Scope of the Study

The consistent global demand for natural resources resulted in foreign investment in natural resources extraction in Africa. However, the extraction companies in the process of extraction of resources deviate from best global practices, which in turn provoke negative reactions from host communities in the continent. In Nigeria and South Africa, the operations of Shell Petroleum Development Company (SPDC) and Lonmin have particularly been intensely opposed by the host communities in Ogoniland and Marikana and this has also attracted the attention of the international community. The year 2005 makes it exactly ten years after the execution of Ken Saro Wiwa and other members of MOSOP in Nigeria. This research finds out if the hostile reactions in Ogoniland have consequentially birthed positive results on the activities of the SPDC in Ogoniland ten years after. Beginning the scope of the study in 2005 also allows the researcher to compare the factors that triggered hostile reactions in Ogoniland and Marikana, thereby leading to the Marikana Massacre in Lonmin in 2012. The study ends in 2015 - briefly, after the hostile reactions at Marikana, allowing the researcher to assess significant measures taken to actualize the demands of the host community in Marikana.

1.8 Operational Definition of Concepts

Natural resources: These are substances deposited on the earth, freely given by nature. It is raw materials that have not undergone processes of production. When gotten and it goes through a production process, it can be utilized for economic benefits.

Natural resource extraction: The extraction of natural resources is the process or activities involved in taking out natural deposits from the earth surface for human use. The processes may involve drilling or digging and logging of the earth crust. While this process may be carried out by individuals with tools, there are also mechanized forms of recovering natural resources from its destination of original deposits. Individuals and corporate entities extract natural resources for the purpose of wealth creation.

Natural resource extraction companies: These are the companies that withdraw natural resources from their natural environments for man's use and for the purpose of creating wealth. The natural resource extraction companies employ mechanized methods to extract

natural resources. The natural resources extracting companies in this study are SPDC extracting oil and Lonmin extracting platinum.

Host Communities: These are a group of people in a particular area, who accommodate large scale industrial or agricultural corporations, yet are directly affected by the activities of the companies in the area. They share similar interests, identity and geographical location. For instance, the host communities – Ogoniland and Marikana bear the social, economic and environmental impacts of the natural resources extraction companies – SPDC and Lonmin in their respective areas much more than communities located several kilometers apart.

Reactions of host communities: These are the responses of the host communities to the impacts of the activities of the natural resources extraction companies in their area. The host communities considered in this study are Ogoniland in Nigeria and Marikana in South Africa.

Regulatory agencies: These are the governing bodies or government established institutions that are saddled with the responsibility of ensuring the natural resources extraction companies' compliance with extant regulations that guide the extraction activities of these companies. The regulatory agencies are also expected to perform oversight functions on the natural resources extraction companies.

Legislative framework: These are extant legitimate laws and regulations that have been established by the international community and the national governments to guide the activities of the natural resources extraction companies.

Environmental degradation: This is the corrosion and pollution of the environment as a result of natural resources extraction activities. The drilling of the earth crust to withdraw platinum for instance allows for the emission of dust and other chemicals into the atmosphere. Also, when oil spills through the corroded oil pipelines in Ogoniland, the waterbodies, groundwater, and soil is contaminated. The atmosphere deteriorates from its original healthy nature when the environment is degraded.

Particulate matters: These are pollutants that are emitted into the air in the course of natural resource extraction activities. It is a combination of chemicals that when released into the air

is capable of adversely affecting human health; one of the major health problems it results in are cardiovascular health issues in man. Particulate matters contain Sulphur dioxide and carbon dioxide which are hazardous to human health.

Marikana Massacre: This refers to the shooting of a crowd of protesting and striking Lonmin miners by the SAPS on 16th August 2012, which led to the death of 34 miners and injury of over 70 of them in Marikana, North-West Province of South Africa.

Multinational Companies (MNCs): These are companies that have their headquarters in a location around the world, but have other branches of the same company in different parts of the world representing the same interest of the headquarters. Examples of MNCs are SPDC and Lonmin as discussed in this study.

Corporate Social Responsibilities (CSRs): These are some of the developmental projects carried out by MNCs in the course of their operations in a particular location. While all the developmental needs of a host community may not be met, CSRs are more or less a compensation for the discomfort caused the members of such host communities where MNCs carry out their activities.

1.9 Structure of the Study

This thesis is divided into seven chapters. Each of the chapters is analysed as follows;

Chapter One: This is the introduction of the study and it gives a detailed background of the research. Other sub-sections of the chapter include the; statement of the problem, aim and objectives of the research, research questions, significance of the study, scope of the study, operational definition of concepts and the structure of the thesis.

Chapter Two: The chapter discusses the Literature Review and Theoretical Framework for the research. The literature for the research is discussed under different themes. Relevant books, journals, reports, and other related texts were interrogated for the purpose of this chapter. The chapter is an appropriate source of secondary data for the research.

Chapter Three: This is the Research Methodology of the study. Sections in this chapter include; research design, the population of the study, sample size, sampling technique, data collection, study location, data analysis, limitation of the study and ethical consideration.

Chapter Four: This chapter analyses the extant legal frameworks that guide the extraction of natural resources extraction in Nigeria and South Africa. The chapter gives a historical background of regulations that guided extraction activities in Nigeria and South Africa, dating back to the colonial times. These regulations to a large extent set a precedent for the legislations enacted in the contemporary times. The extant regulations that guide natural resources extraction activities at the international, regional and national levels are discussed extensively. The regulatory agencies in Nigeria and South Africa meant to ensure the companies' compliance to extant regulations as provided for in the enacted laws are also discussed in this chapter.

Chapters Five: This chapter engages in the presentation and analysis of data. The chapter comparatively analysed and discussed the non-compliance of SPDC and Lonmin to extant regulations that guide the extraction of natural resources in Nigeria and South Africa. The impacts of the oil and platinum extraction activities of SPDC and Lonmin on their host communities in Ogoniland and Marikana was discussed and adopted as the determinant to ascertain the companies' non-compliance to extant regulations and the ineffectiveness of the regulatory agencies in enforcing compliance to extant laws.

Chapter Six: The chapter analyses the hostile reactions of host communities' members to the activities of SPDC and Lonmin. It is gathered in this chapter that the host communities would not react violently or in a hostile manner if the natural resources extraction companies had complied to the extant regulations, and the regulatory agencies performing effectively its oversight functions.

Chapter Seven: This is the last chapter and it presents the Summary, Conclusion and Recommendations of the study. Inferences and deductions were made from preceding chapters on the complex issues associated with the research. The research is also justified as the contributions of the study to knowledge on natural resources extraction activities and the reactions of host communities are highlighted.

1.10 Conclusion

This chapter gives an introduction to the study. The introduction shows that the natural resources extraction activities of SPDC and Lonmin have impacted their host communities negatively, thereby causing hostile reactions from the latter. The statement of the problem suggests that the perpetual non-compliance of the natural resource extraction companies to extant regulations allows for irresponsible extraction activities that provoke the host communities to react aggressively. The aim of the study is to investigate the extraction of natural resources and the reactions of host communities in Marikana and Ogoniland between 2005 and 2015. The study is significant for the designing, implementation and enforcing of policies related to the extraction of natural resources in resource rich countries. The study adopts the qualitative method of research. The qualitative method of data collection affords the researcher the opportunity to have in-depth interviews with participants. Ethical principles were followed in the course of the research. The following chapter reviews literature related to natural resources extraction activities and the reactions of members of the host communities in Ogoniland, Nigeria and Marikana, South Africa.

CHAPTER TWO

LITERATURE REVIEW

2.1 CONCEPTUAL REVIEW

2.1.1 Natural Resources

Natural resources are endowments found in the environment that are not made by man, yet have the potential to be developed for the creation of wealth. Natural resources include; oil and gas, minerals and metals, forest, fish, land and water (Acosta, 2010, p.1; Kumeh, 2017, p. 1). Natural resources are materials, energy and their attributes that are derived from the earth and are useful to the maintenance and improvement of the quality of human life (Arocena & Driscoll, 2002, p. 261). In another parlance, natural resources may be referred to as God-given gifts to human beings as it is being explored for the development of human's living condition. It is deposited in nature and always serves purposes (Arocena & Driscoll, 2002). In essence, natural resources such as oil, gold, PGMs, gas and coal have not in actual sense undergone stages of production whatsoever. Humans therefore extract natural resources and more often than not, by the use of technology, apply it into the production of equipment useful for human existence.

Oil for instance is used to produce electricity that humans use to power equipment for ease of living. It is also a raw material used in the production of plastics, polyurethane and a host of other end-user goods. Gold is also used in the production of jewelleries, coins and electronics. PGMs are applied as automotive catalysts, the production of jewelleries, for electrical and electronic purposes, and used for purpose of medical treatment. Gas is widely made use of as fuel to produce heat and generate power.

Natural resources are being classified into renewable and non-renewable. Natural resources that deplete faster than they can be replenished is referred to as non-renewable resources (National Geographic, 2021). Non-renewable resources are gone for good once they have been extracted and used up. These natural resources are finite, can be exhausted as their replenishment to usage ratio is low. It, therefore, has a higher consumption as against lower natural replenishment (Driscoll & Arocena, 2002, p. 265). Non-renewable resources are those that are present in finite quantities and cannot be regenerated within the lifespan of

humans after it has been harvested or used. Examples of non-renewable natural resources include fossil fuels (coal, petroleum, natural gas, oil shale, bitumen, tar sands, and heavy oils), mineral resources (gold, silver, platinum group metals, tin, copper, lead, zinc, iron, nickel, and aluminium) and iron ores. Renewable resources are such that replenish faster than it is being consumed or used. It is naturally sustainable and its production unlimited (Arocena & Driscoll, 2002, p. 264). Renewable natural resources redevelop naturally provided the consistency of matter and energy within its system is not altered by natural disaster or human actions (National Geographic, 2021).

While some natural resources are under-explored, others are not even explored perhaps because individuals lack the technical knowledge of its extraction for human development. Centuries ago, men were professional hunters and farmers with fundamental knowledge of their environment. The natural resources were in the environment but not extracted and put into good usage as much as it was in colonial times. In recent times also, the extraction of natural resources has increased and methods of extracting have advanced largely. It has paved the way also for advancement in technology and arguably improved conditions of living. This is evident in the plethora of tools and gadgets that have been made out of natural resources (Acosta, 2010; Arocena & Driscoll, 2002).

Oil and platinum are among the most popular natural resources in the contemporary world. Oil for instance is a universal natural resource and source of energy with the potential for significant monetary value. Its versatility is evident in its usage for the production of synthetic products and energy in the transportation industry (Cantoni, 2017, p. 3). Platinum on the other hand is a rare element with increasing value. It is used for jewellery and communication gadgets. With the rapid development in Information and Communication Technology, the demand for Platinum is at its all-time high.

While there is advancement in technology and improved conditions of living, ironically, some other individuals bear the brunt of the activities involved in the extraction of natural resources which should be for the good of all. Only a group of individuals benefit wholly from the resources depriving some others of the total benefits of the resources. That is because natural resources are found on certain portions of lands or waters, where some

individuals inhabit, its extraction, if not properly managed, leads to the disruption of the very existence of the people who are sparsely compensated by entities that extract these resources. There then tends to be the prevalence of social unrest and civil conflicts in natural resources-rich states (Acosta, 2010, p. 2; Chigwenya & Manatsa, 2007, as cited in Kumeh, 2017, p. 1; van Agt, 2013, p. 186). One may therefore submit that the abundance of natural resources in a state does not necessarily translate to economic growth in that state.

The impoverishment experienced by host communities of resources-rich states birthed the literary parlance of the natural resource curse (Brown & Stephen, 2017; Ojakorotu, 2010; Van der Ploeg, 2011) The expectation that the presence of natural resources will eventually improve the socio-economic lives of the host communities is unmet. In Africa for instance, at the state level, natural resources-rich states do not necessarily experience economic development; to a large extent also, the host communities of natural resources are impoverished. The 'resource curse' concept holds that the discovery of resources would bring poverty and stunted economic growth for the host country or community. It stems from the observation that nations with rich endowments of natural resources often dramatically underperform economically relative to what one would expect (Udosen et al., 2009, p. 38).

Similarly, noteworthy is the phenomenon of 'Dutch Disease' which means the discovery of natural resources can lead to the death of another sector. In Nigeria for instance, the discovery of oil in the 1950s led to the death of the agricultural sector which was hitherto the major driver of the Nigerian economy. Till now, Nigeria has been heavily dependent on crude oil which accounts for over 80% of its national revenue (Akintayo, 2022). The oil has proven to be the undoing of the community where they are discovered with gross violence and pollution Odularu (2008, p.1). Some of these host communities yet suffer environmental degradation, which leads to the deprivation of the means of livelihood and other economic and social factors.

2.1.2 Oil Extraction

Oil extraction is an important way to prove that there lies in buried rocks, an abundance of substances (Cwinya-ai, 2016, p.1). To do this, a well must be drilled to ascertain what is underneath the rocks. Oil extraction is part of the exercise to search for Hydrocarbon resources. Crude oil in particular is important because of its important role in society. Some economies depend largely on their oil deposit.

Oil extraction activities are conducted to acquire the needed knowledge to exploit the greatest prospects in the locations chosen, as well as to supervise research operations on the fields that are obtained. Before spudding the oil well, an oil firm may work on a potential location for several years, studying the geological history of the area to ascertain the presence of hydrocarbons in commercial quantity (Cwinya-ai, 2016).

Oil extraction activities are often embarked upon by private enterprises in conjunction with state governments who usually have National Oil Companies (NOCs) as their representatives in the joint venture. Some 90% of the world's oil and gas reserves are owned and operated by National Oil Companies, such as Saudi Aramco (Saudi Arabia), Petronas (Malaysia), and Pemex (Mexico). For an independent oil company to take a direct share of extraction, development and production activities in a country, it first needs to develop a suitable agreement with the government, often represented by the NOC (Jahn et al., 2008, p. 2).

Oil is a universal natural resource and source of energy with the potential for significant monetary value. Its versatility is evident in its usage for the production of synthetic products and the purpose of energy in the transportation industry (Cantoni, 2017, p. 3). Large industries also resort to oil to use their machines. The fact that oil could be processed into different products like diesel, kerosene, petrol, engine oil, among other fuels, with each of them serving a particular purpose makes oil extraction a lucrative venture. The heavy and daily consumption of oil has led to high emissions of carbon dioxide, polluting the environment, thereby paving way for the increase in the advocacy for climate change.

Oil extraction can be of two kinds namely; Offshore and Onshore. Offshore oil extraction is carried out on waters. Oil rigs and facilities are constructed in the middle of an ocean that has

a large deposit of oil in its bed. While onshore oil extraction is conducted on lands or areas of lands that are rich in oil deposits.

The processing of oil can be divided into three major sections such as; Upstream, Midstream and Downstream. According to Cwinya-ai (2016), the upstream comprises extraction, field development and production operations. Midstream is where the extracted oil is transported from the site to the storage for processing and distribution. Manufacturing, refining and wholesale marketing of oil occur in the downstream sector.

The search for oil in Nigeria officially started in 1903 when two companies, Nigeria Properties (Limited) and Nigeria and West African Development Syndicate (Limited) commenced exploration for bitumen, coal and oil (Steyn, 2009, p. 252). However, oil discovery in Nigeria is owed largely to the Anglo-Dutch oil exploring company known as Shell D'Arcy. It was a joint venture between D'Arcy and Royal Dutch Shell. By the mid-1930s Shell and Anglo-Iranian were already cooperating in marketing petroleum products in the Middle East and Africa through their co-owned Consolidated Petroleum Company.

This joint venture company discovered oil of commercial quantity and quality in January 1956 at Oloibiri, in present-day Bayelsa State. This was followed by the discovery of oil at Afam shortly thereafter. By 1958 Shell/D'Arcy had discovered oil in 12 areas, of which Oloibiri, Afam and Bomu were the most promising (Odularu, 2008, p. 6; Steyn, 2009, p. 266; Udosen et al., 2009, p. 37). This discovery came after over half a century of oil exploration. Shell D'Arcy was the only oil extraction company in Nigeria at that time.

Commercial production of oil in large quantity started in 1958 with the production of 5,100 barrels per day. After 1960, extraction rights in onshore and offshore areas adjoining the Niger Delta were extended to other foreign companies. The successes of Shell D'Arcy enticed other companies to join in the extraction of oil, and by 1961, Mobil, Gulf, Agip, Safrap, Tenneco, and Amoseas were a part of the petroleum industry in the country. Currently, there are over 20 multinational oil extraction companies in Nigeria, and oil production in recent times is about 1,183.000 barrels per day (OPEC, 2022).

Nigeria joined the Organization of Petroleum Exporting Countries (OPEC) in 1971. The Organization is the regulator of oil production in the world. Oil-rich states such as Saudi Arabia, Iran, Venezuela, Angola, United Arab Emirates and Libya are members of OPEC. Like its other counterparts, Nigeria established the Nigerian National Petroleum Company (NNPC) in 1977; owned and controlled by the Nigerian government and a major player in the upstream and downstream sectors (Odularu, 2008, pp. 6-7). This company is the representative of the country. It enters into a contract with other oil extraction companies. However, the abundance of oil in Nigeria has not necessarily translated to the development of the host communities where extraction activities take place.

2.1.3 Platinum Extraction

Platinum extraction is the process of mining platinum from the earth's crust, refining and marketing it. Platinum is a silvery-white transition metal. It has distinctive features such as being malleable, corrosive, ductile and resistant to acidic reactions (Fotoyi, 2020, p. 166). Platinum Group Metals are known for their purity, high melting points and unique catalytic properties. This makes it a versatile commodity with multi industries utility. Platinum is one of earth's rarest elements. Its existence dates back to antiquity as it was spotted in some of the artefacts of ancient Egypt (Hochreiter et al., 1985, p. 165).

Several geologists from medieval to modern times are also recorded to have had some interactions with the Platinum Group Metals (PGM). Gillham (2018) divides the Platinum Group Metals into two; the Palladium Group and the Iridium Group. The first group consists of platinum, palladium, and rhodium. The second consists of iridium, osmium, and ruthenium. Each of these groups still retained the general distinctive features of Platinum. However, it was until the beginning of the 19th century that the appropriate way of refining platinum was devised by William Hyde Wollaston and Smithson Tennant, both of them being British chemists (Ross, 2016).

Platinum is sought for its versatility as noted by Hochreiter et al., (1985, pp. 181-182). Azom (2002) believes that 20% of the products purchased in present times either contain platinum or it has been used in the production of such commodities. Platinum is used in the production of chemical, electrical, and electronic appliances, and used in glass, automotive, medicine

and power industries. In recent times, it is used in communication gadgets and used as catalysts in the petroleum and chemical industries (Thormann et al., 2017). According to the World Platinum Invest Council's report (2021), four major sectors drive demand for platinum namely; automotive, industrial, jewelry and investment. Platinum is used to produce the durable parts of electronics and electrical equipment. In medicine, it is used to treat Cancer, Arthritis and dental-related health issues. It is used for petroleum refining as a catalyst for crude oil cracking, it is also used in the production of bullions and coins, many times, it is a substitute for gold as jewelry and it is sometimes referred to as the White Gold (Azom, 2002; Mudd & Glaister, 2009).

Hochreiter et al., (1985, p. 180) stated the commercial quality the rare element posed for South Africa. He stated that Platinum is the most important metal in the South African industry, with palladium and rhodium garnering more attention than ruthenium, iridium, and osmium. The applications of platinum and, to a lesser degree, its related metals are divided into two categories: one based on their distinctive physical and catalytic capabilities, and the other based on the PGM's more esoteric valuable nature, that is, its store of value. Platinum's industrial and scientific use is based on its physical qualities, its usage for jewelry and as an investment medium based mostly on its scarcity.

Jourdan (as cited in Fotoyi, 2020, p. 167) identified five stages in the platinum value chain. The first is Exploration where the geophysical survey is carried out to ascertain the presence of Platinum in the area. This is followed by Mining and here the drilling and extraction are done to retrieve the element from the earth's crust. The third stage is mineral processing, where hydrometallurgy is carried out to dissolve the metal from its ore. The fourth stage is smelting and refining whereby the metal will be refined to its purest form. Lastly, the Fabrication or Manufacturing where the metal will be molded to the state of commercial quality.

Platinum exploration in South Africa started in 1923 when Mr. Adolf Erasmus discovered an unusual platinum deposit near Naboomspruit, in central Transvaal (Hochreiter et al., 1985, p. 165). Albeit, it was on small scale. The discovery of platinum on large scale was by Dr. Hans Merensky in 1924 in Maandagshoek. This location is referred to as the Merensky Reef and is

located in the Bushveld Complex. This is where the largest deposit of platinum in the world can be found.

According to Statista (2020) report on Platinum metal reserve worldwide, there are 69, 000 tons of platinum around the world, 95% of which is in South Africa alone. South Africa is the largest exporter of Platinum in the world with 80% of the world production being produced by South Africa (Capps, 2012, p. 64; Fotoyi 2020, p. 174; Hochreiter et al., 1985, p. 165; Manson & Mbenga, 2003, p. 29). Inevitably, this necessitated the presence of the world's biggest platinum mining companies in South Africa. The rich mineral deposit of the Bushveld Complex's Western Limb is primarily produced by; Impala Platinum Holding Ltd, Lonmin Plc, Northam Platinum Ltd and Anglo American Platinum Corporation Ltd (Rajak, 2012, p. 252; Thormann et al., 2017).

Anglo American Platinum Corporation, Lonmin Plc and Impala Platinum Holding Ltd are about the world's largest producers of Platinum (Thormann et al., 2017, p. 224). The first two companies are British owned corporations with production mines in the Bushveld Complex of South Africa. Marikana in the North-West province hosts Lonmin Plc. Marikana is a small town in Rustenberg. The town has had its fair share of adverse effects evident as a result of the platinum extraction activities of these multinational platinum companies, with cases of industrial actions and violence (Naicker, 2015, p. 1). The most popular of the cases of violence is the 'Marikana Massacre' which has as well attracted international attention. The event saw the police shoot at the miners, leading to the death of thirty-four of them and a host of others injured in 2012 at the Lonmin Platinum mine in Marikana (Magaziner & Jacobs, 2013, p. 138).

2.1.4 Host Communities

The concept of host communities is used to refer to a geographically defined set of people who have certain peculiarities that attract the interests of foreigners (Uduji et al., 2020). These peculiarities could be natural resources like oil, coal, gold, platinum, cobalt, and tourist centers. Usually, a community may not be referred to as a host community until there are social and economic activities being carried out in the area. Most areas especially in sub-Saharan Africa where natural resources extraction activities are carried out are host

communities to the natural resources extraction companies operating in the area (Awuah et al., 2021). For instance, in the course of this study, the extraction activities of SPDC and Lonmin taking place in Ogoniland and Marikana respectively, make the latter, the host communities of the natural resources extraction companies.

In essence, the host communities accommodate the companies and all other stakeholders that may be a part of the company. In Farstad's (2015) opinion, host communities are people in residential areas who abhor foreigners living with them. These foreigners are also regarded as 'second home owners'. The host communities share their lands and all other resources within the area with a profit-oriented entity that is located in the area. The UN – Energy Security opines that host communities are communities that are within about 50km radius of a project (Asaba, 2021). In Nigeria for instance, the population in the oil-producing Niger Delta region of the country is referred to as the host community (Uduji & Okolo-Obasi, 2016).

The host communities are directly affected by the activities of the corporations in their areas. For instance, in Nigeria, the oil extraction activities of SPDC have adversely affected the host communities in Ogoniland. In Ghana also, the gold mining activities of Newmont Ahafo Mines Ltd. directly affect the host communities in the Ahafo North region. In Zambia, the host communities are directly affected by the copper mining activities of the Chinese-owned copper mining company. In South Africa as well, the host communities of Marikana are affected by the activities of the platinum extraction company – Lonmin (Simutanyi, 2008; Ojakorotu, 2010, Awuah et al., 2021, Alexander, 2013)

Some of the effects of natural resources extraction activities on the host communities include the degradation and pollution of the environment, unemployment of members of the host communities or employment with illegal or inadequate terms of engagement, disruption of indigenous economies, and incessant conflict over benefit-sharing of natural resources (Aigbedion & Iyayi, 2007; UN, 2018). Lonmin workers in Marikana have suffered from poor living and working conditions for decades, yet, the conditions have not witnessed substantial improvement (Sinwell, 2013). The environments of Ogoniland and Marikana are polluted, hampering fishing and farming activities. Efforts to clean up Ogoniland have not yielded any

positive outcomes yet (Amnesty International, 2011, 2013, 2016; UNEP, 2011). These adverse effects make the host communities also look up to the extraction companies to commit themselves to developmental projects in their communities (Ako et al., 2009; Awuah et al., 2021).

2.1.5 Multi-National Corporation

A multinational corporation (MNC) is an intergovernmental network that comprises a group of organizations in various geographical locations and with different approaches to achieving a common goal; having a headquarter and various national subsidiaries (Ghoshal & Bartlett, 1990, p.1). This definition situates MNCs in the trans-border context. In other words, MNCs are entities or companies that exist in more than one country, but with their headquarters located in a particular country. Its presence in other countries is therefore regarded as its subsidiaries. The country where the headquarters is located is known as the home country while the countries where the subsidiaries are established are referred to as the host country (Heywood, 2014, p. 99).

Multinational corporations represent different interests and are established to ensure the furtherance of the objectives of the company. Spero (as cited in Udofia, 1984) noted that MNCs are firms or companies with foreign subsidiaries which extend the production and marketing of the firm beyond the boundaries of any one country. Gilpin (1975) explains that MNCs invest in other countries for reasons including; access to foreign markets, securing foreign sources of supply or having the benefit of lower-cost production or lower taxes. Multi-nationals do not exist or propose to establish subsidiaries in another economy except there is a guarantee that profit will be made (Aaron, 2011; Amusan, 2018). A profound attribute of MNCs is that it is profit-oriented companies like every other business entity. The choice of host countries is determined by various factors that include a favourable or conducive economic condition which will ensure profit is accrued.

Thus, multinational corporations can be referred to as trans-border business entities founded to make a profit by establishing subsidiaries in foreign countries to ensure the actualization of their objectives. Some examples include SPDC, Chevron, Impala Platinum, IBM, Unilever, Anglo-American Platinum, and Multi-choice, among other MNCs. Lonmin Plc for

instance is headquartered in London and operates fully from mines in the North West and Limpopo provinces in South Africa. SPDC is headquartered in The Hague, Netherlands, and registered in England and Wales (Hennchen, 2015).

Among the favourable conditions that MNCs consider before choosing a country to establish a subsidiary company are; a stable political environment, low levels of corporate taxation, low levels of economic and financial regulations, available supplies of cheap or skilled labour, weak trade unions, and limited protection for labour rights, and access to markets preferably composed of consumers with high disposable incomes (Heywood, 2014). However, while MNCs search for these conditions that would be in their favour, it is saddled with certain responsibilities to the immediate community where the corporation is situated. This is referred to as Corporate Social Responsibilities (CSRs).

MNCs have at their core, programs and initiatives that may benefit the host communities having observed their needs. Most importantly, MNCs also consider the establishment of initiatives that may improve the socio-economic conditions of the host communities. Some of these initiatives also regarded as CSRs may include; the building of schools, hospitals, markets and the provision of pipe-borne water (Amaeshi et al., 2006).

2.1.6 Environmental Pollution

Environmental pollution occurs when harmful substances are released into the atmosphere and distort the setup of the environment. It is the introduction of foreign or natural contaminants into the natural environment that causes adverse changes (Narwaria & Kush, 2012). Environmental pollution is usually caused by human activities, such as the burning of wood, and the dumping of wastes. When these activities occur, such chemicals as Sulphur, carbon monoxide, soot, and toxic metals are released into the atmosphere, further causing damage to living organisms (Falusi et al., 2016).

There are various forms of environmental pollution, these include; water pollution, land or soil pollution, air pollution, radiation pollution, and thermal pollution as the various forms of environmental pollution (Narwaria & Kush, 2012; Opeyemi, 2018). This study however focuses on air, soil and water pollution.

Air pollution according to Jacobson (2009) is the sixth leading cause of death globally making it one of the greatest threats to human lives. He noted that air pollution and global warming are caused by exhaust from energy production. They have health and environmental repercussion such as cancer, vascular disease respiratory illnesses like asthma, heat stress, rising sea level, ocean acidity, melting of glaciers and severity of tropical storms (Jacobson, 2009). This is the case in Marikana, the platinum extraction activities allow for the emission of dust and tailings into the atmosphere. These harmful particles, when inhaled, result in respiratory diseases (Caincross, 2014).

Tonwe et al. (2012) traced environmental pollution to the activities of multinational oil corporations in Nigeria. The extraction activities of oil companies, for instance, allow for gas flaring, pipeline leakage, oil waste dumping, and oil spillage (Agena, 2008). This results in low quality of life for the host communities such as Nigeria where the local population can no longer farm and fish. A study conducted by Ejiogu (2013) discovered Nigeria to be the second largest gas flaring country in the world with about 75% of gas being flared. Gas flaring pollutes the atmosphere. When this industrial exhaust is inhaled by individuals, they become prone to respiratory diseases (Yakubu, 2017).

Gas flaring creates soot which is settled on the roof of nearby houses. The soot is washed down during rainfall, thereby polluting the soil and jeopardizing people's food security (Agena, 2008). Soil pollution, more often than not, occurs due to human activities, especially the activities of industries. Wastes from industries not properly disposed of may pollute the soil (Chae & An, 2018). Tailings and wastes from Lonmin pollute and decompose the soil in Marikana, making it unsuitable for agricultural purposes (Benya, 2015). In the vein, the incessant oil spills from corroded oil pipelines when seeped into the soil, pollutes and decompose it (Yakubu, 2017). Soil pollution cripples the indigenous economy and human subsistence, especially in places that depend on agricultural activities for sustenance.

Water pollution is the contamination of the water bodies, such as rivers, lakes, and oceans. It is also the contamination of water where individuals get water for household usage and consumption, particularly when a well is dug for that purpose. When the waterbodies are polluted, aquatic animals die, and fishermen fall out of their indigenous jobs (Narwaria &

Kush, 2012). For instance, oil spills in Ogoniland contaminate the waterbodies and have led to the death of the different species of fishes, periwinkles, and other sea animals, making fishermen jobless, and seafood traders operate businesses at a loss, particularly because of the scarcity of the products. More so, when there is an oil spill, the oil seeps into the ground and contaminates the groundwater, making it difficult to access potable drinking water (Pegg & Zabbey, 2013; Yakubu, 2017). In the event that individuals have no other sources of water, members of host communities consume this contaminated water and are prone to death and diseases.

The impact of environmental pollution is not restricted to health issues alone but includes a change in lifestyle (Fernández-Llamazares et al, 2019). People will have to adapt to a new lifestyle because of what environmental pollution has cost them. Local populations who have been farmers and fishermen all their lives will have to seek another form of livelihood (Pegg & Zabbey, 2013; Fentiman & Zabbey, 2015). Environmental pollution in developing countries has its remote causes in infrastructures like mines, pipelines, and waste incinerations facilities (Fernández-Llamazares et al, 2019). SPDC and Lonmin are examples of such infrastructure that have caused environmental pollution in their host communities (Amnesty International, 2011 & 2016).

In sum, environmental pollution allows for low soil fertility, the endangering of marine lives, and the contamination of groundwater. Agricultural production is adversely affected when there is a reduction in the fertility of the soil and the contamination of waterbodies, distorting the means of existence of the inhabitants. The lack of infrastructure, budget, facilities and poor regulations are the major causes of poor waste management and environmental pollution (Mourshed et al., 2017; Agboola, 2018; Chae & An, 2018).

2.1.7 ENVIRONMENTAL DEGRADATION

Environmental degradation is the contamination of the land, air, and water on the earth, that may be injurious to the components of the global eco-system. When the environment is being degraded, there is either a significant reduction in the numbers of plants and animal species or it goes into extinction (Amnesty International, 2011; UNEP, 2011). More so, microorganisms in the global ecosystem are adversely affected. Environmental degradation

is experienced when drastic changes are brought about by human activities or societal processes such as excessive pollution, deforestation and erosion of the soil at such a rate that the organic layer of the soil disappears more quickly than it is replaced (Choudhary et al., 2015). The environment is therefore degraded as a result of the salinization/alkalization, or its loss of fertility through depletion of nutrients or accumulation of toxic substances; and other developments which are incompatible with the goal of a sustainable society on earth (United Nations Environment Programme, 2011; Untawale,1990, pp. 371-372).

The above explanation of environmental degradation can also be captured in the statement of Agena (2007, p. 29) when he referred to the term as a situation in which the natural world in which the lives of both humans and plants are being damaged, destroyed or reduced from its original quality or status, to a lesser value thereby hindering the manifestation of its potentials. Furthermore, environmental degradation may be described as the intentional or unintentional depletion or depreciation of human habitats, that is, land, water and air, due to the economic activities of humans (Cairncross, 2014; Chinweze, et al., 2012). In other words, to a large extent, environmental degradation occurs when humans utilize the resources in the environment; thereby causing the environment to lose part of its components and whenever these components are not naturally replenished proportionately or when the waste products after usage are not disposed of appropriately, it results in the degradation of the environment. In White's (1994, p. 394) view, environmental degradation is associated with the deterioration of natural resources.

Environmental degradation can be of many kinds depending on what part of the environment is being affected. For land, it can be deforestation, soil erosion, desertification, loss of fertile land or destruction of wildlife. For water, it could be the pollution of drinking water or rising sea level. For the air, it is air pollution through soot rain (Agena, 2007, p. 33; Suhrke, 1994, p. 474). These types of environmental degradation are caused by various factors. Scholarly views differ on the causes of environmental degradation even when they agree on the outcome.

In Africa however, environmental degradation according to McCann (1999) is anthropogenic. That is, the occurrence is derived from regular human activities, yet, the

environment does not regenerate as fast as possible (Danjuma et al., 2014). Agena (2007, pp. 30-32) in his submission further adds that environmental degradation in Africa is mostly caused by non – industrial forms of activities, he identifies three non-industrial factors that cause environmental degradation as Population Growth, Poverty and Unsustainable patterns of consumption and production. Population growth causes environmental degradation because there is an increase in the number of humans inhabiting a particular area and this, in turn, means that there will be an increase in the usage of the natural resources around them. This perpetual utilization of the deposited resources in nature will undoubtedly result in the depletion or depreciation of the environment (Choudhary et al., 2015).

While Suhrke (1994, p. 450) agrees that a rise in population can result in environmental degradation, Marshall (1999, p. 263) is of a different opinion explaining that overpopulation is not the principal cause of environmental degradation in peripheral nation-states but the activities of transnational capital. Transnational organizations for instance for the sake of urbanization and development may drain wetlands and plough grasslands to make use of the lands for buildings (Choudhary et al., 2015).

Agena (2007) and Danjuma et al., (2014) submit that poverty is a cause of environmental degradation; he explains that this is because people in rural communities depend largely on their environmental resources. This means that people are likely to over-cultivate or overuse the natural resources found in the environment. Jodha (1998, p. 2384) in congruence with the idea that poverty is a cause of environmental degradation, noted three dimensions to the occurrence of the phenomenon. Continuous extraction of natural resources is about the only and preferred means of sustenance the poor people know. The poor are ignorant of both limitations of their environmental resources and the consequence of their extractive usage practices. The poor have little stake in the health and productivity of their natural resources.

Industrial causes of environmental degradation can be traced mostly to the activities of the extractive industries. For instance, the activities of oil extraction companies in Nigeria and the platinum extraction companies in South Africa largely result in the degradation of its environments affecting the host communities. The extraction activities of the multinational oil companies allow for the degradation of the environment through; gas flaring, pipeline

leakage, oil waste dumping and oil spillage in the oil-producing region of the Niger Delta (Agena, 2007, p. 34; Tonwe et al., 2012, p. 40) In the same vein, the activities of platinum extraction companies in South Africa degrade the environment allowing for; tailings, grim, and dust (Alexander, 2013; Benya, 2015; Mnwanna, 2015).

Oil spillage has led to the contamination of land and water in the Niger Delta region largely affecting the indigenous occupations of farming and fishing. This means that their source of livelihood has been truncated by the extraction activities of the multinational oil companies in the region. About 80 percent of the Niger Delta population engages in fishing and farming occupations but environmental abuse by oil companies has taken a toll on the livelihoods of the host communities and exposed the individuals to poverty and misery (Ejiogu, 2013, p. 983; Tonwe et al., 2012, p. 40;). Ejiogu (2013, p. 983) noted that Nigeria is the second-largest gas flaring nation in the world. Flaring of associated gas in the course of oil extraction has a significant impact on the environment and health of the communities around the region of its occurrence. Agbu (as cited in Agena, 2007, p. 34) estimated that about 75% of gas produced in the region is flared annually. Gas flaring creates soot which is settled on the roof of nearby houses. The soot is washed down during rainfall, thereby polluting the soil and jeopardizing people's food security (Agena, 2007, p. 34).

The pollution of the air and the soil in the North West Province of Marikana as a result of the platinum extraction activities of the platinum companies have deprived the host communities of the indigenous occupations of livestock farming and cultivation of crops. Host communities' members have suffered from hardships and diseases particularly related to the respiratory system (The Bench Marks Foundation, 2013; Benya, 2015; Cairncross, 2014; Marinovich, 2015;)

One may therefore infer that the effects of environmental degradation include; famine or food insecurity, which further translates into poverty (Agena, 2007, p. 35). Oil and platinum extraction activities particularly result in the pollution of air, drinking water, soil and affect the health of the individuals in the host communities. Only the healthy are fit to fend for their daily needs, if individuals are perpetually ill, each family unit experiences poverty and by extension the whole communities, hence the widely accepted parlance, 'health is wealth'.

Environmental degradation also involves the destruction of wildlife, farmlands and aquatic ecosystem; there is a reduction in the availability of farmland, and grazing fields. The United Nations Panel Report (2007, p. 597) succinctly explains that environmental degradation enhances the destructive potentials of natural disasters or hastens its occurrence in some cases.

The United Nations has helped to provide a holistic view of the environment through the establishment of the United Nations Environment Programme (UNEP) in 1972. The Declaration on the Human Environment and its Plan of Action provided the principles and objectives as well as guidance to governments and international organizations on environmental policy. Recently, four out of the sixteen Sustainable Development Goals (SDGs) agreed on by the United Nations in 2015 were dedicated to making a conducive environment (Untawale, 1990, p. 375).

To mitigate environmental degradation, states around the world must establish institutions that should efficiently and effectively implement policies to control the adverse phenomenon. Udemba (2021) notes the success of Chile in curbing environmental degradation with the aid of assigned institutions and prompt implementation of policies. The country did not jeopardize the importance of a less polluted environment for the benefits of Foreign Direct Investment (FDI). In essence, the activities of foreign investors must be effectively monitored by government institutions to make certain that the energy transition agenda asides from other designed mitigating policies are promptly adhered to (Udemba, 2021).

Singh (2009) states that the mitigation policies are either preventive or curative. Preventive policy measures may be taken to avert the possibility of a destructive level of environmental degradation. If this phenomenon has occurred, curative policy measures may be taken to reduce the damages that can be caused. For instance, the provision of new laws or amendments to existing regulations may be adopted to mitigate environmental degradation. The Legislative frameworks adopted by Nigeria and South Africa in mitigating environmental degradation are discussed in the course of this thesis.

2.1.8 Corporate Social Responsibilities (CSRs)

According to the European Union's Green Paper on CSR, Corporate Social Responsibility is a concept whereby companies voluntarily integrate social and environmental concerns into their business operations and their interactions with their stakeholders. Also, CSR, according to Amao (2008) (cited in Ekhator & Iyiola-Omisore, 2021, p. 439) is the idea that companies have a duty towards society beyond their primary obligations to their shareholders or owners and it is said to be voluntary. The activities of corporations are aimed at generating profit (Amusan, 2018). However, the process of making profit does have adverse effects on their immediate environment. An attempt to cushion these effects led to the introduction of Corporate Social Responsibility (Banerjee, 2008; Yoon & Chung, 2019).

Ideally, businesses pay taxes to the governments, therefore, the governments should take care of its people. If the corporation however carries out developmental activities, it may be regarded as a form of gift to the people and compensation for the organization's unsustainable actions and inconveniences caused the host communities (Ekhator & Iyiola-Omisore, 2021). Howbeit voluntary, corporations must perform CSRs in order to obtain a social license to operate (SLO), that is, to receive an acceptance by the local community such that there are no disruptions of the success of the company's activities (Ako et al., 2009; Awuah et al., 2021). For instance, the extractive industries whose activities usually allow for environmental degradation via air pollution, and spillages that impede farming or fishing commit themselves to ensuring the host communities are compensated (Banarjee, 2008; Naanen, 2004).

SPDC's Corporate Social Responsibilities to its host communities hitherto include; enterprise development, health, education, road safety, and access to energy. The educational programmes include different scholarship schemes such as University Scholarship Scheme, Secondary School Scholarship Scheme, Cradle-to-Career Scholarship, Niger Delta Postgraduate Scholarship, and other educational support programmes including Research and Development initiatives. Shell has awarded over 13, 000 education scholarships to both secondary and tertiary institution students in Nigeria. It also trained 6,780 Niger Delta youths in enterprise development and management. Startup capitals have also been provided to 3, 493 individuals. The corporation has contributed through the Niger Delta Development

Commission (NDDC) and paid about $23 billion to the Nigerian government between 2013 and 2017 (Boele et al., 2001; Ekwok & Eric, 2018, pp. 7-8 Ojakorotu, 2010; Olowu, 2010; Shell, 2013; Shell briefing note, 2017, p. 10).

South Africa hosts the company which is the highest exporter of Platinum in the world, it also has the presence of corporations like Anglo-American and Impala Platinum Holdings Ltd (Implats). The platinum extraction companies do well to execute various Corporate social responsibilities in South Africa, particularly in the host communities of the mines (Van Wyk, 2009, p. 5, Mabuza et al., 2010, p. 2; Mnwana, 2015). Implats' CSR activities according to the Centre for International and Defence Policy for instance includes jobs creation, community development projects, water supply, infrastructure, construction of schools, and enterprise development. Lonmin in particular, after the 'Marikana Massacre' of 2012, provided children of the slain workers with scholarship funds to cover educational costs from primary school through the university (Lonmin, 2012b).

This is not to say that on the whole, there have not been negative impacts of MNCs also. Eluka et al. (2016), notes that MNCs have more often than not caused environmental degradation and the abuse of human rights in the course of their operations. The major aim of any MNC in a host country is to make profit (Amusan, 2018), hence, the MNCs may not engage in community development programmes that may affect the goal of wealth creation. The ripple effects of the degradation of the environment of the areas where MNCs operate are made possible by a government that neglects its duties of ensuring the compliance of the MNCs to existing legislations that guide its operations in a host country (Heyns, 2019; Humby, 2016).

2.1.9 Institutions in Charge of Natural Resources Extraction

The presence of natural resources particularly in sub-Saharan Africa has impacted adversely the host communities and by extension, host countries of natural resources extraction companies. There has been gross degradation of the environment, deterioration in the health of individuals, poor living and working conditions of employees, meagre wages, and uprisings on who gets the benefits of the natural resources being extracted in a particular area (Amnesty International, 2011, 2013 & 2016). The reactions of many host communities to the

extraction activities of natural resources extraction companies have hitherto been hostile (Bench Mark Foundation, 2013). In many cases also, the adverse impacts of the activities of the natural resources extraction companies exist because of the corruption, mismanagement of resources, weak institutions and unfair distribution of resources by the government of resource-rich countries (UN, 2018).

The importance of effective government institutions in quelling natural resources-related insurrections and ensuring that peace is sustained in the host communities and host countries of natural resources extraction companies, cannot be overemphasized. Antonio Gutteres, the Secretary General of the UN, believes that there are effective institutions established to ensure that natural resources extraction companies contribute to the development of the host communities and that these funds are utilized specifically for the purpose for which it was donated (Lehmann, 2015; UN, 2018), to ensure that peace exists in host communities of natural resources extraction companies. Similarly, the first precept of the Natural Resource Charter states that competent institutions be established to manage effectively the natural resource extraction activities of a resource-rich country (NRGI, 2014).

In Nigeria, the Oil Minerals Producing Areas Development Commission (OMPADEC) was established by Decree No. 23 of 1992, to address development issues of the Niger Delta region of the country – the host communities to oil extraction companies in Nigeria. OMPADEC was expected to; rehabilitate and develop the oil-producing states, address environmental issues in the oil-producing areas, such that is caused by the extraction of oil in the area, and to identify developmental issues in the local communities of the oil-producing areas (Paki & Ebienfa, 2011). The Commission though built infrastructures such as health centers and educational projects (Gabriel, 1999), but the issues of corruption, mismanagement and lack of administrative skills, led to the failure of OMPADEC in actualizing the vision for the development of the oil-producing states in Nigeria (Paki & Ebienfa, 2011; Ebeku, 2020).

The Niger Delta Development Commission (NDDC) was established in 2000 to succeed the OMPADEC. The NDDC was created to facilitate the rapid, and sustainable development of the Niger Delta into a region that is economically prosperous, socially stable, ecologically

regenerative, and politically peaceful (Isidiho & Sabran, 2015). According to section 7 of the NDDC Acts, the functions of the Commission include planning and implementation of projects, surveying the region to develop measures that will promote physical and socio-economic development in the region, implement planned policies of the Federal Government for the Niger Delta Region, carry out oversight functions on projects embarked on by oil companies in the region, assess, report and advise the government on the adverse effects of oil exploration in the region. Also, similar to the functions of OMPADEC, NDDC was given the discretional power to embark on a project that it believes will promote development in the region (Section 7, NDDC Act).

Hitherto, some of the projects carried out by the NDDC include the; construction of roads, schools, drainage, solar power station, among other projects. The Commission has completed 14,766 projects since its inception and awarded about 883 projects since 2015 (NDDC, 2022). Yet, the Commission is not performing efficiently. Although several millions of naira are said to have been spent by NDDC, the oil-producing region is fraught with infrastructural deficits such as; lack of health care facilities, electricity supply, high unemployment rate and lower life expectancy rate (Ebeku, 2020, p.85).

Also in South Africa, the Department of Mineral Resources and Energy was created in June 2019 by President Cyril Ramaphosa by merging the Department of Energy and the Department of Mineral Resources to ensure that every South African benefit from the wealth of minerals embedded in the country (DMR, 2020).

The DMRE is regarded as the custodian of all natural resources and energy in South Africa (DMR, 2020). The objectives of the department include; promoting corporate governance and facilitating an increase in mining activity and adding value to mineral resources extracted in South Africa. More so, the DMRE is to ensure the implementation of transformational policies and risk management strategies that ensures inclusiveness to address past marginalization. The department is also expected to facilitate the provision of frameworks that will manage health and safety risks in the extractive industry and ensure best practices, and reduce adverse impacts of the extractive industry on citizens of the country (DMRE, 2020).

Hitherto, the DMRE has ensured the creation and implementation of policies for the natural resources extraction industry. CSR projects have also been facilitated by the DMR for the citizens of South Africa. This includes empowerment and aids to vulnerable groups in the country (DMR, 2014). Yet, as will be further analyzed in the course of the study, the institution cannot be said to have been successful, considering the hostile reaction of host communities in Marikana to the platinum extraction activities of Lonmin (Bench Mark Foundation, 2012, 2013; Ndlovu, 2013; Amnesty International, 2016).

2.2 EMPIRICAL REVIEW

2.2.1 Extraction of Natural Resources and its Impacts on Host Communities in Nigeria and South Africa

Brown and Tari (2015) in a research work titled "An evaluation of the effects of Petroleum Exploration and Production Activities on the Social Environment in Ogoniland Nigeria", using primary sources, found out that the oil extraction activities have not only affected the flora and fauna in Ogoniland but the social environment of the area. The study notes that while previous studies have dwelled on the effects of oil extraction on the aquatic habitats and the vegetation of Ogoniland, there had not been much emphasis on its impacts on the socio-economic environment. The study investigates the impacts of intensive oil extraction activities on the social environment of Ogoniland and finds out that the members of the host communities have not been adequately educated on the environmental hazards of oil spills. In other words, the host communities have been exposed to environmental hazards they are least prepared for. The study suggests that an Environmental Management Programme (EMP) be established to alleviate the hazardous impacts of oil extraction activities in Ogoniland (Brown & Tari, 2015). These findings are relevant to this study in the discussion of the impacts of oil extraction activities on host communities in Ogoniland and the development of suggestions on the ways by which SPDC will ameliorate the negative impacts of its activities on the host communities of Ogoniland.

Lindén and Pålsson (2013) examined the effects of the extraction of oil on Ogoniland in the Niger Delta region of Nigeria, adopting the quantitative research design. It is discovered that, as regards the extraction of oil in Ogoniland, the negative impacts outweigh whatever

positive impact that may be. Not only has the ecosystem been destroyed, but human health has also been adversely affected. The equipment for the oil extraction activities are destroyed and members of the host communities have resorted to stealing the oil without professional knowledge. This has resulted in severe oil spills. Drinking water still consumed by the host communities' members is contaminated even beyond the level recommended by the World Health Organization (Lindén & Pålsson, 2013). This has led to an increase in the number of diseased individuals in the area. These findings are connected to the study in the discussion of the impacts of the oil extraction of activities of SPDC in Ogoniland.

Kaonga and Kgabi (2009) conducted a gravimetric analysis, measuring the particulate matters that are emitted into the atmosphere daily, in the course of extraction of platinum in Marikana. The study finds out that the particulate matter emitted into the atmosphere is not solely due to platinum extraction activities. Kaonga and Kgabi (2009) aver that some other causes of the environmental pollution in Marikana are, emissions from domestic burning and fuel burning. This finding is connected with this study in the discussion of the non-compliance of Lonmin to the SLPs acceded to. The study is useful to the discussions on the negligence of Lonmin in achieving proper living conditions for the workers. The study is also useful to view the emissions from fuel burning as evidence of the filthy living conditions of the members of the host communities (Magaziner & Jacobs, 2013; Mudd & Glaister, 2010), and the negative impact of the activities of Lonmin on Marikana.

Yakubu (2017) evaluates the environmental health problems of the people of Ogoniland through the lenses of the recommendations of UNEP – the Environmental Management Strategies. The study employs secondary data and finds out that like the inhabitants of Ogoniland, the oil-bearing communities in the Niger Delta region have suffered from various environmental health issues. The study agrees with the submission of Brown and Tari (2015) and suggests that the Environmental Management Systems (EMS), as suggested in the UNEP (2011) report be adopted to address the environmental health problems of the Niger Delta region. The study notes that the government of Nigeria has hitherto been nonchalant about the application of these strategies in ameliorating the conditions of the people of the Niger Delta region. These findings relate to the study, particularly in the discussion of the efforts of

the Nigerian government to take actions to improve the environmental condition of the host communities of SPDC in Ogoniland.

Having engaged in a qualitative review of the militancy, amnesty, and peacebuilding in the Niger Delta region of Nigeria, Udoh (2013) finds out that the people of the Niger Delta region have been served injustice, hence their violent reactions towards the government and the multinational oil companies operating in the region. The study finds out that host communities willingly became militant for lack of opportunities for dialogue and the exercise of democratic rights. The amnesty program has also not addressed the causes of the conflict (Udoh, 2013). These findings are relevant to the discussions of the study where hostile reactions of host communities' members of Ogoniland are evident, as a result of the social, economic and environmental destruction of the area. By extension also, the hostile reactions of the Ogonis turn out to be effects of the oil extraction activities of SPDC on Ogoniland.

Rubin and Harrison (2015) in a case-study analysis assessed the conflicts within the Western Limb of South Africa's Platinum Belt. The study finds out that the causes of the conflict are somewhat multilayered. Communal Conflicts have erupted among members of host communities of the platinum extraction companies, over the compensation given to the community for the confiscation of their ancestral lands, further fueling hatred and division among the indigenous nations. Also, according to Rubin and Harrison (2015), platinum extraction activities have not only led to the forceful relocation of indigenes from their lands but also resulted in the disruption of indigenous occupation of agriculture and the struggle for control over the platinum proceeds. These findings are relevant to this study in discussing the impacts of the platinum extraction activities of Lonmin on the indigenous members of the host communities and the traditional leaders in Marikana.

Ndlovu (2015) in a research work titled "Living in the Marikana world: the state, capital and society", adopting basically secondary sources of data, likens the events that led to the 'Marikana Massscre' to the life of slavery that Africans in Africa experienced in the colonial era. The study finds out that just like in the colonial era, the platinum extraction workers at Lonmin are denied their fundamental human rights. The study also finds out that even though the platinum extraction companies employed the individuals who also make up the members

of the host communities, the living and working conditions may be regarded as a form of modern slavery (Ndlovu, 2015). These findings connect with this study in the discussion of the activities of Lonmin in Marikana and how these activities have impacted the lives of workers and members of the host communities.

Horne (2017) employs primary and secondary sources of data to examine the empowerment and disempowerment patterns in the South African mining sector. This study finds out that the policies for the empowerment of the mine workers are weak and a high level of inequality exists within the mining sector. That is, the workers suffer from poor working and living conditions, coupled with meagre wages. Horne (2017) opines that this inequality has led to incessant labour unrest. These findings are related to the study in the discussion of the state of Marikana as a result of platinum extraction activities.

Moeti and Mukamunana (2006) in a research study titled "Social responsibility and accountability: the case of multinational enterprises operating in South Africa", analyzing secondary sources, deduced that the government institutions in South Africa have been weak as regards the implementation of binding laws guiding the activities of the multinational enterprises. Moeti and Mukamunana (2006) also find out that the existing regulations guiding the MNCs in South Africa are weak, if it were not so, there will be more records of positive impacts rather than the numerous negative impacts of the operations of MNCs in South Africa. These findings are important to this study in the examination of the extant regulations and relevant governmental agencies guiding the extraction of oil and platinum in Ogoniland, Nigeria and Marikana, South Africa.

2.2.2 Extraction of Resources and Reactions in Host Communities in Nigeria and South Africa

Ojakorotu, (2010) in research work titled "Militants and Oil Violence in the Niger Delta of Nigeria: Any Implication for Security in Nigeria?", using mainly secondary sources, found that activities of oil extraction companies, provoke militant violence or attacks on oil installations and equipment used in the course of oil extraction activities, disrupting the operations of the extraction companies and in the long run, threatening Nigeria's security. This finding significantly connects to this study, especially in the area of negative retaliations

from the youths in host communities against extraction companies in Ogoni and Marikana. The aggrieved youths of Ogoniland believe that the extraction of oil resources from their land contributes immensely to the economy of the Nigerian state, hence, the need for the host communities to equally benefit from the dividends of the profits made from oil. If the host communities continue to be impoverished and its environment is filled with squalor, the reaction of its members will also continue to be hostile. It becomes imperative for the oil extraction companies, the government, and members of the host communities to embrace dialogue and bargain rationally (Ojakorotu, 2010).

Ojakorotu et al (2018) examined the oil wealth paradox and its implication for sustainable development in Angola and Nigeria, using qualitative research design. It found that corruption, state capture, and the parasitism of multinational oil companies are prominently culpable in the Nigerian and Angolan situations. The work also points out that the sociopolitical institutions established to improve the poor conditions of the members of the host communities of the multinational oil companies in Nigeria and Angola, have not judiciously executed their duties. These findings will enrich the research study on how MNCs impede development in most communities through their activities, and how important it is for assigned governmental institutions to effectively monitor the activities of the MNCs for sustainable development.

Engelbrecht and Thomas (2017) carried out a research titled, “changes in stakeholder dynamics and salience during a mining disaster”, using the Quantitative Narrative Analysis (QNA) method of research. Results revealed that the Marikana crisis is due to management oversight and the lack of recognition of the members of host communities of Lonmin as major stakeholders of the platinum extraction company. This finding is of benefit to this study as it highlights the importance of recognizing and engaging the members of the host communities as major stakeholders of natural resource extraction companies to reduce hostile reactions in Ogoniland and Marikana.

Brown and Tari (2015) evaluated the effects of petroleum exploration and oil production activities on the social environment in Ogoniland adopting a quantitative research design. The research revealed that the effects of oil spills are huge and obvious and that there are no

appropriate mechanisms to sensitize the populace on the environmental dangers of oil spills on the environment. The outcomes derived from this work will enhance the study, especially as regards the deplorable effects of natural resource extraction activities on the environment of the host communities in Ogoniland and Marikana. A proper understanding of the hazardous environmental effects of resource extraction activities on the immediate environment of the extraction companies will to a large extent allow for responsible conducts in the course of the extraction of natural resources, particularly in Ogoniland and Marikana.

Heyns (2019) examined the connection between the mining community and development in South Africa: A critical approach between law and development utilizing secondary method. It found that law is critical to peace and development in host communities. The finding also showed that with appropriate regulations and implementation, sustainable development will be achieved in most mining communities. This result specifically addresses the extent of compliance with regulations by extraction industries in Nigeria and South Africa.

Rubin and Harrison (2015) examined the conflict within the Western limb of South Africa's platinum belt adopting a case study research approach. The result of the study showed that the platinum belt of South Africa has always been a place of extreme conflict. The study further revealed that some of the reasons for the conflicts are the occupation of indigenous land for the development of mining companies and the effects it has on the host communities. This work is relevant to my study in deducing the impacts of natural resource extraction on members of host communities in Nigeria and South Africa.

Ogunba (2015) considers the evolution of environmental legislation in Nigeria, using the qualitative research method. The study shows that although there are laws guiding the extraction of natural resources in Nigeria, the laws that are specifically for the protection of the environment are paltry, and have emerged rather slowly. The study also finds out that the government and the resource extraction companies are more economically inclined, largely neglecting the effects of their activities on the environment. These findings are connected to my study as it examines the relevant extant laws that guide the extraction of natural resources in Nigeria and South Africa.

Muntingh (2011) investigated community perceptions of mining by extraction companies in rural South Africa. It was a study based on qualitative method and desktop analysis. Results showed that members of the community have mixed feelings and reactions about the activities of extraction companies and that most times, such activities provoke negative reactions. This result too aptly resonates with a section of the study which seeks to examine the effects of activities of the extraction companies on host communities in Nigeria and South Africa.

2.2.3 Corporate Social Responsibilities and Host Communities in Nigeria and South Africa

Uduji, et al (2020) in the research work titled "Oil Extraction in Nigeria's Ogoniland: the Role of Corporate Social Responsibility in averting a resurgence of violence", using majorly primary data examined the application of a General Memorandum of Understanding by the multinational oil companies to avert a resurgence of violent reactions of the Ogonis. The study finds out that CSRs such as job creation, a clean-up of the environment, and the training of young people in various entrepreneurship skills are important to prevent recurring hostile reactions of the members of the host communities. This finding is related to this study in the discussion of the probable ways by which SPDC and host communities in Ogoniland can co-habit peacefully and enjoy mutual benefits from the extraction of oil in the area.

In a research work, adopting the case study analysis, Okoji (2010) assesses the CSRs of the MNCs to host communities in the Niger Delta region of Nigeria. The study finds out that corporate-community relations is an essential form of CSR where the multinational oil companies by interacting with local community members, get to understand the needs of host communities and strive to meet it. This finding is connected to this study in the discussion of the possibility of achieving peaceful coexistence between SPDC and Lonmin and their respective host communities of Ogoniland and Marikana.

Adopting a qualitative research approach, Aaron (2011) assesses the corporate social responsibility performance of multinationals in the Niger Delta. The study finds out that indeed CSRs are important to community development, however, CSR of the multinational oil companies in the Niger Delta region of Nigeria has not been particularly effective and

may not be, because, there exists a deep-seated condition of poverty and lack of development in the area. For multinationals that are driven by profit-making, it may be difficult to meet the entire needs of the host communities and at the same time, achieve the goals of making a profit (Aaron, 2011). These findings are relevant to this study in the discussion of the reactions of members of host communities in Ogoniland to the oil extraction activities of SPDC.

Hinson and Ndhlovu (2011) in the research work titled "conceptualizing corporate social responsibility and corporate social investment: the South African context", consider literature reviews to arrive at a conclusion. The researchers find out that CSR has been used as an index to assess the corporate behaviours of companies in South Africa, as a new method of attending to developmental issues (Hinson & Ndhlovu, 2011). This finding is related to this study in the discussion of finding a win-win solution to the sour relationship that exists between the natural resources extraction companies in Ogoniland and Marikana in Nigeria and South Africa respectively.

In the event that the concept and practice of CSRs are taken seriously by governments of countries where natural resource extraction activities take place, policies may be adjusted to accommodate the provision for CSRs, thereby resulting in gradual development for such countries (Skinner & Mershem, 2008). Yoon et al., (2006) opine that of a truth CSRs can boost the image of a company and at the same time develop a local community when the strategies are effective and the intentions of the company are sincere.

2.2.4 Natural Resources and Resource Politics in Nigeria and South Africa

The United Nations (UN) advocates for a concept that Onifade (2015) terms 'people-based sovereignty'. The United Nations human rights covenants of 1966 – International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant of the Civil and Political Rights (ICCPR) specifically clarify in its first articles that 'all peoples may for their end freely dispose of their natural resources without prejudice to any obligations arising out of international economic co-operation based upon the principle of mutual benefit and international law. In no case may a person be deprived of his or her means of subsistence. If the constitutions of countries establish that the states have

permanent sovereignty over the natural resources therein, the UN mandates are not being upheld and the rights of the host communities are being infringed.

The UN General Assembly Resolution 1803 (XVII) passed on 14 December 1962 established the principle of permanent sovereignty of every country over its natural resources; this sovereignty according to Article 1 must be exercised for the benefit of every state. The Resolution is specific about the natural resources belonging to the 'peoples and nations'. Unfortunately, there is no clear contextual description for 'peoples and nations'. People may mean the citizens, and the nations may also mean the citizens or the government. In any case, the constitutions of states have provided for the government's ownership of lands and the natural resources embedded in them (Onifade, 2015). The Black's Law dictionary explains that Land is the surface and subsurface of the soil as well as all that is attached to it. By implication, any acquisition of land is the acquisition of whatever natural resources it possesses.

In Nigeria, by the provisions of the Land Use Act 1978, ownership of all land is vested in the governor of a state in Nigeria. Section 44 (3) of the 1999 Constitution of the Federal Republic of Nigeria provides for the government's control of the 'minerals, mineral oils and natural gas' under or upon any land or the territorial waters or on the Exclusive Economic Zone of Nigeria. Odukoya (2020) notes that despite the promulgation of the Land Use Act, the communal land ownership system is being practiced. These laws imply that private individuals may not own or control lands in Nigeria and the natural resources embedded therein. Odukoya (2020) and Onuoha (2020) aver that these legal provisions largely pave way for skirmishes and hostile reactions from host communities to the government and the multinational oil companies whose extraction activities become more or less obstruction to the former.

Section 43 of the 1999 Constitution of the Federal Republic of Nigeria provides that every citizen has the right to acquire and own immovable property anywhere in Nigeria, and when there is a need for the government to acquire the land compulsorily, the owner of such land is entitled to compensation as provided in Section 44 of the Constitution. In recent times, individual or communal lands may be compulsorily acquired in Nigeria by the Federal, state,

or local government authorities for public purposes only. For public purposes, it is meant that the land acquired is to be used for rural or urban development. Unfortunately, when lands are compulsorily acquired, even when compensations are paid, the landowners tend to have their socio-economic lives disrupted (Famoriyo, 1979).

The revenues generated from oil (a natural resource embedded in the land) on the Ogoniland for instance are allegedly unevenly distributed. While the revenue enriches a group of elites in the country, the Ogonis are largely impoverished (Boele et al., 2001) particularly because indigenous socio-economic activities have been disrupted by the activities of SPDC. The Movement for the Survival of the Ogoni Peoples (MOSOP) in October 1990 came up with the Ogoni Bill of Rights, according to Boele et al., (2001), seven of the twenty demands were focused on the extraction of oil and the distribution of its gains, as well as the poverty that threatened the host communities of the multinational oil company. The Ogoni Bill of Rights may be regarded as an avenue for the Ogonis advocate to take responsibility for its affairs and to possess the right to have a share in the ownership and control of Ogoniland and its oil resource (Anugwom, 2011; Bob, 2005; Mai-Bornu, 2019; Manby, 1999; Ojakorotu, 2010). About the best strategies that the SPDC has executed hitherto is the compensations and the continuous corporate social responsibilities (Boele et al., 2001; Manby, 1999; Ojakorotu, 2010), the control and ownership of the natural resources embedded in the Ogoniland are vested in the government as provided for in the constitution of Federal Republic of Nigeria (Manby, 1999).

The drafters of the 1999 constitution seemed to have borne the Ogonis in mind when Section 44 (2) (m) specifically provided that compensation be given to the landowners for damages caused by an installed pipe for the provision and the distribution of fuel and other public utilities. The compensations notwithstanding, Ogoni land for instance is fast losing its fertility and the water bodies are contaminated making it difficult for crops and aquatic foods to thrive (Famoriyo, 1979). This occurs as a result of the deteriorated state of the pipelines laid across the land for oil production. The compensation may never be able to make up for the benefits lost to oil extraction activities on the land.

Section 25 of the Constitution of the Republic of South Africa addresses the ownership of land and the unequal distribution of wealth from mineral resources in the country. Subsection (5) provides that the state is mandated to take legal measures within its ability to ensure that every citizen of the country has equal access to land and South Africa's natural resources (Subsection (4)). If an individual's land is expropriated for a public purpose or in the interest of the public (subsection (2) (a)), section (2) (b) provides that such a deprived individual is entitled to compensation. Subsection (3) provides that this compensation must be just and equitable, enough to make up for the extent of losses incurred by the deprived individuals.

Furthermore, upon the transition from Apartheid to democratic rule in South Africa, there was an urgent need for the government to address land issues, particularly the dispossession of customary land from the rightful landowners. The Interim Protection of Informal Land Rights Act (IPILRA 1996) was established to make certain individuals are not deprived of their land rights, except by expropriation. If there is therefore a need to dispossess a people of their land rights, a consensus must be reached at a community meeting where the majority of the lands' rightful owners must be in attendance. More so, the government by the Traditional Leadership and Governance Framework Act (TLGFA) 2003, allowed for the local Chiefs in the host communities to hold the fort as regards the management of the people's land rights.

The traditional leadership has somewhat turned out to be an autocratic one as only a selected few in the host communities enjoy the benefits of the wealth made from natural resource extraction activities. For instance, the Royal Bafokeng Nation enjoys investments worth billions of Rands from the platinum extraction activities in the North West region of South Africa, yet other host community members who are ideally shareholders in this investment cannot boast of a quality standard of living (Boyle, 2017; Mnwana, 2015; Mujere, 2015).

Largely, host communities of natural resources extraction activities in South Africa are continuously aggrieved as a result of their lands being lost to natural resources extraction companies (Mnwana, 2015; Mudd & Glaister, 2010; Mujere, 2015). Boyle (2017) believes that the elites in the community exclude the poor from consultations with the companies and the government, as well as from the benefits of the extraction activities. In most cases the

traditional rulers represent the host community members, however, the interests of the latter may not be adequately represented thereby resulting in the inequity of distribution of the benefits of the extraction activities.

According to literature, the Chiefs and traditional rulers seemed to have the right to ownership of plots of land, it may be somewhat difficult for members of the host communities of the platinum extraction companies to lay claims to land. Mnwana (2015) notes that the right to own a residential plot of land or to be eligible to benefit from the projects executed by the mining revenues is subject to the approval of the local authority holders. Seemingly, in the opinion of the local Chiefs in the host communities, the revenues gotten from mining are the benefits of platinum extraction activities in the communities. These mining revenues were used in executing several infrastructural development projects that just a selected few may benefit from. For instance, migrant workers and their descendants (South African or not) were not given access to bursaries made available from the mining revenue (Mnwana, 2015). In essence, it is important to belong to an ethnic group of the host communities of the platinum extraction companies to lay claims to land and its natural resources components or the benefits derived from resources on a given parcel of land.

Mujere (2015) further notes that host communities of the platinum extraction companies as a norm protest for basic amenities, and job opportunities in the mines and lands that had been expropriated by the companies. The host communities are to a large extent excluded from the legal ownership of land, contrary to the provisions of the constitution of the Republic of South Africa, upon the transition from Apartheid to democracy (Nyembo & Lees, 2015). Many of the South African citizens in the North West region where the platinum extractive companies have established a claim to have acquired parcels of land during the colonial era. Unfortunately, however, these lands with the knowledge of the government were lost to the platinum extraction companies as the country witnessed the expansion of the platinum industry. As the lands were expropriated, the host communities also lost their means of livelihood – farming and land grazing (Mujere, 2015).

Worst still, the peasants having lost legally titled lands to the platinum extraction companies, received no compensations (Mujere, 2015). Also, not many of the peasants in the host communities had the opportunity to be employed in the mines as the employment of host communities' members involved certain politics, where the royalties are always given a priority (Mnwana, 2015; Mujere, 2015). Some host communities' members opted for the informal acquisition of lands and built informal settlements as shacks around the mines, either to be able to provide goods and services to mine workers or so that they are closer to the mines and can continuously seek jobs opportunities till given consideration. Hence, the poor living conditions that the host communities of platinum extraction companies are characterised by (Humby, 2016; Mujere, 2015).

The condition of host communities of the platinum extraction companies indeed negates the democratic tenets of the Republic of South Africa that aims for the '…recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans' (Republic of South Africa, 1993, Epilogue). In reality, the host communities tend to feel that there is a level of environmental distributive injustice being meted on them, and a level of relegation (Haugen, 2007; Onifade, 2015). It, therefore, becomes expedient that the government grants the host communities an extent of right over the natural resources found in their immediate environment.

It is not exactly impossible to ensure a pollution-free environment in the course of natural resource extraction activities. In Australia for instance, a mining company must provide a rehabilitation scheme to obtain state-government's approval to mine, it guarantees a natural resource company's social license to operate (Mineral Council of Australia, 2018). It is important that the environment of mining activities be repaired of damages caused in the course of mining (American Mine Services, 2022). The government of concerned states in Australia makes certain that mining sites are not polluted and are safe for human activities (Mineral Council of Australia, 2015 & 2018).

The extraction activities of Ginkgo mineral sand mines in New South Wales in Australia allows for the the loss of the top-soil and the destruction of plants. The company in a bid to repair the damaged environment, has replace the lost soil and planted more timber trees

(Mineral Council of Australia, 2015; Casey, 2019). More so, Woodcutters stopped the extraction of lead-zinc in the Northern parts of Australia in 1999. Newmont upon acquisition in 2002, rehabilitated the site, transferred about 480,000m^3 of soil to tailings disposal site, in order to prevent obstruction in the waterways (Casey, 2019). The company works with the Indigenous Consulting Group and is set to transfer ownership to the Kungarrakan and Warai people (Casey, 2019).

Although Onifade (2015) argues that international laws do not particularly apply in domestic legislations except in cases where there are misconducts of genocide or where practices are against humanity. The environmental degradation and distributive injustices experienced in Ogoniland and Marikana as a result of the activities of the natural resources extraction companies may be likened to be a crime against humanity that should factor in the international law provisions in the domestic jurisdiction of concerned states and by extension host communities.

2.2.5 Natural Resources and Economic Development in Nigeria and South Africa

Natural resources are materials gotten from nature that has the potential for economic value or allows for life sustainability (Brown & Stephen, 2017; Onuoha, 2020). The continent of Africa is rich in a variety of natural resources. Nigeria and South Africa are among the countries with a large deposit of these resources. Among the resources that are deposited in Nigeria for instance are; clay, zinc, iron ore, uranium, kaolin, crude oil, gold, clay and limestone (Embassy of Nigeria, the Netherlands, 2021; Oxford Business Group, 2022; Shasore, 2016). Similarly, in South Africa, such natural resources as gold, coal, diamond, and platinum are deposited in its earth's crust (Stilwell, 2004).

To a large extent, economic development is attainable from the extraction of natural resources in a country that has an abundance of them. Former Secretary-General of the United Nations, Kurt Waldheim, thinks that a country may be said to be poor when it has no resources or when its resources are not being exploited. In fact, in a situation where a country experiences economic underdevelopment, provided the country experiences a level of political stability and security, the extraction of its natural resources is likely to attract

foreign investors thereby allowing for economic development (Eyre & Agba, 2007; Picard & Lelei, 2015).

The goal of any country with an abundance of natural resources should be the creation of wealth, that is, to increase exports, increase capital imports, and capital investments (Organisation for Economic Cooperation and Development [OECD], 2011). This is attainable only if a resource-abundant country can maintain a level of political and socio-economic stability. It is also important that revenue generated by the government trickles down to the poor and marginalized in the society, so then the country may boast of being an economically developed one.

In many cases, however, 'resource curse' or 'Dutch disease' is experienced in resource-rich countries. This is due to the weak political authorities and institutions that may not be able to establish policies to manage effectively the abundance of natural resources in the country (Brown & Stephen, 2017; van der Ploeg, 2011). The OECD (2011) explains further that, revenues generated from a natural resource may accrue to a small group of wealthy elites in a country who then expend on an ostentatious lifestyle thereby allowing for inflation, rather than embarking on investment projects that the poor may benefit from. In the 'resource curse' discourse, the African case is more exploited by external influences (Ojakorotu & Olajide, 2021). When the resource abundance and development of Africa is compared to those of other regions of the world, the disparity is larger.

The Democratic Republic of Congo (DRC) is endowed with an abundance of natural resources such as diamond, gold and copper. An abundance of copper and cobalt is found on the Central African Copper belt that stretches through the borders of DRC, Zambia and Angola. 34 percent of the world's cobalt reserve and 10 percent of the world's copper reserve is found in the Copper-belt. Yet, the host communities, Kasai and Katanga as well as the citizens live in a deplorable conditions as the country experiences underdevelopment (Ngoie & Omeje, 2008). Only a few elites benefit from the wealth of the country. The abundance of resources rather than allowing for social cohesion, has ushered in spates of conflicts. The country experiences human insecurity (Arieff, 2014; Dagne, 2011; Ngoie & Omeje, 2008). Prendergast (2014) speculates that the conflicts experienced in the country are caused by the

desire of the government, rebel groups and foreign investors to control the natural resources at the expense of the citizens and host communities.

The Copper mines owned by the MNCs employed thousands of unskilled Zambians, but the workers operated in deplorable working conditions, leading to strike actions and violence (Hanauer & Morris, 2014). The copper extraction activities also allow for environmental degradation, such that the soil becomes unsuitable for the cultivation of crops and the environment unfitting for the rearing of livestock. In the long run, the country experiences food insecurity even amid the abundance of its natural resources (Jakobsson, 2019) cited in (Ojakorotu & Olajide, 2021).

Considering the natural resources exploration activities in the cases of Nigeria and South Africa, environmental damages among other negative impacts have hit the host communities. The extraction companies and the government no doubt benefit immensely from the natural resources extraction activities, leaving members of host communities in penury, worse off than they were before the inception of such extraction activities (Ojakorotu & Olajide, 2021). When there is speculation that the abundance of natural resources translates to economic development, it is imperative to find out what population of the concerned resource-rich countries benefits from the profits accruable.

Table 2.1: Outline of the natural resources endowment of Nigeria

S/N	STATES	NATURAL RESOURCES PROFILE
1	Abia	Gold, Lead/Zinc, Limestone, Oil/Gas & Salt
2	Abuja (Federal Capital Territory)	Cassiterite, Clay, Dolomite, Gold, Lead/Zinc, Marble & Tantalite
3	Adamawa	Bentonite, Gypsium, Kaolin & Magnesite
4	Akwa-Ibom	Clay, Lead/Zinc, Lignite, Limestone, Oil/Gas, Salt & Uranium

5	Anambra	Clay, Glass-Sand, Gypsium, Iron-ore, Lead/Zinc, Lignite, Limestone, Phosphate & Salt
6	Bauchi	Gold, Cassiterite (tine ore), Columbite, Gypsium, Wolfram, Coal, Limestone, Lignite, Iron-ore & Clay
7	Bayelsa	Glay, Gypsium, Lead/Zinc, Lignite, Limestone, Maganese, Oil/Gas & Uranium
8	Benue	Barite, Clay, Coal, Gemstone, Gypsium, Iron-Ore, Lead/Zinc, Limestone, Marble & Salt
9	Borno	Bentonite, Clay, Diatomite, Gypsium, Hydro-carbon, Kaolin & Limestone
10	Delta	Clay, Glass-sand, Gypsium, Iron-ore, Kaolin, Lignite, Marble & Oil/Gas
11	Ebonyi	Gold, Lead/Zinc & Salt
12	Edo	Bitumen, Clay Dolomite, Phosphate, Glass-sand, Gold, Gypsium, Iron-ore, Lignite, Limestone, Marble & Oil/Gas
13	Ekiti	Feldspar, Granite, Kaolin, Syenite & Tatium
14	Enugu	Coal, Lead/Zinc & Limestone
15	Gombe	Gemstone and Gypsium
16	Imo	Gypsium, Lead/Zinc, Lignite, Limestone, Marcasite, Oil/Gas, Phosphate & Salt
17	Cross River	Barite, Lead/Zinc, Lignite, Limestone, Manganese, Oil/Gas, Salt & Uranium
18	Jigawa	Butyles, Amethyst, Aqua Marine, Asbestos, Clay, Flosper,

		Gemstone, Gold, Graphite, Kaolin, Hyanite, Mica, Rock Crystal
19	Kaduna	Sapphire, Sihnite, Superntinite, Tentalime, Topaz & Tourmaline
20	Kano	Gassiterite, Copper, Gemstone, Glass-sand, Lead/Zinc, Pyrochinre & Tantalite
21	Katsina	Kaolin, Marble & Salt
22	Kebbi	Gold
23	Kogi	Cole, Dolomite, Feldspar, Gypsium, Iron-ore, Kaolin, Marble, Talc & Tantalite
24	Kwara	Cassiterite, Columbite, Feldspar, Gold, Iron-ore, Marble, Mica & Tantalite
25	Lagos	Bitumen, Clay & Glass-sand,
26	Nassarawa	Feldspar, Galena, Iron-ore, Limestone, Mica, Salt, Sapphire, Talc, Tantalite, Tourmaline Quartz& Zireon, Amethyst (Topaz Garnet), Barytex, Barite, Cassirite, Chalcopyrite, Clay, Columbite, Coking Coal, Dolomite/Marble
27	Niger	Gold, Lead/Zinc & Talc
28	Ogun	Bitumen, Clay, Feldspar, Gemstone, Kaolin, Limestone & Phosphate
29	Ondo	Bitumen, Clay, Coal, Dimension Stones, Feldspar, Gemstone, Glass-Sand, Granite, Gypsium, Kaolin, Limestone & Oil/Gas
30	Osun	Columbite, Gold, Granite, Talc, Tantalite & Tourmaline
31	Oyo	Aqua Marine, Cassiterite, Clay, Dolomite, Gemstone, Gold, Kaolin, Marble, Silimonite, Talc & Tantalite

32	Plateau	Amethyst (Topaz Garnet), Barytex, Barite, Cassirite, Chalcopyrite, Clay, Columbite, Coking Coal, Dolomite/Marble, Lead/Zinc, Marble, Molybdenite, Phrochlore, Salt, Tantalite/Columbite, Tin & Wolfram
33	Rivers	Clay, Glass-Sand, Lignite, Marble & Oil/Gas
34	Sokoto	Clay, Flakes, Gold, Granite, Gypsium, Kaolin, Laterite, Limestone, Phosphate, Potash, Silica Sand & Salt
35	Taraba	Lead/Zinc
36	Yobe	Soda Ash & Tintomite
37	Zamfara	Coal, Cotton & Gold

Source: Nigerian Embassy, The Hague, Netherlands.

Nigeria is the largest oil producer in Africa, according to the Organization of Petroleum Exporting Companies (OPEC), the country has about 40 billion barrels of oil and has about 29% of Africa's proven oil reserve. The oil sector contributes about 9% of the country's Gross Domestic Product (GDP) (Nigeria Extractive Industries Transparency Initiative [NEITI], 2022; Varella, 2021). The oil sector has hitherto contributed to government revenue, and increased foreign exchange reserves (Odularu, 2007). Between the years 2000 and 2009, the total oil revenue generated into the Federal government's account was =N=34.2 trillion approximately, 82.36%, while non-oil revenue generated amounts to about =N=7.3 trillion, an approximate 17.64% added to the country's income (Ogbonna & Ebimobowei, 2012). As of 2015, the Nigeria Petroleum industry contributes about 9% of its GDP (Omoregie, 2018).

Yet, the abundance of oil has not necessarily translated into economic development in the country. Nigeria continues to face developmental challenges, citizens experience a lack of income and opportunities, and as a result, an increase in the rate of poverty (World Bank, 2021). Only a few citizens are beneficiaries of the oil wealth – the oil extraction companies

earned profit from the foreign exchange made possible by the exportation of oil, the government benefits from the petroleum profit taxes, royalties, and land rents paid and enjoys the joint venture of the Nigerian National Petroleum Company (NNPC), the traditional chiefs also benefit from the compensations paid by the extraction companies which are also not equally distributed to the members of the host communities (Stanley, 1990). Irogbe (2013) infers that the few elites in Nigeria who continuously exploit the oppressed citizens, ally with the multinational oil extraction companies to protect their investments in the country. The host communities of oil extraction activities are very poor and laid back, they live in squalor (Ojakorotu, 2010).

South Africa is the world's largest producer of the Platinum Group of Metals (platinum, palladium, iridium, osmium, ruthenium, and rhodium); it is also Africa's most industrial country (Bakari, 2017). In 2006, about 200,000 individuals were employed by the platinum industry, about 9.9 million ounces of the natural resource were produced, valued at R65 billion. The total production of PGM between 1980 and 2015 is valued at US$170 billion (African News Agency, 2019). The United States Geological Survey in 2009 reveals that South Africa has about 88% of the world's reserve base of platinum group metals. Thormann and colleagues (2017) note that, of the world's mine production of 146,000kg of platinum in 2014, South Africa produced about, 93,991kg. Between 2010 and 2015, the share of open-pit of mining platinum group metals increased by 10% (Mudd & Glaister, 2009). In 2012, Lonmin Plc which is the world's third-largest producer of the PGM daily earned an estimate of $6m (Marinovich, 2015). In 2018 also, the platinum industry generated a revenue of about R96 billion, a total of R48 billion was paid to employees, and R900 million was paid as royalties to the government of the Republic of South Africa (Odendaal, 2019).

Table 2.2: Outline of the natural resources endowment of South Africa

PROVINCES IN SOUTH AFRICA	NATURAL RESOURCES PROFILE
KwaZulu-Natal	Lime, slate, titanium, granite, sand, stone quarries
Free State	Shales, Mudstones, sandstones, diamonds, gold
Eastern Cape	grazing land, forest, rich farming soils
Northern Cape	manganese, tungsten, zinc, lead, asbestos, iron ore, limestone
Mpumalanga	coal, chromite, magnetite, vanadium, nickel
Limpopo	Platinum Group Metals, iron ore, chromium, coal, diamonds, antimony, phosphate, copper, gold, emeralds, magnetite, vermiculite, silicon, mica
Western Cape	granite, brick clay, uranium, limestone, dolomite, diamonds, silica sand, plastic clay, gypsum, bentonite, salt, phosphate
North West	platinum group metals, stone, granite, gold, diamond, vanadium, slate, limestone, nickel, zinc, phosphate, manganese
Gauteng	gold, diamond

Source: Developed by the researcher

Like in the cases of some resource-rich countries in Africa, South Africa is still a developing country with a high rate of unemployment and poverty (Bakari, 2017). Platinum extraction activities in Marikana have rendered the host communities worse off than they used to be.

The working and living conditions of mineworkers are poor and dangerous, platinum mine workers are also unfairly remunerated (Donovan & Lukhele, 2013). The miners live in shacks in host communities that lack basic amenities such as; portable water, a good road network, medical facilities, electricity, and sewage disposal system (Benya, 2017; Marinovich, 2015). The environment of platinum extraction activities is polluted and the soil is degraded. Peasants can no longer cultivate crops nor rear livestock. Members of the host communities suffer from ailments and diseases such as cardiovascular diseases and bronchitis as a result of sulphur dioxide emitted into the atmosphere (Bench Marks Foundation, 2013; Cairncross, 2014; Van Wyk, 2015; Benya, 2017).

Amusan (2018) believes that Africa has a rich deposit of raw materials that continuously attract MNCs to scramble for their resources. Unfortunately, the presence of multinational natural resources extraction activities in Nigeria and South Africa has led to perpetual environmental and health hazards, particularly in the host communities. One may agree with Ojakorotu (2010, p. 46) that natural resources extraction in the third world is characterized by 'exploitation, environmental degradation, and pollution. Hence, the notion that the presence of resources extraction companies will result in the reduction or eradication of poverty is just but a fantasy (Amusan, 2018).

2.2.6 Natural Resources and State-Society relations in Nigeria and South Africa

Host communities of the oil extraction companies have the notion that oil produced in Nigeria and of course gotten from their land is the mainstay of the Nigerian economy. This group of people perceives there is an inequity in the distribution of the oil. Obi (2006) notes that the people perceive that they are being marginalized and the whole nation only feeds on the proceeds of their land, while they bear the burden of a degraded environment and loss of livelihood. The host communities of Ogoniland believe that as long as oil is extracted on their land, the government of Nigeria must grant them an extent of control over the natural resource, that is, the land and the proceeds of it (Obi, 2007).

Although SPDC and its joint venture earn a fortune from the oil extraction activities in Ogoniland, the members of the host communities have not recorded satisfactory benefits, for instance; members of the host communities are not necessarily employed by SPDC, the area

does not have adequate basic social amenities, the environment is polluted and has hampered the indigenous economies of the members of the host communities. There is no consideration for the members of the host communities to own and control the oil thereupon, yet the national economy is being sustained by the proceeds of the land (Boele et al., 2001a; Obi, 2007).

Fentiman and Zabbey (2015) with an ethnographical approach examine the adverse impact of environmental degradation on the cultural heritage of the host communities. The interactive research conducted in the Bodo community of Ogoniland reveals that the individuals are aggrieved at the fact that the 2008 oil spills, in particular, have hampered the cultural, social, and economic life of the host communities. The members of the host communities believe strongly that the contamination of the water bodies have caused the water spirits (who watch over them) to neglect the community. As a result, more people are sad, hungry, sick, and possessed (Fentiman & Zabbey, 2015, p. 620). Ideally, however, the Ogonis are daily exposed to surface water or groundwater that is contaminated by petroleum hydrocarbons, which has not only affected the people's health but also hampered the growth of aquatic animals, livestock and crops (United Nations Environment Programme [UNEP], 2011).

The Movement for the Survival of Ogoni People (MOSOP) championed by Kenule Beesom Saro-Wiwa was organized in the early '90s as a non-violent critique of the activities of the government and the multinational oil extraction companies in the oil-producing areas of the Niger Delta region of Nigeria, particularly the Ogoniland (Boele et al., 2001a). MOSOP emerged having perceived the need to; protect the Ogoni environment, advocate for socio-economic development for the region, and campaign for self-determination (Ogoni Bill of Rights, 1991). Non-violent demonstrations and protests were carried out regularly to condemn the oil extraction activities of the SPDC.

Clarence (n.d) points out a significant non-violent protest held on 4th January 1993, where about 300,000 members of the Ogoniland participated in, to actively resist the activities of the SPDC. This particular protest may be said to have yielded a fair result as it saw the withdrawal of SPDC from Ogoniland, with claims that the members of the host communities were hostile. Nevertheless, in the second quarter of the same year, SPDC with the Nigerian

government's military protection got back on the land to construct pipelines that to date transport crude oil across Ogoniland (Boele, 1995; Boele et al., 2001a; Clarence, 2007; UNEP, 2011).

In the course of one of the youth protests in the Gokana Kingdom - a community on the Ogoniland, four Ogoni leaders were murdered in May 1994. The military government pointed accusing fingers at the leaders of MOSOP who were immediately arrested. Following their detention and the verdict of the Special Tribunal, in October 1995, Ken Saro-Wiwa and eight other members of MOSOP were sentenced to death (Boele et al., 2001a; Clarence, 2007; UNEP, 2011).

Following the interruption of the protests of the Ogoni in 1993 and the execution of the members of the Movement for the Survival of the Ogoni People (MOSOP) in 1995, host communities have experienced a relative 'slowdown of campaign activities, the decline in resources and a diminishing potential to challenge the state significantly' (Demirel-Pegg & Pegg, 2015, p. 655). The cost of participation seems cumbersome especially when the protests do not yield expected results. These limitations notwithstanding, the host communities till recent times have devised varying alternative means to express their dissatisfaction (Demirel-Pegg & Pegg, 2015; Naanen, 2019, p. 708).

Dibua (2005) asserts that the cause of reactions of host communities in Ogoniland is hinged majorly on the 'neglect and dispossession' of the Ogonis from the benefits of oil resources found on their land. The more the host communities feel marginalized from the benefits of the resource, the more they agitate for the control of oil resources. Dibua (2005) suggests that to meet the demands of the host communities, a 'true and fiscal federal' system of revenue governance be implemented. In other words, the government at all levels as well as the host communities should be granted access to the oil revenue. By so doing, host communities may exercise control over the oil benefits and have a sense of citizenship or belonging.

Naanen, (2015) upon conducting a field investigation in Rivers state where Ogoniland is located finds that 'illegal bunkering' or 'oil theft' is one of the manners of host communities' reactions. He further reveals that most of the individuals involved in this practice are not necessarily poor but protesting against the form of extraction governance which leaves

unresolved the 'issue of resource ownership and benefit-sharing (Naanen, 2015, p. 702) between the government and host communities where the oil resource is produced. In Naanen's (2015) opinion, to tackle this form of reaction, the case of 'oil theft' should be treated as a form of protest and not as a criminal case. More so, similar to Dibua's (2005) suggestion, Naanen (2015) concludes that to experience sustainable peace in the region, 'equitable resource governance' must be practiced.

Mnwana (2015) conducts ethnographic research in the Bafokeng and Bakgatla-ba-Kgafela areas of the North West province of South Africa. He discovered that the extraction of platinum in this region has allowed for an influx of migrants who are also workers at the mine. There tends to be a disparity among the host communities, where the locals and migrants struggle for belonging. When this happens, there is a contest for who should and should not benefit from the profits of the platinum extraction activities in the area. Already the influx of migrants has resulted in an increased population in the host communities of the platinum extraction company – Lonmin Plc, with limited or no basic social amenities (Mnwana, 2015). This also fuels hostile reactions from the host communities. The extraction company may feign ignorance of the cause of the reactions provided it has given revenues to the traditional authorities who are expected to ensure equal distribution.

Rubin and Harrison (2015) explain that there are 'multiple intersecting variables' to understanding the reactions of the host communities in the Marikana region. A historic chronology of land occupation and settlement provided by the authors explains the host communities' claim for ownership of the land on which the operations of the platinum company take place. Some of the concerns of the host communities also include; the lack of consultation with the communities before the occupation of their agrarian lands; unequal benefits of the compensation given by the platinum extraction company, damages to the houses as a result of blasting operations, and the pollution of air and water. Although acknowledging these concerns as contributing factors to the host communities' reactions, Rubin and Harrison (2015, p. 149) opine that these hostile reactions of the host communities occur as a result of the feelings of 'deprivation and inequalities'.

Similar to Rubin and Harrison's (2015) study, Mujere's (2015) analysis shows that the host communities feel a sense of entitlement to their lands. Lonmin Plc continuously confiscates their agrarian land, thereby rendering farmers more or less useless. Slime dams are built close to the farmlands polluting the water and making the farmlands lose their fertility (Bench Mark Foundation, 2012 &2013). If the platinum extraction company deprives them of their farmlands and means of livelihood (peasantry), they are by all means entitled to commensurate service delivery benefits. Host communities, therefore, demand employment opportunities and recognition; the relevant traditional authorities and the exploration companies are compelled to provide basic social amenities Mujere (2015, p. 242).

The platinum industry has hitherto generated wealth for South Africa, despite this, the workers at the platinum extraction companies and the host communities live and work in a non-conducive environment (Benya, 2015; Marinovich, 2015; Mnwana, 2015; Twala, 2012). The condition of the host communities of Lonmin Plc is appalling (Marinovich, 2015). It is perceived that the African National Congress (ANC) government of South Africa deliberately failed to address the plight of workers and host communities' members of Lonmin Plc despite incessant strikes and complaints (Twala, 2012). Twala (2012, p.64) further notes that the general notion is that the government in power is 'obsessed with patronage rather than dealing with the plight of the mineworkers in Marikana.

Twala (2012) also notes that the mineworkers' unions National Union of Mineworkers (NUM) and the Association of Mineworkers and Construction Union (AMCU) rather than collaborate efforts to address the plight of Lonmin Plc workers, recognize each other as rivals. The members of the two unions loathed themselves over the supremacy of the mining sector (Sinwell, 2013). It, therefore, becomes difficult to represent the workers before the government or the company authorities, such that the living and working conditions of these workers and host communities may be addressed.

Sinwell (2013) opines that the workers at Lonmin Plc had no initial intention to have a bloody strike, all they demanded from the management of the platinum extraction company was an increase in the salaries – at least a better living wage. The demand applied to the other two platinum extraction companies (Impala and Amplats). One of the workers at the

mines who had alongside some other workers neglected the affiliation of the mineworkers' unions at the time considered the possibility of earning R12,500 as against the R4,000 they earned at the time. Other workers capitalized on this particular demand and began a series of negotiations with the management (Sinwell, 2013).

The workers were not able to reach a consensus with the management of Lonmin Plc. The salary increment of R750 or R500 depending on the level of the worker would not sit well with them, the R12,500 seemed to be deep-seated in them (Sinwell, 2013). On 9th August 2012, about 3000 workers had gathered at the Wonderkop Stadium where they all were in one accord determined to approach the management with their demands. On 16th August, in the course of their gathering, armed policemen shot at them and killed some of the workers, leaving several others injured. This event got the attention of the international community and has been vehemently condemned (Alexander, 2013; Sinwell, 2013; Twala, 2012).

Benya (2015) explains how the demands of the workers were in agreement with the members of the host communities, such that they got the support of the former. Members of the host communities of Lonmin Plc think that if their relatives who are workers in the platinum extraction company were well remunerated, there is a possibility of providing their family members back home with decent lives. Many members of the host communities identified with the struggles of the workers at Marikana, this solidarity was all in a bid to achieve a better life for both the workers and the host communities (Benya, 2015; Marinovich, 2015).

The recurring 'struggles for equivalence' have been associated with violence and loss. The Marikana event for instance left about 34 workers dead (Alexander, 2013; Mnwana, 2015; Sinwell, 2013). The capital loss of the platinum extraction companies was estimated at $1,702,684,000. The striking workers also lost an estimated amount of $756,742,000. The strike was succeeded by a five-month strike in 2014 led by the Association of the Mineworkers and Construction Union (AMCU), leaving employers and employees financially constrained (Mnwana, 2015, p. 158; Sinwell, 2013, p. 94).

2.2.7 Resource Politics and Dispute Resolution in Nigeria and South Africa

The growth of the natural resource extraction industry though boosted the South African economy, has allowed for the disempowerment of the peasants and other indigenous ventures

in the host communities (Horne, 2015). The natural resources extraction sector of South Africa, dating back to the apartheid era, is characterised by ‘inequality, mistreatment, and economic exploitation of domestic and migrant workforce’ (Centre for Applied and Legal Studies [CALS], 2017, p. 8). In the post–Apartheid era and with the democratic dispensation, the narrative to a large extent has not changed; workers are poorly remunerated and the host communities are exposed to severe health hazards, hence the workers' and host communities’ often agitations.

In Marikana for instance, the members of the host communities have complained of relegation and being ripped off the control or ownership of the platinum being extracted by Lonmin Plc. Imperatively, the area experiences ecological degradation as a result of the extraction activities in the area. This has resulted in hostile reactions and incessant disputes between the workers/host communities and the government and the platinum extraction company – Lonmin Plc.

In a bid to douse all tensions and resolve disputes, certain mechanisms have been provided. To promote equal opportunity and access to the services of the government, to ensure the economic empowerment of black people of all ages, particularly those in the rural areas and to generally ensure an inclusive economy, the Broad-Based Black Economic Empowerment (B-BBEE) Act 53 of 2003 as amended by Act 46 of 2013 was enacted (B-BBEE Commission, 2016). Horne further notes that the B-BBEE was enacted to ensure economic participation of the Historically Disadvantaged South Africans (HDSA) such that citizens may own shares and have the opportunities to take up management roles in the extraction industry. More so, by the B-BBEE, the issues of unemployment, poverty and the lack of basic social amenities may be addressed, unfortunately, these issues seemed to linger in Lonmin Plc (Horne, 2015&2017), resulting in persistent hostile reactions from host communities and workers.

The MPRDA of 2002 was also enacted to make certain that the HDSAs are opportune to participate in the extractive sector, and also to allow for the development of the affected communities through the mining sector (CALS, 2017; Horne, 2015&2017; MPRDA 2002). Section 39 of the MPRDA 2002 provides for the establishment of a Regional Mining

Development and Environmental Committee for every region where natural resources may be extracted. Subsection (2) specifies that this committee with expertise in mining development addresses social and labour issues in host communities where extraction activities take place.

Sections 40 – 46 of the MPRDA 2002 provides for the establishment of a Social and Labour Plan (SLP) for every company in the resources extraction industry. Among the objectives of the SLP as stated in Section 42 is to promote employment and the social and economic welfare of All South Africans. More so, it is to ensure that the natural resources extraction companies contribute to the socio-economic development of their host communities. Section 45 of the MPRDA 2002 mandates resources extraction companies to submit, yearly, reports on compliance with the provisions of the SLP to the appointed Regional Manager of the Department of Mineral Resources (DMR).

Lonmin's Report (2015) explains that as features of its SLP, it is committed to the improvement of the living conditions of the workers and their families, to ensure increased productivity in the workplace. As such, integrated human settlement strategies have been developed; about R387 million has been spent in the conversion of 128 hostel blocks into renovated apartments (Lonmin, 2015). More so, over a thousand units of two-bedroom apartments have been made available by the Marikana Housing Development Company – a non-profit organisation to be sold to workers at affordable rates (Lonmin, 2015). Lonmin (2015) also states that it has been committed to the health care of the workers and the host communities, and infrastructural development in the host communities. More so, the GreenHouse Gas emission protocols developed by the World Business Council have been strictly adhered to.

According to CALS (2017), the 'Marikana Massacre' and subsequent protest actions only attest to the fact that mechanisms to resolve the disputes and generate positive reactions have not been effective. For instance, Amnesty International (2016) recalls that Lonmin in its SLP 2006 promised to build 5,500 houses by 2011, but by 2012, only three had been built. The Farlam Commission as well realized that Lonmin had not complied totally with its SLP, hence the tension and unrest in the host communities. Snyman and Krause think that if the

programmes in the SLP were carefully implemented, alongside meaningful consultation with workers and host communities and the cooperation of the government, disputes and tensions might be reduced to the barest minimum level.

Nigeria's annual oil production is valued at over 93.1 million metric tonnes, and about 80% of the national revenue is generated from the oil and gas sector. The bulk of the oil produced is gotten from the Niger Delta region of Nigeria wherein the Ogoniland is also situated. More than 80% of this region is affected by the activities of the oil extraction companies; SPDC in Ogoniland being the largest as its oil production daily accounts for about 42.2% (Linden & Palsson, 2013; Lugard, 2014). Yet, as noted by the United Nations Development Programme (UNDP, 2006), the entire Niger Delta region suffers from 'administrative neglect, crumbling social infrastructure and service, high unemployment, social deprivation, filth, abject poverty and conflict'. Ogoniland in particular suffers from ecological degradation and pollution, poverty and ill-health among members of the host communities (Hennchen, 2015; UNEP, 2011).

The hostile reactions, protests and violence of the host communities led to the shutdown of the presence of SPDC in Ogoniland in 1993 (Manby, 2000; UNEP, 2011). Yet, crude and refined oil products of SPDC is transported through pipelines. UNEP (2011) records that one of the major pipelines runs through to the export terminal at Bonny, another runs from Bonny terminal through Port Harcourt refinery and another from Port Harcourt refinery through to Umu Nwa Nwa. All of these pipelines run through Ogoniland, rusting and causing oil spillage thereby degrading the water bodies and earth surface (Linden & Palsson, 2013; Lugard, 2014; Naanen, 2015; UNEP, 2011).

As demanded by the Federal Government of Nigeria, between 2009 and 2011, UNEP assessed the extent of the impact of oil pollution in Ogoniland. Rivers State University of Science and Technology, the Federal Government of Nigeria, agencies at the three tiers of government, and community groups worked as a team in assessing the issues regarding the land, water, vegetation, health and air pollution in Ogoniland. The exercise was all in a bid to develop measures to remedy the poor condition of the environment and bring it up to the level acceptable by international standards. The results and recommendations were published

in the UNEP 2011 Report for the attention and action of all stakeholders (Linden & Palsson, 2013).

Nevertheless, in 2013, a district court in The Hague found SPDC guilty of oil pollution and the neglect of spelt-out duties to ensure its activities are not harmful to the host communities. In the headquarters, a team of four individuals who had prior knowledge of the issues of SPDC and its host communities was appointed to partner with the local governments in Nigeria, non-governmental organizations and academia to manage SPDC and host communities' relations (Hennchen, 2015). SPDC began the implementation of the sustainable community development (SCD) framework, which it adopted in 2009 to foster stakeholder relations and completion of abandoned community projects. In partnership with USAID, SPDC provided for a group of people in the host communities, cassava processing mills that could produce daily, two tonnes of cassava flour for local and international consumption based on the demand for it (Oghenerobo, 2019).

Despite the mechanisms applied to resolve disputes such as the creation of development projects, the relationship between SPDC, the government and the host communities, continues to be a sour one coupled with hostile reactions towards the oil extraction activities in Ogoniland. The host communities are perpetually characterised by poverty, underdevelopment and filth. One may deduce that the dispute resolution mechanism particularly in the form of CSRs has not perfectly satisfied the demands of the host communities (Aaron, 2011; Frynas, 2001). In the analysis of Aaron (2011), he believes that the efforts of SPDC to douse tensions may not be sufficient. The principal aim of the SPDC in Ogoniland is the maximisation of profit (Lugard, 2014), as against the Ogoni demands of the control and ownership of proceeds from the land (Boele et al., 2001a). It is also difficult for SPDC to fill up the development gap that has been created by the Nigerian government in Ogoniland. While the efforts on developmental projects and the fostering of a decent relationship between the oil extraction communities and the host communities may reduce the possibility of hostile reactions by members of the host communities, it has not curbed it wholly (Manby, 2000).

2.3 THEORETICAL REVIEW

2.3.1 Frustration – Aggression Theory

This study considers the frustration-aggression (F – A) theory. This theory was enhanced by John Dollard and his colleagues in 1939 from Yale University. It was however modified by scholars such as Karl Menninger and J.P Seward. The theory assumes that frustration always births aggressive behaviours. Frustration according to these proponents is defined as "an interference with the occurrence of an instigated-goal response at its proper time in behaviour sequence". When interference or barrier to attaining a goal is continuously experienced, an extra amount of energy is mobilized which tends to overflow into a generalized negative behaviour (Dollard et al., 1980, p. 5).

The theory posits that individuals tend to be more aggressive when perpetually obstructed from achieving their objectives; but when gradually allowed to attain these objectives, individuals tend to be less aggressive. Hence, as long as there is an obstruction to the achievements of goals of individuals, they continue to exhibit aggressive behaviours at the perceived object of obstruction.

There is yet an extension of this proposition. The proponents further submit that aggression may be displaced (Dollard et al., 1939; Miller, 1944). In other words, the aggrieved individual becomes less aggressive having vented his anger on a substitute target who is not the actual object of the frustration. In this case, according to the theory, the aggrieved individual though experiences an urge to attack whatever obstruction in the way of his goal, attacks only a substitute target. There is a possibility that the direct barrier target may be physically, psychologically, or socially resistant to attack from the frustrated individual or such attack may attract punishment. The displacement of aggression finds individual directing aggression towards someone or something not responsible for his frustration. A scapegoat is used as a target intended to wish injury to the interfering agent.

While it is true that frustrated individuals may become aggressive towards whatever system impeding the attainment of their goals, there is also a possibility of individuals expressing aggressive behaviours as a strategy to prevent efforts that may disturb the attainment of their expected goals. On some other occasions, individuals also tend to be aggressive towards a

system, having borne a preconceived notion that their aggressive behaviours will fetch them the benefits they expect (Berkowitz, 1989, p. 62).

It may be deduced from the Frustration-Aggression theory that individuals having perceived that they have been hindered from getting a particular goal to become frustrated and react aggressively to the perceived obstacle. This submission is more or less common sense (Dennen, 2005).

Berkowitz's (1989) analysis of the Frustration- Aggression hypothesis somewhat describes the aggressive reactions of the host communities in Ogoniland and Marikana. He opines that aggressive reactions are displayed when the thwarting is socially justifiable. The effects of the natural resources extraction activities of the multinational companies in their respective host communities can be said to be socially improper. The fact that these activities affect negatively the very existence of the host communities is prone to result in aggressive reactions towards the multinational companies. Ideally, for instance, the host communities of Ogoniland and Marikana must have expected that the extraction of the natural resources on their lands will usher in prosperity to the lands. When reality then sets in that the host communities may experience more negative impacts than good impacts, they become frustrated and aggrieved, and reacted unpleasantly (Naanen, 2019; Schutte, & Lukhele, 2013).

The frustration-aggression patterns are to a large extent dependent on the orientation of a particular society. A society that does not hold such values that allow for violent, aggressive and hostile behaviours due to the thwarting of an objective is likely to devise a more peaceful means to getting the instigator to pave way for the actualization of its expectations. It, therefore, behoves societies in general, and particularly the host communities where the natural resources extraction activities take place to develop means to manage the aggressive impulse of its members (Bandura, 1978). Multinational companies must also perform extraction activities with some level of humanism and the application of critical thinking (Degesys, 2008, as cited in Ramsbotham et al., 2011) to ease the negative effects of its activities on the host communities.

2.3.2 Relative Deprivation Theory

Relative deprivation was coined by Stouffer and his colleagues during their World War II research on the US Army in their book title The American Soldiers (Peng et al., 2016; Smith & Pettigrew, 2012). The term was used by the researchers to mean that subjective feelings by group or individuals on their socio-political status is not a reflection of their objective status. Peng et al. (2016) noted that Merton and Kitt introduced the concept of reference group into the relative deprivation theory. It is this reference group that individuals or groups used to assess their situation and modify their behaviour.

Runciman (1966, p. 10) discusses relative deprivation, noting that,

> "If A, who does not have something but wants it, compares himself to B, who does have it, then A is 'relatively deprived' with reference to B. Similarly, if A's expectations are higher than B's, or if he was better off than B in the past, he may when similarly placed to B feel relatively deprived by comparison with him" (Runciman, 1966, p.10).

In this study, the host communities of Ogoniland want a clean environment, a restoration of their indigenous economy and benefits of the oil extracted by the SPDC in their area, but do not have it as SPDC has deprived them of these basic benefits and amenities (Agena, 2007; Aigbedion & Iyayi, 2007). Similarly, the host communities of Marikana demand for better living and working conditions, increment in wages and a conducive environment that Lonmin has deprived them of (Alexander, 2013). As compared to the other staff within the company, the Lonmin workers feel relatively deprived (Allen, 2012). And Ogonis believe that they were better of as a community before the destruction of their environment and indigenous economy was made possible by SPDC (Allen, 2012).

Smith & Pettigrew (2015, p. 2) also defined relative deprivation as, "a judgment that one or one's ingroup is disadvantaged compared to a relevant referent, and that this judgment invokes feelings of anger, resentment, and entitlement" (Smith & Pettigrew, 2015, p.2).

The host communities of Marikana feel disadvantaged and of lesser value than the owners of Lonmin who live in a better environment and well-equipped or standard housing units than theirs, and this is after the platinum extraction activities have terribly destroyed their

environment (Anstey, 2011; Bahadur et al., 2017). The host communities of Ogoniland understand that SPDC enjoys the proceeds of their area, yet destroys the Ogoni environment and the people's means of survival (Amnesty International, 2011, 2013, 2016).

Gurr (1970) made an important contribution to the development of relative deprivation in his book "Why Men Rebel". Gurr noted that relative deprivation is derived from an individual perception of the imbalance between value expectation and value capability. Individuals or groups believed that they are relatively deprived if their expectations do not meet what they get. There was an influx of migrants from within and without South Africa into Marikana, with the expectation of getting employed and having a better standard of living (Bench Mark Foundation, 2013; Benya, 2015). The reality however is different from the expectation of these people. There are hardly any benefits of being a RDO at Lonmin.

Li (2005) identified three sources of value expectations as a reference group, past living conditions and philosophy of justice. These sources have further borne three types of relative deprivation. Relative deprivation is based on philosophy of value, which is as a result of when people compare their social status with local value standard. Latitudinal relative deprivation derived when compared with reference group and Longitudinal relative deprivation, was ascertained when compared with past living conditions (Peng et al., 2016). The members of the host communities of Ogoniland for instance were better off before the environmental degradation from incessant oil spills (Naanen, 2015, 2019).

Smith & Pettigrew (2012) aver that Runciman (1966) divided relative deprivation into two forms, egoistic and fraternal. Egoistic Relative deprivation is individual while fraternal is about the group. This study is more concerned with the group–host communities in Ogoniland and Marikana. Crosby (1976) cited in Bernstein & Crosby (1980) observed that for an individual or group to be identified as relatively deprived, five preconditions must be present;

a. An individual or group wants X.
b. The individual or group compares themselves to a similar individual or group in possession of X.
c. The individual or group feels entitled to X.

d. The individual or group sees that it is possible to get X.
e. The individual or group does not see their failure to get X as their own fault (Crosby, 1976 cited in Bernstein & Crosby, 1980).

The above preconditions of relative deprivation theory indicate that the perception of a relatively deprived group may revolve around social, economic and political disadvantaged circumstances. These individuals or groups will have to identify what they are lacking in their socio-political context. These deprivations are determined by the context and it can be anything, hence the reason for its relativeness. The deprivations could be values, resource control, sense of belonging, or non-inclusiveness (Bernstein & Crosby, 1980).

Relative deprivation is established by comparison and perception. Smith & Pettigrew (2012) noted that relative deprivation is comparative. The theory becomes obvious and can only be valid when an individual or group compares their status with that of another (Webber, 2007). Thus, using their objective status to determine their subjective evaluations. Relative deprivation can be deployed to explain why people do not protest despite obvious inequalities, and why people protest despite them being objectively advantaged (Smith & Pettigrew, 2012).

For the purpose of this study, the relative deprivation theory is employed to explain the reactions of host communities in Ogoniland and Marikana to oil and platinum extraction activities in their respective areas. Peng et al. (2016) asserted that relative deprivation results in anger and resentment towards the perceived entity that caused the deprivation. This could transform into various forms of actions that will be determined by the actors involved. The relatively deprived host communities of Ogoniland and Marikana have resorted to protests, strike actions and illegal artisanal natural resources extraction activities (Boëttger, & Rathbone, 2016; Naanen, 2019).

Smith and Pettigrew (2012) noted that political protest, attempts to change the social system through social movements, petitions, riots, and socio-political sabotaging are popular actions taken by relatively deprived groups – as is the case with members of host communities of Ogoniland and Marikana. Individual relative deprivation on the other hand is accompanied by the feeling of stress, anxiety, depression, and other forms of health deterioration. Hence,

individuals may engage in self-improvement to mitigate their relative deprivation (Pettigrew, 2002). In a study of employees feeling relatively deprived of participating in developmental activities in the organization, Zoogah (2010) discovered that they embraced self-improvement to even their present and future disadvantages.

Relative Deprivation theory is relevant when there is a comparison of social status and feeling of entitlement to what the reference group possessed. The reference group is contextually determined as it could mean different things. It could be an individual, group, or institution. The theory is used across disciplines of political science, sociology and psychology to determine and measure individual or group propensity to action when they feel deprived of resources or values (Pettigrew, 2002; Smith & Pettigrew, 2012).

2.3.3 Group Theory

The Group theory is also reviewed as an explanatory model for natural resources extraction in Ogoniland and Marikana. The Group theory is proposed by Arthur Bentley (1908) in his work 'The process of government', and further elaborated by David Truman (1951) in his work 'The governmental process' (Bentley, 2013; Jordan, 2000). Group theory clearly explains that individuals in a given society operate in different interest groups to influence decisions in a society, and when the groups are well organized, all things fall in their place (Enemuo, 1999, p. 24; Samson, 1978, p. 1). This to a large extent describes politics and its processes in any given society concerning groups.

The Group theory for instance explains the relationship that exists among 'interest groups, the legislatures and executive agencies' as it concerns the development of the policies guiding the extraction of natural resources (Francis, 1990, p. 270). These policies are adopted based on negotiations between the interest groups, the executive or administrative agencies and the legislatures (Garceau, 1958, p. 107). Francis (1990, p. 270) refers to this relationship as the 'iron triangle'.

The relationship that exists between the interest groups (the natural resources companies), lawmakers and executives (the tiers of governments) to a large extent amounts to the controversies over the environmental challenges that in turn result in the reactions of host communities (Francis, 1990, p. 271). This is, largely, because every group has its particular

competing interests (Pagan, 2007. p. 3). Unfortunately, while one group (particularly the 'iron triangle') benefits from the economic proceeds of the natural resources extraction activities, the other group (in this case, the host communities) bears the impact of the oil and platinum extraction activities. These include the loss of means of livelihood, environmental pollution and health hazards. More so, the relationship existing with the iron triangle brings about 'bureaucratic autonomy' that the policymakers hold in the governance of the public lands and the natural resources embedded in them. The interest of the iron triangle is more often than not the economic benefits accruable to the natural resources companies and the government. On the other hand, the host communities whose major interest is enjoying an unpolluted environment have been deprived of this (Francis, 1990, pp. 272-274).

According to Nelson (1983), (as cited in Francis, 1990, p. 274), although policies have been designed to guide the natural resources extraction activities in Nigeria and South Africa, the implementation of the policies has been 'largely ineffective or counter-productive'. It can be deduced from Nelson's submission that the failure of the public sector to constantly enforce adherence of the natural resources extraction companies to the policy guidelines is a major cause for the irresponsible manners of extraction. It is therefore against this background that the host communities react on the negative persistently. The interests of the natural resources extraction companies and relevant government agencies have largely impeded rather than contribute to the achievement of sustainable policy guidelines as it relates to the survival of the host communities (Garceau, 1958, pp. 107-112).

The theory of Relative Deprivation explains the reactions of host communities to natural resources extraction activities, that is, giving an insight into the possible causes of hostile reactions of host community members in Ogoniland and Marikana to the natural resources extraction activities therein. The Group theory explains the politics associated with the extraction of natural resources in Ogoniland and Marikana. That is, the reality that powers are concentrated in the hands of a selected few, in this case, the government, the resource extraction companies and some leaders who are representatives of the host community members. Unfortunately, the interests of affected host community members are not wholly represented, thereby resulting in their bitterness and hostile reactions (Lukhele, 2015; Naanen, 2015).

To understand the presumed link between the Frustration – Aggression theory and the RD theory, Gurr's description of Relative Deprivation is considered. The cause of Relative Deprivation according to Gurr (1970), as cited by Peng et al., (2016, p. 736), 'is an individual's perception of the discordance between value expectation (one's expectation of social status that he or she deserves) and value capability (one's capability to achieve and maintain the social status that he or she has)'. A group of people who have expected improvements from a particular development are likely to feel aggrieved and be violent if their expectations are not met. Frustration arises from the inability to satisfy the just wants of individuals. This frustration further brings about the possibility of 'collective violence' or aggression (Rummel, 1977). In sum, while Relative Deprivation is borne out of the discrepancy that exists between anticipations and certainties, the frustration of not gratifying the 'needs, wants and desires of individuals lead to aggression, hence the Frustration – Aggression theory (Rummel, 1977).

2.4 THEORETICAL FRAMEWORK

The theory of Relative Deprivation (RD) is employed to guide this study.

The RD theory largely gives a social psychological insight to understanding human behaviour (particularly, the reactions of the host communities to natural resources extraction in Ogoni and Marikana). The RD theory proposed by Samuel Stouffer and his colleagues (Suchman, DeVinney, Star, and Williams, 1949) explains the relationship that existed among the American soldier in World War II. Stouffer et al., (1949) describe Relative Deprivation as 'an unbalanced psychological experience perceived by the people who compare the situation they are in to others or their past conditions and realise that they have less of what they believed themselves to be entitled than those referenced'.

Stouffer and his colleagues (1949) inferred that the American army air corpsman was more dissatisfied with their pace of promotions than the military police were with their slow pace of promotion. This implies that the military police were not relevant for comparison for the air corpsman, but, fellow air corpsman in the northern camps who had been promoted. The military policemen on the other hand were satisfied with their pace of promotion so long as it

is at a pace that is as rapid as that of other military policemen. (Pettigrew, 2015; Power, 2018; Smith et al., 2011).

Individuals evaluate their outcomes as compared with the outcome of others on a perceived similar level. Gathering from the clarification of Stouffer et al., (1949), Pettigrew (2015, p. 11) cites that, the military police compared their pace of promotion to that of the other military police and not to that of the air corpsman. In the same vein, the Southern black soldiers compared theirs to that of the Southern civilians rather than comparing their pace of promotion to that of the Northern black soldiers that could not be seen.

Essentially, the measures for the Relative Deprivation theory must indicate how individuals *feel* about certain comparisons and must be *comparative*. In other words, not every situation upon comparison makes individuals feel angry and dissatisfied. The military police for instance upon comparison with their peers were satisfied with their situation. This is a pointer to the fact that while some situations make individuals angry, some other situations may make others feel happy. On this premise, it could be argued that an attitudinal analysis void of comparative referent renders the explanation bereft of the theory of Relative Deprivation.

Pettigrew (2015, p. 12) also defines RD as 'a judgement that one or one's in-group is disadvantaged compared to a relevant referent and that this judgement invokes feelings of anger, resentment, and entitlement'. Individuals or groups having compared achievements, become dissatisfied and may organize social movements to express their grievances. Generally, the moment a group or individual feels dissatisfied or relatively deprived, there is a possibility of hostile reactions towards the group of people who have caused them to experience deprivation. A relatively deprived individual or group may go as far as organising violent protests to express their dissatisfaction with the undesirable condition, and make efforts to change it (Peng et al., 2016, p. 737). The theory of Relative Deprivation is, therefore, suitable to explain the existence of collective protests or demonstrations.

The host communities of Ogoniland and Marikana for instance who expected that their regions would benefit a level of socio-economic development from the resources extraction companies are angered as the reality is different from their expectations. The natural resource

extraction activities have rather resulted in the degradation of their farmlands and water bodies (their essential mainstay before the advent of oil and platinum extraction), allowing for a marginalized, unhealthy and impoverished region. The host communities have compared their present situation with the past situation and are dissatisfied. In Ogoniland for instance, the host community members reacted by resorting to oil bunkering, artisanal refineries and other degrees of violence (Ansa & Akinrotimi, 2018; Bodo, 2019; Brown & Tari, 2015; Lindén, & Pålsson, 2013). In Marikana also, the host community members resorted to protests and strike actions in Lonmin, such that led to the 'Marikana Massacre' in August 2012 (Alexander, 2013; Anstey, 2013; Benya, 2015; Cavvadas, 2012).

The strike actions at Marikana occurred against the backdrop of the miners' discontent of the disparity in the wages of the workers and the management. It should be noted here that the rock drill operators who were committed to the strike movement are among the top-earning private-sector workers in South Africa (Cavvadas, 2012). They tend to compare their outcomes to subjective standards in determining their satisfaction, thereby allowing for the feeling of dissatisfaction and income injustice. (Peng et al., 2016, p. 736; Power, 2018). There exists 'a discrepancy between the workers' objective income and their feelings of satisfaction. While the workers compare their wages with those of their colleagues in other mines across the country, the migrant dwellers most especially tend to compare their present condition with their past lifestyle (Grant, 2008).

The RD theory is suitable 'to study the formation of attitude from the perspective of comparison'. For instance, the Lonmin RDOs even within the same organization, considered how pivotal their roles are in the course of the platinum extraction activities, and the efforts they put into work. They realize that the remuneration gotten is largely incommensurate. Meanwhile, the workers on the higher managerial cadre in the RDOs' opinion do not exert as much energy into work as the latter, yet earn a lot more than the RDOs, and subject them to deplorable living and working conditions. This has allowed for the development of hostile attitudes towards the management of Lonmin.

The RD theory is particularly relevant in the study of social psychological issues among a disadvantaged social group' (Peng et al., 2016, p. 739). In Ogoniland, the members of the

host communities understand that the oil is gotten from their ancestral land and that proceeds from it must be shared with them, especially considering the fact that the activities involved in extracting oil from the Ogoniland have in all ways collided and disturbed their efforts for subsistence. The Ogonis feel disadvantaged and expect that the oil extraction company accords them all their privileges, the inability to achieving this, therefore, generates hostile reactions towards the company.

The RD theory is potent in analysing the causes of hostile reactions of the members of the host communities in Ogoniland and Marikana (Peng et al., 2016, pp. 736 -737). Environmental degradation, disturbance of indigenous economies, and poor living and working conditions are some of the major causes of host communities' members' (the socially disadvantaged groups, that is the workforces of companies and residents of locations of industries) reactions through protests, strike actions and vandalism of company equipment.

2.5 GAPS IN LITERATURE

The various causes of the host communities' reactions to natural resource extraction activities and the possible solutions have been examined by various scholars, yet the reactions are recurring. It becomes imperative to particularly investigate the cause for the recurrence of the host communities' reactions to resource extraction activities to ensure sustainable peace in Ogoniland and Marikana. Reviews from the literature have shown that a lot of studies (Dibua, 2005; Horne, 2015; Fentiman & Zabbey, 2015; Lugard, 2014; Magaziner & Jacobs; 2013; Mnwana, 2015; Mujere, 2015; Rubin & Harrison, 2015; Sinwell, 2013) have been done to investigate the poor attitude of the government and that of extraction companies towards the plight of host communities as the cause of reactions of host communities in Ogoni and Marikana.

Also, little has been done to empirically investigate the reason why extraction companies fail to oblige to extant environmental rules guiding their operations. Also, evidence is scarce on the poor monitoring capacity of the government to check the excesses of these companies in host communities. Importantly, there is scant evidence on how unholy romance between these extraction companies and certain community leaders or youths has provoked reactions

that have breached security in both countries (Demirel-Pegg & Pegg, 2015; Horne, 2017; Lukhele, 2015; Mnwana, 2015; Mujere, 2015; Naanen, 2019). This study, therefore, intends to bridge the hitherto identified gaps.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

This section consists of the research design, the sampling design, the research validation instruments, the data collection methods and the methods of analysis the researcher implemented in answering the research questions. More importantly, this section gives an insight into the logic behind the methods the researcher adopts for this study.

3.2 Research Design

For the purpose of this study, the qualitative method of research is adopted. The qualitative research method enables the researcher to have answers to the reason for and the manner of human behaviour,and their perception and experiences. In other words, adopting the qualitative research method for this study aids the researcher in the analysis of the reactions of the host communities to natural resources extraction in Ogoniland and Marikana, as well as proffer answers to the research questions.

3.3 Study Location

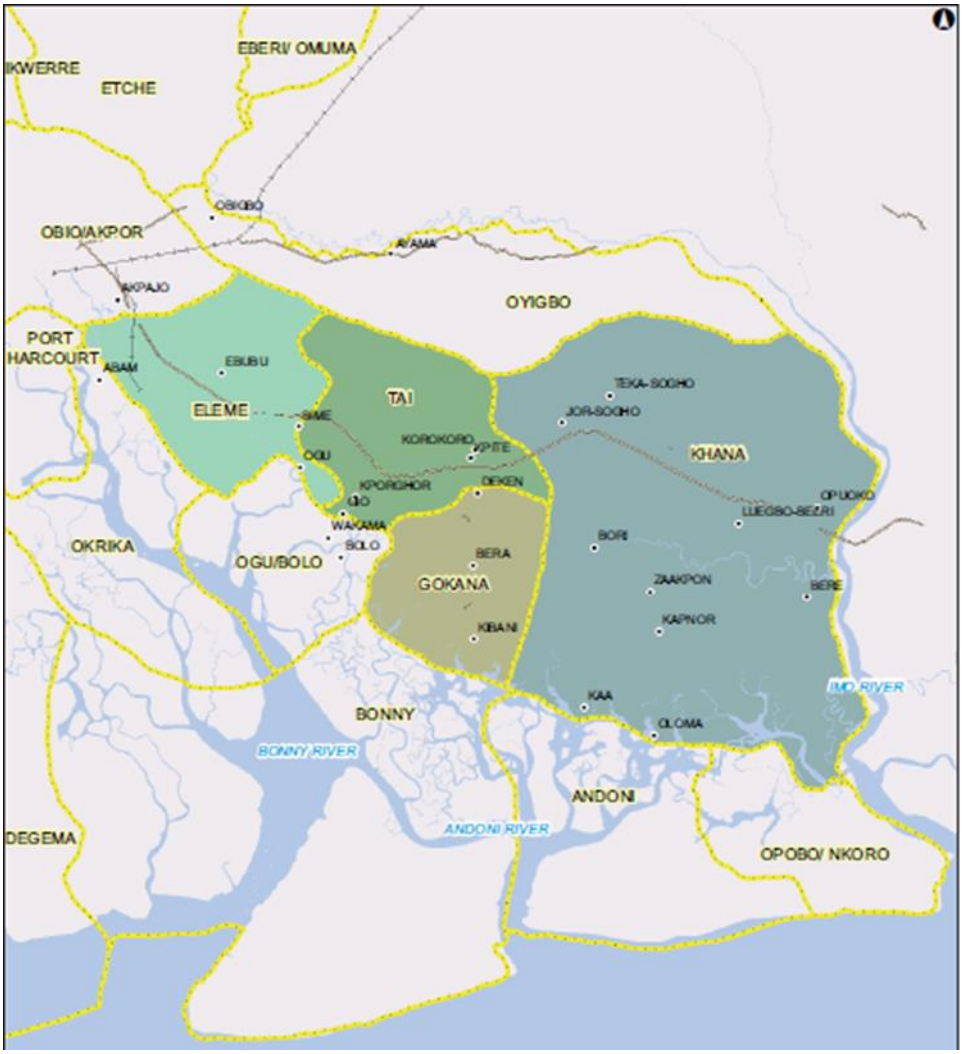
The study locations of this research are Ogoniland and Marikana in Nigeria and South Africa respectively. Nigeria and South Africa are considered as the biggest economies on the continent of Africa owing to the roles both countries play on the continent and globally, hence their selection as case studies for this research. More so, Ogoniland and Marikana are chosen due to the violent and hostile reactions of the host communities in these locations attributable to the operations of Shell Petroleum Development Company (SPDC) and Lonmin respectively that have further attracted international attention to the continent of Africa.

3.3.1 Description of Ogoniland

Ogoniland is one of the minority tribes that makes up the Niger Delta region of Nigeria, the oil-producing region of the country. The Ogoniland stretches 1000 km^2 in the southeast part of the Niger Delta region (United Nations Environmental Programme, 2011). Ogoniland has a population of about 832, 000 according to the 2006 Nigerian census. The Ogoni tribe is

presently located in Rivers State (Naanen, 1995). Ogoni consist of four local governments; Eleme, Gokana, Tai, and Khana. The area has six traditional kingdoms; Babbe, Eleme, Gokana, Ken-Khana, Nyo-Khana, and Tai.

Figure 3.1: The Map of Ogoni Land



Source: UNEP, 2011.

Ogoniland is well known as it had been a site for oil extraction activities since the 1950s. The Ogoni topography is a riverine land; it has an abundance of creeks, rivers, and stream, such that the majority of the local population are farmers and fishermen. The inhabitants rely heavily on natural resources for their livelihood (Konne, 2014). Before the discovery of oil

and the calamity it had caused on the land, Ogoniland was referred to as the "food basket of the Niger Delta" (Yakubu, 2017, p. 4). Despite the abundance of revenue generated from Ogoniland from the oil extraction activities, the host communities have been subjected to intense environmental degradation such as oil spillage, gas flaring, and destruction of farms and waterbodies (Poroma & Igwe, 2020). Hence, their source of economic survival has been destroyed by the oil extraction activities of Multinational oil corporations like the SPDC (Bob, 2002).

Figure 3.2: Map Showing creeks in Ogoni Land

Source: UNEP, 2011.

The intense damage to the Ogoni land informed the decision of the Nigerian government to constitute a neutral inspection team supervised by the United Nations Environment Programme (Konne, 2014; Igwe & Poroma, 2020). The team's area of interest covered the extents of "contaminated land and in the groundwater, surface water, sediment, vegetation, and air pollution, public health, industry practices and institutional issues" (UNEP, 2011: p. 8). The team visited all sites that reported oil spills and oil wells and surveyed 122 km pipeline. It was discovered that the extent of spillage and concentration of hydrocarbons in Ogoni land is beyond national and global standards. The region is one of the worst victims of environmental degradation in Nigeria.

3.3.2 Description of Marikana

Marikana used to be and is sometimes still being referred to as Rooikoppies, that is, Red hills. It is located in Rustenburg, in the North West province of South Africa. It was established in 1870, with the introduction of the farming of maize, and tobacco, asides from other crops in the early 1900s, predominantly by the White Afrikaners (South African History Online, 2019, Taylor, 2020). The extraction of platinum began in Marikana in the 1970s, and this industry grew rapidly to become the major one in the community. Marikana is divided into two different municipalities – Rustenburg local municipality and Madibeng local municipality, both within the greater Bojanala Platinum district, which is one of the four districts of the North West province (South African History Online, 2019). The Rustenburg municipality is host to Anglo Platinum, Impala Platinum, Lonmin, X strata, Aquarius and Royal Bafokeng Platinum, and it is the world's largest source of platinum (Bench Mark Foundation, 2012; Metals Tev, 1969). Marikana is usually referred to as South Africa's platinum mining belt (Shenker, 2014).

As a result of platinum extraction activities, job seekers flocked into Marikana from neighboring countries as; Lesotho, Zimbabwe and Mozambique in search of employment. Other individuals also came into Marikana from different provinces in South Africa asides from the North West province (Taylor (2020). The Migrants into Marikana include women whose husbands or partners have come into the town in search of employment. In Marinovich's (2015) words, 'the hope of earning a living has attracted roughly 100,000 people from rural areas and neighbouring countries to settle around the mine'.

Taylor (2020) particularly records that in recent times, one would see that in Marikana, 'so much platinum has been hauled out of the ground, you would think the place has been electroplated in money, but it is not'. Frankel (2013) further stresses that 'the whole "town" is a lethal, breathing health hazard, foul-smelling and foetid with transmittable disease'. Shenker (2014), corroborates that for many of the individuals that make up the host communities in Marikana, 'deprivation drove them to the platinum belt, and fear of joblessness has kept them there, enduring a combination of low pay and arduous working conditions'.

The women of Marikana however, continue to raise their kids and care for the family with the meagre income received from their men who are workers at the mine. It should be noted that there are not sufficient jobs where women may fit into at the platinum extraction company, hence their support for the struggle for increased wages, and an improvement of the living and working conditions of the Lonmin workers who happen to be their partners (Benya, 2015; South African History Online, 2019).

3.3.3 Description of SPDC

The extraction of oil in Ogoni land was carried out by Shell Petroleum Development Company Ltd (SPDC) – a joint venture comprising the Nigerian representative, Nigerian National Petroleum Company (NNPC) and Shell International, Elf, and Agip (UNEP, 2011). This company commenced operation in Nigeria in 1937, but its activities in Ogoni started in the 1950s (UNEP, 2011). At the height of its operations in the region, SPDC had 12 oilfields, 166 oil wells, 89 wells completed, 5 flow stations and a production capacity of 185,000 barrels per day (Allen, 2013; Yakubu, 2017; Young, 1999). Detheridge and Noble (1998) estimated that within the three decades of SPDC operation in Ogoni, total oil production of 634 million barrels amounted to US $5.2 billion.

SPDC's activities in the area were stopped in 1993 after a series of protests and vandalization of their properties by aggrieved indigenous people of Ogoniland. Although oil production in the area has ceased since 1993, it remains a movement for pipelines within the Niger Delta (Joseph, et al., 2020). The opposition against SPDC in Ogoni land reached its peak in the 1990s with the formation of the Movement for the Survival of the Ogoni People (MOSOP).

The Movement levied various allegations against SPDC's operations on their land, including oil spillage, outdated equipment, and lack of proper maintenance of facilities, among others (Boele et al., 2001). In its defense, SPDC claimed that 69% of oil spillage in Ogoni Land was through sabotage by the natives. Through the leadership of Ken Saro Wiwa, MOSOP was able to garner international support for its agitations (Amnesty, 2013; Bob, 2002).

MOSOP issued a 30-day notice to SPDC to react to their demands as stated in the Ogoni Bill of Rights, including, compensation for damages incurred from their activities (Boele et al., 2001). SPDC failed to acknowledge these demands because the company pays tax and other royalties to the Federal Government of Nigeria. This led to a massive protest of about 30,000 people in January 1993 (Naanen, 1995). Against the tension and backlash from this protest, SPDC folded up its operations in Ogoni land later that year (Amnesty, 2011; Amnesty, 2013).

After the execution of MOSOP leader Ken Saro Wiwa with eight others by the Nigerian government, SPDC later accepted responsibility for their activities' environmental and social impacts on Ogoni land (Boele et al., 2001). Consequently, reconciliation efforts were constituted by the company. Some of the reconciliatory measures announced by the company include giving proper regard to health, safety, and the environment (Amnesty, 2011; SPDC, 2011).

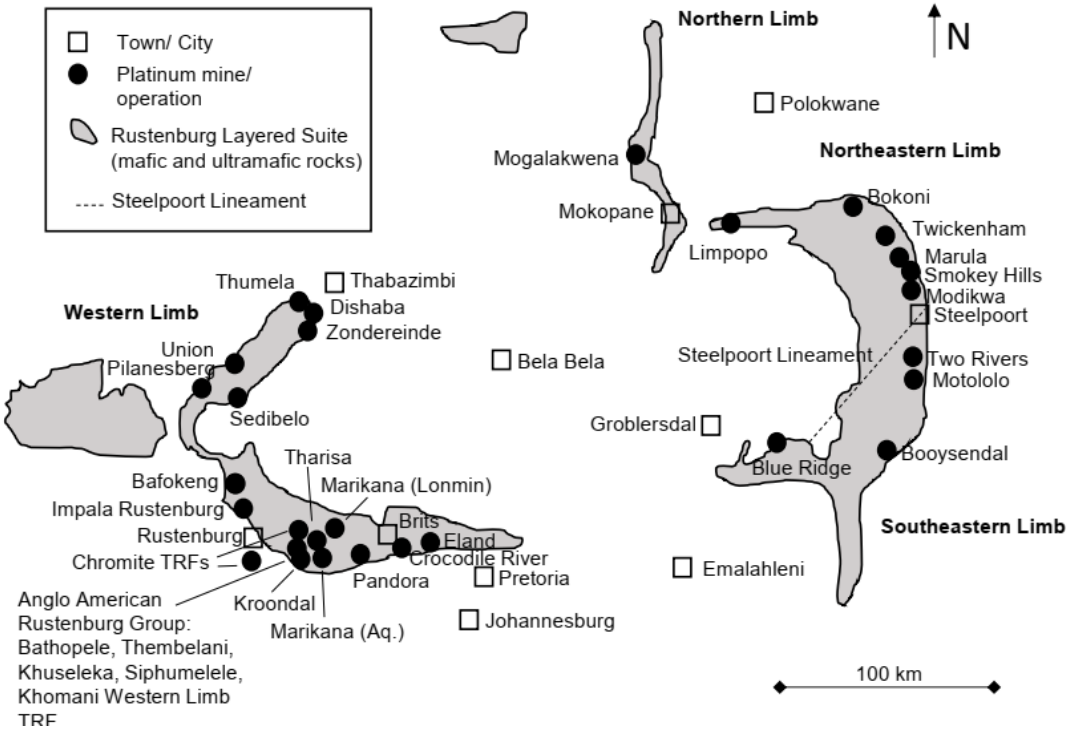
In a study of SPDC community relations in Ogoniland, Subi and Amodu (2014) discovered that the company has set up a community orientation session on the dangers of sabotaging oil infrastructures and oil theft. Similarly, the Global Memorandum of Understanding (GMoU) was constituted to cater for the "trainings, building and development projects in the Ogoni community" (Subi & Amodu, 2014, p. 72). Lastly, SPDC compensated victims of oil spillage and embarked on vocational training for the natives to serve as an alternative source of livelihood (Amnesty, 2011; Ojakorotu, 2010).

3.3.4 Description of Lonmin

Lonmin is a major producer of PGMs used for industrial uses, it is the world's third largest producer of PGMs (Bench Mark Foundation, 2013). The metals are important in the production of catalytic converters for internal combustion gas emissions, and the production

of jewelry. Lonmin is a British company, but its basic operations are located in Marikana, in Rustenburg local municipality of the North West province, and the Bushveld Igneous Complex of South Africa – a host country to about 80% of global PGM resources (Lonmin, 2015). The majority of the company's employees live in South Africa (Bench Mark Foundation). Recently, the South African government granted to Lonmin a New Order Mining Licence to continue its core operations till 2037, renewable to 2067. The activities of Lonmin includes the exploration, mining, refining and marketing of PGMs. Platinum is however the principal product of Lonmin and it forms 60 – 70% of its revenue (Lonmin, 2015).

Figure 3.3: Mines and mine projects in South Africa Bushveld Complex.



Source: Thormann, L., Buchspies, B., Mbohwa, C., & Kaltschmitt, M. (2017). PGE production in Southern Africa, part I: Production and market trends. *Minerals*, 7(11), 224

The operations of Lonmin in the North West regions comprise various distinct mines, 'each containing multiple shafts, spread out along a 50-kilometre stretch of highway between the cities of Rustenburg and Brits'. The area consists of the settlement of workers, settlements of

the local community and the services used by both are found in between and around the make-shift buildings Rafi Atal, 2017).

Lonmin's activities in Marikana have hitherto been characterized by 'low wages, dangerous working conditions, and extraordinarily low living standards' (Aljazeera, 2013). The members of the host communities of the company have also suffered environmental pollution, Sulphur dioxide emission, and poor basic infrastructures, especially as regard road networks, potable water, sanitation, and housing (Bench Mark Foundation, 2013). The company's SLP which is meant to address the socio-economic situations of the workers and the entire members of the host communities has not been fully adhered to by Lonmin (Snyman & Krause, 2017).

3.4 Population of the Study

The study population includes stakeholders in the natural resources extraction communities. These are the Civil Society Organization, media, officers of the MNCs, police, government officers from regulating agencies, experts (such as academics and environmentalists with specialize interest in natural resources and environmental politics), members of MOSOP, community leaders, youth leaders and residents/dwellers in Ogoniland and Marikana.

3.5 Sampling Techniques and Methods

The purposive sampling method was employed. It is purposive because respondents were selected from the study population based on the notion that they are relevant stakeholders in the natural resources extraction communities and would provide important information on the topic under investigation. As stakeholders, they were invited to provide information based on their first-hand experience with natural resources extraction and the reactions of the host communities of Ogoniland and Marikana. This involved the purposive selection of respondents for in-depth interviews and Focus Group Discussion (FGD) in Ogoniland and Marikana respectively.

3.6 Sample Size

This research involves the in-depth interview of 49 respondents in Nigeria and South Africa respectively. This estimate is guided by the recommendation of Marshall et. al. (2013) for a qualitative research sample size. While Marshall and his colleagues are not specific about

sample size, they recommend that qualitative methodologists should adopt a sample size that ensures data saturation is avoided. A qualitative methodologist's sample size may then range between 20 and 50 (Marshall et. al. 2013:3-5). This research's sample size is therefore made up of a total of 49 participants who were interviewed with a structured form of interview from both study locations. Table 3.1 below shows an analysis of the sample size of in-depth interviews of respondents in Ogoniland and Marikana respectively.

Table 3.1: Classification of respondents in the study locations

Respondents/Participants	**Ogoniland**	**Marikana**
Natural Resource Conflicts Experts	4	4
Civil Society Organization	4	3
Journalists	3	4
Multinational Corporations Representatives	1	1
Regulatory Agencies Representations	1	1
FGDs	12	12
Total	**27**	**26**

Note: Representatives of Multinational Corporations and Reglatory Agencies declined to participate in the study.
Source: Developed by researcher

For FGDs, 12 participants were selected in each of Ogoniland and Marikana, making it a total of 24 participants. This includes women leaders, community representatives, activists,

youth leaders, opinion leaders, and public commentators, among others. These were selected with the help of community leaders.

3.7 Data Collection Method

3.7.1 Primary Sources

The primary sources of data were gathered from purposive interviews conducted among Civil Society Organizations, journalists, and natural resources conflicts experts and Focus Group Discussion in selected communities of Marikana and Ogoniland.

3.7.2 Secondary Sources

For this research, secondary data were sourced from existing literature such as journal articles, chapters in books, internet-based materials, newspapers, magazines and governmental and non-governmental publications and periodicals. This allows the research to have adequate data for analysis and every of such sources were cited and referenced accordingly.

3.8 Research Instruments and Validation

The in-depth interview is a major research instrument selected for this study. Natural resource conflict experts, Civil Society Organizations and Journalists were interviewed. Focus Group Discussions were also carried out in the study locations.

The research objectives and research questions were considered in developing the questions on the interview guide, as guided strictly by the supervisor and experts at the University of Lagos and North West University in February 2020. The researcher got very useful feedback, questions were moderated for easier responses for respondents in the course of in-depth interviews and Focus Group Discussions.

3.9 Method of Data Analysis

The thematic method of data analysis was employed for this study. This method was chosen because it allows the researcher to develop themes from the codes generated from the qualitative data. Thematic analysis is useful in the analysis of themes or codes from a given data set. Nowell, Norris, White & Moules (2017, p. 2) define thematic analysis as “a qualitative research method that can be widely used across a range of epistemologies and

research questions". It is a method for identifying, analyzing, organizing, describing, and reporting themes found within a data set". Adopting thematic analysis will help to develop themes on the reactions of host communities to natural resources exploration in Ogoniland and Marikana respectively.

3.10 Limitations of the Study

One of the limitations of the study is the refusal of the natural resources extractive company representatives and extractive industry regulative authorities to grant interviews. The implication of this is that the researcher was denied the opportunity of having first-hand official positions of natural resources extractive company representatives and extractive industry regulative authorities on issues in the study. This did not lead to an impasse in the study as the researcher made recourse to data from secondary sources to augment the possible lapses in the gathering of data. The outbreak of the Covid-19 pandemic was a major limitation of the study. It prevented the researcher from having physical interviews with respondents. The researcher, as authorized by the University's Ethics Committee, opted for virtual interviews, using internet-enabled tools such as Zoom and telephone calls.

3.11 Ethical Considerations

To gather research evidence and information, there must be certain ethical considerations. Efforts were made by the researcher to gather information freely from respondents in Marikana and Ogoniland. In conducting this research, therefore, the researcher ensured that the research was carried out in the best of academic traditions specifically considering the research guide at the North West University. The researcher made certain that participants participated voluntarily, the information gathered was confidential, and persons were regarded as anonymous. The process and manner of dissemination of the results of this research is such that would not harm the respondents, their institutions and communities. More so, information gotten from respondents will be used for academic purposes. They will appear not only in this work but also in other research efforts such as; journal publications and conference papers.

CHAPTER FOUR

AN APPRAISAL OF THE LEGAL FRAMEWORK FOR THE REGULATION OF THE EXTRACTION OF NATURAL RESOURCES IN NIGERIA AND SOUTH AFRICA.

4. 1 Introduction

The United Nations (2012) identified that as at 2010, six out of ten of the largest companies were in the energy and mining sector. Despite the fact that these companies enjoy huge profits accrued to it, the host communities and by extension, the host developing countries have many of its citizens in poverty. This is as a result of the activities of these extraction companies, where the process of extracting natural resources from the earth crust pollutes the environment, hampering indigenous occupations and rendering members of host communities diseased (Kaonga & Kgabi, 2009; Lindén, & Pålsson, 2013). Unfortunately, also, not many of the members of such host communities have the necessary qualifications to be employed in such companies, except where they get menial jobs that may not be commensurable to gains that could have been made from their indigenous occupations (Amusan, 2018, Hanauer & Morris, 2014; Horne, 2017; Ojakorotu, 2010; Ojakorotu, & Olajide, 2021). In essence, the profit made by the extraction companies does not necessarily trickle down to the benefit of the broader economy. In order to bridge the gap between the profits of the natural resources extraction companies and the benefits of the host communities, it becomes imperative to design policies and legal frameworks to guide the activities of the latter (UN, 2012).

This chapter begins by giving a historical background of legal frameworks for the extraction of natural resources in Nigeria and South Africa. The legal frameworks that guide the extraction of natural resources in Nigeria and South Africa in more recent times; at the international, continental, regional and national levels are thereafter analysed. These regulations are developed, all in a bid to ensure that natural resources extraction activities are carried out responsibly and the wealth of the resources are channelled towards the course of economic development (Natural Resource Governance Institute, 2015; Institute for Democracy and Electoral Assistance, 2017).

4.2 Historical Background to the Legal Framework for Natural Resources Extraction in Nigeria and South Africa

Nigeria became a British colony as early as 1861 as the British made Lagos its annexe. By 1900, the country had been occupied and colonized by the British; this lasted till 1960 when Nigeria gained its independence (Falola, 1999). The legislations that guide the extraction of natural resources may therefore be classified into two groups; the colonial era and the post-colonial era. The British Colonialists in a bid to permit natural resources extraction activities, and ease of administration of the Nigerian colony designed its policy guidelines (Raji & Abejide, 2014, p. 63). And very importantly, to make certain that a legal framework is established to develop petroleum and other natural resources in the colony.

Before the Southern Nigerian Mining Regulation (Oil) Ordinance of 1907, the Petroleum Ordinance was passed in 1889. These legislations were established to permit the minerals and oil companies to begin the exploration of natural resources in the north, south and coastal waters not beyond a limit of three miles (Raji & Abejide, 2014; Steyn, 2009). Although, in Emetumah and Okoye's (2018) opinion, the ordinances were to a large extent in favour of Great Britain and the British subjects in the British colonies. That is, according to Ikpeze and Ikpeze (2015), the 1907 Ordinance was passed in agreement with the British oil policy, providing that oil extraction activities in the British empire be carried out only by companies registered in Britain and its colonies. Section 15 of the Ordinance provides that the directorates of the oil extraction companies must be strictly British subjects. Hence, in Nigeria, only British or British owned natural resources extraction companies were permitted by law to extract oil. For instance, the British Colonial Petroleum Corporation incorporated in London in 1908 and that emerged out of the Nigerian Investment company was licensed to explore and extract oil in the colony, as well as Captain Edward Algeron Barnett and Rosewarne (Limited) (Steyn, 2009, p. 255). Howbeit, these companies did not make as many successes as the Nigerian Bitumen Company as per its oil extraction activities in the colony.

The German Bitumen Company (also referred to as the Nigerian Bitumen) was established in 1906, the company began oil extraction in 1908 in the Araromi area just in between Ijebu – ode in the present-day Ogun state and Okitipupa in Ondo State, in South Western Nigeria (Duru, 2011; Ikpeze & Ikpeze, 2015; Steyn, 2009). The company though named after

Germany or Nigeria, Ikpeze and Ikpeze (2015) explain that the company could operate in Nigeria guided by the 1907 Ordinance because it was registered in London and traded its shares on the West African Market of the Stock Exchange in London. While its initial plan was the extraction of bitumen and crude oil, it turned out that it focused more on the extraction of crude oil and between 1908 and 1912, it had succeeded in drilling about fifteen wells of crude oil in the Lekki Lagoon concession. Of course, these activities did not pass without the disruption of the host communities environmental and health matters.

The crude oil extraction activities at the time, just like in recent times, saw the acquisition of large expanses of land, pollution of the water bodies and the air at the detriment of the communities' welfare. Section 5 of the 1907 Ordinance also allowed that the Governor reaches a consensus with the natives to permit the purchase of the mineral rights on their lands without necessarily paying royalties on the crude oil extracted. Although a member of the legislative council – Sapara Williams disagreed with this provision and suggested that the natives should at least be given some of the shares received from oil, the idea was discarded, depriving the natives of the oil-rich communities of the benefits of the resources extracted from their land (Steyn, 2009, p. 257).

One may submit therefore that just like in recent times, the bulk of the benefits of oil extraction activities carried out by the British companies was accrued in the favour of the British than it favoured the locals. For instance, oil was extracted in the Nigerian colony and exported to Europe (Ogunba, 2016; Raji & Abejide, 2014). By 1914 however, the Nigerian Bitumen Company had liquidated for lack of funds and had stopped its oil extraction activities in the colony (Ikpeze & Ikpeze, 2015; Steyn, 2009).

To replace the 1907 Ordinance and allow for the ease of the management of the oil rights, the Mineral Oils Ordinance was enacted in 1914 by the Governor-General, Fredrick Lugard. Section 3 of the Ordinance provided that every entity that must engage in extraction activities must receive a license from the government, that is, the government solely authorizes natural resources extraction activities. Section 15 of the 1907 Ordinance also remained a clause in the just amalgamated Nigerian colony. This is evident in Section 6 (1) of the 1914 Ordinance that maintained that non-British subjects or entities are not allowed to extract oil from the

colony. The owners of the land were not permitted to contend with the oil extraction companies that occupied the land.

The 1916 Mineral Ordinance as provided for in Section 3 (1) re-affirms that the minerals and oils upon the lands and in the waterbodies of Nigeria belonged to the Crown. Section 22 further provides that natural resources extraction activities be carried out by the holders of the mining rights in such a manner that is acceptable by the Government Inspector of Mines. The 1916 Mineral Ordinance however appears to give credence to land owners and empathize with them. Section 34 (1) of the mining right provides that compensation be given to owners of buildings, trees, crops and individuals that have been affected by the virtue of natural resources extraction activities in the area. Section 34 largely proves that contrary to the general belief on the economic underdevelopment of Nigeria by the British Colonialists, perhaps the Colonialists were also interested in sharing the benefits from the extraction activities with the colony for the development of the colony and its people.

One may however further question why the Ordinances maintained that non-British subjects were not allowed to carry out natural resources extraction activities in the colony. Raji and Abejide (2014, p. 68) hold a perception that to carry out natural resources extraction activities or own such a company requires a huge foreign capital that was not affordable for Nigerian businesspersons at the time. More so, Section 14 of the Mineral Proclamation of 1910 provides that an applicant for the mining right must provide evidence of sufficient funds to make certain the business is effectively managed.

In the post-colonial era, the Petroleum Act of 1969 was passed into law to replace the 1916 Mineral Ordinance. Section 1 (1) of the Act makes it clear that the ownership and control of petroleum (of which crude oil falls into this category) on any land in Nigeria is vested in the state, that is, the Federal Government of Nigeria. Section 1 (2) further elaborates that the Federal Government owns and controls even lands covered by water. Unlike the provisions of the Ordinances in colonial times, Section 2 of the Petroleum Act 1969 provides that Nigerians and companies incorporated in Nigeria may engage in oil extraction activities in the country. Companies may be granted licences to carry out extraction activities in the country, and Section 8 provides that the Minister for Petroleum Resources supervises every

oil extraction activity as granted by the licenses issued to oil extraction companies in the country (Ekhator, 2016; Ikpeze & Ikpeze, 2015).

The Oil Pipelines Act was established in 1965. Section 11(2) of the act explains that an oil pipeline is a pipeline that is used for the conveyance of mineral oil or natural gas that is to be used in the production and refining of mineral oil such as crude oil. The Act makes provision for licenses to be granted for the establishment of pipelines required to transport oil through a route to the destination where oil is being produced for petroleum trade or operations (Oil Pipelines Act 1965). The oil pipeline of SPDC that transports oil through Ogoniland are far corroded and cause more harm than good to the host communities (Duru, 2011; Naanen, 2015). Oil spills from these pipelines to the environment, destroy the lands, water bodies and affect the entire wellbeing of the inhabitants of the host communities. In Duru's (2011) opinion, the Oil Pipelines Act is bereft of inequities and should be reviewed to exhibit good practices and fairness, such that is acceptable in society.

Regulation 17 (c) of the Petroleum (Drilling and Production) Regulation (PDPR) 1969 also authorises an oil company to occupy private lands that may be owned by individuals, families and the communities provided the Minister has been notified by writing and fair and adequate compensation has been paid to the lawful owner of the land. Unfortunately, the 'fair and adequate compensation' is not clearly defined further leading to disputes between the oil companies and the host communities. Hence host community members are perpetually aggrieved and crave justice (Duru, 2011; Olowokere, 2019).

Furthermore, as provided in Section 43 of the 1999 constitution of the Federal Republic of Nigeria, the federal government has the exclusive right of ownership of the crude oil in the country. Licenses to extract oil is however given to interested and qualified entities. This provision becomes a bone of contention to host communities who are affected by the environmental degradation that is experienced as a result of the oil extraction activities carried out on the indigenous land as they have no control of the land, its resources and the activities that are carried out on the land.

Section 17 (2) (d) of the 1999 Constitution provides that the extraction of human or natural resources for reasons other than the good of the community shall be prevented (Constitution

of the Federal Republic of Nigeria, 1999). In the same vein, Regulation 25 of the PDPR 1969 provides that the multinational oil companies adopt precautions and provide equipment to be approved by the Director of Petroleum Resources to demonstrate that environmental pollution and degradation is prevented in the course of extraction of oil (PDPR, 1969). The persistent pollution of the environment is of no benefit to the host communities even when the oil extracted contributes to the economic growth of the whole country; this is, therefore, an indication that these provisions have only been upheld haphazardly (PDPR, 1969).

In South Africa, the extraction of minerals, platinum inclusive had been in existence for over a century. The mining industry is an important one in South Africa as it has immensely contributed to the economic growth of the country (Hayes & Cloete, 2021; van der Schyff, 2012). For the proper management of natural resources extraction activities in the country and to secure ecologically sustainable development (NEMA, 1998), certain laws have been established during the Apartheid and post-Apartheid period.

Ordinance 5 of 1866 is the foremost Ordinance that regulated the extraction of mineral resources in South Africa during the period of Apartheid. By this Ordinance, private enterprises were permitted to extract mineral resources yet regulated by the state. Royalties from proceeds of the extraction activities were paid to the government thereby ensuring that the state and private individuals benefitted from the natural resources found on the land (Ordinance 5, 1866). With the creation of Law 1 of 1871, the narrative changed as the state acquired full control of lands with precious stones and mineral resources. However, in a case whereby the land with the mineral resources is owned by private individuals, the state may acquire such subject to compensations (Law 1, 1871). Law 1 of 1871 was established basically to legalize the fact that the right to extract mineral resources was reserved for the state (Section 1, Law 1 of 1871).

Law 7 of 1874 further maintained that the right to extract mineral resources belonged to the state. Section 3 of Law 6 of 1875 later provided for the protection of the rights and entitlement of private landowners where these mineral resources are found. Thus, when precious stones are discovered on a particular land, the government takes over the management of the extraction activities carried out on such land but pays to the landowner,

‘one half of the digger’s licence fees and all the trading stand licence fees’ (van der Schyff, 2012, p. 141).

Section 2 of Law 1 of 1883 established that the right to extract mineral resources on a particular land belonged to the state but not the mineral thereupon. To a large extent, this only shows that the state was more interested in taking advantage of minerals found on the land. Furthermore, with the introduction of Law 8 of 1885, a private landowner though entitled to certain compensations were not given an entitlement to avert the proclamation of his land.

According to Law 8 of 1889 and Law 18 of 1892, without the permission of the landowner to extract mineral resources on his land, the government could not claim the land. More so, as provided in Law 10 of 1891, for the first time, the law provided for compensation for persons whose granted rights were taken for public purpose. This law was as well established in Law 18 of 1892. In sum, the legislation that guided the extraction of natural resources, and in the case of South Africa, the mineral resources, starting from Ordinance 5 1866 to the Gold Laws from 1895 to 1898 emphasised the fact that the control of the mineral resources upon the South African land was vested upon the state.

Some other Acts were established after the South African War. Precious Stone Ordinance 66 of 1903 for instance repealed the Precious Stone Law 22 of 1898, and the Precious and Base Metals Act 35 of 1908 repealed the 1898 Gold Law (van der Schyff, 2012). Largely, there were no changes in the provisions, the provisions that allowed for private ownership of minerals and that required that the right or licence to extract mineral resources on a given piece of land was maintained.

Among other Acts that were established to regulate the extraction of mineral resources in South Africa, the Reserved Minerals Development Act, 55 of 1926 applied to every province in the country. Section 2 of this Act provided that the landowner had the right to extract mineral resources on his land provided he had the licence to do as the State has reserved rights to own the minerals thereupon. The Precious Stone Act, 44 of 1927 reserved the right to extract precious stones to the State. Yet licences to extract the precious stones were issued to third parties regardless of the landowner’s awareness.

In 1967, the Mineral Rights Act 20 (MRA) was established. The right to extract minerals, precious metals and natural oils was reserved for the state, while the landowner had the right to extract base minerals while platinum did not fall into its category. This suggests that the government had more interest in the precious stone minerals than it had in the base minerals. Section 3 of the MRA further provided that the power to regulate every mining operation was vested in the state. In van der Schyff's (2012) opinion, the regulation of the extraction of mineral resources was centralised to ensure revenue was generated for the sustenance of the country.

The Mineral Act 50 of 1991 regulated all activities regarding the extraction of mineral resources before the inception of the Mineral and Petroleum Resources Development Act (MPRDA), 28 of 2002. By the Minerals Act, landowners were entitled to the extraction of mineral resources on their land and no third party had this right except permitted by the landowner. In an instance where the permission to extract is not realized from the landowner, Section 17 of the Act provides that a ministerial authorisation is provided.

Other legislations were established in the post-Apartheid period to guide the extraction of natural resources. Section 24 of the 1994 Constitution of the Republic of South Africa provides that everyone has a right to an environment that is not harmful to their health or wellbeing. Furthermore, the preamble to the Mineral and Petroleum Resources Development Act (MPRDA) 24, of 2002 explains that the Act is established to uphold Section 24 of the 1994 Constitution. That is, to make certain that natural resources are extracted in an ecologically sustainable manner (Section 24 (b) (iii)). The MPRDA provides that the mineral resources are the common heritage of every South African and that the state is the custodian of the resources found on its land for the benefit of all South Africans. In Hayes and Cloete's (2021) opinion, the state is the owner of the natural resources therein, the legislative provision is designed in this manner to limit the number of claims for expropriation rights.

As provided in the legislation that existed during the Apartheid period, the MPRDA also provides that rights to extract mineral resources be issued to entities by the Minister of Mineral Resources and Energy (Sections 5&11 of the MPRDA). This further suggests that just like in the Apartheid era, the state has custody of the land even in the post-Apartheid era.

The National Environmental Management Act (NEMA) 1998 was as well established to ensure sustainable extraction of natural resources in South Africa. To ensure that Section 24 of the Constitution is being realized, Section 2(2) of NEMA provides that environmental management is core if extraction activities are carried out. More so, no entity may be issued the licence to extract if it does not demonstrate that extraction activities will not pollute or degrade the environment. More so, the Mineral and Petroleum Resources Royalty Act of 2008 maintains that an extractor of natural resources pays certain royalties to the state to boost the National Revenue Fund. This was also a similar provision in the legislation that existed in the Apartheid era.

Natural resources are generally gotten from the environment. While these resources should belong to the general public whereby any entity is at liberty to extract these resources, the constitution of many states provides that the state owns the lands and by extension every resource therein (Natural Resource Governance Institute, 2015). Any entity interested in exploring or extracting the resources must secure a license from the government of the state and accede to the terms and conditions of extraction clearly stated therein. Ideally, this process is not for the selfish gains of the state, it is to ensure that natural resources are extracted and harnessed for the good of the public. Also, as demonstrated in the legislations hitherto reviewed, the legal frameworks are designed to ensure responsible extraction of natural resources and to establish that the state governments are saddled with the responsibility to make certain of this (Natural Resource Governance Institute, 2015).

An historical perspective of the legal frameworks that guided the extraction of natural resources in Nigeria and South Africa is hitherto examined to demonstrate that in the past, the societies were largely organized and adopted legislations to regulate natural resources extraction activities just as it exists in the contemporary times. And like in the present times, relevant authorities had always considered the need to regulate the activities of natural resources extraction companies to particularly ensure the sanity of the environment where it operates. More so, in the event that extant regulations guiding natural resources extraction activities, in recent times, are not being complied with, the historical analysis provides regulatory agencies with previous relevant laws to examine its successes or failures and

deduce strategies to ensure that regulations guiding natural resources in Nigeria and South Africa in recent times are strictly adhered to.

4.3 International Legal Frameworks relevant to the Regulation of the Extraction of Natural Resources in Nigeria and South Africa

The United Nations (UN) in its Charter reiterates its belief in the fundamental human rights, the worth and the equal rights of individuals, men and women alike. The UN is also determined to promote social progress and endorse better standard of living for every individual. The organisation is therefore committed to employing the use of international machinery to ensure the socio-economic progress of all peoples (UN Charter, 1945). Article 3 of the UN Charter provides that the UN encourages the respect for human rights and the fundamental freedoms of individuals irrespective of their 'race, sex, language or religion'. This provision is further reiterated in the UN Charter which provides for the commitment of the organs of the UN to ensure that the respect for human rights irrespective of their 'race, sex, language or religion' is upheld; The General Assembly as provided for in Article 13 (1) (b), the Economic and Social Council in Article 62 (2) and Article 68, the Trusteeship Council in Article 76 (c).

The United Nations Declaration on the Rights of Indigenous People (UNDRIP) was adopted by the UN General Assembly (UNGA) at its 107th plenary meeting on 13th September, 2007. The UNGA's Resolution 61/295 of the UNDRIP was adopted in accordance with the Human Rights Council's Resolution 1/2 of 29th June, 2006. The UNGA maintains that the indigenous people are not in any way different from the rest of the population of any country, and must be respected or treated as such. Article 1 of the UNDRIP provides that the indigenous people possess human rights and freedom as provided for in the UN Charter, Universal Declaration of Human Rights (UDHR) and international human rights law.

The UNGA affirmed that policies or advocacies considering a set of individuals as superior to others are considered racists, false, invalid and are out rightly condemned. UNGA is particularly concerned that indigenous people over the years have been dispossessed of their lands and natural resources and must therefore be allowed the opportunity to exercise their right for development as it agrees with their needs and interests.

Article 26 (1 – 3) provides that indigenous people have the right to their lands, territories and natural resources that they own traditionally, or that they occupy, or have acquired. They also have the right to own, use, control and develop the lands, territories and resources thereupon. In addition, states are expected to give legal recognition to indigenous individuals who own these lands, territories and resources.

Article 8 (2) (b) provides that states make provisions for effective mechanisms that prevent or redress for whatever actions that amount to the expropriation of the lands, and natural resources of the indigenous people. Article 10 further provides that free, prior and informed consent of the indigenous people is gotten if there is a need to relocate them from their lands. More so, a fair compensation is provided and the possibility of returning to their land is assured. Article 20(2) corroborates that in the event that indigenous people are deprived of their means of subsistence and development, a fair redress be granted to them.

The UNGA opines that the indigenous people if allowed to exercise their rights to development and control their natural resources, will further have their institutions, cultures and traditions strengthened. Article 17 (3) provides that indigenous people have the right of not being discriminated against in issues related to labour, that is employment or salary. Article 19 further provides that states ensure consultation with indigenous people and get their free, prior and informed consent before implementing any legislative or administrative measures that may have impact on them. Article 23 provides that indigenous people have the right to be actively involved in the development of their health, economic, housing and social programmes that may be affecting them. And they are free to establish institutions that may project such programmes.

Article 29 (1 – 3) provides that the indigenous people have the right to the protection of their environment, and states are to establish programmes to ensure the environment is conserved and protected. States are to take effective measures to ensure that hazardous materials are not stored or disposed on the lands and territories of the indigenous people without their free, prior and informed consent.

Resolution 64/292 was adopted on 28th July, 2010 by the UNGA's 108th plenary meeting – the human right to water and sanitation. The UNGA expresses concern that about 884

million people around the world lacked the access to safe drinking water, and that above 2.6 billion individuals had no access to basic sanitation. This affects children and adults alike, world over. Resolution 64/292, therefore, recognises the fundamental human right of every individual to safe drinking water and sanitation in order to enjoy the full benefits of life. States and international organizations are also enjoined to provide financial resources through the international corporation to particularly assist the developing countries in ensuring that 'safe, clean, accessible and affordable drinking water and sanitation' is provided for everyone (UN Res 64/292, 2010).

Furthermore, the UNGA adopted Resolution 64/265 – Prevention and control of non-communicable diseases, on 20th May, 2010 at the 64th session. The General Assembly acknowledges the possibility of contracting non-communicable diseases from environmental carcinogens, hence emphasizes on the need for a multi-sectoral approach to fight these diseases. Among the non-communicable diseases noted by the UNGA Res 64/265 are; cancer, cardiovascular diseases, and chronic respiratory diseases, such that have infiltrated Ogoniland and Marikana as a result of the natural resources extraction activities taking place in the area.

The UNGA under the Resolution 64/265. recognises the fact that these non-communicable diseases have caused untold suffering and hardship to affected communities, have threatened the economic well-being of affected UN member states and have led to the increase in the inequalities between countries and its populations. This has also made it almost impossible to achieve the internationally agreed development goals. It was agreed that member states discuss the impacts of non-communicable diseases in the 65th session especially as it pertains to the achievement of the Millennium Development Goals (MDGs).

The UN Global Compact (UNGC) was established in 2010. It is acceded to by about 60 member countries, Nigeria and South Africa inclusive, there are also over a thousand companies who are signatories to it, Lonmin and SPDC inclusive (UNGC, 2019). As the activities of natural resources extraction companies become heightened, the environment continues to experience pollution and degradation, with emissions affecting host communities and the entire globe, Liso Kingo – the Executive Director of the UNGC, called

on companies to reduce their level of emission, such that the goal to limit global emission to $1.5°C$ is achieved (UNGC, 2020). The UNGC urges companies to align its operations to ten universal principles on human rights, labour, environment and anti-corruption. Businesses must ensure compliance with the internationally proclaimed human rights and must avoid activities that result in the abuse of the human rights of individuals. Every form of forced and compulsory labour must be eliminated, and discrimination as regards employment must also be disallowed. More so, businesses are to ensure that preventive measures are taken to tackle possible environmental challenges. The use of environmentally friendly technologies must also be adopted in the conduct of businesses. Bribery and corrupt practises must be discouraged in the course of business operations (UNGC, 2019).

The United Nations Human Rights Council in 2011 approved the UN Guiding Principles on Business and Human Rights (UNGPs). States and companies may adopt the UNGPs in addressing and preventing human right abuses in the course of companies' business activities. Some of the negative impacts of companies' activities on employees and host communities, as in the cases of Lonmin and SPDC include; environmental pollution and underpayment of workers. Prior to 2011, the UN in 2008 during the tenure of Professor John Ruggie – the UN Secretary-General at the time endorsed the 'Protect, Respect and Remedy' framework for business and human rights (UN, 2011; The United Nations Working Group on Business and Human Rights. (n.d)). What this means is that Companies, in agreement with governments of states, and in accordance with the international human rights laws, enforce laws to protect and respect the human rights of individuals. More so, if human rights have been adversely affected, companies and state governments must remedy the situation. State governments must ensure that effective grievance mechanisms are in place to address aggrieved individuals and communities negatively affected by the activities of companies (UN, 2011; The United Nations Working Group on Business and Human Rights. (n.d).

Several Resolutions and decisions were adopted by the UN Environment Assembly of the UNEP at its first session on 27th June, 2014. The UN Environment Assembly comprised the ministers of environment and heads of delegation of member states of UN reiterate the fact that UNEP is the leading global environmental authority that ensures that environmental agenda are set and implemented for sustainable development within the UN system. The UN

Environment Assembly pledges its commitment to the complete implementation of the multilateral environmental agreement, international and regional environmental agreement as it concerns sustainable development in member states (UN Res 1/1, 2014). The UN Environment Assembly's Resolution 1/5 in its third section committed to sustainable development, stresses that the proper management of chemicals and waste is important to the sustainable development agenda.

The UN Environment Assembly understands that the developing countries to a large extent lack basic waste management capacity, permit the exposure of workers and host communities to hazardous chemicals and waste, paying insufficient attention to the effects that chemicals and waste have on the health of humans and the environment. It becomes imperative to strengthen the sound management of chemicals and wastes disposed into the environment to establish sustainable development (UN Res1/5, 2014).

4.4 Continental Legal Frameworks relevant to the Regulation of the Extraction of Natural Resources in Nigeria and South Africa

Article 3 (h) of the Constitutive Act of the African Union (AU) provides that the AU aims to promote and protect the rights of humans and people' in agreement with the African Charter on Human and Peoples' Rights, as well as other important human rights instruments. Article 3 (k) further provides that the AU is willing to promote cooperation in every field such that human activities are carried out in a manner that raises the living standard of the African people.

The African Commission on Human and Peoples' Rights (ACHPR) also known as the Banjul Charter was adopted in Nairobi, Kenya in 1981, and similar to the United Nation's Charter, is charged with the mandate of promoting and protecting the rights of people on the African continent (Banjul Charter, Art. 45; African Union, 2021). According to Article 24 of the African Charter, the African people have a right to a 'general satisfactory environment that is favourable to their development'. In the event that a particular entity pollutes the environment of a group of Africans, the rights of such a people are being infringed.

As it concerns the extraction of natural resources, the ACHPR was somewhat instrumental in the case of the Social and Economic Rights Action Centre (SERAC) and Centre for

Economic and Social Right (CESR) v. Nigeria. The complaints of the Ogoni host communities were received in 1996. In 2001, the ACHPR found the government guilty of several human rights violations as provided for in the African Charter, it appealed to the Nigerian government to ensure that the livelihood, health and environment of the people of Ogoniland is protected (Communication 155/96, SERAC&CESR v. Nigeria). The host communities had been affected by the oil spillage and violence existing as a result of the natural resources extraction activities of SPDC and NNPC.

Natural resources extraction activities gradually increased on the continent of Africa, with the MNCs making profits and the state governments accruing revenues. The risks however were glaring, particularly as it concerns the violation of human and peoples' rights – the deprivation of land, the displacement of members of host communities, environmental degradation, and poor implementation of labour-related rights. In order to develop a detailed continental framework that monitors, reports and advocates for the reparation of abuses of human rights in the extractive industries, the ACHPR at its 46th ordinary session in Banjul, Gambia in November, 2009 adopted the Working Group on Extractive Industries Environment and Human Rights Violation (WGEI) under the Resolution ACHPR/Res.148 (XLVI) 09 (ACHPR, 2022).

Among the mandates of WGEI is the examination of the impacts of the activities of extractive industries within the ACHPR's context. More so, WGEI is authorised to investigate the people's rights to dispose their wealth and natural resources freely to an environment that is satisfactory and embraces development, research the violation of human rights by non-state actors in Africa. The working group is also mandated to develop recommendations and measures to avoid the violation of people's and human rights by the extractive industries in Africa, possible prevention and reparation ideas are also expected to be developed. Reports of the WGEI should be made to the African Commission. Of the activities undertaken by the working group is the informal mission to Marikana, South Africa in May, 2013, after the 'Marikana Massacre', the public hearing of the Marikana Commission of Inquiry was also attended (ACHPR, 2022).

Concerns intensified as it pertains to the natural resource extraction activities of companies in Africa. Africa has a vast deposit of natural resources and the extraction companies in Africa are major suppliers of natural resources to foreign countries, yet these African countries have no value for what they are worth (Graham, 2016; Pedro, 2012). The foreign firms accrued more profit as against the economies of the African states where the resources are deposited and exported. African governments have developed more interests in the export of such natural resources as oil and platinum, yet at the detriment of the countries' economies and the host communities of the natural resources extraction companies (Graham, 2016), as in the cases of Ogoniland in Nigeria and Marikana in South Africa.

The United Nations Economic Commission for Africa (ECA) in August 2008 summoned a meeting of the technical taskforce to develop the new Africa Mining Vision (AMV) ahead of the First African Union Conference of Ministers in charge of Mineral Resources Development. Represented in the taskforce are such organizations as the AU, ECA, African Development Bank (AfDB), United Nations Conference on Trade and Development (UNCTAD) and United Nations Industrial Development Organization (UNIDO) (AU, 2009).

The Africa Mining Vision (AMV) was disclosed in February 2009 at the AU Summit in Addis Ababa. The AMV particularly aims at a 'transparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development' (AU, 2009; OXFAM, 2017; Hilson, 2020). Among its core tenets is, developing a mining sector that is effectively governed, environmentally friendly, and socially responsible, such that the host communities where the mineral resources are extracted appreciate its activities (AU, 2009).

To implement the AMV, the African leaders present a framework for action to be adopted at the national, sub-regional and continental level, achievable within a short term, medium term, or long-term duration. It is proposed that within the space of up to five years from which the AMV is adopted, state governments should at the country level, promote safe and responsible mining, by improving the regulatory regimes for mining, by implementing the best 'environmental, social, occupational, safety and health standards'. Also, it is expected that public participation is improved in the areas of states where natural resources extraction

activities are carried out, that is, there must be a development of participatory decision-making and dispute resolution mechanism in the mining sector. The state governments and Civil Society Organisations (CSOs) may actualize this by designing capacity-building programmes that may strengthen the ability of host communities to make informed choices. Capacity must also be built to enforce new and achievable provisions. The natural resources extraction companies are also expected to take on CSR Charters that align with the mining supplement of the Global Reporting Initiative (AU, 2009).

In furtherance, state governments within five years from the year the AMV was adopted, are expected to abolish human rights abuse and the likelihood of natural resources resulting in conflicts. This feat may be achieved if state governments; deliberate over initiatives for revenue distribution and allocation, allow for the active involvement of members of the host communities where resources extraction activities are carried out, in the approval, monitoring and implementation of natural resources extraction projects (AU, 2009).

Having observed that the implementation of the AMV had not been carried out at a faster pace, at the Ordinary session of the AU Conference for Minister's Responsible for Mineral Resources Development in December 2013, the AU Commission was instructed to establish a mineral sector governance framework that may be owned and led by Africans (Economic Commission for Africa [ECA], 2017). Through the African Minerals Development Centre, the African Mineral Governance Framework (AMGF) was developed to ensure the commitment to the implementation of the AMV; serving as a tool that monitors and establishes accountability in the African countries where the AMV goals are concerned.

The AMGF according to (ECA, 2017), the AMGF is flexible enough to be used in extractive sectors that include oil extraction and the mining of metals. The Framework may be used in encouraging social participation and inclusion of stakeholders and host community members of extraction companies. It is expected that the national policymakers and stakeholders of the member states of the AU adopt the AMGF in the governance of the mineral sectors to ensure sustainable development.

The thematic areas that the AMGF seeks to address include; environmental and social issues, as well as legal and institutional framework as it concerns the issuance of contracts and

licenses to extraction company stakeholders. These issues no doubt are cogent in the discourse of natural resources extraction activities in Ogoniland and Marikana. In sum, the AMGF is established to improve the governance of mineral resources, and identify the state government's ability and progress in the implementation of the AMV (ECA, 2017).

4.5 Regional Legal Frameworks relevant to the Regulation of the Extraction of Natural Resources in Nigeria and South Africa

The Southern African Development Community (SADC) was established in august 1992 in Windhoek, Namibia to encourage economic cooperation and integration in the Southern African region, to tackle issues as it concerns the socio-economic growth and development of the region. Among the Common agendas of SADC are; the alleviation of poverty and the achievement of the sustainable utilization of mineral resources as well as the protection of the environment (UNECA, 2004).

SADC understands the importance of mining to the economic growth and development of the region. For instance, SADC (2012) records that about half of the world's mineral resources such as vanadium, platinum, diamonds, gold and cobalt are found in the Southern African region. Also, considering that the SADC leaders recognise the relevance of a comprehensive regional plan for the development of the mining sector, the leaders of SADC in 1997 launched the Protocol on Mining, which came into effect only in 2000 (SADC, 2012). The leaders in the SADC region launched the Protocol on Mining to be bound by the principles therein.

Article 2 (1) of the SADC's Protocol on Mining (PoM) reiterates that the member states understand that a thriving mining sector has the potential of contributing immensely to the region's economic growth, alleviating poverty, and improving the people's standard of living. Members state therefore as provided in Article 2 (10) of the PoM, agree to cooperatively develop and imbibe standards of health, mining and environmental protection that is internationally acceptable. Member states as provided for in Article 5 (1), will as a result advocate for the development of internationally acceptable national and regional standards of mining. To achieve this, as provided in 5 (4) of the PoM, member states will ensure the interchange of engineering, geological codes, and the application of relevant

technical data. Article 8 (1) of the PoM provides that the member states in a bid to promote sustainable development will ensure that a balance between the development of minerals resources and environmental protection is realized. Article 9 (1) of the PoM provides that the member states agree to in one accord improve occupational health and safety in the mining sector of the region.

Furthermore, in August 2001, SADC Mining Ministers agreed upon the Mining Strategic Plan (MSP). The MSP simply spells out how the PoM may be effected to bring to realization the agenda of SADC. The MSP considers among other areas; environmental protection, that is, developing environmental standards and inventions (UNECA, 2004).

In addition, in a bid to ensure the implementation of the Protocol on Mining, SADC Secretariat working alongside the UNECA - Southern Africa Office developed a framework for the 'Harmonisation of Mining Policies, Standards, Legislative, Legislative and Regulatory Frameworks' (SADC, 2012). The framework was published in 2004 and acceded to by the SADC mining Ministers in 2006 in Antananarivo, Madagascar in 2006. The framework was later translated into an operational programme of activities. The SADC Mining Ministers in November 2009 adopted the resultant Harmonization Implementation Plan in Kinshasa, Democratic Republic of Congo (SADC, 2012).

By Harmonization, it is meant that the national systems of all member countries of SADC are merged such that there are minimal differences in the operating environments of each of the countries. The Mining Ministers of SADC understand the standardization of the Southern African minerals industry framework and agree to align technical and engineering prerequisites of the minerals industry, fulfilling social obligations, and meeting up with its health and safety requirements. It also becomes important that there is policy alignment to include; 'exploration and mining access procedure, land rights and tenure, environmental requirements, social obligations and requirements, infrastructure and mineral development' (UNECA, 2004, p. 9).

With regards to the West African region, the High contracting parties of the ECOWAS Energy Protocol adopted in 2003 recognise that the exploration, production, transportation and use of energy must be carried out most efficiently. There is also an understanding that

sustaining the environment is important in the course of development within the energy sector (Preamble, ECOWAS Energy Protocol [EEP], A/P4/1/03). Article 2 of the EEP provides that the Protocol is a legal framework that is established to foster long-term cooperation in the energy field, such that trade and investment may be achieved in the West African region. In the course of achieving this however, Article 19 (1) of the EEP further provides that while aiming for sustainable development, each contracting party in an economically efficient manner must manage extraction activities with minimally harmful environmental impacts. Environmental degradation must be minimized or prevented. The polluter in any of the contracting parties is expected to clean up pollution (trans-boundary pollution inclusive) and bear its consequences without disregarding the public interests.

4.6 Legal Frameworks for the Regulation of the Extraction of Crude Oil in Nigeria

The Mineral Oils and (Safety) Regulations (MOSR) were adopted in 1997 following the powers of the Minister provide for under Section 9 of the Petroleum Act 1969. The MOSR provisions to a large extent are focused on the proper management and safety where oil extraction activities are concerned. This notwithstanding, the MOSR provides that competent individuals be appointed to maintain oil extraction facilities. The appointed Manager must ensure that there is an adequate oil spill response system in the course of oil extraction operations (MOSR, 1997, p. 8)

The MOSR provides that in the course of production of crude oil and while handling the processes involved in its production, for the regulation, the acceptable methods will be such that is in accordance with 'the Institute of Petroleum Safety Codes, the American Petroleum Institute Codes or the American Society of Engineers Codes' (MOSR, 1997, p. 5). While this provision is laudable, the local environment must be appropriately considered before making an allowance for the possibility of having local practises conformable to international standards. All the same, oil extraction companies must operate in Nigeria according to best practices just as it operates in other developed countries.

The Niger Delta Development Commission (NDDC) Act was enacted in 2000 to repeal the Oil, Mineral Producing Areas Commission Decree 1998. The NDDC Act provides for a more organised structure to manage the funds generated for the control of ecological

pollution issues as a result of the oil extraction companies' activities within the Niger Delta oil producing region of Nigeria.

Among the functions of the NDDC provided for in the NDDC Act includes; the confrontation of environmental issues that arise in the course of oil extraction activities in the Niger Delta region which Ogoniland is located in Nigeria. The Commission is expected to recommend to the Federal Government, precautionary measures to control oil spillage and by extension, ecological pollution and degradation. The Commission must also interact with the oil extraction companies on issues regarding oil pollution and its prevention [NDDC, 2000, Section 7 (1) (h & i)].

Furthermore, the Department of Petroleum Resources (DPR) according to its statutory functions must make certain that the oil extraction companies do not degrade the environment in the course of their extraction activities. The Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (EGASPIN) was therefore issued by the DPR in 1991 (revised in 2002). EGASPIN was issued to reduce or put an end to environmental pollution and standardise the monitoring of oil extraction procedures, particularly in the oil-producing areas of Nigeria. According to the requirements of EGASPIN, and to establish limitations and standards for the oil companies, the Director of Petroleum Resources is expected to examine the components of the mud thinners and other additives to determine the extent of its toxicity and hazards to humans (EGASPIN, 2002, p. 9).

EGASPIN sets out contingency plans to control and prevent oil spillage from extraction activities of the oil extraction companies. Basically, it is expected that equipment and manpower are in place to contain oil spills, such that the environment is not polluted. Most importantly, the oil companies should have located the areas that may be affected in the case of the occurrence of an oil spill such that preventive measures are taken beforehand (EGASPIN, 2002, p. 145). Oil extraction companies must establish environmental management practices that aims at making certain that 'unforeseen, identified and unidentified environmental issues' are contained or minimized (EGASPIN, 2002, p. 10).

EGASPIN further establishes that the oil extraction companies conduct environmental audits, such that the compliance with the management's system and the requirements for regulations are assessed. The environmental audits including the; management audit, compliance audit and site or facility audit must be carried out by competent and certified auditors registered by the Department of Petroleum Resources. And at the end of a given year, the environmental audit is submitted to the Director, Petroleum Resources (EGASPIN, 2002, pp. 290-291). To ensure compliance with the guidelines for the Petroleum industry in Nigeria, it has been provided that pollution control devices be constructed and appropriate contingency plans are developed. To enforce compliance with the guidelines and standards, an authorized inspector may require that the equipment being used as regards environmental non-conformance is being examined. If the equipment are not in the best acceptable condition for oil extraction activities, or an offence has been committed against the guidelines and provisions, the inspector arrests the perceived offender or body corporate (EGASPIN, 2002, pp. 293 – 295).

The National Oil Spill Detection and Response Agency (NOSDRA) Act, 2006, as amended, Act No. 15 was enacted by the National Assembly of the Federal Republic of Nigeria. As provided for in Section 1 (1), the Agency is saddled with the responsibility of preparing for, detecting and responding to oil spillage in Nigeria. Section 5 of NOSDRA provides that the Agency is enacted to regulate oil spills as well as review the National Oil Spill Plan of Nigeria to ensure prompt response to oil pollution in the petroleum sector. Section 5 (c) further provides for the establishment of a mechanism that ensures the mobilization of resources to save lives, protect threatened environments and clean up affected areas. As part of the Oil Spill Contingency Plan, subsection (j) provides that agreements with neighbouring countries are established to assist with quick responses as regard the movement of equipment and personnel in the event of an emergency oil spill clean-up activities.

NOSDRA is responsible for investigations to ensure that oil extraction companies comply with extant environmental legislations, national and international alike. More so, compliance with other related environmental legislations that may be enacted from time to time is to be enforced by the agency. NOSDRA as well makes certain that oil spills are managed effectively [Section 6 (1) (a & b)]. As provided in Section 6 (2), if there is an oil spill by the

oil extraction companies, it must be reported to the Agency within 24 hours; failure to do this attracts a penalty of #2,000,000 for each day of the failure of the report of the incidence. The failure to clean up the affected site after about two weeks of the oil spill attracts a fine of #5,000,000 or imprisonment for at most 2 years [Section 6 (2)].

NOSDRA is required, pursuant to the Act to inspect oil and gas facilities, to make certain that oil extraction companies comply with extant environmental laws related to oil pollution, assess the extent of the damages caused by oil pollution, and monitor the clean-up activities and ensure the environment is restored to its original state. Notable of the functions of the Agency as provided in the Act is the provision that the agency is to assist in the mediation between the affected host communities and the oil extraction companies that have caused the oil spill that results in the pollution of the environment (Section 19). Section 18 of the NOSDRA Act provides for the National Control and Response Centre saddled with the responsibility of compliance monitoring of extant legislations on environmental control, and the detection of oil spills [Subsection (c)].

NOSDRA, as provided for in Section 19 (2) is the lead agency for every matter as regards oil spillage response management in Nigeria. The Agency should also co-operate with oil extraction agencies whose oil extraction activities may lead to the spillage of oil, to develop measures to prevent excess damage to the environment and the host communities [Section 19 (3) (a)].

The National Environmental Standards and Regulations Enforcement Agency (Establishment) [NESREA] Act was enacted in 2007 by the National Assembly of the Federal Republic of Nigeria, Act No. 25. The Agency is charged with the responsibility of protecting and developing the environment in Nigeria. The Agency shall enforce 'environmental standards, regulations, rules, laws, policies and guidelines' [NESREA, 2007, Section 1 (2) (a)].

Section 7 of the NESREA Act provides that the Agency is required to enforce compliance with international agreements, treaties and conventions that pertain to maintaining a safe environment. The Agency also enforces compliance with environmental standards and legislations, environmental health and sanitation guidelines, and enforce sustainable

guidelines and legislations regarding the management and development of natural resources in Nigeria. Furthermore, the Agency is expected to ban any technologies or equipment that are not of environmental quality, and must follow up on compliance with the set environmental standards [NESREA, 2007, Section 8 (d & e)].

Section 20 of the NESREA Act provides that the Agency is to make regulations setting standards for the protection of the air resources of Nigeria, such that public welfare is promoted and the productive capacity of humans, marine, plants and animal life enhanced. Section 23 also provides that the Agency in collaboration with related agencies shall make regulations to improve the quality of water in a bid to protect public health. Violation of the regulations made to ensure proper environmental sanitation attracts certain penalties provided for in the regulations of the Agency (NESREA, 2007, Section 25).

Article 2.2 of the Extractive Industries Transparency Initiative (EITI) Articles of Association explains the objectives of the EITI. It is basically to make the EITI principles and requirements the internationally accepted standard for transparency in the oil, gas and mining sector, and strengthen the transparency of the revenues gotten from natural resources. This is having understood that revenues gotten from extractive industries can transform economies and improve the living standards of the populations in resource-rich countries. Among the primary objectives of the Nigerian Extractive Industries Transparency Initiative (NEITI) Act, enacted in 2007, is to ensure conformity with the principles of EITI. Under the NEITI Act, every revenue generated from the extractive industries must be disclosed and paid to the Federal Government.

The Petroleum Industry Bill (PIB) was proposed in 2012 by the National Assembly of Federal Republic of Nigeria to establish legal, fiscal, and regulatory framework for the petroleum industry in Nigeria and other related issues. Among other objectives of the PIB provided for in Section 1, it is proposed to create an environment that is conducive for petroleum operations and to protect the health and ensure the safety of the environment in the course of oil extraction activities.

The President of the Federal Republic of Nigeria on 16th August 2021 signed the PIB 2021 into law now referred to as the Petroleum Industry Act (PIA), 2021. The PIA 2021, Act No.

6, is an act enacted by the National Assembly of the Federal Republic of Nigeria, to provide legal, governance, regulatory and fiscal framework for the petroleum industry in Nigeria, host communities' development and other related matters (PIA, 2021). Section 3 (1) (a) provides that the Minister of Petroleum Resources shall formulate, monitor and administer government policy in the petroleum industry. Section 4 of the PIA, 2021 provides for the Nigerian Upstream Petroleum Regulatory Commission, referred to as "the Commission" which is responsible for ensuring compliance with the laws and regulations governing upstream petroleum operations (Section 4 (6) (b) PIA, 2021).

Section 29 provides for the Nigerian Midstream and Downstream Petroleum Regulatory Authority, referred to as "the Authority" and responsible for the technical and commercial regulation of the midstream and downstream petroleum operations in Nigeria's petroleum industry (Section 29 (3), PIA, 2021). Chapter 3 of the PIA, 2021 introduces the Petroleum Host Community Development (PHCD). Section 234 of the PIA, 2021, provides that there is a direct social and economic benefits from petroleum operations to host communities. More so, peaceful and harmonious existence must be enhanced between oil extraction companies and the host communities (Section 234 (1) (c), PIA, 2021).

Section 67 of the PIA, 2021 provides that petroleum resources and their derivatives be managed according to the PIA, 2021, and that its administration and management be guided by the principles of good governance, transparency, and sustainable development of Nigeria. Only time will tell however, if the PIA will change the narrative of the oil sector of Nigeria, and bring about the solution the sector desperately requires.

4.7 Legal Frameworks for the Regulation of the Extraction of Platinum in South Africa

The Minerals and Petroleum Resources Royalty Act (MPRRA) No. 28 was enacted by the Parliament of South Africa in 2008. It is enacted to impose a royalty on the transfer of minerals from the country. Section 2 provides that any person or mineral resources extraction company who recovers mineral resources from the country is required to pay a royalty that will benefit the National Revenue Fund. For refined mineral resources, about 5% of earnings before interest and taxes are deducted, and for unrefined mineral resources, about 7% of

earnings before interest and taxes are deducted; are to be remitted to the National Revenue Fund (MPRRA, 2008, Sections 3-4). However, as provided for in Section 7 (1) (a), a mineral resources extraction company may not pay royalties if the gross sales for a given year do not exceed 10 million Rands.

The establishment of the Code of Good Practice (the Code) for the minerals industry in the Republic is provided for in Section 100 (1) (b) of the MPRDA, 2002. The Code is a socio-economic strategy aimed at transforming the minerals industry in order to realize certain benefits, particularly, the ownership and the participation of the Historically Disadvantaged South Africans (HDSA) in the mining sector of the Republic (the Code, 2009, p. 6).

In accordance with the Code, the Mining Charter scorecard on management control determines the management control of blacks in the mining industry. Black people and black women should be represented at the Board and top level of the mining industry. There must also be an Employment equity measure adopted in the employment of black people, and black women alike. Race, gender, or disability must not be a barrier to employment in the course of recruitment in the minerals industry. Individuals with local skills may also be encouraged to take up employment opportunities in the minerals industry (the Code, 2009, pp. 8-12).

By principle, as provided for in the Code, it can be said that there is socio-economic development in the mineral industry if only the host communities of the mineral resources extraction companies experience rural development. The mining companies should develop initiatives that allow for rural development and the promotion of homeownership. Black people may be availed of the opportunity to have access to the mainstream economy rather than mere dependants on hand-outs (the Code, 2009, pp. 13-14). More so, the housing and living conditions in the minerals industry must match up to the standard set by the housing and living conditions scorecards. Single accommodation apartments and family units should be built rather than house employees in hostels, and the allocation of accommodation should be done without ethnic or racial biases. Employees must enjoy affordable and hygienic nutrition (the Code, 2009, p. 17).

The Broad – Based Socio-Economic Empowerment (BBSEE) Charter for the South African Mining Industry acceded to in 2018 aims at empowering the people of South Africa to establish a mining and minerals industry that is void of racial discrimination. The Charter is borne out of the recognition of the history of the black South Africa population whose men and women alike have experienced marginalisation from participation in the economy, particularly in the mining industry. The Charter hereby provides a framework for the inclusion of the Historically Disadvantaged South Africans who are thenceforth encouraged to own and manage positions in the mining industry, given equal employment and procurement opportunities and allowed an avenue for the development of the rural communities (BBSEE, 2018, p. 1).

The Charter is premised on Section 100 (2) (a) of the MPRDA that to assure the Government's aim of the reparation of social and economic inequalities in the Republic as provided for in the Constitution, the BBSEE Charter be effected by the Minister of Minerals and Energy. Basically, the Charter's goal among others is to make certain that all the people of South Africa have equitable access to the nation's mineral resources, and that the people benefit from the mineral resources extraction activities taking place in the Republic (BBSEE, 2018, p. 3). Stakeholders of the mining industry under the BBSEE Charter are committed to co-operatively formulating development plans for host communities of the mineral extraction activities (BBSEE, 2018, p.4).

According to the BBSEE Charter, all stakeholders of the natural resources extraction companies having consulted with the Mine Health and Safety Council, and the Department of Housing and organized Labour, are required to ensure the housing and living conditions of the mine employees are improved. Efforts must also be made to ensure that the nutrition of the mine employees is improved (BBSEE, 2018, p. 5). Stakeholders may encourage HDSA companies to tender for the supply of goods or services. Other suppliers known to the mining industry may also partner with the HDSA companies to encourage their participation in procurement (BBSEE, 2018, p. 5). Furthermore, the mining companies agree to 26% participation of the HDSA in each of the resources extraction companies in the space of 10 years from when the BBSEE was initiated (BBSEE, 2018, p. 6).

The government of the Republic is committed to supporting the HDSA companies in the extraction of natural resources. Compliance monitoring will also be ensured to make certain that the HDSA is not negligent to existing laws guiding the extraction of natural resources. The mining companies are also looking to finance the HDSAs such that it does not run out of finances to manage the existence of the nascent natural resources extraction companies (BBSEE, 2018, p. 7).

4.8 Summary of the Chapter

From the foregoing, it has been established that indeed, there are extant legislations at various levels of governance that guide largely every aspect of the natural resources extraction activities in Nigeria and South Africa; these cover issues pertaining to; the environment, the host communities, and the employees of natural resources extraction companies. One dares submit that compliance monitoring by assigned offices and officials have been ineffective and inefficient.

In sum, the extant legislations, rules and policies are enacted basically to ensure that the environment is kept healthy for the benefit of humans, animals, and plants alike. Every entity and in this case the oil and platinum extraction companies are expected to adhere to each of the provisions in the regulations. It is also important that compliance with the regulations are monitored by the authorities in charge, such that defaulters are brought to book. These precepts if abided by will avoid to the barest minimum the negligence of the oil and platinum extraction companies, and the host communities will have an environment where they can survive and thrive.

CHAPTER FIVE

EVALUATING THE COMPLIANCE OF SPDC AND LONMIN TO EXTANT REGULATIONS AND ITS ENFORCEMENT BY THE NATURAL RESOURCE EXTRACTION REGULATING AGENCIES.

5.1 Introduction

This chapter discusses the results of the study conducted by the researcher in Ogoniland, Nigeria and Marikana, South Africa. The chapter assesses the oil and platinum extraction activities of SPDC and Lonmin in Ogoniland and Marikana respectively. In organized sections, the chapter discusses the impacts of the natural resources extraction activities of SPDC and Lonmin on their host communities – Ogoniland and Marikana. The impacts are found to be appalling and to a large extent infringing on the fundamental human rights of the members of the host communities. As a result, the study discusses and establishes the non-compliance of the natural resources extraction companies and the failure of the regulatory agencies in carrying out their oversight functions. The challenges that regulatory agencies encounter in enforcing compliance of the resources extraction companies to extant regulations are also discussed.

5.2 Assessing the oil extraction activities of SPDC in Ogoniland and its compliance with extant laws.

Having obtained the oil mining licence from the government, the oil company proceeds with its oil production activities. Most times, it involves seismic exploration of the earth's surface or direct drilling beneath the earth's crust, and the erection of pipelines to transport oil to its final destination for marketing (North Dakota State University, 2010). The seismic exploration is carried out to discover without drilling wells, the exact location of oil beneath the earth's surface (North Dakota State University, 2010). This process can result in shock waves as a result of the drilling that is usually not below 200 feet and shot holes of about 4 to 5 inches wide. The drilling process requires that a well is dug about 1000 feet beneath the earth's crust to locate petroleum deposit (North Dakota State University, 2010; Pearson, 2022).

The oil industry in Nigeria operates hundreds of oil-producing wells, and a network of pipelines of long kilometers passing through oil-bearing zones such as that of the Ogoniland,

to flow stations and terminals. In Nigeria, the oil production activities that occur between the transfer of oil and its haulage at the export terminal, till it gets to the end-user, involve; the transportation of oil through the ocean, supply and trade of oil, refining, the distribution and marketing of the oil products (NUPRC, 2021). SPDC has no operations in Ogoniland, other than, the transportation of oil through oil pipelines. According to the records of SPDC, before the company declared force majeure in 1993, oil production in Ogoniland stood at 28,000barrels per day, with oil worth $5.2billion. The host communities are yet to overcome the anthropogenic disturbances of SPDC even before 1993. The effects of the presence of the erected oil pipelines meant to transport oil to its final destination continue to degrade the ecological system of Ogoniland (Andresen, 2021). A respondent corroborates these findings, he says,

> *"Yes, SPDC started drilling oil in Ogoni in 1958. Ogoniland is blessed with vast deposits of crude oil. As of the time SPDC stopped operations in 1993, there were around 96 oil wells amounting to thousands of barrels of oil per year during the period of production. As we speak, there are still SPDC oil pipelines that pass through Ogoni from other oil-producing communities".*

The section discusses the impacts of oil extraction activities in Ogoniland as evidence to support the case of the non-compliance of SPDC with extant laws, ascertaining SPDC's adherence, hitherto, to existing regulations that guide the extraction of oil in Nigeria. The possible challenges of enforcement of the laws on SPDC by the regulatory agencies are discussed.

5.2.1 Impacts of the Activities of SPDC in Ogoniland

The SPDC stopped its operations in Ogoniland in 1993, due to continuous agitations of the host communities. Another respondent confirms this, saying,

> *"The April 1993 protest ended the exploration of crude oil in Ogoniland. Presently, there is no direct drilling taking place on the land but SPDC's presence is still in Ogoni because of the erected pipelines that transport crude oil to the final destination".*

A respondent corroborates,

> *"Shell is no longer in operation in Ogoniland, you know that they suspended their operations in 1993. However, they still have field facilities in Ogoni, they have what we call the Trans Niger Pipeline which transports crude oil from fields outside of Ogoni through Ogoni to Bonny, the export terminal".*

In fact, despite the authorization given by the adjunct DPR for SPDC to grant an interview, no SPDC official was willing to do so, because the company believes it had stopped its operations on Ogoniland. A representative of the company who disclosed that the company was not willing to grant an interview said,

> *"Our activity in that place ended since 1993, almost all activities in Ogoniland from SPDC were shutdown till date. Today, if somebody is going to make a research and the principal respondent of that research is SPDC, it looks somehow. But if it comes from the communities that are even aggrieved, then, it will be better. That's why this person now is saying that you should go through the community".*

While one may not necessarily see any official or SPDC office in Ogoniland, there are pipelines erected by the SPDC that cuts across the Ogoniland for transportation of oil to its final destination. This fact the representative of the company reluctantly attested to. He further insists,*"I personally cannot answer, but the information I have from the team, the resolution is that SPDC does not have activity in Ogoniland since 1993".*

Figure 5.1: Oil Pipelines laid across neighbouring Okirika LGA

Source: UNEP Report, 2011

The pipelines have been laid about 60 years ago. These pipelines are old, ill-maintained and corroded, resulting in constant oil spills and the degradation of the environment. A respondent laments saying,

> *"That pipeline was laid in the '50s, it still exists till today, there is no way even a human being that is old, you know what happens to an old man; he is often sick, Okay? What happens to these old deeply seated pipes is that they suffer a lot of things and most of the time, they rupture and spill oil"*.

The UNEP Report (2011), further describes the route of the pipelines. It records,

> "While oil production no longer occurs in Ogoniland, crude and refined oil products transit the region via pipelines. The main SPDC oil pipeline, or trunk line, from upstream production areas, runs to the export terminal at Bonny, while the pipelines from Bonny terminal to Port Harcourt refinery and from Port Harcourt refinery to Umu Nwa Nwa also pass through Ogoniland" (UNEP Report, 2011, p. 35).

The author deduces that the presence of SPDC in Ogoniland has not been favourable to the host communities. It is rather unfortunate that there is a poor synergy between the host communities and the oil extraction company; the former continues to be the powerless actor (Pegg & Zabbey, 2013). SPDC in 2011 records a profit of US$29,000billion, with about US$24,000billion made from upstream activities (SPDC, 2011). Yet, proper attention is not paid to the well-being of the host communities, there is the perpetual destruction of the people's traditional livelihood structures. SPDC pipelines that run through Ogoniland have adversely impacted the members of the host communities. A respondent says,

> *"The challenges posed by oil extraction in Ogoni are many. First, we have the environmental damage as a result of oil drilling between 1958 and 1993 when SPDC left Ogoni. The implication of this is that Ogoniland's indigenous economy was destroyed such that fishermen could no longer fish and farmers were incapacitated all due to the destruction of soil ecology by oil spillage. The Bodo Spill is very relevant in this. Hence we can say there are economic, social, health and even psychological challenges posed by oil exploration in Ogoni".*

These impacts are evidence to conclude that the SPDC has been non-compliant with existing regulations that guide the extraction of oil in Nigeria. The impacts are discussed in subsequent sections of this study.

5.2.1.1 Oil Spill

Because the oil extraction activities in Ogoniland are limited to transportation of oil through pipelines, oil spill is the major problem that gives rise to all other adversative impacts in the host communities. Oil spills in the course of transportation as a result of leakage from the oil and dilapidated pipelines. A respondent verifies, saying, "*all other environmental issues in Ogoniland are as consequences of oil extraction activities, particularly oil spill on the land"*.

Lindén and Pålsson (2013) study reveals that the level of oil spills in Ogoniland is very high and hazardous; it has resulted in the severe contamination of the area, affecting the ecosystem and human health. It is recorded that,

> "Extractable petroleum hydrocarbons (EPH) (>10-C40) in surface waters up to 7420 µg L^{-1}, drinking water well show up to 42 200 µg L^{-1}, and benzene up to 9000 µg L^{-1}, more than 900 times the WHO guidelines. EPH concentrations in sediments were up to 17 900 mg kg^{-1}. Polycyclic aromatic hydrocarbon concentrations reached 8.0 mg kg^{-1} in the most contaminated sites. The contamination has killed large areas of mangrove" (Lindén & Pålsson, 2013, p. 685).

A respondent lamented on the effects of the oil spill on the existence of members of the host communities. He says,

> *"see, the regular oil spill has caused catastrophe on Ogoniland, our creeks have been polluted, so we don't have potable or hygienic water to consume. Those of us who farm and fish for a living have been rendered jobless, since the oil has destroyed our farmlands and killed all the fishes in the water".*

As a result of the Bodo spill in 2008 and 2009 for instance, about 600,000 barrels of oil were released on the creeks of Ogoniland, due to ruptured pipelines owned by the SPDC. In 2015, the sum of $83.2m was paid as compensation to the members of the host communities, where each family received $3,155 each with the promise of a clean-up of the oil in the communities. As it were, the monetary compensation cannot suffice for the extent of damage caused to the livelihood and existence of members of the host communities. The clean-up exercise was flagged off only in 2016, and the process is a rather slow one. More so, even though there is a possibility of environmental restoration of Ogoniland, it may take about 25 to 30 years. But how is Ogoniland going to attain a level of total environmental restoration as the spills are still constant? The government claims to be having a clean-up, yet the perpetually ruptured pipelines spill oil incessantly.

5.2.1.2 Environmental Degradation

It should be noted here that the predominant occupations of the host communities of Ogoniland are farming and fishing. Oil spills have destroyed the mangrove, creeks, and streams (Lindén & Pålsson, 2013). Every time there is an oil spill, it seeps deep into the soil and inhibits plant growth. A respondent corroborates,

> *"Usually there are chemical components of oil that are chemically modified to prevent the plants from getting adequate nutrients from the soil. So when the oil seeps into the soil, plants are deprived of nutrients that could enhance growth, consequentially, plants die for lack of nutrients".*

It then becomes difficult for a farmer to thrive in his traditional occupation. Hence, there is poverty, hunger, and lack among the members of the host communities. A respondent noted,

> *"Oil was struck on our land in the 50s… Because there no presence of anything irrespective of the volume and quantity of crude oil that has been carted away, nothing is left behind. So, because of the poor state of our environment".*

Another respondent afraid of the possibility of the Ogoniland going into extinction with the present situation says,

> *"A community which environment has been so devastated, yet it relies on agriculture for its own subsistence. It means that if nothing was done to the environment in order to boost the fertility of the soil so that food production can go on and other related matters can go on. The fear continues to exist that we may be extinct sooner than later".*

Corroborated by Ken Saro-Wiwa's words. He says,

> "If you take away all the resources of the (Ogoni) people, you take away their land, you pollute their air, you pollute their streams, you make it impossible for them to farm or fish, which is their main source of livelihood, and then what comes out of their soil you take entirely away. If more people in Ogoni are dying than are being born, if Ogoni boys and girls are not going to school. if those who manage to scale through cannot find jobs; then surely you are leading the tribe to extinction" (cited in, Osaghae, 1995).

The oil spills into the creeks, rivers, the mangrove and other water bodies to pollute it, as a result, the aquatic animals are destroyed leaving the fishermen and sea food merchants void of their means of survival. Prior to the oil spills in Ogoniland, several authors highlight the various aquatic animals that used to be found in the waterbodies, and were useful for both subsistence and commercial purposes.

There were four important varieties of edible molluscs being harvested. It include; common periwinkle, oyster, bloody cockle and dog whelk. Other crustaceans harvested include, the swimming crab (C. amnicola), the pink shrimp (Farfantepenaeus notialis) and the tiger prawn/shrimp (Penaeus monodon). Shellfishes were also highly commercialized at the Bodo creek. The tilapia, bonga, croaker fishes provided economic, food and cultural resources before the Bodo-spill. They were completely destroyed by the spills (Pegg & Zabbey, 2013; Powell, et al., 1985; Zabbey, 2011; Zabbey & Hart, 2011).

Some women who used to be fish-sellers prior to the oil spills have had to change their professions, even though inconvenient, as losses have been accumulated and the new professions do not appear promising like the selling of fish. For instance, rather than just cutting the oysters from the mangrove branches in the Bodo creeks, the women now have to travel long distances to buy the oysters. As such, the gain made is not as much as it used to be (Fentiman & Zabbey, 2015).

Figure 5.2: Dead periwinkles from the contaminated creek covered in oil

Source: Amnesty International, 2011

A respondent laments with a lot of passion and sadness,

> *"This pollution they have inflicted on these communities has affected the fertility of the soil and other words, have dislocated the noble livelihood resources of the people, and today, there is what we call food insecurity, there is the issue of income and there is the issue of poor community development, because as I said earlier, the lives of these local communities are dependent on the environment because they are all farmers and fishermen. Okay? The lives of the people are completely dependent on lands and when the land is polluted, it means all these vices I have mentioned now affect the communities".*

When the waterbodies and land is polluted as a result of the oil spill, it also becomes very difficult for the members of the host communities to have access to potable water. In other words, the consumption of contaminated water has led to chronic health issues, discussed in the following section.

5.2.1.3 Health hazards

In general parlance, it is agreed that "Water is life". This implies that a human who is deprived of water or potable water is prone to death. The oil spill has polluted the groundwater of Ogoniland, thereby contaminating the communities' wells. A respondent explains,

> *"Even basic potable drinking water, potable drinking water… You'll discover that just portable drinking water, it becomes errm, because the water that criss-crosses our farmlands and the underground water, you know that even in the UNEP Report, they said Nsisioke, there is a community called Nsisioke, that the level of benzene found in our water is above the world record or something like that so … And those people who are living there do not have a common potable drinking water. So you can see the challenges we are facing when it comes to health and so many other, you know, health challenges arising from this".*

According to the WHO, the acceptable amount of Benzene to be consumed by a human is 10µg/l. Benzene is a known carcinogen that can cause cancer. The Centers for Disease Control and Prevention (CDC) expatiate that,

> "Benzene is one of the unsaturated organic chemicals present in the oil, harmful to the body because it decreases red blood cells circulation that could lead to anemia. An anemic body lacks a

> strong immune system that allows the body to be prone to all sorts of infection, for instance, cancer of the blood, known as lukemia" (CDC, 2018).

Having sampled about five wells in the Nsisioken community of Ogoniland, UNEP reports (2011) that the members of that community are at a high risk of benzene poisoning as the benzene level of contamination of the water is 900 times higher than WHO's recommendation.

Table 5.1: Concentration of Benzene in contaminated sampled well in Nsisioken community of Ogoniland

Sampled well	Benzene (µg/l)
001-005-BH-102	9,280
001-005-BH-103	161
001-005-BW-100	7,090
001-005-MED-101	8,370
001-005-GW-104	7,140

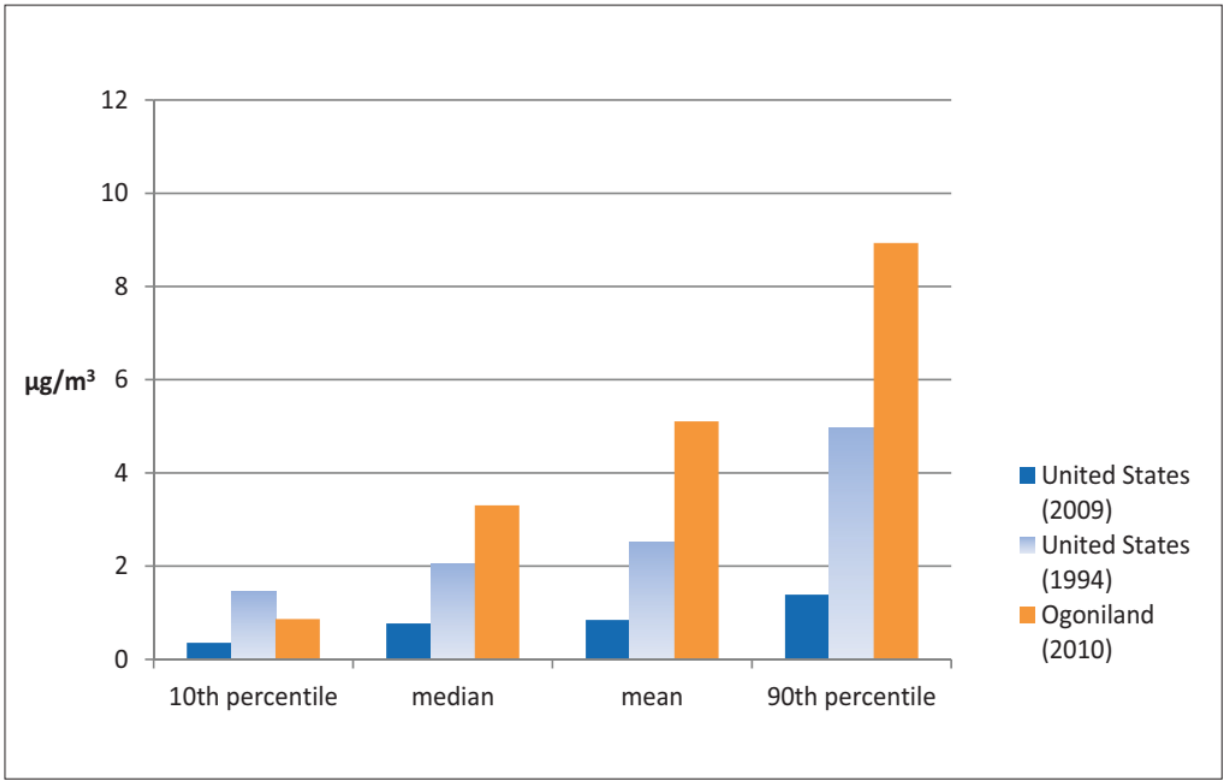
Source: UNEP Report, 2011, p. 189.

Yakubu (2017) notes that even after the UNEP's recommendation to ensure the issue of water is addressed particularly in Nsisioken community, the remedy was only short-lived. He further records the travails of an already impoverished people,

Community members resorted to purchasing water from retailers and using rainwater. For the poor who could not afford it, they resorted to using of the polluted water, seeing they had no alternative. In fact, at some point, the water tankers responsible for dispensing drinking water to Ogale and Obolo communities were observed to be empty. Some of them were perpetually parked at some other locations within Eleme. Investigations revealed that some households spent about 150–200 Naira to get a daily clean water supply (Yakubu, 2017, p. 3).

The air is also polluted as a result of oil spills. It is concentrated with Benzene which is a genotoxic carcinogen, capable of resulting in the risk of a lifetime of cancer. Members of the host communities of Ogoniland are exposed to multiple petroleum hydrocarbons in the polluted air. It should be noted that the air pollution from the oil spill combines with exhaust from vehicles, roadside fuel and petroleum products haulage. The concentration of Benzene in Ogoniland is so high, that as of 2010, when compared with that of urban areas in the United States, that of Ogoniland supersedes it. Figure 5.2 below depicts this assertion.

Figure 5.3: Concentration of Benzene in outdoor air of Ogoniland and in the urban areas of the United States



Source: UNEP Report, 2011, p. 192.

The oil spill pollutes the entire atmosphere of Ogoniland. So, the air that members of the host communities breathe in and the water consumed by the people are polluted. This has resulted in the development of diseases that may last a lifetime of the people. A respondent comments,

> *"So you can see that the lifespan of an ordinary Ogoni man is 70 or 80 years because of these hazards arising from these operations because there are constant oil spills and so many hazardous, you know, effects of these operations".*

Many members of the host communities are struck with diseases such as cancer and respiratory issues. This is due to the inhaling of particulate matters present in the air, leading to asthma, and other heart and lungs-related diseases. A respondent has this to say,*"so when it comes to health, you see that lots of people are developing cancer, several diseases arising from rashes and so on and so forth".*

Another respondent complains bitterly,

> *"we inhale, you know with these spills all over the this thing, air carries them into the atmosphere and we keep inhaling it. Today in Ogoni, as President rightly said, we have more cases of cancer, we have difficulty in breathing and a lot of sicknesses and disease that are related to oil production in the area".*

Figure 5.4: Oil Contaminated source of water in Ogoniland

Source: UNEP Report, 2011, p. 153

Figure 5.5: Oil spill on a farmland in Ogoniland

Source: UNEP Report, 2011, p. 150

This research affirms that no amount of particulate matter is safe for the body system. The researcher imagines that an individual in the host communities has inhaled about $0.1\mu mg^3$ of particulate matter constantly daily for 20 years. It means that the body of such a one has a concentrated particulate matter of $7.3\mu mg^3$ at the end of 20 years. This is how long many host communities' members have lived and in Ogoniland and have been exposed to a contaminated environment. It is, therefore, possible that at least 90% of members of the host communities bear diseases in their body systems, while the activities of SPDC is continuous in the areas.

5.2.1.4 Sowing Seeds of Discord among the People and the Rulers

Residents of Ogoniland have argued that the activities of SPDC on the land have brought about misunderstanding among the people. The leaders of protest groups and traditional rulers are not able to unanimously agree against the presence of SPDC in Ogoniland, because some individuals have been bribed only to be in favour of the oil company to the detriment and loyalty of other kinsmen. One respondent explains,

> *"An overwhelming majority of our people are against the activities of Shell or the oil activities, because as I said earlier, the people are predominantly farmers and fishermen. So the negative consequences of oil production in these areas affect them badly and the people are unanimous against those things that affect their livelihood and degrade their existence. Now, in terms of the environment, the people are unanimous, but you know in every society, there must be a Judas, you understand? In every society, there is a Judas. Those Judases are the ones that Shell has been able to manipulate, Okay? But an overwhelming majority have drowned these activities of the Judases. We cannot say, but the truth is that in every society, there is a Judas. We have those Judases in Ogoni too, but their activities have not been able to suppress completely the activities of the majority".*

Unfortunately, when a few people dance to the tune of the multinational company, it becomes difficult for members of the host communities to comply with laws issued by the traditional administrators. A respondent says,

> *"They also get involved in the administration of these communities by creating their own government, creating divide and rule (and causing crisis), and any government of these communities that they feel is not their own, they create problems until they get back their own thing in that community so they cause administration crisis, they cause leadership crisis in these communities".*

The members of the host communities of Ogoniland based on the adverse impacts of the extraction activities on the area, should stand against and condemn the activities of SPDC. But, when there is no unity, it may be impossible to reach the goal of demanding and making certain that SPDC complies with the standards guiding its oil extraction activities on the land or vacating Ogoniland so that sanity may return to the area.

5.2.1.5 Criminal activities

Some of the criminal activities now prominent in Ogoniland include; cultism, theft and artisanal refinery. It should be noted that a people who are deprived of the benefits derived from their own land would look for alternative means to get back what belongs to them. The alternative methods can therefore be criminal in approach, they get themselves armed and by every means illegal hope to take their share of the benefits forcefully. Some youths have become cultists in the process. A respondent explains,

> *"there are series of cultism here and there. Because, what they do, they tried as much as possible, you know, to create youth groups in a particular community and arm those youths; because they are giving some petty contracts, and at the end of the day, those people will now turn to be, you know, some leadership that controls the area. By so doing, you can see, certain chiefs, community chiefs and some elites of the places find out that they can no longer stay in our own community because of this, you know, terrible violence. So Shell activities are responsible for why there is the high degree of violence in the Niger Delta. It is responsible why there is …, because, they sponsor them, they give them money, coming from this crude oil and before you know one small boy who did not go to school will come around to be the king of the place".*

Other youths have taken to artisanal refinery for survival. That is, if SPDC will not give them a share of the benefits derived on their land, they would steal the crude oil from the pipelines and go by illegal means to refine and market the oil (Naanen, 2019, Yakubu, 2017). Naanen (2019) terms this action as 'oil theft' and 'illegal refinery'. Those involved in this act do not necessarily believe they are committing a crime, as far as they are concerned, they are taking what belongs to them if the government and SPDC will not give it to them. *"You cannot actually steal what belongs to you"*, says a respondent. Naanen, (2019) records, "they perceive "oil theft" and artisanal refining as a legitimate business, a self-help economic activity and a means of reclaiming the community's right over the resources of their land, which has been appropriated by the state" (Naanen, 2019).

Perpetrators of this act simply think they are engaged in a self-help system. Unfortunately, the activities of the artisanal refiners further pollute the environment and paralyzes the socio-economic life of the members of the host communities. In essence, artisanal refinery

contributes to environmental degradation in Ogoniland, and deprives individuals of their right to a clean environment, hence, must be treated as a criminal offence. A respondent supports this, saying,

> *"You know the current situation in Rivers state now, where there is a high level of soot in this thing, it's 99% the consequence of artisanal refinery and that is why government is very very serious about stopping it completely."*

Another respondent adds,

> *"So the issue of people in Ogoni kidnapping, errm, oil workers, no no no, it's not true. It happened in other areas as we have been reading about them and hearing in the news and all that. But the issue of oil bunkering and artisanal refinery, Yes, it has happened, and the state is extremely on them trying to stop it. They have been destroying their wires, their equipment and tools in doing it because their activities had so affected again the environment. The already destroyed environment, the activities of artisanal refiners and bunkers have also worsened the situation. And in order to ensure that that is stopped, the government has worded into it, as I speak, the this thing is on very seriously. They are arresting them, they are destroying their sites, they are prosecuting them and a lot of things are going against them. Currently, they are declaring them wanted, so that issue, if government is able to sustain it, then there will be a final stop to it, especially in Rivers State"*.

Naanen (2019) is however of the opinion that oil theft or artisanal refining is a resistance method or a form of protest against inequitable sharing of the benefits of the oil gotten from the area. The only remedy therefore is for the Nigerian government and SPDC to consider 'equitable resource governance'.

Figure 5.6: Artisanal refinery operations in Gokana LGA

Source: UNEP, 2011.

5.3 Non-Compliance of SPDC to the Extant Regulations Judging from the Activities and the Impacts of its Activities on the Host Communities of Ogoniland

It was agreed at the Stockholm Human Conference in 1972 that, "natural resources of the earth including air, water, land, flaura and fauna and especially the representative sample of the natural ecosystem must be safeguarded for the benefit of the present and future generations through careful planning or management as appropriate". In addition, the UN Human Rights Council established that every individual is entitled to a clean, healthy and sustainable environment. SPDC has violated these establishments and has infringed on a fundamental human right of the people of Ogoniland.

According to the African Commission, Nigeria has violated the rights of the people as provided for in the ACHPR. It is recorded that,

> "Despite its obligation to protect persons against interferences in the enjoyment of their rights, the Government of Nigeria facilitated the destruction of the Ogoniland. Contrary to its Charter obligations and despite such internationally established principles, the Nigerian Government has given the green light to private actors, and the oil Companies in particular, to devastatingly affect the well-being of the Ogonis" (ACHPR).

The Oil Pipeline Act 2004 of Nigeria also emphasizes in Section 17 (4) on ensuring safety, non-interference with public utility, and the prevention of pollution to the lands and waters. A breach of this agreement by the multinational oil companies attracts a penalty of the retrieval of oil mining licences from the licence holders. By virtue of the Oil Pipeline Act also, in Section 11 (5), members of the host communities are entitled to compensations in the event of a breakage or leakage of the pipeline.

Respondents agree that there are laws guiding oil extraction in Nigeria, but SPDC has not complied with the laws, especially as regards its presence in Ogoniland. A respondent bitterly complains,

> *"Nigeria is not short of laws, the problem has always been compliance and enforcement. Yes, enforcement has always been the problem, if not laws guiding the oil industry has generated concerns and as many as you know. But the issue has remained compliance and enforcement, and that is why you see all these things happening especially in Ogoniland, where Shell has operated as if it was above government, it was above any law, and was even above the human person".*

Another respondent sarcastically notes that the SPDC cannot even meet up with the laws or standards that it had set for itself. He says,

> *"you see what UNEP wrote about Shell and government. It said even the minimum standard that Shell had set for itself, it was unable to implement, to obey. That tells you the level of which the people don't respect even the laws of this nation. If they can't respect their own law, how do you thing they will respect the law of the nation? Because they feel they are over and above the government of this country, over and above this country, Why? Because they are keeping Nigeria alive through production of oil".*

If only SPDC complied with existing laws, the environment will not be so degraded that it would attract the attention and intervention of the international community. The members of the host communities will not be so impoverished and there will not be a need for the cleanup exercise that also is failing. A respondent says,

> *"If there was, why would there have been the need for some people to embark on this current project, why would there have been the need for the Federal Government to contract UNEP to do an assessment of the Ogoni environment. Now, if they had ever obeyed the laws, why would there have been a HYPREP to clean the Ogoni environment. So, they don't, they don't, they don't"*.

5.4 The Enforcement of the Laws by the Regulating Agencies in Nigeria

The defunct DPR is saddled with the responsibility of ensuring compliance to laws and regulations guiding the operations of the oil and gas industry in Nigeria. The government regulatory agency is to ensure the integrity of oil facilities and pipeline system (NUPRC, 2021). The agency is supervised by the Federal Ministry of Petroleum Resources. The DPR regulation – EGASPIN, reissued in 2002, is the basis for majority of the environmental regulation of the oil industry (UNEP, 2011). Also, NOSDRA was established in 2006 as an institutional framework that is responsible for implementing the National Oil Spill Contingency Plan and developing mechanisms to monitor or direct responses to the plan. NOSDRA is also meant to ensure that the oil industries comply with the Nigerian legal regulatory framework that is environment and oil industry related (NOSDRA, 2019).

Ideally, according to the law, NOSDRA (2019) explains that oil spill must cease in the space of 24 hours after the oil company gets notified of the spill. A Joint Investigative Visit (JIV) must thereafter be effected, where representatives of; the oil company, the appropriate government agencies, and the affected community, visit the oil spill site and ascertain the impacts, cause and level of the spill. Further clean-up measures are thereafter effected and monitored by the government (NOSDRA, 2019).

The alarming rate of oil spill in Ogoniland and the impacts so far recorded is a pointer to the fact that the regulatory agencies have poorly enforced the laws guiding oil extraction in Nigeria. About 80% of the CSOs respondent opine that the regulatory agencies have been

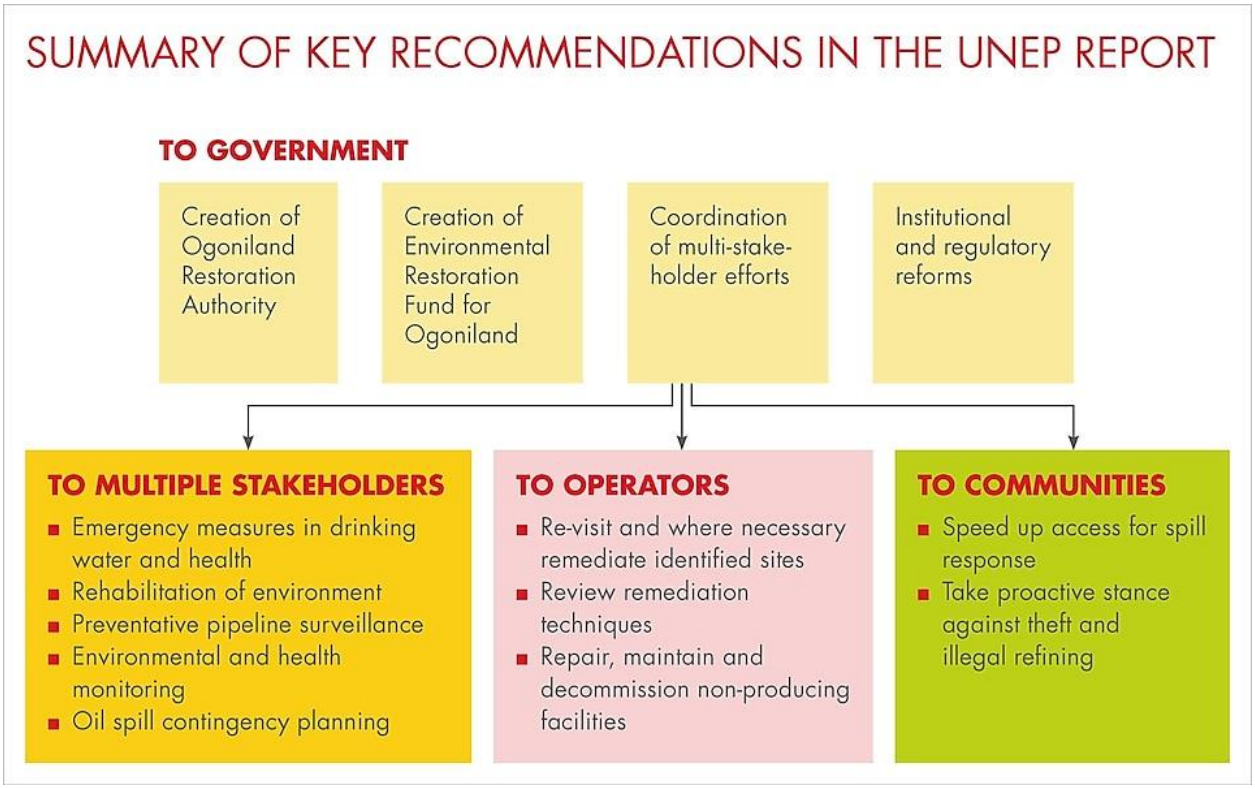
weak in carrying out their duties. Regulatory agencies are generally thought by natural resources experts to be ineffective by respondents. A respondent in great despair laments about the failure of the oil regulatory agencies. He says,

> *"To be honest, the regulatory bodies have largely failed in their responsibilities towards oil producing communities. As government agencies, there are passive and apparently institutionally weak to respond to the demands of the oil communities. The regulatory bodies do not seem to be able to stand up to the irresponsibility of the oil companies"*

If the oil spill monitoring processes had been religiously followed, Ogoniland will at present be in an environmentally sane condition. UNEP (2011) reported that the government agencies fail in their oversight functions particularly because there are no qualified technocrats and resources to carry out these duties. NOSDRA is bereft of adequate resources to carry out an oil spill inspection; on many occasions, the government agency relies on the oil company for its logistic support. For instance, inspecting an oil spill sight in the Niger Delta, may require the use of helicopters and boats that is unavailable to the government officials, but available only to the oil company. The government officials are therefore reliant on the oil companies to transport them to the spill site (UNEP, 2011). By all means, the results and judgement of the agency upon inspection must be subjective.

The government in a bid to salvage the environmental situation of Ogoniland, alongside other stakeholders invited UNEP to conduct an environmental assessment of Ogoniland. Intensive research was carried out, and after 14 months, reports and recommendations were submitted to the government for implementation. The recommendations cut across every sphere as it concerns the well-being of Ogoniland; public health, air pollution, contaminated water and land among others (Yakubu, 2017). The UNEP (2011, p. 142) report in sum recommended an immediate clean-up of the contaminated sites to avoid further degradation of the Ogoniland.

Figure 5.6: Summary of Recommendations of the UNEP Report (2011).



Source: SPDC, 2018.

The Ogoni clean-up, among other recommendations, was only flagged off by the Vice President of Nigeria, five years after the recommendation of the report. The clean-up process has also been a slow one. The recommendations have also not been effectively executed as Ogoniland continues to suffer ecological degradation.

Largely, of all the numerous extant laws guiding the extraction of oil in Nigeria, none has been fully implemented by the regulatory agencies. It is difficult to find a record of a sanction or penalties served the oil companies by the government for flouting extant regulations (Yakubu, 2017), particularly in the case of SPDC and Ogoniland, and this is despite the devastating impacts of the oil production activities of SPDC on Ogoniland. Instead, sub-standard clean-up methods have been employed or oil spills ignored like in the oil spill cases of Bodo and Goi in 2008 (Allen, 2012).

5.4.1 Challenges of the Regulatory Agencies in Enforcing Compliance to Extant Laws Guiding Oil Extraction Activities in Nigeria

Section 20 of the 1999 Nigerian Constitution provides that "the State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria". Also, Paragraph 24 of the Petroleum Act provides that the Minister of Petroleum Resources may revoke oil prospecting or mining licences from an oil extraction company that fails to conduct its operations according to good oil field practices and comply with regulations provided for in the Petroleum Act. Unfortunately, despite the almost irreparable damages caused to the people of Ogoniland as a result of the activities of SPDC, the oil company has not lost its licence to operate in Nigeria. Its activities continue even at the detriment and well-being of the Ogonis. A respondent commented,

> "*The main difficulty the regulatory agencies face is lack of institutional capacity. On paper, they have excellent briefs but they are terribly poor in implementing these briefs. There is also political interference and corruption. In my opinion too, the host communities do not trust the regulatory agencies and this is a serious impediment to their working".*

Possible challenges of enforcing compliance to extant regulations are further explained below.

5.4.1.1 Conflict of Interest

Respondents believe that the major reason why the government is not enforcing compliance of oil companies in Nigeria is because of the conflict of interest. The oil industry in Nigeria has a joint venture with the government as it owns the Nigerian National Petroleum Company (NNPC), the SPDC is one of the subsidiary oil companies in Nigeria. The Nigerian government also has a 55% stake in the joint venture it has with the SPDC (Konne, 2014). Furthermore, oil contributes a great deal to the economy of Nigeria, it accounts for about 40% of Nigeria's GDP, 80% of its budget revenues about 95% of its foreign exchange earnings of the country (World Bank, 2022). Therefore, suspending the activities of SPDC may stall the inflow of income into the government coffers. For instance, by all evidence given as regards the damages that SPDC oil pipelines have caused in Ogoniland, the government ought to have retrieved the company's oil mining licence or enforced the

replacement of pipelines for environmental sanity and the socio-economic growth of the host communities. But, in Ogoniland, it is 'business as usual' even to the detriment of the very existence of the people. The defunct DPR that should enforce the compliance of regulations is also in support of the Ministry of Energy which is saddled with the responsibility of developing energy resources in Nigeria. While supporting the Ministry in charge of the production of oil, it is difficult for the DPR to effectively ensure that SPDC complies with existing regulations (Konne, 2014). A respondent complains bitterly,

> *"Because they are keeping Nigeria alive through the production of oil, you and I know that Nigeria is more or less a rentier state. The Nigerian government does not rely on public taxation for survival, it relies more than 80% on oil production that they just sell and get money. And that is why you see many of the states in Nigeria are lazy, because at the end of the month, they go to Abuja and the government gives them money (allocation). That is it. And because of the strategic position of Shell in relation to the economic survival of the country and government, government has been unable to touch Shell and because of that Shell has also exploited that same condition against the country by not obeying its laws".*

5.4.1.2 The Claim of Sabotage

There is no gainsaying that the deprived people of Ogoniland have opted for oil bunkering, oil theft, oil pipeline vandalism and artisanal refining of oil. The government often presses criminal charges against host communities' members, implying that their criminal activities are the main reasons why the environment is polluted. A respondent says,

> *"In fact, sometimes they even use the army and use the police, and before you know, they arrested, a lot of people are in prison yard, they will cook a lot of frivolous charges against our people, before you know, one form of thing leads you into court and you remain, and they forcefully enter your land and take whatever they want to take. So, that is another angle of the challenges we face, you see, they manipulated the security agencies against the natives".*

The oil theft and artisanal refining of oil get a lot of the attention of the Nigerian government that one wonders if this action is really to mitigate the degradation of the ecosystem or if it is because of the government's interest in the dividend that oil brings it.

The Petroleum Revenue and Special Task Force (PRSTF) of the Federal Government of Nigeria reports in 2012 stating that;

> "Hydrocarbon theft was found by the Task Force as being a major and chronic source of revenue loss to Nigeria. Theft of crude oil and refined petroleum products may be reaching emergency levels in Nigeria. The Task Force observed various estimates by International Oil Companies and Government officials of the scale and volume of crude theft which ranged from 6 to 30 percent of production…it could actually be as high as 250,000 barrels per day closer to 10 percent of daily production" (PRSTF, 2012).

Rather than address the negligence of SPDC in ensuring that the corroded and leaking pipelines have caused the nuisance in the area, the Nigerian government has decided to capitalize on the issues of oil theft, Terisa E. Turner – an International Oil Working Group Expert, having visited oil polluted sites in Nigeria declares,

> "The claim of sabotage is patently false. There has been almost no arrest for sabotage of petroleum pipelines. Much less prosecution of any accused. The oil companies have been claiming that the oil spills, the pipeline explosions were all caused by sabotage. But there is no evidence to this so far. These are just lies, distraction, and shirking of responsibility on the part of the oil companies- and Shell here is the most serious culprit. Shell has not replaced its pipelines, has not carried out proper maintenance. It is well known, that should the pipelines not be replaced within 20 years or even sooner, then inevitably, they will leak, they may explode any day. It so happened in the case of Yorla [in Ogoni] that Shell jumped to the false accusation and the cowardly denial of responsibility by citing villagers as guilty of sabotage. This false allegation was then sproved false by the very contractor- Boots and Coots- that Shell brought in from Texas to install a new X'mas tree which regulates that flow of crude oil in the pipelines. So then we have the petroleum experts showing the claim of sabotage to be false" (Turner, 2001, pp.29-30).

The earlier the Nigerian government addresses SPDC as regards the state of the oil pipelines laid across Ogoniland, the earlier the environment is redeemed from further degradation or even extinction. The same energy channeled towards putting an end to oil theft should be exerted on putting an end to indecent oil extraction operations of SPDC in Ogoniland.

5.5 Assessing the Platinum Extraction Activities of Lonmin in Marikana and its Compliances with Extant Laws

Natural resources experts assert that platinum mining is the main natural resource extraction activity in Marikana. Apart from the mining activity, there is also platinum extraction in the community. Some of the respondents also averred that there is also gold mining, uranium mining and diamond mining in Marikana. A quick check on the natural resources profile of Marikana, however, shows that platinum extraction and refining are the main activities in the community. Among CSOs participants in the research, there is consensus that platinum extraction is the chief natural resource activity in Marikana. They also mentioned extracting and refining platinum and diamond mining. All the media respondents reckon that platinum extraction is the main resource extraction activity in Marikana, asides from the mining of diamonds.

In the course of the production of platinum, there are processes of extraction that the company must observe. When extracting above or below the ground, blasting operations are carried out, and it results in the vibration of the ground, causing discomfort for members of the host communities through noise and dust pollution (Caincross, 2014). Thormann et al., (2017) note that the underground form of the extraction of PGMs is the most common in the Bushveld Complex. Rock crushing and milling also take place leading to dust pollution and rapid energy consumption. Flotation and drying activities are also carried out such that concentrate may be produced. Metals Tev (1969) explains that,

> "The flotation concentrates consist mainly of nickel, copper and iron sulphides. The copper sulphide is blown in converters to give blister copper which is cast into anodes, while the nickel sulphide is roasted, reduced to metal in reverberatory furnaces and also cast into anodes. Both the copper and the nickel anodes are electrolytically refined to pure metals, the platinum group metals being recovered in the form of adherent anode residues" (Metals Tev, 1969).

In the process of recovering platinum from the concentrate, there is usually air pollution. Sulphur dioxide and dust are emitted into the atmosphere; rock sediments and chemicals are deposited into the atmosphere, polluting the water bodies and causing breathing discomforts

for humans. There is also increased energy consumption as a result of the application of electric arc furnace and electro-winning (Caincross, 2014).

An insight into the impacts of the extraction activities in the subsequent sections will reveal Lonmin's failure to comply with national and international standards in carrying out extraction activities. Specifically, Lonmin's failure in the execution of its SLP as provided for in the MPRDA and as accepted by the DMR, and laws guiding extraction activities in the Republic as a whole.

5.5.1 Impacts of Lonmin's Activities in Marikana

Generally, no evidence suggests that the activities of Lonmin have positively benefitted the members of the host communities of Marikana. Host communities' members have a lot of grievances. Lonmin has not paid proper attention to the well-being of the host communities and of course, defaulted in its compliance with the SLP it prepared and submitted to the DMR. One of the respondents said, *"Host communities often complain of dust, polluted waters, blasting of rocks, and health issues, all as a result of the platinum extraction activities in the area".* Another respondent simply says, *"the host communities' members of Marikana are very traumatized about the activities of Lonmin around them".*

One may begin to wonder how a company that makes reasonable profit abandons its social responsibility to its immediate environment. The impacts of Lonmin's activities on Marikana cannot be overemphasized and are further discussed.

5.5.1.1 Poor Living and Working Conditions of Workers

The working condition of the workers, particularly the RDOs at Lonmin is bizarre. There is a great danger and risk involved in carrying out their daily duties and in very hazardous locations. Shifts lasted for more than 12 hours, with workers working amidst chemical emissions. Many workers end up with illnesses such as tuberculosis (Alexander, 2013). One of the RDOs explained saying,

> "You want to know about the work in the mines? It is hard work, work that makes your body forever sore. You are underground in a tiny space, holding a metal machine that weighs 50kg, surrounded by rock. I've seen a lot of people

> injured in the mines, people who no longer have eyes, people who have irons in their legs" (Shenker, 2014).

A report of Bahadur et al. (2017) corroborates this submission, the researchers note that,

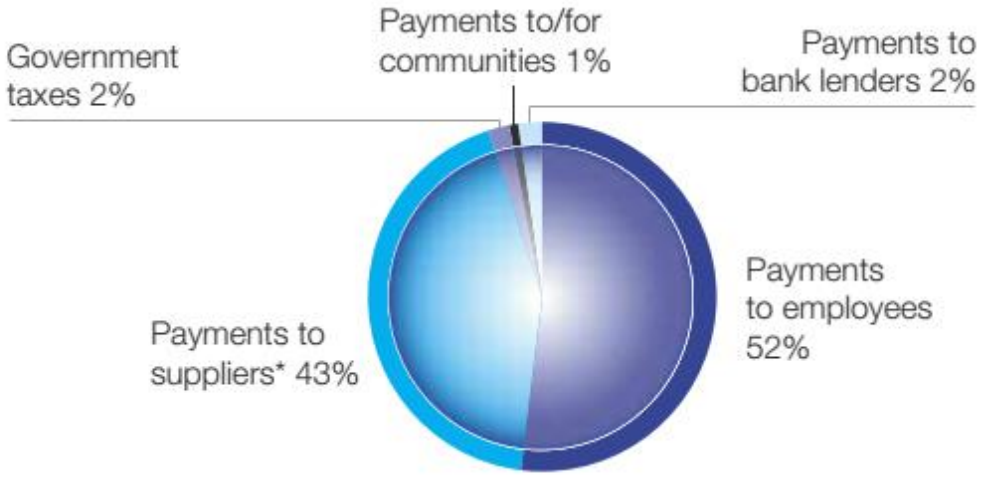
> "A rockdriller in Lonmin mine works shifts of 8 hours drilling holes with a 40 kg drill hammer – harsh and dangerous work carried out deep underground. Fatal accidents are a regular occurance" (Bahadur et al., 2017, p.9).

One of the widows who lost her husband during the massacre and works as a cleaner in Lonmin gives an insight into the working conditions therein. She says,

> "…widows who now work underground, in the same unhealthy, dangerous, noisy and dark situations where our husbands once worked. Working in this situation will lead us to die here, or go home with illnesses like TB or silicosis, or injuries, being retrenched to die at home" (Bahadur et al., 2017, p.13).

Lonmin earned an average of more than $6m a day in 2012 (Marinovich, 2015), yet not much of these earnings trickled down to its workers for their convenience. In that year, drillers earned between $520 and $700 a month, including bonuses (Marinovich, 2015).

Figure 5.7: Analysis of how the cash earned by Lonmin in 2015 was spent.



Source: Lonmin Annual Report, 2015.

Figure 5.5 reveals that 52% of revenue generated is expended on the salaries of staff, 43% is spent on suppliers, bank lenders get 2%, 2%, is also paid to the government for taxes, and the host communities get the least of the portion, 1% of revenue generated. Although employees' salaries get the most of the attention of the earnings of the company, it should be noted that if these workers had earned well enough, they would not be aggrieved, and the Marikana massacre may not have occurred. Lonmin workers agitating for better living and working conditions from the company are those at the lowest organizational cadre; the RDOs or workers at the low cadre do not get a large chunk of the 53% thereof. Their wages are meagre and living conditions fetid (Alexander, 2013). A migrant from Eastern Cape to Marikana once said, "many people back home imagine there is money lying all over the ground here, there is lots of money, but the money is not for us. It's a strange world" *(*Shenker, 2014).

The remunerations of Lonmin workers are not commensurate to the kind of energy exerted in carry out their jobs. Shenker (2014) also reveals explaining that,

> "Income inequalities are extreme; most manual workers labouring in Lonmin's shafts would need to stay down there for more than three centuries to earn what executives at the company's Belgravia headquarters make in a single year. With much of those meagre wages sent to subsidise families in townships and villages, miners are trapped in a cycle of debt to local payday creditors, and deprivation is extreme".

Marinovich (2015) notes that the miners had an understanding of what their boss earned. Then the Chief Executive Officer of Lonmin, Ian Farmer, earned hundreds of thousands of Rands a month. In fact, in 2011, his salary was 236 times that of a RDO. The demands of the workers at Lonmin who insist that the wages paid by the company despite the very hard labour they encounter daily is meagre is valid (Sinwell, 2013).

Bench Mark Foundation's (2013) investigation reveals that there was a 26% increase in the average wages of platinum workers in 2012, but basically, supervisors and workers at the high cadre benefitted more from it. The RDO who are at the lower cadre and make up the host communities of Marikana, who also already earn very low wages did not benefit much from this wage increment. To corroborate this, a respondent explained saying,

> *"if you check the organizational structure of Lonmin, the top is White, the bottom is black. So at the top, you've got the whites who know a lot, at the bottom, those who are struggling from day to day are the Blacks. Then when you look into the community, the people of Marikana, these guys occupy much lower or low paid positions not necessarily enough to care for their families".*

Furthermore, contract workers earned R10,000 in 2012. Unfortunately, also, platinum wages began to drop ridiculously in 2012 as a result of incessant strikes that were caused by clamors for wage increase, rendering workers perpetually impoverished (Bench Mark Foundation, 2013).

The 1% earmarked for the host communities is an attestation to the fact that the commitment to the development of the host communities has been at the company's lowest ebb. As of 2012, the majority of the workers at Lonmin lived in shacks without electricity, proper sanitation, and running water (Bahadur et al., 2017). Lonmin employs about 20,000 staff with over half of them being migrants. Only about 3,000 of these staff are provided with decent accommodation, while others live in the urban areas and informal settlements around the mine. Amnesty International (2016) reports that in Nkaneng – an informal settlement in Marikana, with a population of about 15,000 individuals as of 2012,

> 'conditions in the settlement are bleak. It comprises thousands of shacks constructed mainly from metal sheets and bits of wood. These structures are crowded together, surrounded by litter and, when it rains, by mud. They have doors but few have proper windows. In winter the shacks are cold, and during heavy rains, they can leak and suffer damage. Shacks generally comprise one or two rooms, and many people cook, sleep and bath in a single room' (Amnesty International, 2016).

The housing condition of Lonmin is to a large extent 'abysmal' (Alexander, 2013). Lonmin in 2010 reported that half of the population that lived about 15 kilometers from the mine are workers at Lonmin and their conditions of living are inexplicable (Chinguno, 2013). Mine workers live with their family members in shacks made of corrugated irons that just a few of them could afford. As a result, when the weather is cold, the shacks are extremely cold and when the weather is hot, the shacks are extremely hot. Benya records that,

> "In most yards, there are usually many families, sometimes 10 to 15 shacks occupied by different families. They all usually share one pit or long-drop latrine, or ask from neighbours or use the nearest bush when they do not have their own long-drop latrines" (Benya, 2015).

An interviewee further describes the shacks, "the shacks are small, ten feet by eight, and are used as a kitchen, a bathroom and a bedroom, meaning we cook, wash and sleep in the same room and have no privacy" (Benya, 2015).

In contrast with Lonmin's SLP, only 3 houses had been built at the end of 2008 as against the 5,500 houses proposed for erection as of 2006. Lonmin's excuse is that it had insufficient land on which to build houses for its employees. Lonmin again in its 2014 SLP proposed to build about 4,400 housing units in Marikana, between 2014 and 2018, if only loans could be sourced from the banks (Amnesty International, 2016). As of 2017, only 793 of the 4,400 apartments had been allotted to employees and all hostels converted, yet the housing needs of the workers have not been totally met (Bahadur, et al. 2017). The present state of the host communities further expresses the failure of Lonmin in executing its SLP; residents complain that there is no improvement still in the living conditions at Marikana (Postman and Hendricks, 2018).

A respondent with serious concern for the living and working conditions of the workers at Lonmin comments saying,

> *"The activities of the company is against the UN Global Compact whose tenets translates that; workers be treated fairly, workers should have proper social amenities, workers should have better living conditions. In fact, more justice should be brought to the victims, widows of slain workers should be adequately taken care of".*

Table 5.2: Mining data at the Western Limb in 2015

Mine	Ore Milled	Head Grade	Pt	Pd	Rh	Au	Ru	Ir	Total 6E PGE	Ni	Cu
	[1000 t]	[g/t]				[kg]				[1000 t]	
Western Limb											
Impala Rustenburg	9199	4.19	16,307	7958	2174		*5803* [c]		32,242	3.6	nd
Marikana (Lonmin) [f]	*11,248*	*4.47*	*20,244*	*9362*	*2876*	*512*	*4812*	*851*	*38,498*	*3.5*	*2.2*
Pandora [f]	*562*	nd	*1091*	*507*	*23*	*30*	*304*	*52*	*2008*	*0.2*	*0.1*
Union	2312	3.93 [a]	4298	2001	689	40	*1077* [c]		8105	0.1	0.3
Tumela [g] Dishaba [g]	6501	4.12 [a]	12,477	5936	1806	201	*3045* [c]		23,465	0.8	1.5
Rustenburg Group [g]	7509	3.56 [a]	14,362	7405	1709	533	*2600* [c]		26,609	1.8	3.0
Kroondal	2848	nd	15,740	8488	2671	68	*4598* [c]		31,564	0.4	0.8
Bafokeng	2461	*4.11* [a]	*4136* [e]	*1709* [e]	*385* [e]	*188* [e]	609		7027	*1.4* [e]	*0.9* [e]
Zondereinde	1860	4.9 [a]	5250	2582	795	121	nd	nd	8581	nd	nd
Marikana (Aq.)	0	0.00	0	0	0	0	0	0	0	0.0	0.0
Platinum Mile RF	0	0.00	0	0	0	0	0	0	0	0.0	0.0
Chromite TRF	2129	nd	nd	nd	nd	nd	nd	nd	58	nd	nd
Crocodile River	0	0.00	0	0	0	0	0	0	0	0.0	0.0
Eland	nd	nd	*610* [d]	*335* [d]	*97* [d]	*7* [d]	nd	nd	1049 [a,d]	nd	nd
Pilanesberg	3364	1.99	*2679* [b]	nd	nd	nd	nd	nd	4378	nd	nd
Tharisa	3913	1.62	*1341* [b]	*350* [b]	*180* [b]	*2* [b]	*259* [b]	*84* [b]	2217	nd	nd
Sylvania TRF	2129	nd	nd	nd	nd	nd	nd	nd	1633	nd	nd

Source: Thormann, L., Buchspies, B., Mbohwa, C., & Kaltschmitt, M. (2017). PGE production in Southern Africa, part I: Production and market trends. *Minerals*, 7(11), 224

Lonmin in 2015 had about the highest rate of the production of PGMs, yet there exists a poor state of its immediate environment. Unfortunately, the authorities that should confront Lonmin and condemn its actions in the host communities seem to have been bought over. A respondent explains this in detail, he says,

> *"Lonmin mining company pays the royalty to Bapo-Ba-Mogale community. What they did, basically to me is not to say that they are paying the royalty, but they are just capturing the royal family. If you can check google, they built the Chief a mansion outside his community, right in the mountains. That mansion was supposed to be around 2million Rands, but it went over 20 million Rands. I personally went to the built mansion of the Chief, it is not worth it.*
>
> *No. 1 The Chief is living outside his community. Basically, they are exposing the Kosi that Kosi is there in the mountain, in his mansion. They have the mansion outside the community, whereas, these subjects, the subjects of Chief are living in abject poverty. Then Lonmin promised to build the workers some houses, they did not, they did not. I often pass by Bapo-Ba-Mogale community on my way to Pretoria because it is my*

> *passion, this thing of the mines. And then elm, the poverty continues, unemployment is really high. The people of Bapo-Ba-Mogale don't have water. If you can compare the offices of the Bapo-Ba-Mogale and the Chief, you are going to see two worlds. One world, which are the offices and the mansion of the Chief, you are going to see a miracle world. So this is what they are doing, by capturing those who are in power as they can".*
>
> *"The activities of the mining company are just minimal, they are more of the KR exercise, because when you build the Chief a mansion, people are going to look at it and say look at the mansion, it is so beautiful, but by and large, the Chief is disempowered. That is why in that community, the people don't want the Chief. They have seen that he is a traitor, because he is living well and the people are suffering.*
>
> *The whole plan is just a make-up, it is not original and it is not sustainable".*

Indeed, according to Judge Ian Farlam, Lonmin's failure to provide a conducive living conditions for its workers and the host communities' members has given rise to the labour unrest and tension that exists in the company (Postman and Hendricks, 2018).

5.5.1.2 Environmental Pollution

By environmental pollution, this subsection considers noise pollution, air pollution (emission of dust and particulate matters), water pollution, and the degradation of land, as adverse effects of the activities of Lonmin in Marikana. Respondents in the course of the FGD mentioned that the major environmental challenges that the members of the host communities encounter are, *"High smoke emission, usually tick smokes"*. Another respondent mentioned, *"noise and air pollution"*. One other respondent summarizes these environmental challenges posed by the activities of Lonmin, saying,

> *"Platinum extraction pose a lot of challenges to the host communities such that the mining of platinum caused environmental problems such as water pollution, air pollution, land degradation and decline in agricultural activities".*

One respondent who was indifferent where it concerns Lonmin, could not but admit that the activities of the company have caused harm to the environment. He responds, *"Lonmin mined platinum in the area, and the activities affected the people in a bad way. The*

environments were polluted when mining activities took place, the agricultural activities could no longer be effective because of the pollution".

The activities of Lonmin generate much more noise to the members of the host communities than what should be bearable by humans. One of the respondents commented saying,*"in terms of one research, they are saying that people who work in a noisy area have more chances of losing their hearing ability, because there, there is noise".*

Residents in the informal settlement of Marikana complain that the noise from the company goes round the clock. There is no time of the day that the host communities' members are free from the noise. One member of the host communities said, "When they blast, I have a headache and feel dizzy. The glasses, TV and dishes in the house break [when they are blasting]" (Bonile, 2021).

There is most likely more dust emitted into the atmosphere in the course of Lonmin's platinum extraction activities than the emission from haulage vehicles and domestic fuel burning (Kaonga & Kgabi, 2009). So, in the course of such extraction activities as blasting and crushing of ore, which is done throughout the day, dust or particulate matter is emitted into the already densely populated atmosphere. A community member says, "dust is our main problem. Sometimes it is difficult to breathe" (Bonile, 2021). When humans inhale these particulate matters, it could settle in the human lungs and bronchi, causing respiratory or cardiovascular diseases. The lung tissue may be damaged, cancer may surface further leading to death (Caincross, 2014; Kaonga & Kgabi, 2009).

One of the members of the host communities' comments,

> "That poison affects the environment and eventually kills us. Some residents are already suffering from chronic diseases such as lung infections, TB [tuberculosis] and silicosis. The mines should open their health facilities so that those who are affected could be screened and examined by the doctors" (Bonile, 2021).

Kaonga and Kgabi's (2009) study shows the recommendations of particulate matter that may be emitted into the atmosphere. From their study, the highest measured particulate matter daily in Marikana PM10 is 10 µg/m3. They however further state that,

> "South African guidelines indicate 180 µg/m3
>
> U.K. recommends 50 µg/m3
>
> U.S. EPA recommends 150 µg/m3
>
> WHO has no recommendation" (Kaonga & Kgabi, 2009, p. 279).

Caincross (2014) however submits that 'there is no safe level'. In other words, however little the emission may seem, it is capable of resulting in health hazards for humans.

In addition, as touching water pollution, the streams are contaminated with tailings. In the course of maintenance, using the watering method, it turns out to be that the tailings seep even into the groundwater and contaminate it. The rivers are also contaminated, such that children who live around or swim in it are vulnerable to water-borne diseases. Shenker, (2014) notes, "there are streams nearby but they are regularly pumped with raw sewage and some are contaminated with the bilharzia parasite".

Agricultural activities are gradually going into extinction. The wastes and tailings from the company due to platinum extraction activities have rendered the lands rather unproductive. The 10% of the population who are farmers resort to selling their lands rather than land that is too polluted to germinate healthy crops. As a result, many farmlands have been sold to Lonmin or turned to dump sites for sewage (Bench Mark Foundation, 2012).

5.5.1.3 Destruction of Social Amenities

In the process of carrying out platinum production activities, there is always a need for the transportation of ores for production to and from the company (Taylor, 2020). A respondent submits saying "*you've got these big trucks that are transporting the mineral from the mines to wherever they are going for processing*". These trucks cause to a large extent some damage to the roads that the members of the host communities are more or less managing. One of the host communities' members who is a tailor and needs to go into the urban areas to get materials to get her work done, complains of the inability to pass through the already damaged roads. She laments, "I would love to spend much of the day at my sewing machine but the churned-mud roads linking the settlement with towns make transport difficult and expensive, so materials are hard to come by" (Shenker, 2014).

A respondent revealed saying, "*some of these trucks or most of them are not road-worthy, and what do they do? Remember they are loaded with minerals that are worth billions in one truck*".

Not only are the minerals loaded in the truck causing havoc on the latter, it also hastily contributes to the wear and tear of the road networks. A respondent shared, *"they overload their trucks, and if they overload their trucks, one day, these trucks too break the roads. Then the roads become in a bad state, and not being able to be used by others".*

Ideally, there are certain guidelines that Lonmin is expected to adhere to, but because the government procedure is seemingly cumbersome, the company opts for evasion and is also indulged by government officials. A respondent attests to this by saying that,

> *"by law, these trucks, when they are loading the equipment used in working, they must get permission according to the law; but most of them do not because they must measure the height and the width and they must be escorted. And then they must pay some money for being escorted to the officers. So, they continue bribing their way through the road just to avoid being escorted. And when they are escorted, they, these trucks, cross the road, and when they are crossing the road, because they are big trucks, it is like an elephant in the mud. They just pass and affect every other person".*

In the end, unconsciously, the company is adversely affecting the members of the host communities. It sometimes contributes to the poor standard of living of the host communities. For instance, a respondent commented saying that,

> *"we've got these poles of electricity and some of these trucks when they are loaded, they just pass by and break these electricity poles, fall it on the floor and tread on it. This becomes a problem in the village where they are passing through".*

5.5.1.4 Deprivation of the Host Communities from Basic Social Amenities

With the influx of thousands of job-seekers into the mining town of Marikana, 'local town planners failed to anticipate the massive need for low-cost housing and services' (Taylor, 2020). A visitor who had come to visit Marikana expressed her disappointment. She had a misconception that because it was an industrial location, she was sure to have a good time

and enjoy beautiful views. She exclaimed, “I never know this place is full of makhhukhu (shacks). I did not know that this place does not have water, electricity or toilets” Benya (2015).

A respondent also corroborates these discoveries, saying,

> *“when you go to the Rustenburg areas of mining, you see people living in squalor conditions where there is abject poverty, there are no proper social services, such as education, such as water, such as electricity and others. In those areas, people do not have necessary basic services”.*

A natural resource expert having visited the host communities of Lonmin also expresses great displeasure on the conditions of the communities, he laments as touching the education of children in the host communities,

> *“For example, on the sector of education, I found the classroom being dilapidated, and then being overcrowded. Why? It is because of the immigrants who are coming to South Africa, the Rustenburg area and want to work at the mines, and then they go there because the mining sector is about the biggest sector in South Africa. So when they go there, they now stay there, their children will be there and school in South Africa. Now, when they go there, they become overcrowded in the classrooms”.*

Another respondent submits that indeed the host communities of Lonmin “*have lots of social needs. It is not surprising that in this area, you find contaminated water. It is currently the case in the Rustenburg mining area”.*

The members of the host communities also lack access to potable water. According to Benya (2015),

> “There is no running water in most parts of the settlements. At best there are taps in the yards or street but for 15 months since the Marikana strike, most have been dry. While water pipes can be seen all around the mines, circling the community, community members struggle to get water to drink. As you enter Wonderkop there are scores of women queuing or looking for water, and young boys pushing wheelbarrows filled with water drums” (Benya, 2015).

A respondent further comments as regards water supply in the host communities of platinum extraction companies, he says,

> *"mining companies have access to water 24/7, but in the host communities, they are living like pigs. I was there in one of the host communities, in Rustenburg, you can't spend a day there, I am telling you. It is so worse".*

A miner narrated the regular ordeal of he and his colleagues as regards lack of water in the informal settlement,

> "We share one water tap 800m from here. To wash our overalls, we have to collect maybe four to five 25-litre containers of water. We wash them with our bare hands; we take cold water and wash them. They will never be white because of the stains, those black stains, even if you take a brush and you scrub it. It doesn't ever get clean like it was" (Benya, 2015).

As regards sanitation, a researcher comments that,

> "At every 500 metres, bulk sewage was flowing into the river. This was causing bilharzia, a disease more common to central Africa. Upstream from the mine the water was as clean as could be, but was dangerously polluted downstream. Semi-treated sewage, or brown water, was used in applications such as cooling the drills. This splattered onto the operators and created health problems. There was poor sanitation in traditional areas and in the informal settlements. The high nitrate concentration came from pit latrines as well as the mining process. The municipality could not keep up with the provision of water-borne sewage. In many open cast mines, the pit was not closed properly once the mine was decommissioned. Water gathered in the pits, and provided a health hazard to children swimming in the pools" (Mineral Resources and Energy, 2012).

As regards electricity supply in Marikana, a respondent reports, that in fact, on the night of the incident of the Marikana Massacre, "the families of the dead and survivors desperately tried to get off work early to find a place to watch the live television address. But recurring power outages meant that finding a working television set was no simple matter" (Marinovich, 2015).

An evidence that the host communities of Lonmin experience erratic electricity supply. One respondent speaks on the poor condition of power supply in the host communities, he explains that since the members of the host communities have been deprived of power supply, they resorted to illegal connections. He says,*"the issue of access to electricity, many companies have access to electricity 24/7. 24 hours, 7 days, but the shacks in these areas do not have access to electricity. They must take it in an illegal way".*

Furthermore, the benefits from the mine are to a large extent not evenly distributed. The roads that lead to the mine are well-maintained as it is important for the transportation of sophisticated extraction equipment and ore in its processed or unprocessed form. This is unlike the roads that lead to the shaft and hostel of workers at Lonmin, it is the direct opposite. Benya (2015) records that,

> 'Because there are mud roads, when it rains no car can drive in or out of Wonderkop. As a result, services are compromised. Emergency vehicles have had to turn back, abandoning sick people, because it had rained and the roads were undrivable' (Benya, 2015).

An interviewee corroborates, as regards the road network of the host communities of Lonmin, "once it starts raining, no one, not even ambulances or taxis can come in or out of Nkaneng because the mud roads become so bad" (Postman and Hendricks, 2018).

Furthermore, as regards basic health services, there are two clinics in the host communities of Lonmin – the mine clinic and the community clinic. Residents of the informal settlements are deprived of adequate health care even in the community clinics. More often than not, preference is given to community members who are not migrants. Many lives have been lost due to the lack of attendance to their health issues (Benya, 2015).

5.5.1.5 Increased Crime Rate

It is disheartening but not unexpected that some members of the host communities in Marikana have opted for criminal activities such as rape and theft. One may attribute this development to the lack of basic amenities, unemployment, and the deprivation of the government or company benefits experienced by the host communities. The informal settlement of Marikana indeed experiences a high level of insecurity (Amnesty International,

2016). While a respondent is of the opinion that the Republic of South Africa, as a whole, experiences a high crime rate. He says,*"when you look into the crime statistics of the state, I think this week, the Minister for South African Public Services and Administration was revealing the statistics, making one understand that the crime rate is high".*

For the purpose of this study, attention is paid particularly to the crime rate at the platinum extraction areas. According to a respondent,

> *"You will agree with me that South Africa is one country that has not been so safe and in those areas, you've got lots and lots of crime, especially the mining areas. For instance, if I come to Nigeria looking for a job, I don't find a job there, then, I must survive, then I have to find various ways such that I must survive, this happens in South Africa".*

Hence, deprivation and lack of basic human needs have frustrated a lot of individuals in Marikana to opt for criminal activities such as robbery and rape. A respondent says,

> *"once the sun sets, you are very afraid of going out of the shacks as you may be robbed. Even during the day, your belongings are not safe in the shacks". "It is difficult to have females around in the darkness, they are not safe, they are usually victims of rape".*

The host communities indeed turn out to be one of two worlds. One is where a group of people are provided with every basic social amenities and hardly experience the adverse impacts of the activities of the company. The other world is full of filth and squalor; the people are marginalized and deprived of the benefits enjoyed by the other group even in the same communities. There is deprivation where salaries, living and working conditions are concerned. A respondent corroborates,*"the treatment Lonmin gives to the workers and host communities' members in fact undermines the democracy and the human rights of individuals".*

From the foregoing, it is safe to say that it is against this background that Lonmin workers, supported by other members of the host communities in August 2012, embarked on a strike, that led to the Marikana Massacre.

5.6 Non – Compliance of Lonmin to the Extant Regulations Judging from its Activities and the Impacts on the Host Communities of Marikana

Natural resource experts agreed that there are existing laws guiding resource exploration in South Africa and more importantly, mining activities in Marikana. All the respondents note that the Mining Charter and the Department of Mineral Resources framework are the main regulatory frameworks guiding such activities. Other frameworks mentioned by participants included the Mineral and Petroleum Resources Development Act and the Social and Labour Plans. However, a respondent out rightly submits that "*laws are there but they are not being adhered to or being complied with".*

The CSOs are also of the opinion that platinum extraction activities in Marikana are guided by mining laws. The DMR guidelines are the most recognized laws guiding platinum extraction activities. Other prominent laws include the MPRDA and Mining Charter. The CSO do not seem to think highly of the SLP. One of the respondents commented, *"there is always the Social and Labour Plans. The communities must be truly involved in the SLP, such that accountability is ensured on the part of Lonmin".*

The media also noted that the Mining Charter and the DMR guidelines are the main existing mining laws governing resource extraction in Marikana. Other laws include MPRDA and SLP. Another respondent had this to say,

> *"The Government of South Africa established laws; Mineral and Petroleum Resources Development Act (MPRDA) and the Broad-Based Socio-Economic Empowerment Charter for the South African Mining and Minerals Industry which guides the activities of extractive industries in South Africa. These laws are targeted at addressing inequalities in mining industries which includes the living conditions of the mining workers. MPRDA requires that housing and living conditions standard for the mining industry should be developed. Department of Mineral Resources (DMR) requires that mine companies should provide a decent standard of housing for their workers and be responsive to their housing demands by providing employees a range of housing types such as home ownership, social housing and rental accommodation. MPRDA also ensures that mining companies develop Social and Labour Plans (SLP) which include human resource development, mine*

> *community development, housing and living conditions plan as criteria to obtaining mining rights from the government. They also require that companies show financial independence for the Social and Labour Plan (SLP) and detailed annual report stating compliance with SLP. Mining Charter also ensures that mining companies implement measures to improve the standard of housing and living conditions of mine workers by converting or upgrading hostels into family units, attaining the occupancy rate of one person per room, facilitate home ownership options for mine employees with organized labour by the end of 2014. The law states that failure to comply with MPRDA, Mining Charter or the Housing and Living Conditions Standard will render a mining company in breach of the MPRDA rules with penalties such as fine and suspension of mining rights provided in the law".*

In assessing the compliance of Lonmin to extant regulations guiding platinum extraction, it is expedient that the company's compliance with the SLP is evaluated, particularly because the SLP system in Marikana faces challenges. The SLP is provided for in the MPRDA, 2002. Snyman and Krause (2017) state that 'it is the primary regulatory tool for redressing the systemic inequalities of race, class and gender that have characterized the South African mining sector since its origin in the colonial era'.

Before the commencement of natural resources extraction activities in the Republic of South Africa, the extraction company must prepare its SLP. However, a respondent notes,

> *"They are not consulting effectively with the people (community) on such reliable plan, what could happen is the long term effect; they invested a hundred million Rands in what they call the hydroponics, the food with those, plants and everything. They invested with the political elites and not with the communities which is the biggest issues we are facing. Communities must have such reliable plans and must be involved. We should have a close sectional belt we pool the money together and put it in an independent agency that could work with the communities in order to ensure communal benefits".*

The SLP contains the infrastructure development and the poverty eradication projects that the company will execute in agreement with the local integrated development plan of the community (Center for Environmental Rights and Lawyers for Human Rights, 2009). That

is, the SLP should be prepared having consulted the host communities. A respondent is of the opinion that this has not been the case. He expresses,

> "*the Social responsibility must be submitted to the government, all saying that we are going to do 1, 2, 3, 4, 5. And when the social responsibility is being made, it must be consulted with the community. But what they do, they would capture people who are unemployed and give them 2 Rands, thousand Rands and all what not, and go to people who don't have knowledge of the mining companies".*
>
> *"There is always the Social and Labour Plans (SLP). The communities must be truly involved in the SLP, such that accountability is ensured on the part of Lonmin".*

Lonmin in 2008 had committed to building 5,500 housing units for its workers, but as of 2012, it is observed by Bench Mark Foundation (2013) that, it kept on with the same promise and same figures, committing itself to completing the project in 2014. Although some housing units were built and some hostels were converted into single and family units, but in the space of nine years, as of 2012, only 79 hostels had been converted, out of 128 hostels stated in the SLP (Bench Mark Foundation, 2013). It still did not suffice for the total population of employees in the company, therefore rendering the host communities in a perpetual filthy state as poor housing structures had to be erected by workers who were determined to survive. According to one respondent, he expresses,

> *"Ideally, the SLP, asides from addressing the socio-economic needs of the host communities, should alleviate the influx of labour, but unfortunately, the people cannot even hold Lonmin accountable for their commitments to the SLP because they were not consulted before it was prepared".*

Lonmin though attempted to sell housing units to the workers, but not many of the workers were willing to buy these houses, partly because they were migrants and partly because they could not afford it. In 2008, Lonmin notes that about 15% of its workers were willing to buy these houses. The remaining 75% of the workers could not afford a housing unit that costs R62, 462 as of 2012 when a RDO earned between R500 and R700 monthly (Bench Mark Foundation, 2013). One respondent said, *"the money spent on some of its plans is*

insignificant. More money should be spent on ensuring a sustainable environment, and on the working conditions of the workers".

The actions of Lonmin fall short of national and international standards of human rights. It is against the provisions of the UN Guiding Principles on Business and Human Rights and the African Charter. The ACHPR affirms that the right to housing is provided for in the African Charter. Article 16 provides that every individual has a right to the highest attainable standard of mental and physical health, article 18 (1) also provides that workers' families be protected. Lonmin also flouts the provision of Section 26 of the constitution of the Republic of South Africa that, "everyone has the right to have access to adequate housing, the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right."

Perplexed by the situation, the CEO of Bench Mark Foundation once commented,

> 'It is not clear what a mining company in South Africa must do to lose its mining license for failure to comply with laws and regulations. A tentative conclusion is that a mining operation can go on for as long as the company in charge of it displays public awareness of its failures, negotiates new agreements with the authorities, expresses respect for the laws and promises to correct failures in the coming years' (Bench Mark Foundation, 2013).

As a matter of fact, Lonmin having flouted the rules of engagement hitherto is liable to castigation, or has its license retrieved by the government of the Republic of South Africa, but the company continues to pride itself on being the best around the globe. A respondent in this regard says,

> *"Although, good legislations already exist, but the Department of Mineral Resources and Energy is reluctant to strictly enforcing these legislations on Lonmin. Perhaps, because Lonmin promotes investments in mining, there is then a conflict of interests. It is expedient that mining laws are effectively enforced by the assigned government departments".*

5.7 The Enforcement of the Laws by the Regulating Agencies in South Africa

75% of the natural resources experts believe that the government regulatory agencies have fared poorly in the enforcement of regulations governing natural resources extraction. There is also a noted compromise on the regulations. 75% of participants submit that the extractive regulations are not effective while 25% of them see them as partially effective. The CSOs noted that regulatory agencies compromise the enforcement of natural resources regulations in Marikana. The regulations are also poorly enforced. 75% CSOs participants opined that government regulatory agencies are not effective in addressing the challenges/injustices arising from natural resources extraction in Marikana. Also, media respondents, in their assessment of the enforcement of natural resources regulations, noted that there was both compromise of regulations and poor enforcement of regulations. 75% of participants averred that government regulatory agencies are not effective in addressing the challenges posed by the activities of extractive companies.

A respondent though certain that it is the government that regulates activities of the mining companies in South Africa to ensure compliance, states that various governmental organizations may also enforce the compliance of the multinational natural resources extraction companies to existing laws. He submits,

> *"We only have the Department of Mineral Resources. The way the South African government is constituted, we have the Provincial sphere of government and legislature. You have South African Police Services who look into the dubious actions that might be in the mining sector. And then we have the Municipal Mining Committees for Safety Issues in Rustenburg, for those mineral issues. Then you also have at the parliament level, the Portfolio Committee that transforms the interaction. I remember we had the Mining Counsel focusing on those who are directly or indirectly affected by mining issues".*

In 2006, Lonmin submitted to the DMR its SLP, where it committed to converting all single hostel accommodation into bachelor or family units, and building an additional 5,500 units of houses for migrant workers of the company by September 2011. The SLP was approved by

the DMR and binding on Lonmin. Upon recommendation by the Farlam Commission of Inquiry, after the Maasacre, an inspection on housing as stated in the SLP was conducted by the DMR in July 2015. It was discovered that only in 2014, all hostel accommodation units had been converted. This means Lonmin actualized this only 3 years after the proposed date. It however could not build the 5,500 housing units for migrants (Mineral Resources and Energy, 2016; Power & Gwanyanya, 2017).

This inspection was undertaken only after the massacre; there were no effective attempts made by the DMR to ensure that Lonmin executes the plan in good time. This is evidence that the DMR which is a major agency authorized to regulate the activities of natural resources extraction and enforce the compliance of these resource extraction companies to the existing laws binding across the globe and in the Republic of South Africa, has not done so effectively with regards to Lonmin in Marikana, South Africa. For instance, members of the host communities of Lonmin once demanded from the North West High Court to declare that the Minister of Minerals and Resources has failed in his duties to hold Lonmin to account for breaching the contracts of agreement as prepared in the SLP (Wicomb, 2019). A respondent corroborates,

> *"We have been to the court, we called the government, officials from the Department of Mineral Resources to see and tell them that we think the people here are not observing what the rules and regulations are saying in terms of the environment. We were just speaking to a wall. In fact, as I am speaking with you, I intend to take it to the Human Rights Commission. I know, it may be an issue going back and back again. So you see, these are what they are doing, it is not new in the mining sector".*

After the Massacre, which had unveiled the failures of Lonmin, giving the case international attention, a Marikana Commission of Inquiry was established, and it demanded for the SLP of Lonmin. It was glaring that Lonmin had failed especially in building the 5,500 units of houses. When asked for reasons for this failure, the company denied ever making such commitments. The representative of Lonmin rather argued that the company was only committed to facilitating the building of those houses. More so, the company could not raise funds that could suffice for the construction of the houses, nor did it find partners who could give financial support to execute such a project (Bench Mark Foundation, 2013; Wicomb,

2019). How could the members of the host communities even challenge Lonmin's submission or demand further for accountability, when they had no knowledge of the contents of Lonmin's SLP?

Lonmin's legal obligation to comply with the provisions of the SLP is only towards the regulating agency – DMR, and not the host communities. Therefore, members of the host communities can only anticipate the punitive actions that the Minister will take on Lonmin for non-compliance with extant regulations. Surprisingly, no sanctions are given to Lonmin. It is still business as usual to the detriment of the host communities.

After the amendment of the terms of reference of the Marikana Commission of Inquiry, and after having investigated the oversight functions of the DMR, its negligence of duties was discovered. It was discovered that there was a backlog in the implementation of housing units. In finding out steps taken by the DMR to enforce compliance to extant regulations, it was discovered that Lonmin had been deliberately non-compliant to extant regulations and it was an indictment on the DMR The Commission notes in its findings that:

> "Lonmin's failure to comply with the housing obligations under the SLPs should be drawn to the attention of the [DMR], which should take steps to enforce the performance of these obligations by Lonmin. In view of the fact that the Commission has found that Lonmin did not comply with housing obligations in the SLPs...it is recommended that the topics dealt with in the deleted paragraph [of the amended terms of reference], in particular, the apparent failure by the [DMR] adequately to monitor Lonmin's implementation of its housing obligations should be investigated" (Marikana Report, 2015).

In spite of the findings by the Marikana Commission of Inquiry, the DMR as provided for in the MPRDA is mandated to ensure its oversight functions are thoroughly carried out on Lonmin. To ensure compliance thenceforth, it was important for the DMR to be more firm with Lonmin. It was agreed that the DMR applied laws properly, particularly as it concerned the safety and welfare of workers of the company (Marikana Report, 2015). Mr. Mokoena expresses that lessons had not been learned from Marikana. He opines that the incident at Marikana happened because of the slow pace in improving the lives of mineworkers and four years down the line, nothing had changed. He said it was time the Department put its foot

down and ensure things are done properly at these mines (Mineral Resources and Energy, 2016). Hitherto, Lonmin has only received threats from the DMR but the SLP has still not been executed.

The CEO of Bench Mark Foundation comments,*"if the relationship between mining houses and the government was honest, the government would be saying, 'What are you doing to the water? What are you doing to the air?' and not hesitate to take away their licences."* (John Capel, 2019).

Mr. Mokoena stated that lessons had not been learned from Marikana. He was of the view that the Marikana incident happened because of the slow pace in improving the lives of mineworkers and four years down the line, nothing had changed. He stated it was time the Department put its foot down and ensure things are done properly at these mines.

5.7.1 Challenges of the Regulatory Agencies in Enforcing Compliance to Extant Laws guiding Oil Extraction activities in South Africa

Natural resources experts contend that the regulatory agencies usually posit that they have challenges in enforcing natural resources regulations. 75% limited capacity to monitor the activities of the extraction companies. 25% of them blame it on the corruption of government officials. According to the media and CSOs respondents, conflict of interest is the biggest difficulty faced by government regulatory agencies in addressing the issues faced by host communities.

5.7.1.1 Conflict of Interests

When in 2016, the government of the Republic of South Africa threatened to cancel Lonmin's mining rights as a result of non-compliance to the extant regulations in the state, the Public Investment Corporation (a major shareholder of Lonmin), believed that the country will be doing itself a disservice if it shuts down Lonmin. They argued that however little, many breadwinners had been made by virtue of the company. Thus, shutting down operations in this company will result in an economic meltdown and the impoverishment of a lot of family units. According to the PIC, Lonmin is making efforts to adhere to extant regulations and this is only taking some time (Randburg Sun, 2016). As such, the government tends to reconsider its decision and then prioritizes the economic growth of the

country over the inhumane treatment of the members of the host communities of Lonmin. A respondent says,

> *"Although, good legislations already exist, but the Department of Mineral Resources and Energy is reluctant to strictly enforcing these legislations on Lonmin. Perhaps, because Lonmin promotes investments in mining, there is then a conflict of interests. It is expedient that mining laws are effectively enforced by the assigned government departments"*.

5.7.1.2 Limited Monitoring Capacity

The MPRDA mandates the mining companies to submit their SLP at the end of every year. A respondent commented, *"in the North-West region, we have the government offices, the Regional Office that perform oversight functions on the mining companies and regulate the activities of the companies. It is in Klerksdorp here"*.

In an interview with Amnesty International, the DMR staff at Klerksdorp office – the agency for the regulation of mining activities in the North West Province complain there even if they were to embark on the monitoring of the activities of Lonmin in Marikana, there were just three staff to monitor about 250 SLPs. The work turns out to be cumbersome, hence, the inability to deliver effective results. For instance, it takes about three days to read, assess and approve each SLP. An SLP document may contain about 150 pages. Also, the highest number of SLP inspection visits these staff had ever had in 2013 was 45 (Amnesty International, 2016). The lack of adequate capacity to enforce compliance on Lonmin will largely, allow for irrational decision-making and the inability to carry out duties as is required.

5.7.1.3 Corruption of Government Officials

About 15% of respondents believe that the DMR office in Klerksdorp has made efforts to ensure the compliance of Lonmin to the extant regulation, it is however not without a clause, the issue of bribery and corruption. A respondent submits, *"well, they have tried really, always making sure the activities are carried out in a way that it will not disturb the people, but you know our people and money all the time"*.

Another respondent affirms that as regards the haulage of ore in and out of the mine, certain regulations should be complied with. However, while Lonmin flouts the laws, the government authorities also indulge the company by taking bribes. He says,

> *"These trucks, when they are loading the equipment used in working, they must get permission according to the law; but most of them do not because they must measure the height and the width and they must be escorted. And then they must pay some money for being escorted to the officers. So, they continue bribing their way through the road just to avoid being escorted".*

Another respondent is of the opinion that instead of ensuring that those who preside over issues as regards the extraction of natural resources are experts, preference is given to certain individuals because of their political affiliations. Hence, the issues are addressed haphazardly. The respondent comments, *"the problem in South Africa is when the companies are ready to mine, you will see people who have no idea in mining issues being the ones who are at the forefront discussing, especially the Politicians".*

5.8 Summary of the Chapter

This chapter has discussed the impacts of the activities of oil and platinum extraction activities in Ogoniland and Marikana. The adverse effects of the operations of SPDC and Lonmin on their host communities is a pointer to the fact that existing regulations that guide their operations in Nigeria and South Africa respectively have not been adhered to by the natural resources extraction companies in Ogoniland and Marikana. The government regulatory agencies in Nigeria and South Africa have also not strictly enforced compliance with the laws on SPDC and Lonmin for reasons such as; Conflict of interest, corruption, and inadequate monitoring capacities. The non-compliance with extant regulations of SPDC and Lonmin, and the weakness in the enforcement of the regulations or oversight functions of the regulatory agencies have resulted in the adverse impacts of natural resources activities, which are also the causes of hostile reactions of members of the host communities. These reactions are discussed in the following chapter.

It, therefore, becomes very important that regulatory agencies ensure stringent measures are given to the natural resources extraction companies, to sustain extraction activities without

necessarily being a bane to the host communities. International standards should be incorporated into national regulations and enforced on natural resources extraction companies, such that the wholesome extraction activities in advanced countries may be adopted to ensure environmental sanity in Ogoniland and Marikana.

CHAPTER SIX

THE REACTIONS OF HOST COMMUNITIES IN OGONILAND AND MARIKANA TO NATURAL RESOURCES EXTRACTION ACTIVITIES OF SPDC AND LONMIN

6.1 Introduction

This chapter discusses the results of the study conducted by the researcher as regards the reactions of members of host communities to perceived injustices by SPDC and Lonmin in Ogoniland and Marikana respectively. In the opinion of about 90% of the respondents "When there is no action, there is no reaction". The reactions are dependent on the outcome of an action, either positive or negative. In this case, the natural resources extraction activities of SPDC in Nigeria and Lonmin in South Africa have resulted largely in negative outcomes. The adverse impacts of resource extraction activities in Ogoniland and Marikana, far outweighs the benefits that host communities may have enjoyed, if any. This has given rise to hostile reactions in both study locations. These reactions are discussed in subsequent sections.

6.2 Reactions of Host Communities in Ogoniland to Perceived Injustices of the OilExtraction Activities of SPDC

Incessant oil spillages from old and corroded oil pipelines have destroyed the environment and deprived members of the host communities not only of the benefits derived from oil, but also of their means of subsistence. The people of Ogoni have also reacted in a rather hostile manner. A respondent comments saying,

> *"Oil and gas host communities in the Niger Delta generally feel offended by perceived injustices by the oil companies. They have as a result of this gone by the way of protests. In the case of Ogoniland, there was the Ogoni Bill of Rights by MOSOP around 1990 to undo some of the injustices by the SPDC. Ogoni stakeholders also consulted with state and federal governments to air their grievances on the activities of SPDC, though this bore no serious fruits but the protests caught international attention leading to the publishing of UNEP Report of 2011 drawing attention to the environmental damage of oil production by SPDC".*

Host communities in Ogoniland have reacted in various ways to the injustices arising from oil extraction activities by SPDC. Some of these reactions include; protests, oil bunkering and artisanal refinery. These reactions are discussed in the following sections.

6.2.1 Protests

Host communities of SPDC in Ogoniland have resorted to protests against the activities of the oil companies on their land. It is important to reiterate that oil production activities in Ogoniland was put to an end in 1993, after a series of protests by the youths, women, and men of the host communities. Unfortunately, the transportation of the oil through oil pipelines erected across Ogoniland has not ceased; and it continues to degrade the environment and disrupt the socio-economic lives of the people. Some respondents who are members of MOSOP believe that it was necessary to protest just before the SPDC makes their land go extinct. A respondent says,

> *"The Ogoni struggle is purely an existential project because we realized that if we do not embark on such a product to draw government attention, to draw global attention to our situation, there was going to be, I mean there is a likelihood that we can go extinct".*

The Ogonis are not willing to back down on the protests until their demands are met. Their resilience and consistency in the protests will soon fetch them their demands from the government and the oil company. MOSOP for instance spearheads the movements for the resistance to the operations of SPDC on Ogoniland. They engage in and support protesters within and without Nigeria, in order to expose the nuisance that SPDC has become on Ogoniland. Every member of the Ogoni host communities has resisted and still resists SPDC and protests against its activities in the area. A respondent says,

> *"MOSOP is a mass movement, and I will say 100% of our people, 100, not even 99 are supportive of the movement. That is why you see, errm, 1990, proceeding up to 1993, the mass movement has driven Shell away. In fact, you see, any Ogoni man that you talk to will say a capital NO to Shell"*.

When asked if there are still movements where people come out to condemn SPDC's activities, like MOSOP, a respondent answered in the affirmative, and when asked how often this happens, a respondent answered, "*it is on a daily basis*". The people of Ogoniland are of

the opinion that their incessant protests and resistance to SPDC's activities in the area are already yielding to their demands. A respondent full of hope says,

> *"In our heart of hearts and the Ogoni people have before now declared Shell 'persona non grata' in Ogoni. I do not think the Ogoni people will back down on that position. Secondly, looking at the handwriting on the wall, Shell is making every effort to vacate Ogoni completely. In fact, we hear that they've already appointed a consortium to negotiate the sale of their assets in OML 11. OML 11 is the block that accommodates the Ogoni fields. Now, they've already appointed a consortium that is negotiating the sale of their assets so that they will finally vacate Ogoni officially"*.

6.2.2 Oil Bunkering and Artisanal Refinery

75% of the respondents are of the opinion that the practices of oil bunkering, artisanal refining and vandalism of pipelines is more of a form of reaction to the activities of SPDC in Ogoniland than a deliberate act of crime. The members of the host communities of SPDC in Ogoniland often feel deprived of the benefits of resources gotten on their land. Considering the fact that the land, water bodies, mangroves and creeks have been polluted leaving the average Ogoni inhabitant jobless and impoverished, individuals opt for these vices. The acts of oil bunkering and artisanal refinery however become a criminal offence as the activities further pollute the environment, which is against established standards of maintaining a clean and safe environment for all humans and non-humans. It is important that the government also views these vices as a reaction more than a criminal offence to ensure that measures are hastily put in place to enforce SPDC's compliance with extant resource extraction regulations.

6.3 Reactions of Host Communities in Marikana to the Perceived Injustices of the Platinum Extraction Activities of Lonmin

As regards the reactions of host communities to the perceived injustices by Lonmin, all the natural resource experts pointed to strike as the main reaction of host communities around Marikana to natural resources extraction. This is followed by protests (60%) and the use of firearms and weapons (25%). Media participants hold that strike is the most prominent reaction by these communities. 50% of the media participants also reckon that host

communities also made use of the press and protest. 75% of the CSOs respondents are of the opinion that strike action is the most recognised reaction of host communities to the perceived injustices by extraction companies. This is followed by the use of firearms/weapons and protest respectively.

Lonmin's platinum extraction activities in Marikana have resulted in environmental pollution and disruption of the socio-economic lives of members of the host communities. In spite of the gains made from platinum extraction in Marikana, the host communities are full of filth, and Lonmin workers are ill-treated. This gives rise to hostile reactions from the workers and members of the host communities. These reactions are described subsequently.

6.3.1 Strike Actions

In terms of the reactions of host communities in Marikana to the perceived injustices by Lonmin, participants hold that strike is the most prominent reaction by these communities. One of the respondents refer to the strike action that led to the massacre, he thinks that the strike actions were not only about the workers, virtually every member of the host communities saw the demand as theirs since many are offsprings of the workers. Whatever it is the workers earn trickles down to their families in the host communities; an impoverished worker, therefore, amounts to an impoverished family and by extension, impoverished communities. The respondent narrates,

> *"Remember the strike was because of the employer and employee controversies. Remember they were saying that they want salary increased initially. But now, they went out at the mine and protested outside but with the community member, but when they protested, they used that mountain as their assembly point. Now when you look at the people who died there, most of them are the Africans"*.

The strike action in 2012 further led to the Marikana Massacre, resulting in the death and injury of miners at Lonmin. The strike actions did not cease thereafter. The miners across other mining companies embarked on strike actions that lasted for months, affecting the global production of platinum. The demands of the host communities' members and workers are not beyond the reach of a company that makes a huge profit from platinum extraction

activities – an improved living and working conditions for workers and host communities' members.

6.3.2 Protests

Before the gruesome event of 16th August 2012, about 3,000 miners had been on the koppie for about five days, protesting to have a representative speak with them as they air their demand for an increase in salary. In the process, several killings had occurred due to a clash between the two rival unions- AMCU and NUM, further making the atmosphere a tensed up one. Protesters had gone through several rituals and fortification and armed themselves with traditional arms and charms to ensure they are not killed or injured by the South African Police Service. Persuasion of the SAPS to have the protesters drop their arms fell on deaf ears. The police thereafter employed force; seized weapons, and fired tear gas at the strikers and protesters, the commotion led to the death of some of the protesters (Onyebukwa, 2017). The protests did not cease until the 16th August, andmany more deaths were recorded.

In 2012, a group of women in Marikana, established 'Sikhala Sonke', being interpreted 'We cry together'. The group was established as a form of protest for justice for one of the women who was shot during a protest, and in solidarity with the Lonmin workers who were shot dead and had been injured during the Massacre (South African History Online, 2019). The women demand that Lonmin takes action on its responsibilities.

Benya (2015) verifies the protest actions of the women, she records that,

> "After the massacre, when close to 270 workers were arrested, it was women who kept the strike alive. Even when police began hounding others in their homes, they were outside the court protesting and demanding the release of their partners. A month after the massacre, women organized their own march demanding that the police and army leave their community and stop harassing them and their children" (Benya, 2015).

The organization also, on Human Rights day in 2014, protested at the Lonmin mine seeking accountability for the $50 million investment of the International Finance Corporation (IFC) of the World Bank, into Lonmin. $15 million was set aside for the improvement of the living conditions of the host communities of the company. Unfortunately, the host communities still

suffer environmental pollution, poor sanitation, and a lack of basic social amenities (Marinovich, 2015; South African History Online, 2019).

On August 12th, 2014 – just two years after the 'Marikana Massacre', the women of Marikana invited the media and the public to see for themselves the destitution they go through in the communities. The invited attendees were taken on a site inspection of Wonderkop, Marikana. Attendees of this meeting included the; 'Ministers and Parliamentarians, the Office of the Premiere in the North-West Province, representatives of Chapter Nine bodies, civil society leaders and cultural workers' (South African History Online, 2019).

Host communities' members believe that the protest will birth the positive change they seek. Wicomb (2019) records,

> "Following the exposure of these failures through the Marikana Inquiry, communities have mobilised with increasing success to push for the release of SLPs at least to the intended beneficiaries. Recently, the Department of Mineral Resources has conceded the importance of publicly revealing these documents. In terms of the 2018 Mining Charter, every mine will be required to make its SLP available".

So the Bapo-ba-Mogale community for instance, had a copy of the latest SLP that Lonmin submitted for the period 2013–2018. The community was then able to hold Lonmin accountable, through the Mining Forum of South Africa, they approached the North West High Court in 2018 with the complaint that Lonmin was again not complying with its SLP obligations. (Wicomb, 2019).

6.3.3 The use of arms.

The striking miners no doubt were in possession of arms and had themselves fortified with 'muthi'. In all fairness, the researcher believes that the strikers were only being intimidated by the presence and ammunitions of SAPS that was guarding Lonmin, that the strikers protested against. They understood that it was possible that they were attacked by SAPS and there was a need to protect themselves from dying just because they demanded what was their right. Eventually, from the events at Marikana, one observes that not one of the miners

was able to employ the ammunitions they had on them, as SAPS dispersed the crowd with more sophisticated ammunitions, killing a host of them and leaving others maimed.

Lukhele (2015) records his opinion,

> "The violence shown by the miners demonstrated how many South Africans had lost faith in the fairness of the country's economy to provide for them, and the impartiality of the security forces that seemed to favour the privileged over the masses" (Lukhele, 2015).

The striking miners had their instincts right, SAPS was not there for them or to protect them, they were there to protect the resources of the government over the well-being of the citizens.

6.4 Comparative Analysis of the Enforcement of Extant Regulations and Reactions of Host Communities in Ogoniland and Marikana

The methods of natural resources extraction activities in Ogoniland and Marikana are quite different even though the effects of the activities are similar. For instance, the environments are polluted with related chemicals and the health hazards are somewhat similar. In Marikana, for instance, the extraction of platinum from the earth's crust involved the drilling of the earth and rocks with heavy and mechanized equipment. This may result in the emission of dust particles that contain particulate matters which are dangerous to human health. The drilling of the earth's surface is no longer an activity executed by SPDC since its vacation of the Ogoniland in 1993. There are however oil pipelines erected across Ogoniland that transport oil through the area to its final destinations. The oil pipelines are old and corroded thereby spilling oil on the ground surface, waterbodies and creeks. The oil also contains chemicals that are hazardous to human health. To a large extent, in both study locations, the environment is degraded as these extraction activities have not ceased and the monitoring capacities of the government regulatory agencies are weak. As a result, the socio-economic activities of the members of the host communities have been disrupted, and many have lost their sense of value.

The international standard maintains that natural resources extraction companies conduct their activities in a manner that does not destroy the ecosystem as every human and animal are entitled to health and healthy environment (Konne, 2014). Nigeria and South Africa have

in the same vein established legislations to guide the extraction of natural resources in line with international standards. In South Africa for instance, the MPRDA 2002 is established to guide mining activities in the country. The MPRDA mandates mining companies to provide a SLP regularly to describe the community developmental projects that the company may execute while it proceeds with extraction activities in the area. NEMA is also established to ensure that there is sanity in the environment where the company operates (Centre for Applied Legal Studies, 2017). The DMR is the government regulatory agency mandated to perform oversight functions and ensure that the platinum extraction companies comply with extant regulations in the country.

Similarly, in Nigeria, several regulations have been established to guide the operations of oil extraction companies, such as, the Oil Pipeline Act which one may consider as directly relevant to the activities of SPDC in Ogoniland since the only activity that remains in the area is the transportation of oil through pipeline laid across the Ogoniland to its final destination. The Petroleum Act is another legislation that guides the extraction of oil in Nigeria. It emphasizes that the natural resources upon any land within the Federation is owned and controlled by the Federal government of Nigeria. In other words, the licence to extract oil may only be issued by the Federal government which also supervises the extraction of oil through the Minister for Petroleum Resources.

The defunct DPR (now known as Nigerian Upstream Petroleum Regulatory Commission (NUPRC) is the government regulatory agency charged to make certain that the oil extraction companies comply with the legal provision for operations in the country. The Commission must ensure that the oil companies conduct their extraction activities making certain that the environment is protected from the hazardous substances that may pollute the environment and affect the healthy living of host communities of oil production companies.

The governments of the Federal Republic of Nigeria and the Republic of South Africa have shown commitment to the protection of the ecology and the well-being of its citizens in words but not necessarily by actions. The host communities of SPDC, for instance, have suffered from severe environmental degradation, affecting their means of subsistence, their health, and other aspects of their socio-economic lives. This has resulted in hostile reactions

to the government and SPDC. Members of host communities have resorted to incessant protests against the carelessness of the oil company and the negligence of the government in performing their oversight functions (Demirel-Pegg, & Pegg, 2015; Konne, 2014; Naanen, 2019). The fact remains that, if the government had strictly enforced the laws on SPDC, the adverse impacts of its activities may not be as grievous as to generate hostile reactions from the members of the host communities.

The government of the Republic of South Africa has as well failed in its oversight functions. Lonmin's operations in Marikana have fallen short of international standards and legal standards established in South Africa. The workers are paid meagre wages, the host communities are in squalor, the environment is degraded due to wastes, tailings and dumps from the platinum extraction company, the host communities cannot boast of standard basic social amenities (Anstey, 2013; Lukhele, 2015; Sinwell, 2013). Both locations experience a high level of impoverishment and suffer from marginalization and deprivation.

The UN General Assembly Resolution 1803 (XVII) of 14th December, 1962 authorizes that every country has permanent sovereignty over its natural resources. This has been adopted by the Nigerian and South African governments' administration.

In Nigeria, Section 1 of the Land Use Act (1978) vests all land in the governor of every state. Section 28(1) of the Act also provides that "it shall be lawful for the Governor to revoke a right of occupancy for overriding public interest. The Land Use Act by implication provides that every land and the natural resources inherent is owned and controlled by the government and not by private individuals. Furthermore, Section 2(1) of The Exclusive Economic Zone Act (EEZ) provides inter alia: "sovereignty and exclusive rights concerning the exploration and exploitation of the natural resources of the seabed, subsoil and superjacent waters of the Exclusive Economic Zone shall vest in the Federal Republic of Nigeria and such rights shall be exercised by the Federal Government".

In essence, the Ogonis may not be able to totally lay claim to the oil resource being extracted on their land. SPDC is about the largest oil producer in Nigeria, revenue generated from oil extraction activities in Ogoniland only, is valued at about $ 30 billion (Konne, 2014), with little or nothing trickling down to the members of the host communities. What Ogoniland

gets in return is, oil spills and the pollution of the atmosphere, the destruction of farmlands, and streams – as a result crippling the traditional economic activities of the people, fishing and farming. Maybe if SPDC's oil production activities did not affect the Ogonis' means of subsistence, there will be no need to raise an eyebrow. It is bad enough that the company is taking resources from their ancestral land with unequal benefits in return, yet destroying their very means for survival. It appears the government and SPDC are working towards making the Ogoniland extinct.

The demands of the people of Ogoni are beyond having SPDC vacate the area, ceasing its oil extraction operations, and restoring environmental sanity to Ogoniland. The Ogonis want to have a stake in the resources generated on their ancestral land; they do not want to be treated as a minority group, they want to own and control the oil resources on the land. In their own opinion, an area that contributes immensely to the economy of the country should not be deprived, marginalized, or treated as a minority. They are indeed a valuable group of people and should be treated as such.

On the other hand, in the Republic of South Africa, the Minerals and Mining Policy for South Africa (Mineral Policy) of October 1998 acknowledges that the mineral resources are for the common good of the people of South Africa, and the state is the custodian it will ensure it is maximized for the benefit of all South Africans. This idea is a premise developed based on the declarations of the Freedom Charter of 1955,

"The national wealth of our country, the heritage of South Africans, shall be restored to the people; the mineral wealth beneath the soil, the banks, and monopoly industry shall be transferred to the ownership of the people as a whole; all other industry and trade shall be controlled to assist the wellbeing of the people; all people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions" (Freedom Charter, 1955).

The enactment of the MPRDA is premised on the provision of the Mining Charter and the Freedom Charter (Cawood & Oshokoya, 2013; Rumney, 2005). The MPRDA's (2002) preamble also states that "South Africa's mineral and petroleum resources belong to the nation and the state is the custodian thereof". In other words, while the state is the custodian

of the resources in the country, all South Africans must benefit from the natural resources in the country (Cawood & Oshokoya, 2013).

The presence of Lonmin in Marikana has allowed for an influx of migrants from within the country and neighboring countries, either seeking job opportunities at the mines or joining family members who are workers at the mine. The host communities in Marikana are therefore made up of both migrant workers and indigenous South Africans. Their demands from Lonmin revolve basically around an improvement in the standard of living. If workers continue to work in an unsafe environment, they may die sooner than expected, whereas, many of these workers are the breadwinners of their families. Also, if the workers continue to earn meagre wages, their family members who also make up the host communities will rot in penury. Furthermore, the impacts of the platinum extraction activities of Lonmin have resulted in the pollution of the environment where people no longer can own their lives.

In other words, while the host communities of Ogoniland demand the vacation of SPDC from their area, the cleanup of the pollution on the land, and total control of ownership of their resources. The host communities of Marikana demand for an increase in wages and salaries, and an improved living and working standard. The Ogonis have always opted for peaceful protests to make their demands, but in Marikana, Lonmin workers and other members of the host communities adopted violent measures in making this demand. South Africans have experienced the era of Apartheid and are not willing to be marginalized any longer by foreign companies such as Lonmin.

The reactions of both host communities in Nigeria and South Africa have been hostile, such that is expected from an aggrieved and deprived set of people. Unfortunately, the 'resource curse' cycle keeps going on and on, the members of host communities that have an abundance of the resources are the poorest people in the country. How might companies that accrue huge profits neglect their host communities to such a state where the people are as good as dead? Similar reactions have been exhibited in both locations. Protesters in Marikana confront Lonmin arming and fortifying themselves. In Ogoniland, the people have resorted to oil theft and bunkering. These reactions have attracted the attention of the governments of

Nigeria and South Africa more than the non-standardized operations of the extraction companies.

The government of the Republic of South Africa understands that an aggrieved people with charms and local ammunitions are likely to destroy the resources and a major source of revenue of the country, hence the mobilization and the instruction to fire back at the protesters, killing and leaving many others perpetually maimed. In Nigeria also, the government is making frantic efforts to curb the excesses of Ogonis who have delved into vandalism of pipelines, artisanal refineries and oil theft. The government claims that these are criminal acts further degrading the ecosystem. The author finds the actions of the government rather hypocritical. For years, SPDC's corroded pipelines have leaked and spilled oil on the ground surface and waterbodies, but the company got no sanctions from the government, asides from the mandate that there be an urgent cleanup. Have the alleged criminal activities of the Ogonis or the people of Marikana caused more environmental perturbation than the activities of the companies?

Which is the government protecting? The resources and its benefits, or the lives of humans as provided by international and national laws. If the individuals in Ogoni are always brought to book, the company should be too, as it even perpetrates a higher level of ecological destruction than the artisanal refiners. Also, why was there swift action from the government when the workers and community members opted for violence? Such swiftness as have never been in monitoring the compliance of Lonmin to extant laws guiding the extraction of platinum in Marikana.

One may therefore submit that there is a synergy between the government and the companies, the two groups have similar interests; the protection of the resources over the welfare of members of host communities and the continuous generation of wealth at the detriment of host communities' members. The resources extraction companies have with their financial strengths and organizational capabilities endeared the governments to itself (Agbaje, 1999) at the expense of the tiny groups, the members of host communities who have little or nothing to offer the government. It can be deduced that the governments of

Nigeria and South Africa have not maintained a neutral status, the government is also an interested body that has to a large extent pursued only its interests of revenue generation.

6.5 The Political Economy of Natural Resources Extraction Activities and the Reactions of Host Communities: A Synopsis of Ogoniland and Marikana

The natural resources extraction industry largely contributes to the wealth of resource-rich countries. The oil industry in Nigeria for instance contributes about 40% to the country's GDP, accounts for 70% of the budget revenue and 95% of foreign exchange earnings (World Bank, 2022). As of 2020 oil revenue in Nigeria stood at =N=4.02 trillion, and =N=4.03 trillion in 2021 (Komolafe, 2022). Oil gross revenue between 2004 and 2007 stood at =N=17.868 trillion, between 2008 and 2011, it was =N=23.998 trillion, and from 2012 to 2016, oil gross revenue recorded in Nigeria stood at =N=28.153 (Eboh, 2017). In 2015, about 780 million barrels of oil was lifted in Nigeria (Oluwagbemi, 2017). The Federal government of Nigeria is of the opinion that there is a possibility of increased oil production in Nigeria if there were no cases of oil pipeline vandalism, sabotage and oil theft in the oil-producing regions (Omoregie, 2019).

The SPDC is accountable for about half of the oil extraction in Ogoniland. The company's stake in Nigeria is estimated at $2.3billion (Andresen, 2021). 95% of the revenue made by SPDC is received by the Nigerian government from every barrel of oil the company produces (SPDC, 2011). Revenue generated to the government is in form of taxes and royalties.

South Africa is as well the world's largest producer of platinum. In 2006, the industry employed about 200,000 individuals in South Africa. Production of the PGM was about 9.9million ounces, valued at R65 billion (Odendaal, 2019). In 2016, 8.5million ounces of platinum was produced, valued at R96.5billion. In 2018, the platinum industry produced about 259tonnes of platinum and exported 89% of the resource (Odendaal, 2019). This accounted for a revenue valued at R96billion, and R900million paid as royalties. In 2020, platinum exportation in South Africa was valued at $11.9billion, making the country the second largest platinum exporter in that year (OEC, 2020). Lonmin is the third largest platinum-producing company in the world (Shabalala & Stoddard, 2014), and has contributed immensely to platinum production in South Africa.

This has not necessarily translated to wealth and development in Nigeria, nor in South Africa, particularly in the host communities of the companies – Ogoniland and Marikana. For instance, over 85% of the Ogoni population live below the poverty line (Codewit World News, 2013). And according to the World Bank, the richest 10% of the South African population earn 58% of the national income while the poorest 50% of the population earn only 8% of the national income of South Africa (Allen, 2012).

The effects of oil production on the host communities of oil companies are environmental pollution; contamination of the atmosphere, waterbodies and soil; further resulting to health hazards for members of host communities. Ogoni is a minority group in the Niger Delta region of Nigeria. Minority ethnic groups in Nigeria were created in the 1950s, following the agitations for separation from states to prevent domination by majority states. Minorities now are making every effort to put an end to majority rule, especially in the area of revenue allocation (Osaghae, 1995). For instance, Ogoniland, though a minority ethnic group contributes a great deal to the Federation account by virtue of the resources on the land, yet, the communities do not get enough revenue allocation to develop the area. The states are usually the first to get this allocation and determine what gets to the local communities (Adebowale, 2021). What share eventually gets to the Ogonis? The lack of social basic amenities in the area is evidence that the area has received little or no funds to aid development. If according to Obafemi Awolowo, "in a true federation, every ethnic group whether big or small is equal", Ogoniland should not be left out of the plans for the development of the government.

The derivation principle is summed up in Section 162 (2) of the 1999 Nigerian Constitution; to compensate natural resources rich communities having extracted and polluted their lands. The funds may therefore be expended on the repairs and development of their communities. The Constitution provides that;

> "The President, upon the receipt of advice from the Revenue Mobilisation Allocation and Fiscal Commission, shall table before the National Assembly proposals for revenue allocation from the Federation Account, and in determining the formula, the National Assembly shall take into account, the allocation principles especially those of population, equality of States,

> internal revenue generation, land mass, terrain as well as population density. Provided that the principle of derivation shall be constantly reflected in any approved formula as being not less than thirteen percent of the revenue accruing to the Federation Account directly from any natural resources" [Section 162(2)].

Even though the constitution stipulates that the revenue allocated by the principle of derivation should not be less than 13%, it appears that there has not been a review since the beginning of the 4th Republic, against the provision of the same constitution.

Section 32 (b) of Item F of the 1999 Constitution as amended provides that the Revenue Mobilization Allocation and Fiscal Commission (RMAFC) "reviews from time to time, the revenue allocation formula and principles in operation to ensure conformity with changing realities". The realities presently include, increased population, increased production activities and increased environmental damages to Ogoniland by virtue of oil extraction activities.

Allocations to the oil-producing states in Ogoniland, for instance, have not gone beyond the same 13% since the inception of the 1999 Constitution. More disturbing is the fact that allocations received by the states hardly trickle down to the local government and minority groups such as Ogoniland. There is therefore hardly evidence of social development in such areas. For instance, Ogoniland lacks basic amenities such as; electricity, potable water, and good road networks (UNPO, 2013).

Odje (2016) notes that hitherto, the Federal government has financially terrorized the oil-producing communities as regards its revenue allocation. It is recorded,

> "The Excess Crude Oil Account, receives payment above the Oil benchmark price in the budget. For example, if the budget benchmark price is 38 US dollars per barrel, but same sells for 70 US dollars in the international market, the Federal Government pays into the Federation Account, only the budget benchmark price of 38 US dollars multiplied by the existing production rate i.e. 2.2 mbp, whilst it pays the excess 32 US dollars multiplied by 2.2 mpd into the Excess Crude Oil Account and/or Sovereign Wealth Fund".

> "…Put succinctly, the Federal Government pays only 13% of Oil benchmark price in the budget as derivation as against 13% of the actual international market price of crude oil, which is in tandem with the true intention of the provisions of the Constitution" (Odje, 2016).

Marikana on the other hand is characterized with impoverishment, filth and squalor. The effects of the extraction of platinum to the host communities include; environmental pollution, exposure to health hazards, unemployment, poor living and working conditions, meagre wages, and the lack of basic social amenities. The reactions in Marikana are borne out of economic inequality, injustice and poverty as had been the case even during the era of Apartheid in South Africa. The sporadic shooting of the protesting and striking Lonmin miners by SAPS at Marikana in 2012 is very similar to the occurrence at Sharpeville in 1960; where 69 protesters against the Apartheid system were killed and shot at by the Apartheid police. Lonmin workers protested against economic exploitation that had always featured in the history of South Africa and has not been adequately addressed (Boëttger & Rathbone, 2016). In other words, even after the transition to a democratic system of government, the country is yet void of such democratic values as the 'freedom of expression, association and equality' (Ndlovu, 2013, p. 54). According to Allen (2012), a respondent expresses regrets over the perpetual unpalatable state of the country.

> "One of the most horrible things is that we are one of the most unequal societies in the Milky Way".
>
> "Government has never really dealt with this. We've always hoped that it would deal with economic growth challenges, joblessness and poverty, and that inequalities would somehow fall into place as a consequence. What we are now seeing is a political challenge that comes with the injustice" (Allen, 2012).

Overtime, in the mining industry in South Africa, less credence is given to human labour, unlike the attention paid to profit making. Labour is a factor of production and must not be trivialized among other factors like land and capital. According to Mohr (2010),

Labour may be defined as the exercise of human mental and physical effort in the production of goods and services. It includes all human effort exerted with a view to obtaining a reward in the form of income (Mohr, 2010, p.8).

In essence, human efforts exerted in the course of the production of platinum must be adequately compensated. However, the reverse has been the case. Labour in Marikana has been greeted with dehumanizing treatments, inhumane standard of living, exploitation of labour, and a life of squalor; resistance to this has resulted in violence and gruesome killings by the government of South Africa. The idea of capitalism is well pronounced in Marikana, where the Capitalist is only concerned about capital and neglects labour inputted in the production process. Smith (2013) (as cited in Boëttger & Rathbone, 2016) describes the capitalist inclination as an, "exploitative trends in capitalism simply selectively borrowed from modern economic and reduces the person to a cog in a super-rational money-driven machine in order to make profit" (Boëttger & Rathbone, 2016, p.3).

South Africa has the second highest practice of economic inequality in the world (Boëttger & Rathbone, 2016). The post-apartheid South Africa is still largely characterized by the ideas of colonialism, capitalism, and economic exploitation. It, therefore, becomes difficult for Lonmin to protect the economic equality rights of the workers at Marikana when the government overlooks the dehumanizing treatment that its people are subjected to by the company. Yet, efforts of the host communities to break loose from the shackles of economic exploitation and deprivation of Lonmin have been thwarted even by its own government – the government of South Africa because of its self-interest.

From the foregoing, one may deduce that where the issues of host communities' reactions and the natural resources extraction activities are concerned, the government, the natural resources extraction companies and the host communities are the actors. The companies' extraction activities are for their own benefits and that of the governments, but to the detriment of the host communities. It becomes very difficult for the host communities to approach the government to take action on the extraction companies whose activities have degraded the environment. The companies are able to convince the government to see reasons not to sanction them. In most cases, members of host communities are even too poor to sue the companies. Also, host communities' members hardly win the cases against the company in the government court presided by officials who are also paid by the government (Andresen, 2021).

The Federal government of Nigeria having envisaged the damages that extraction of natural resources may cause in an area, established regulations that may guide resource extraction companies in their extraction activities. The Oil Pipeline Act, was to grant oil extraction companies the license to lay and maintain pipelines to transport petroleum products to the final destination. In the event that the oil pipelines cause damages to any person's properties such as land, as a result of leakage of the pipeline, the oil company that owns it should pay compensation that must be agreed upon among the individual and the company or must be settled in court (Section 11, Oil Pipeline Act, 2004). The Petroleum Act also vests in the Minister of Petroleum Resources the powers to make regulations that may; prevent the pollution of the watercourses and atmosphere in the course of the oil extraction activities, and guide the oil production activities of the oil licence holders (Section 9). But of course, Section 1 of the Petroleum Act vests in the state the ownership and control of petroleum in and upon the land.

Similarly, the government of the Republic of South Africa, in a bid to address the negative impacts associated with the extraction of these resources, the government at various levels deemed it fit to establish relevant regulations to guide the extraction of the resources. The MPRDA 2002 was particularly enacted to regulate the activities of mining companies. Emphasis is laid on the mining companies' avoidance of environmental pollution. To ensure host communities are compensated for the possible damages to the environment and properties, Lonmin was mandated to produce its SLPs on a regular basis. In South Africa, regulatory agencies such as the DMR aside from others are assigned the responsibility of enforcing compliance of the natural resources extraction companies to existing national laws. To make certain that the activities of the extraction companies have no adverse effect on the environment. The Center for Environmental Rights in South Africa explicitly states that resource extraction companies that flout the provisions of the MPRDA and NEMA may be committing a crime.

The negative impacts of Lonmin's platinum extraction activities in Marikana for instance outweighs the benefits of being located in the community. Although platinum extraction has contributed to the economy of South Africa, it has degraded to a large extent, the environment of the host communities in Marikana. Some of the complaints of the members

of these host communities include the pollution of water and air, and infertility of the lands. One of the respondents in expressing his displeasure with the presence of Lonmin in Marikana mentioned that,

> *"there is high smoke emissions, usually thick smokes. There is also noise and air pollution. Even though we have the DMR, they do not really address the challenges that Lonmin poses to this area. In fact, they do not enforce the law".*

The continuous complaints of members of the host communities in Marikana suggest that the regulatory agencies have performed poorly in enforcing compliance with the extant regulations guiding resource extraction in South Africa.

The Federal government of Nigeria is not ignorant of the fact that host communities of oil extraction companies will be adversely affected, and there is a need to prevent this by enacting laws to guide their operations and enforcing compliance. Regrettably, the government has neglected its oversight functions, it has allowed the SPDC to destroy almost beyond repair the Ogoniland. The researcher is of the opinion that the government has been ineffective in enforcing compliance of the SPDC to extant laws because of its economic interest in the company and the benefit it gains from the activities of SPDC in Ogoniland. The interest of the government in the company, therefore, overrides the impacts the activities of the company may be having on the host communities.

Similarly, the government of the Republic of South Africa has only placed its economic interest over the environmental sanity, as well as better living and working conditions of the host communities. Of course, the government understands that the work inputs of many of the low-earned workers are pivotal to the operations of Lonmin. For instance, the incessant strike actions of platinum workers during and after the Marikana Massacre cost the company and the government economic recession. Yet, the interest of Lonmin has been placed above the well-being of the workers and host communities of Lonmin.

The Ogonis are of the opinion that extant regulations be reviewed to allow for their inclusion. They particularly want indigenous ownership and control of the resources on their ancestral land. Host communities in Marikana on the other hand are concerned about economic

liberation. Although the indigenes wish that Lonmin could vacate Marikana so that the indigenes may have control of the company, majority of the members of the host communities demand from Lonmin better living and working conditions. Provision of basic social amenities and the opportunities to boost the economic standard of every individual in the host communities.

The government of South Africa may take a cue from the initiative of the government of Nigeria and make efforts to clean up the contaminated environment of Marikana. In June 2016, the government of Nigeria flagged off the programme for the cleanup of Ogoniland (Royal Dutch Shell, 2017). Despite the submissions of environmental experts, that it will take the environment about four decades to return to its original state (UNEP, 2011), a thorough and consistent cleanup effort, coupled with SPDC's total adherence to extant laws, will bring an appreciable level of sanity and tranquility to the environment. An effort to clean up the dumps and tailings emitted in the course of the extraction of platinum by Lonmin in Marikana, will to a large extent reduce the level of pollution in the environment. This exercise, if adopted and sustained may result in a pollution-free Marikana.

The government of Nigeria may also imbibe in Ogoniland the idea of the Social and Labour Plan. In this case, the members of the host communities, the government and the multinational oil company must be duly represented in establishing and acceding to the contents of the SLP. More so, the government, in collaboration with the traditional authorities, must endeavor to perform oversight functions, ensuring that the commitments proposed by the oil company is indeed actualized. While it may not be possible to meet up with the entirety of the challenges of the host communities (Eluka et al., 2016), it is essential that host communities to natural resources extraction companies are not deprived of their fundamental human rights or denied their basic needs for sustenance.

6.6 Discussion of Findings

i. What are the extant laws guiding the extraction of natural resources in Nigeria and South Africa?

The answer to this research question is connected to interview question 2; What is your understanding of the laws guiding natural resources extraction in Nigeria/South Africa? The

respondents in Nigeria and South Africa had the idea of the extant laws guiding the extraction of natural resources. In Nigeria, respondents mentioned and are conversant with the Oil Pipeline Act and the Petroleum Act. In South Africa, respondents mentioned the MPRDA and the SLP. Extant literature further revealed some of the existing laws guiding the extraction of natural resources in Nigeria and South Africa. Such regulations as existing in Nigeria include; the Oil Pipeline Act 2004, the Petroleum Act 1969, NOSDRA Act 2006, NESREA Act. Such regulations in South Africa include the MPRDA 2002, which mandates that the mineral resources extraction companies produce a SLP that explains the developmental projects that the companies may execute in the host communities while mining operations are ongoing. Chapter four deals extensively with this question.

ii. To what extent do natural resources extractive regulatory agencies in Nigeria and South Africa enforce extractive industries' compliance with the extant laws regulating natural resources extraction in Ogoniland and Marikana respectively?

The answer to this question is connected to interview question 5; Would you say the government has enforced the compliance of natural resources extraction companies in Nigeria/South Africa?

Respondents in Nigeria are of the opinion that the government has not effectively enforced the compliance of natural resources extraction companies in Nigeria. One of the respondents for instance mentioned that if the government had enforced the extant laws, there would not be a need for protests and agitations about the reality that the environment has been damaged and making the Ogoni people socially and financially handicapped.

Respondents in South Africa believe that the government has also not been effective in enforcing the compliance of natural resources extraction in South Africa. The incessant strikes and protests and the condition of Marikana is a pointer to this fact. Amnesty International Report (2016) and the Bench Mark Foundation reports of 2012 and 2013 expressly discuss this question asides from other extant literatures consulted for the purpose of this research.

iii. What is the level of compliance by Shell Petroleum Development Company (SPDC) in Ogoniland, and Lonmin Company in Marikana, with the extant laws regulating natural resources extraction in Nigeria and South Africa?

The answer to this question is linked to interview question 3; Do you think the natural resources extraction companies comply with these laws? If yes, how? If No, why have they consistently disobeyed the rules of engagement?

Respondents in Nigeria and South Africa are certain that the SPDC and Lonmin respectively have not in any way complied with extant regulations guiding their operations. In Nigeria for instance, the oil pipelines that cut across Ogoniland transporting oil to its final destination, are old and corroded, perpetually oil on the lands and water bodies. All the pipelines have not been changed even when the government has commenced the cleanup of the area. The Ogoniland is still as polluted as it had been. Extant literatures have also supported this assertion.

In Marikana, Lonmin's activities have not complied with existing regulations. Workers live in squalor conditions and are exposed to life-threatening job hazards. Lonmin has refused to fulfill its commitment to building sufficient standard housing units for its workers. In the course of the production of platinum also, particulate matter are released into the atmosphere and pollute the environment to the detriment of the members of the host communities.

The rules of engagement are constantly disobeyed because of the ineffectiveness of regulatory agencies to enforce compliance on the companies. Extant literatures also corroborate the submissions of the respondents in both study locations.

iv. How do the activities of Shell Petroleum Development Company (SPDC) and Lonmin Company in Ogoniland, Nigeria and Marikana, South Africa impact the host communities?

This question is related to interview question 6; What are the challenges of natural resources extraction activities in your community?

Respondents in Nigeria and South Africa submit that the oil extraction activities of SPDC and the platinum extraction activities of Lonmin has not done the host communities any good.

In Ogoniland, the oil spills from the oil pipeline have polluted the farmlands, streams, creeks, mangrove forests and rivers. As a result, the indigenous occupations of farming and fishing have been disrupted, further affecting indigenous economies. The pollution of the atmosphere has also given rise to inhabitants' exposure to chemicals that are hazardous to the people's health.

In Marikana, workers of Lonmin face the challenges of meagre wages, terrible working conditions and appalling living conditions. Wastes from the company destroy farmlands and streams. The environment is polluted with dust and Sulphur dioxide causing harm to the health of the host communities' members. These challenges have resulted in hostile reactions from host communities' members to the oil and platinum extraction activities of SPDC and Lonmin in Ogoniland and Marikana respectively.

6.7 Summary of the Chapter

In accordance with Ndlovu's opinion (2013) *"reactions cannot be solved by state violence or violence in any other form, but only by addressing the structural problem of inequality*". This chapter discusses the reactions of members of host communities in Ogoniland and Marikana to the oil and platinum extraction activities of SPDC and Lonmin in their areas. The reactions are nothing but hostile, no friendly or mutual relationships exist between the companies and their host communities. The members of the host communities bear a feeling of relative deprivation as the companies though make gains from their lands, marginalized these host communities from also benefitting from these gains. Rather than also approach the violent reactions with violence, the government must make certain that the feeling of deprivation and the practices of unequal distribution of benefits is quelled in Ogoniland and Marikana, through peaceful dialogue, with an attitude of self-restraint.

CHAPTER SEVEN

SUMMARY, CONCLUSION AND RECOMMENDATIONS

7.1 SUMMARY

In summary, the study reveals that the natural resources extraction companies in Nigeria and South Africa have executed their operations over time as though there are no laws that regulate their operations. The ethics of the maintenance of equipment for operations, the proper treatment of workers and the protection of the environment where it operates have not been upheld. The companies make huge profits regularly only to the detriment of the host communities. The aftermath of the operations of these companies is characterized by; environmental pollution, health hazards for members of the host communities, crippling of indigenous economies, socio-economic crisis, squalid living conditions, and inappropriate working conditions.

Deprived members of the host communities have resorted to hostile reactions such as; protests, workers' strike actions, and vandalism of natural resources extraction equipment. The reactions in form of strikes and violent protests of workers and host communities' members in Marikana led to the shooting of 34 Lonmin workers and the injury of over 70 of them on 16th August 2012. The Ogonis protest continuously especially through MOSOP, against the genocidal act of SPDC on their land, but have not witnessed such magnitude of violence as occurred in Marikana. The study adopted the Relative deprivation theory in the analysis of the reactions of host communities to the natural resources extraction companies.

In Marikana for instance, there were some Lonmin staff at the higher cadre who earned a lot more than the RDOs earned even though in the opinion of the RDOs, they did more work than those on the high cadre. The workers paid meagre salaries are relatively deprived as other workers in the same company earned more in many folds. More so, the accommodation of the staff can in no way be compared to where these low-paid workers live. They are deprived of basic social amenities as compared to the services provided by some top officials of the company. Other members of the host communities bear the rippling effects of Lonmin workers' meagre wages, as well as the substandard living and working conditions.

The study submits that the relatively deprived Ogonis opted for criminal activities of oil pipeline vandalism, oil theft, and artisanal refining. Host communities' members are of the opinion that the Ogoniland is their ancestral land, and whatever resources found on their land belongs to them. In the event that the government and SPDC make a lot of revenue for their development and the development of the state government without having a lot trickling down to the host communities, the latter must figure a way to also tap from their resources.

The study also infers that there are three actors in the discourse of the reactions of host communities to the non-compliance of natural resources extraction companies in Nigeria and South Africa. The swift response of the government to disruptions in the production activities of SPDC and Lonmin suggests that the governments of Nigeria and South Africa are more interested in the economic benefits of extracting oil and platinum in the countries than they are concerned about the socio-economic wellbeing of the members of the host communities. For instance, in Nigeria, oil pipeline vandalism and oil theft are swiftly addressed with claims that the act causes environmental pollution. This cannot be compared with the pollution SPDC causes and has been lightly addressed by the companies. Also, in Nigeria, SAPS was swift in confronting and shooting down protesting workers who may disrupt platinum production in Lonmin. Yet, the government of South Africa had lightly esteemed the poor condition of Marikana aforetime.

Based on the findings of the study, if the governments of Nigeria and South Africa approach the issues of non-compliance of SPDC and Lonmin to extant regulations that guide natural resources extraction in both countries with the same vigor and swiftness it had approached the striking and protesting miners in Marikana as well as the oil thieves in Ogoniland, the hostile and violent reactions of host communities should cease. The government regulatory agencies in Nigeria and South Africa must improve upon their efforts and capacities to ensure natural resources extraction companies comply with extant regulations guiding their activities. By so doing, the perceived injustices of the host communities are addressed such that, they and the companies enjoy mutual benefits.

The study concludes that international and national standards for natural resources extraction activities have not been maintained in Nigeria and South Africa. Non-compliance of SPDC

and Lonmin to extant regulations in Nigeria and South Africa has been the norm, the government regulatory agencies in both countries have also condoned the negligence of the oil and platinum companies in Ogoniland and Marikana. Oversight functions of the regulatory agencies have been neglected thereby paving way for the irresponsible practices of the companies in their extraction activities, and the uproars among the host communities. Friendly relations may be restored among the members of host communities and natural resources extraction companies if the companies maintain established standards in executing their activities, and the government makes certain of it.

7.2 CONCLUSION

In reality, regulations that guide the extraction of natural resources in Nigeria and South Africa exist, but there is a lack of adherence to these legislations. This is to a large extent owing to the fact that the regulatory agencies that should enforce compliance with existing laws are either ill-equipped, corrupt, or biased. That is, rather than ensure strict compliance of these natural resources extraction companies to extant laws, regulatory agencies rather consider the fact that these companies generate profit that is also beneficial to the country. As a result, carrying out strict oversight functions on the companies will amount to shooting the countries' economies in the foot.

Unfortunately, the regulatory agencies' inability to ensure strict compliance of SPDC and Lonmin to the extant regulations that guide the extraction of oil and platinum has resulted in adverse and negative impacts. The environment is polluted; and this includes the pollution of the air, waterbodies, and the soil. Members of the host communities are diseased from inhaling particulate matters emitted into the atmosphere and consuming contaminated water, food supplies and aquatic food. In fact, members of the host communities in Ogoniland for instance are ripped off their indigenous occupations of fishing and farming due to the contamination of the waterbodies and soil.

In Marikana also, it becomes difficult to cultivate on the farmlands or practice livestock farming. The farmlands have become the dumping sites of Lonmin, where dust and tailings are disposed. In some other cases, the farmlands have been acquired by the company for the expansion of the platinum extraction activities (Bench Mark Foundation, 2012).

Lonmin has not paid adequate attention to the living and working conditions of the workers in the companies. The workers are subjected to gruesome working conditions, yet retire at the end of a working day to an environment and home filled with filth and squalor. The conditions are certainly pathetic. The RDOs – many of who are subjected to these terrible living and working conditions, are to a large extent crucial in the process of the extraction of platinum in Lonmin. Yet, the remuneration of the RDOs is very low as compared to those of the workers in the higher managerial cadre of Lonmin. This is even notwithstanding the nature of the job that the RDOs are subjected to. Largely, SPDC and Lonmin are more concerned with the creation, multiplication, and maximization of profit than they are more concerned about the effects of the oil and platinum extraction activities on their immediate environment.

These factors have led to hostile reactions from the members of the host communities in Ogoniland and Marikana. The Ogonis have resorted to peaceful protests, oil bunkering and artisanal refinery. The acts of oil bunkering and artisanal refinery is a medium the Ogonis have adopted to resist oil extraction activities of SPDC in the area. They believe that the oil is theirs, and if they cannot easily get the benefits from the resources, they should get it by force and through illegal means (Naanen, 2019). In Marikana, the Lonmin workers have resorted to strike actions and have violently protested against the deplorable living and working conditions that Lonmin have subjected them to. Other members of the host communities of Marikana have not only supported the plight of the workers, but also protested against the activities of Lonmin. These hostile reactions of host communities in Ogoniland and Marikana could have been avoided and can still be curbed only if the oil and platinum extraction activities of SPDC and Lonmin are carried out responsibly in the area.

The host communities and the natural resources extraction companies in Ogoniland and Marikana can enjoy mutual benefit and peaceful coexistence. These can be realized if the regulatory agencies are adequately equipped to effectively enforce compliance of SPDC in Ogoniland and Lonmin in Marikana to the extant legislations that guide natural resources extraction at the international, regional and national levels.

7.3 RECOMMENDATIONS

7.3.1 Recommendations for Nigeria and South Africa

The governments of Nigeria and South Africa must avoid jeopardizing the existence and wellbeing of the members of the host communities of Ogoniland and Marikana. The standards of the United Nations and ACPHR must be upheld, that is, every individual's right to a healthy environment and a healthy life must be granted. These rights should not be infringed upon because of the need for the governments of both countries to make more profit.

It is also important that the governments of Nigeria and South Africa strictly enforce extant regulations that guide the extraction of oil in Ogoniland, Nigeria and platinum in Marikana, South Africa. The constitutional provisions that no individual is above the law should be fairly upheld. The possibility of having a peaceful co-existence and mutual benefit if laws are strictly enforced is certain. It is also expedient that there be a cleanup of the host communities to their original state for the existence of a sane environment and healthy inhabitants. Further recommendations are suggested for each of the countries.

7.3.2 Recommendations for Nigeria

7.3.2.1 Review the method of laying Oil Pipelines in Ogoniland

SPDC in Nigeria has its oil pipelines laid across the communities, sometimes laid just close to residential areas. While the companies argue that the pipelines are usually re-routed due to the swampy nature of the ground, particularly when considered hazardous to the people, the Ogonis however insist that no such action had ever been taken. SPDC has indulged in double standards in the methods of laying the oil pipelines. In the UK and EU, oil pipelines are buried underground for onshore oil production, having surveyed the environment. It is recommended that this method be replicated in Nigeria, and Ogoniland specifically. The cheaper and disastrous option of laying oil pipelines above the ground level should be strictly dissuaded by the government of Nigeria. The corroded and cracked pipelines should be replaced and maintained by the SPDC. The provisions of the PDPR must be strictly adhered to, and the government making certain of this. It must be noted that when oil pipelines are buried, the cases of sabotage are minimalized, and the incessant oil spillage and pollution of

the environment is halted to the barest minimum. The international safety and standards regulations of ensuring that a minimum of one kilometre between oil installations and residential houses, (Oluduro & Oluduro, 2015, p. 77-78) must be strictly upheld in Ogoniland and other oil-producing areas of Nigeria.

7.3.2.2 Intensification of the Ogoni Cleanup

Since the inception of the flag-off of the Ogoni cleanup in 2016, its impacts have not been felt on the streams, the creeks, the farmlands and rivers. Oil still overs all around the surfaces in the Ogoni environment. It should be noted that, if the oil pipelines are not replaced or repaired, the Ogoni cleanup is just an effort in futility. It is therefore important that the government ensures the international safety standards as regards the laying and maintenance of oil pipeline, thereafter, intensifying the cleanup of the environment to avoid the death and incapacitation of more members of the host communities.

7.3.2.3 Review the Derivative Principle

It becomes imperative that after so many years, there be a review of the derivative principle of 13% of revenue generated by the Federal government from oil be given to the oil-producing states. The respondents in the course of this research have bitterly complained that the money hardly trickles down to the local communities such as the Ogoniland, it only gets utilized for the development of the state government. Of course, if the revenue had gotten to the host communities in Ogoniland, there will be evidence of basic social amenities such as; good road networks, potable water, standard schools, and electricity, among others. The government should therefore consider increasing the percentage of the revenue that oil-producing states get. More so, the effective monitoring of the expenditure of this revenue on the development of oil-producing host communities such as Ogoniland must be prompted by OMPADEC.

7.3.3 Recommendations for South Africa

7.3.3.1 Increasing the capacity of the Department of Mineral Resources (DMR)

The report of Amnesty International (2016) revealed that the DMR, in Klerksdorp for instance, meant to perform its oversight functions over the execution of the SLP, is ill-equipped. It becomes expedient that the government of the Republic of South Africa

increases personnel to monitor the SLP and the extraction activities of Lonmin in Marikana. The government must ensure the department is equipped with whatever gadgets that may make this work a lot more successful. The issues of housing and wages of the Lonmin workers should be of utmost concern to the department while it carries out its oversight functions. Environmental pollution should also be curbed to its barest minimum.

7.3.3.2 Adoption of Effective Environmental Management

Indigenous farmland owners in Marikana have complained that the tailings and other wastes from Lonmin are dumped carelessly on the farmlands, hence, disallowing agricultural activities to thrive in the remaining land left to them after the acquisition of their lands. The host communities of Lonmin are also filled with filth and particulate matters caused by the inconsiderate method of waste disposal and extraction practices in Lonmin. Many members of the host communities have developed chronic lung diseases from inhaling dust from the extraction activities of Lonmin. The government should enforce the proper management of waste from Lonmin to avoid the pollution of the environment caused by the extraction activities of Lonmin.

7.3.3.3 Review of the Wages, Working and Living Conditions of Lonmin Workers

To sustain a peaceful society, the basic needs of individuals therein must be met. Basic needs according to Doyal and Gough (1991, p. 157-158) include; "*nutritious food and clean water, protective housing, a non-hazardous work environment and physical environment, appropriate health care and education, physical and economic security*". In essence, these needs that have been established to have been deprived of the workers and the host communities of Marikana, must be provided. Taylor (2020) also adds, *"if anyone cares about the future of Marikana, they must first attend to the needs of the mine workers and the many thousands of destitute work-seekers, trafficked women, and those whose health has collapsed because of living and working in the area"*. It should be noted that the RDOs engage in one of the most energy-sapping jobs in the platinum extraction process, commensurate motivation must therefore be provided Lonmin and be enforced by the government regulatory agencies. The wages must be encouraging, the workers must have comfortable accommodation to rest after hectic working exercises at the mine, shift times must be human-friendly, and essential social amenities must be provided to them, so they do

not end up diseased or underprivileged. Only when these provisions are made may the host communities and Lonmin have peaceful coexistence in Marikana.

7.4 Contributions to Knowledge

1. The study is a unique contribution as regards the comparison of politics of natural resources extraction in Nigeria and South Africa and international relations of both countries.

2. The study offers both Nigeria and South Africa the knowledge with which to address negative reactions from host communities, by ensuring that operations of the extractive industries are done for mutual benefit to all and sundry in the host communities.

3. The study advances the frontier of knowledge in the possibility of understanding the cause of the weak capacity of regulatory agencies to enforce compliance of the extractive industries to extant laws and regulations as well as possible mitigation strategies against this weakness.

4. The study also demonstrates that natural resources extraction activities do have similar impacts if not adequately monitored. Platinum and oil, even though are two different kinds of resources have their methods of extraction resulting in similar environmental impacts. For instance, the particulate matters released into the atmosphere in the process of production are somewhat similar, it includes carbon dioxide and sulphur dioxide. These chemicals further result in chronic diseases.

5. The study reveals that the reactions of the host communities of Ogoniland are embedded more in the struggle for the recovery of their ancestral land, while that of Marikana is tilted more towards economic freedom. Otherwise, members of both study locations resist unequal benefits and relative deprivation.

6. The study shows that the compliance of natural resources extraction companies to extant regulations guiding their activities and the enforcement of this compliance by government regulatory agencies can sustain human security in nations.

7.5 Suggestions for Further Studies

Further studies may be done on the relationship between natural resources compliance with extant regulations and the sustainability of human security in a country. The study will be able to demonstrate that the government is very instrumental; in protecting the rights of people, and in eradicating poverty, natural disasters, violent conflicts and chronic diseases, if oversight functions are not neglected. Significantly, the strict enforcement of the extant laws guiding resources extraction activities will allow for the security and development of nations.

Further studies may be done on the importance of establishing indigenous regulations that guide resources extraction activities in an area. These laws should be developed in consultation with the representatives of; the state government, the communities concerned and the extraction company. It is expedient that these indigenous regulations are well understood and adhered to even before the commencement of the establishment of the extraction company. The study is expected to stress that oversight functions by the indigenous authorities are executed regularly and the slightest form of non-compliance to such extant laws attracts immediate eviction from that community.

7.6 Summary of Chapter

This chapter summarizes the idea of the study. The conclusion, general recommendations, and recommendations for Nigeria and South Africa for an improved relationship between the resources extraction companies and the host communities are discussed. The contribution to knowledge and suggestions for further studies are also discussed in this chapter.

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APPENDIX

APPENDIX I

RESEARCH INSTRUMENTS

An Evaluation of Natural Resources Extraction and Host Communities' Reactions in Nigeria and South Africa, 2005-2015

Ogunnowo, Ruth Oore-ofe (32075405)

North-West University Mafikeng Campus, South Africa

Interview Questions Guide

Focus Group Discussion

Section A: Socio-demographic Characteristics

Sex: …….

Age: …….

Level of education: ……

Occupation……

Years of Residency ……

Section B: Focus Group Discussions

i. What is natural resources extraction?
ii. What is your understanding of the laws guiding natural resources extraction in Nigeria/South Africa?
iii. Do you think the natural resources extraction companies comply with these laws? If yes, how? If No, why have they consistently disobeyed the rules of engagement?

iv. How would rate their level of compliance with laws guiding natural resources, using high or low scale? And give reasons for your response?

v. Would you say the government has enforced the compliance of natural resources extraction companies in Nigeria/South Africa?

vi. What are the challenges of natural resources extraction activities in your community?

vii. How have host communities reacted to natural resources extraction in your area?

viii. What is the perceived nature of the relationship between the natural resources extraction companies and host communities in your area?

ix. How well have the government and the natural resources companies tackled the challenges in your community?

x. What in your opinion do you think can be done to ensure a mutual benefit between the host communities and natural resources extraction companies?

xi. Would you advocate that the host communities be in charge of the natural resources extraction activities in their areas?

Purposive In-depth Interview Questions

Section A: Socio-demographic characteristics

Sex …….

Age ……..

Level of education …….

Organization ……

Current position in the organization ……

For how many years have you worked with your organization?.....

How many years of experience do you have in environmental research, natural resources extraction research, journalism, advocacy and administration?.....

Section B: Interview Questions

i. What is your understanding of natural resources extraction in your area?
ii. What is your level of comprehension of the extant laws guiding the activities of extractive industries in your country?
iii. Are you familiar with some of the activities of the natural resource companies in your area? Mention some of these activities.
iv. What challenges do these natural resources extraction activities pose to your area?
v. In what ways do host communities react to perceived injustices melted on them by extractive industries?
vi. Can you mention some of the government regulatory agencies regulating the activities of natural resources extraction in your country?
vii. How have these government regulatory agencies addressed the challenges posed by the natural resources extraction companies to your area?
viii. Would you say that the intervention of the government regulatory agencies in addressing the challenges has been effective?
ix. What difficulties do the government regulatory agencies face in addressing the challenges of the host communities in your area?
x. How do you think the natural resources extraction companies can operate without necessarily impacting negatively on the host communities?

APPENDIX II

Data Analysis (Coding) – Marikana

Natural Resource Conflicts Experts

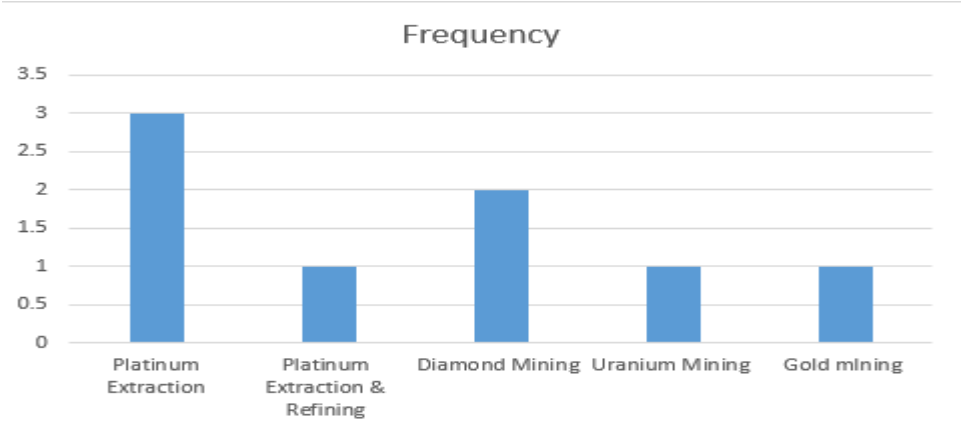


Table I: Resource Extraction Activities in Marikana

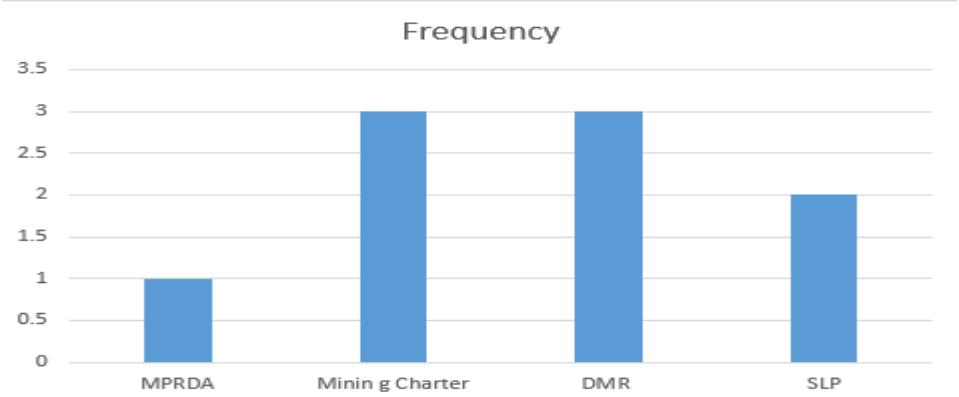


Table II: Existing Mining Laws in Guiding Mining Activities in Marikana

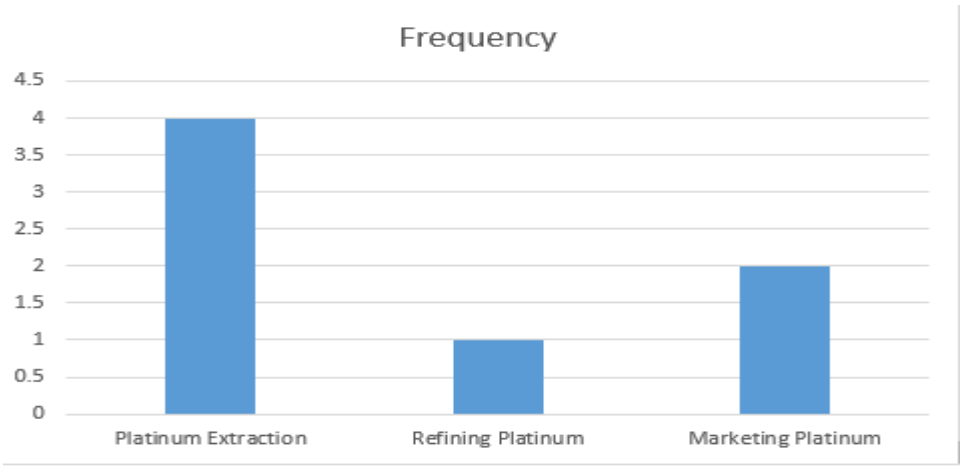


Table III: Activities of Natural Resource Companies in Marikana

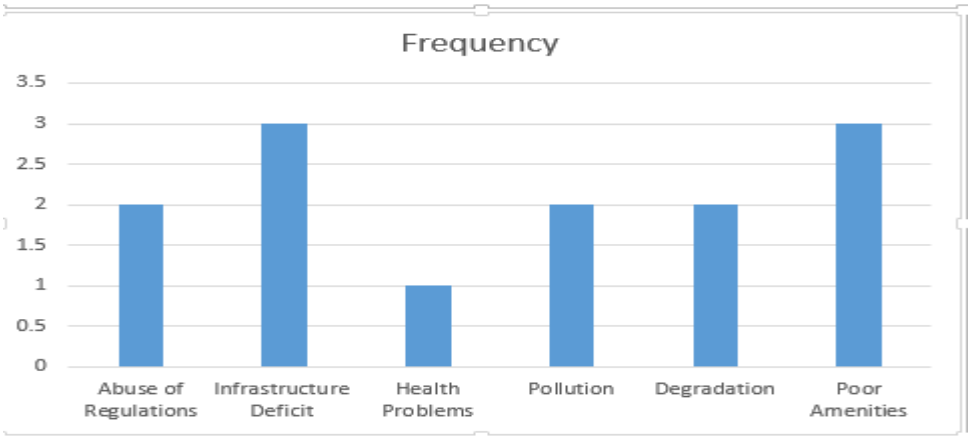


Table IV: Challenges Posed by Natural Resource Extraction in Marikana

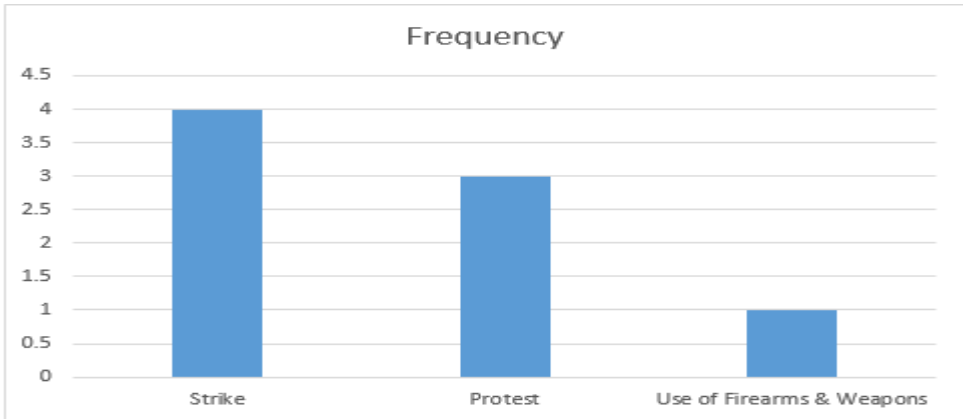


Table V: Host Communities' Reaction to Perceived Injustices by Extraction Companies

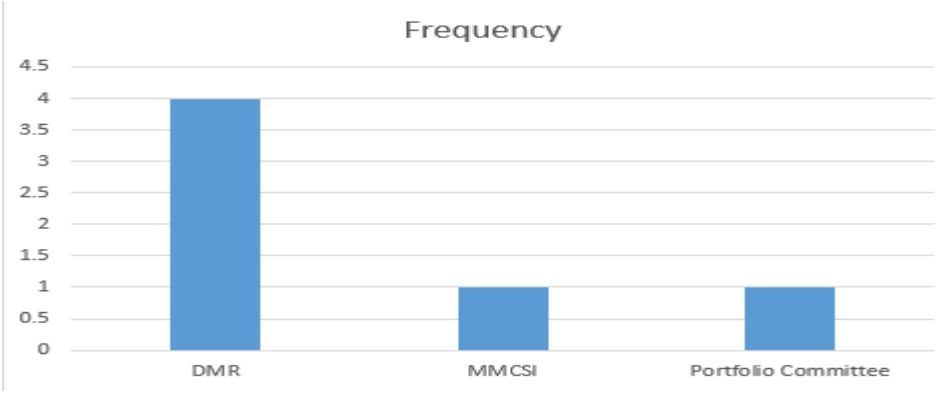


Table VI: Government Regulatory Agencies on Natural Resources Extraction

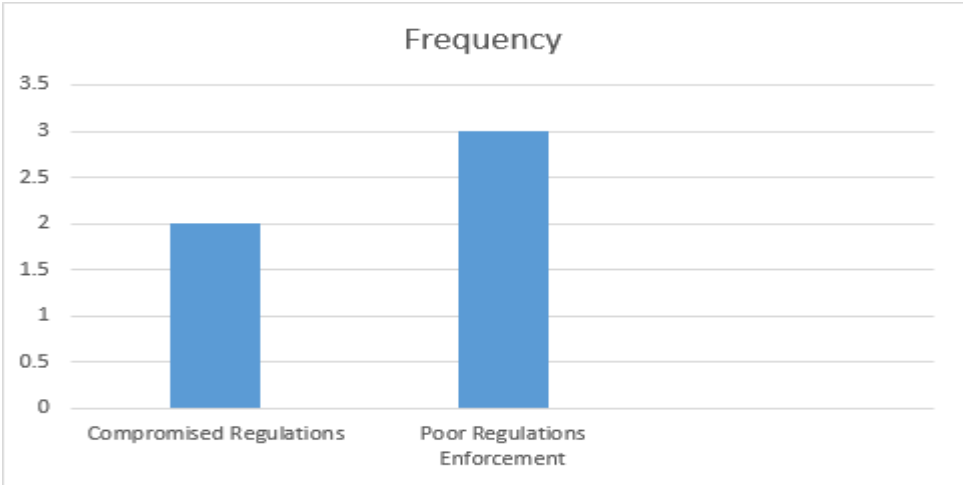


Table VII: Assessment of Regulatory Agencies Enforcement of Natural Resources Regulations

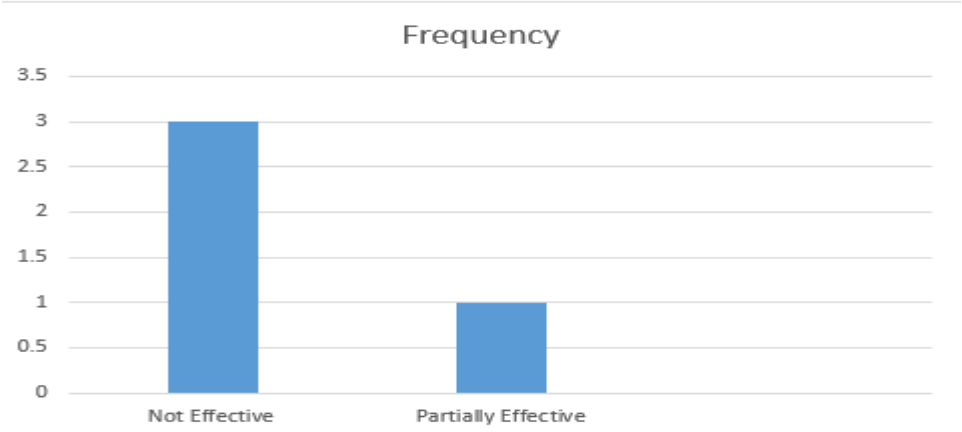


Table VIII: Effectiveness of government regulatory agencies in addressing the challenges

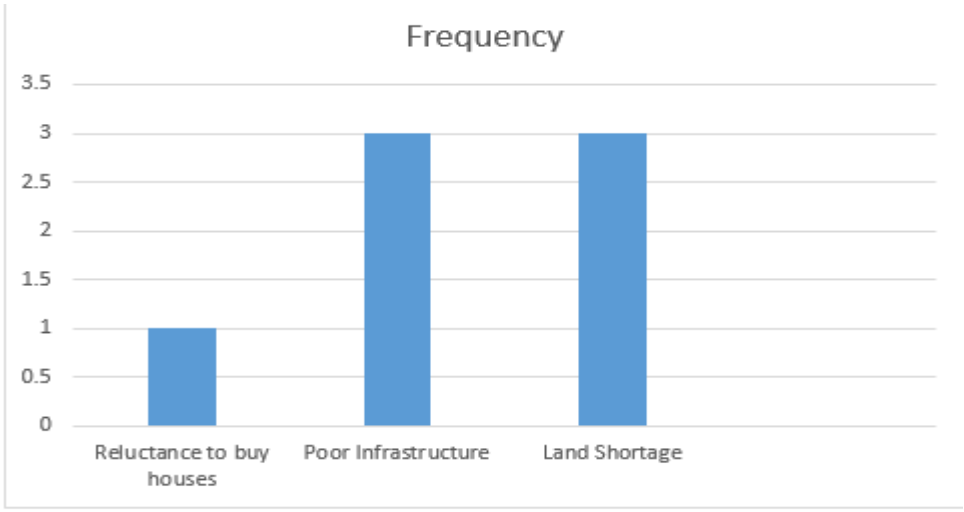


Table IX: Difficulties faced by Government Regulatory Agencies in Addressing the Challenges of the Host Communities

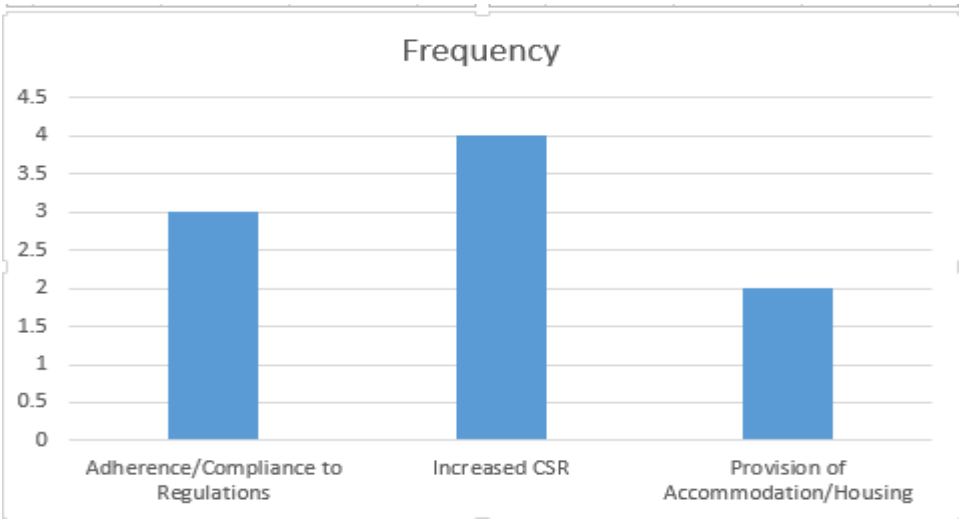


Table X: How Natural Resources Extractions can operate Without Impacting the Environment

Civil Society Organizations (CSOs)

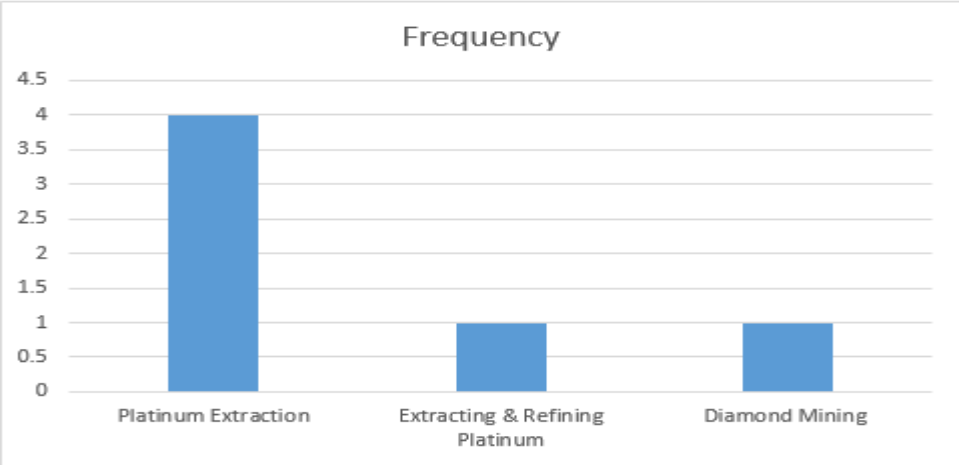


Table I: Resource Extraction Activities in Marikana

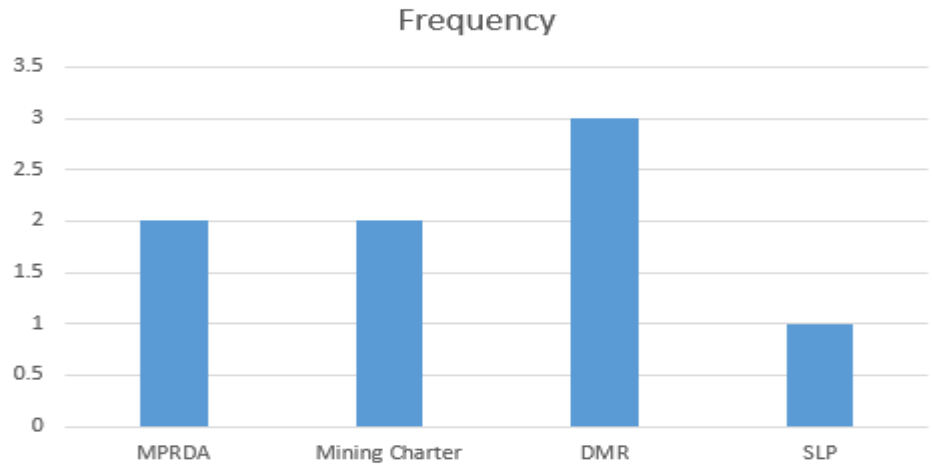


Table II: Existing Mining Laws in Guiding Mining Activities in Marikana

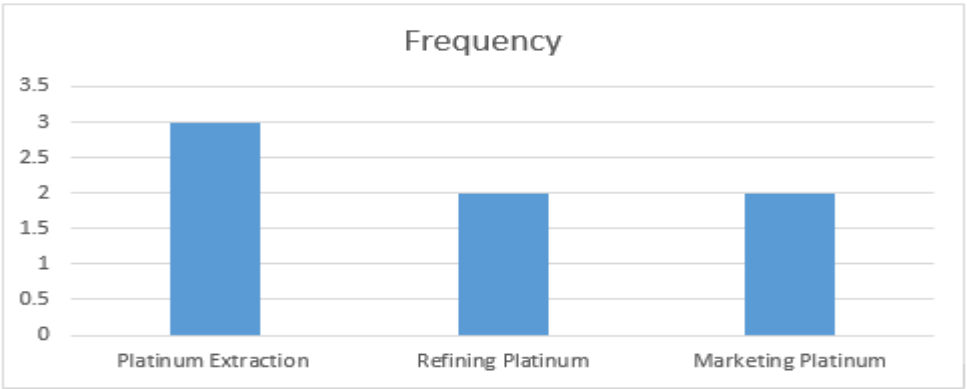


Table III: Resource Extraction Activities in Marikana

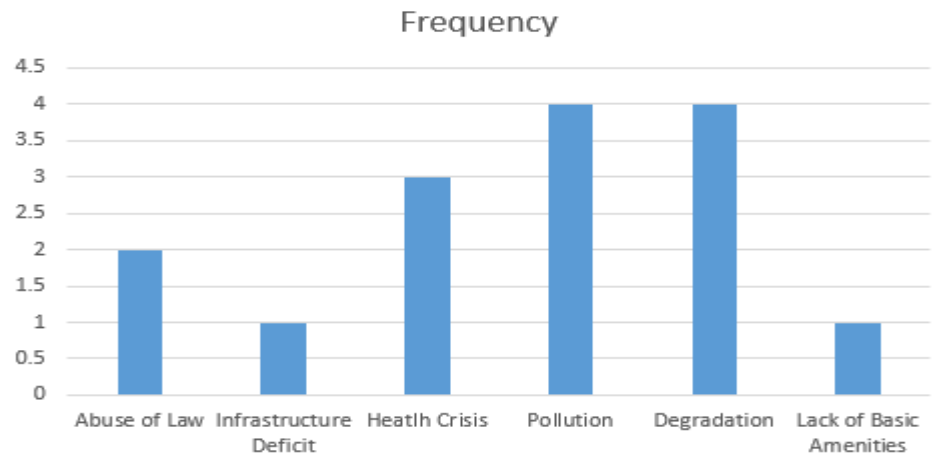


Table IV: Challenges Posed by Natural Resource Extraction in Marikana

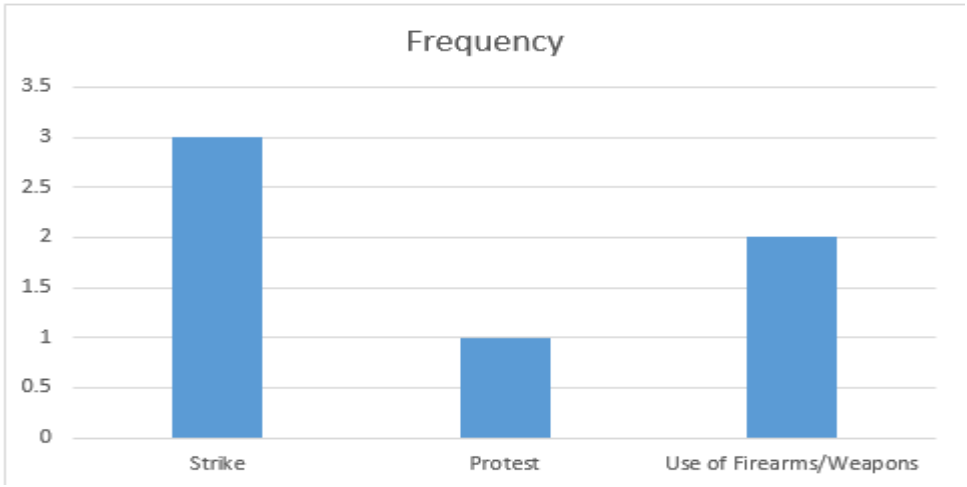


Table V: Host Communities' Reaction to Perceived Injustices by Extraction Companies

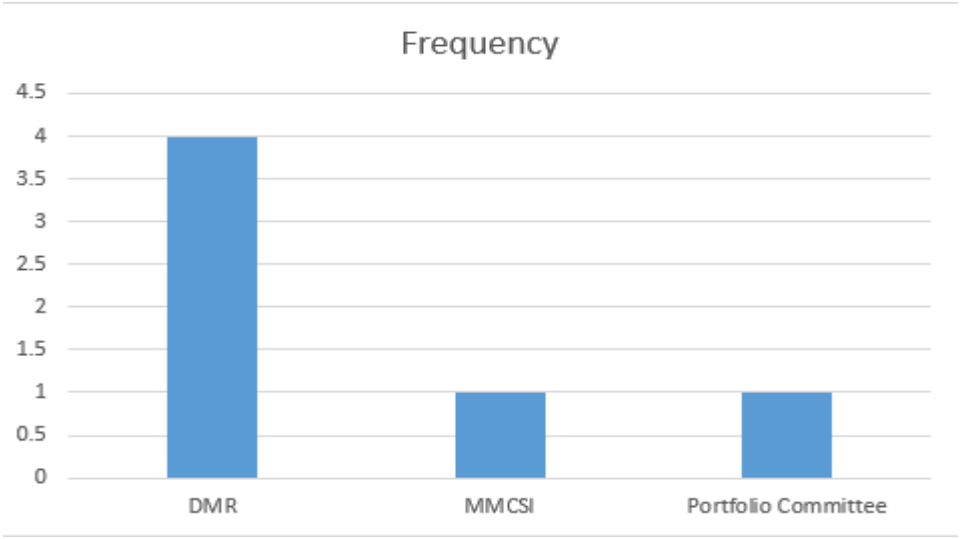


Table VI: Government Regulatory Agencies on Natural Resources Extraction

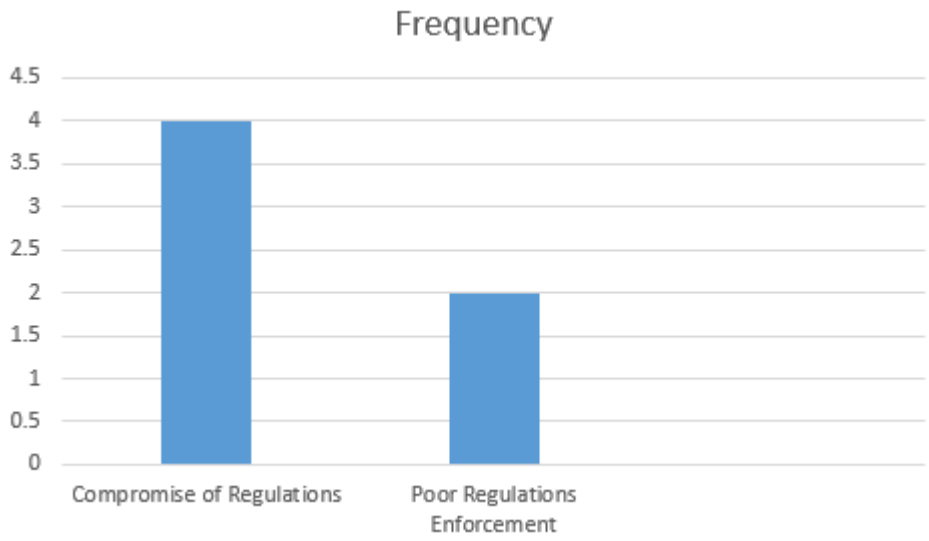


Table VII: Assessment of Regulatory Agencies Enforcement of Natural Resources Regulations

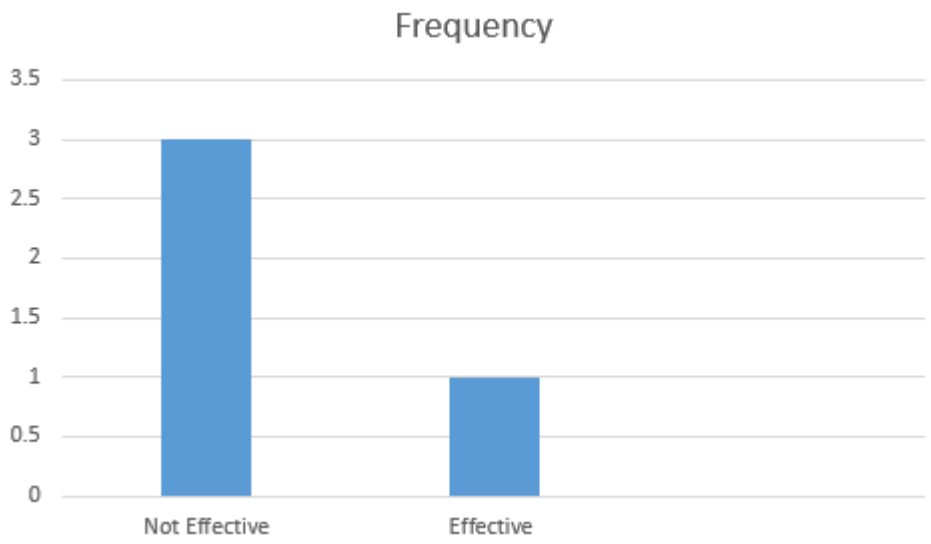
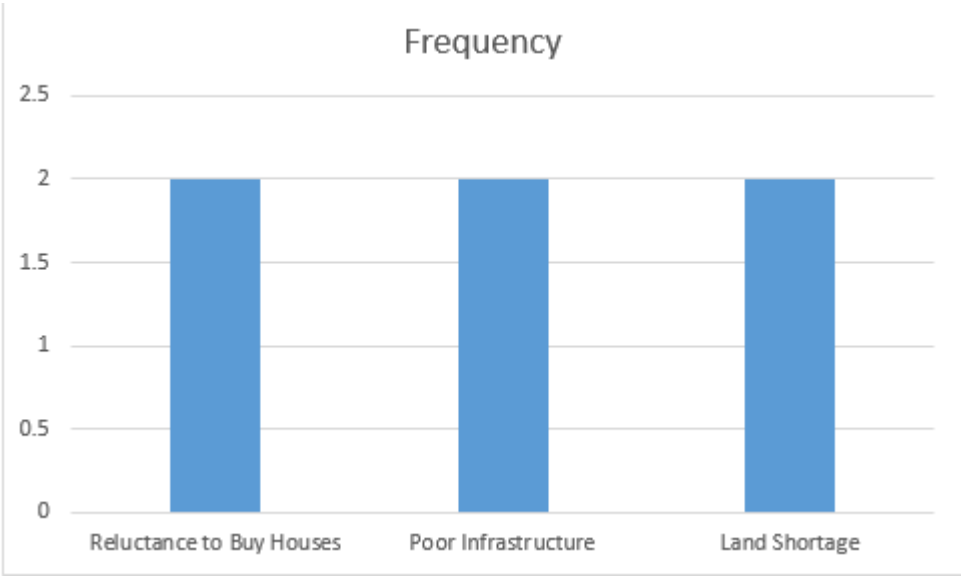


Table VIII: Effectiveness of government regulatory agencies in addressing the challenges



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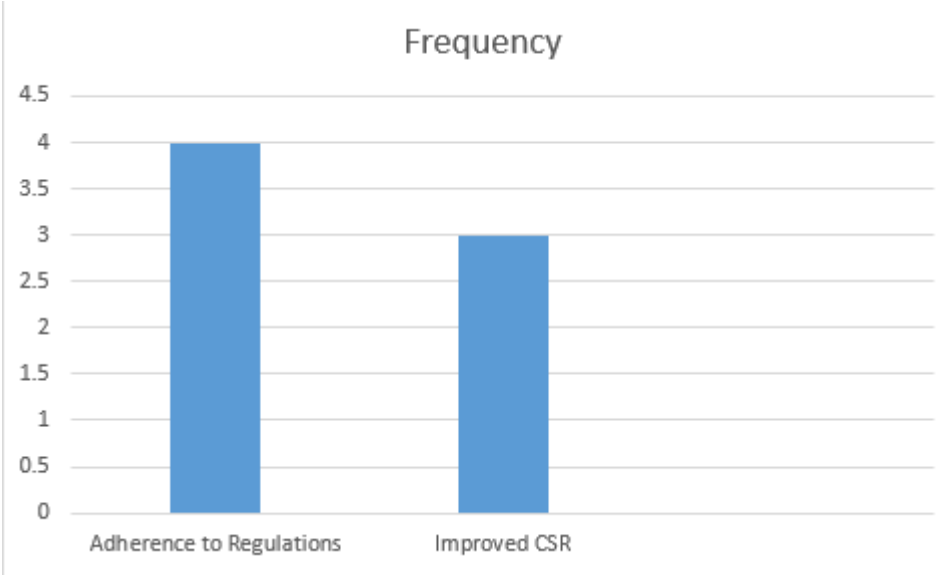


Table X: How Natural Resources Extractions can operate Without Impacting the Environment

Media

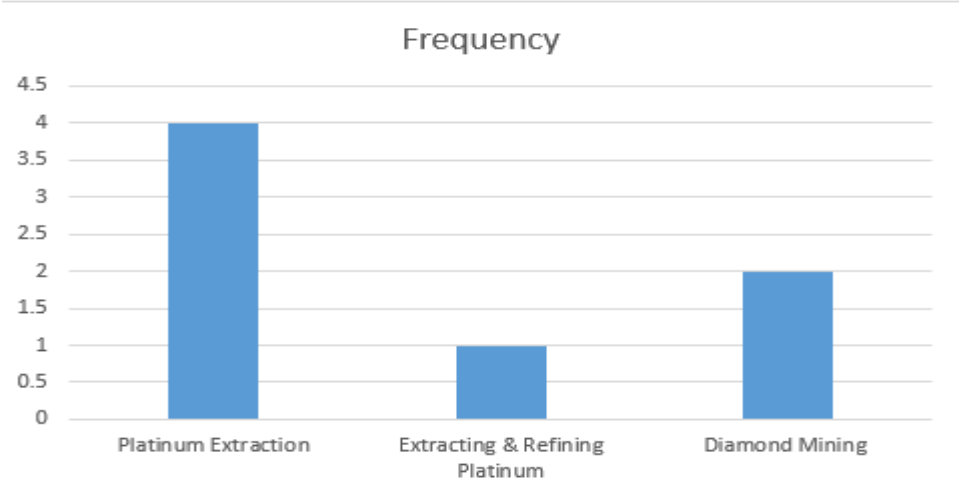


Table I: Resource Extraction Activities in Marikana

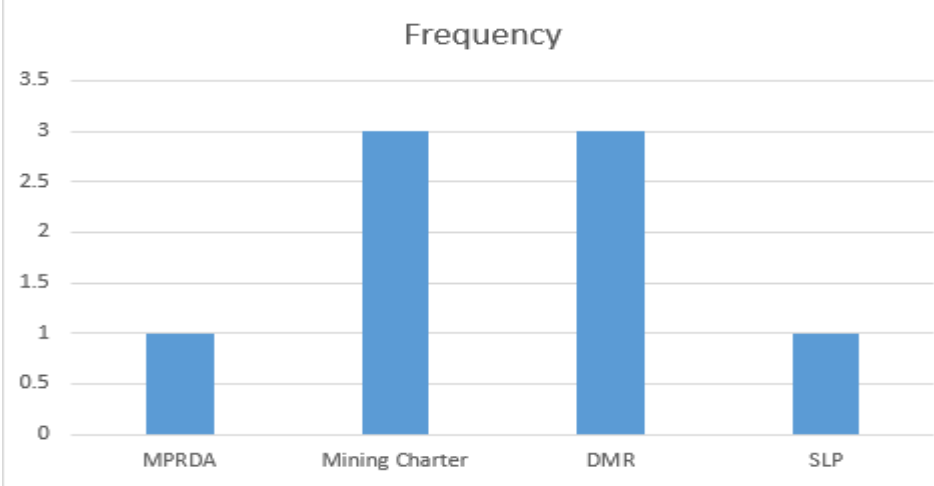


Table II: Existing Mining Laws in Guiding Mining Activities in Marikana

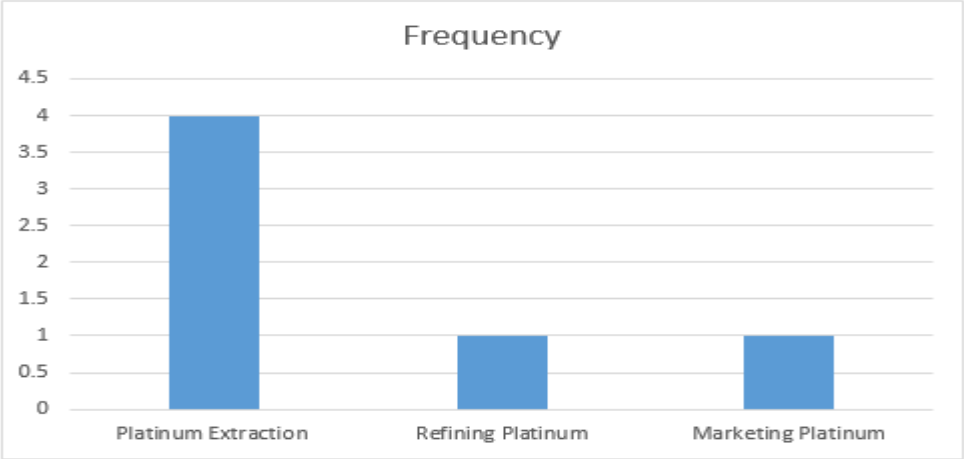


Table III: Resource Extraction Activities in Marikana

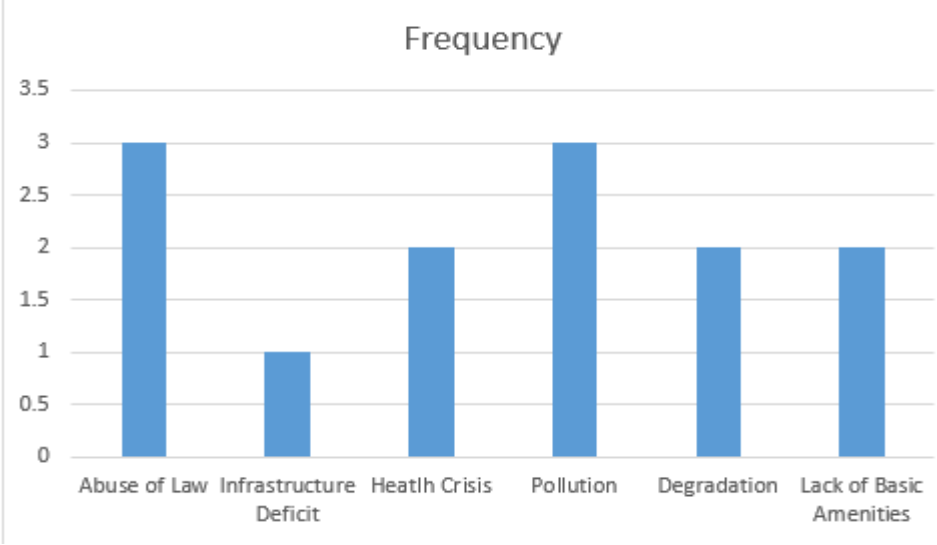


Table IV: Challenges Posed by Natural Resource Extraction in Marikana

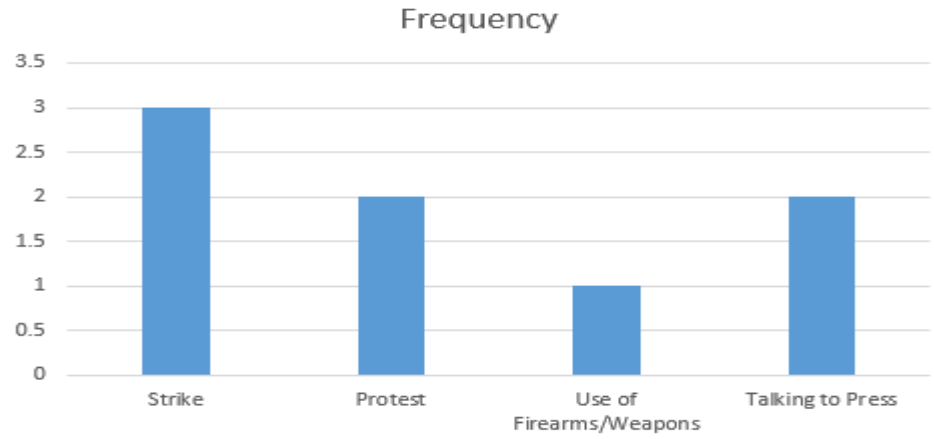


Table V: Host Communities' Reaction to Perceived Injustices by Extraction Companies

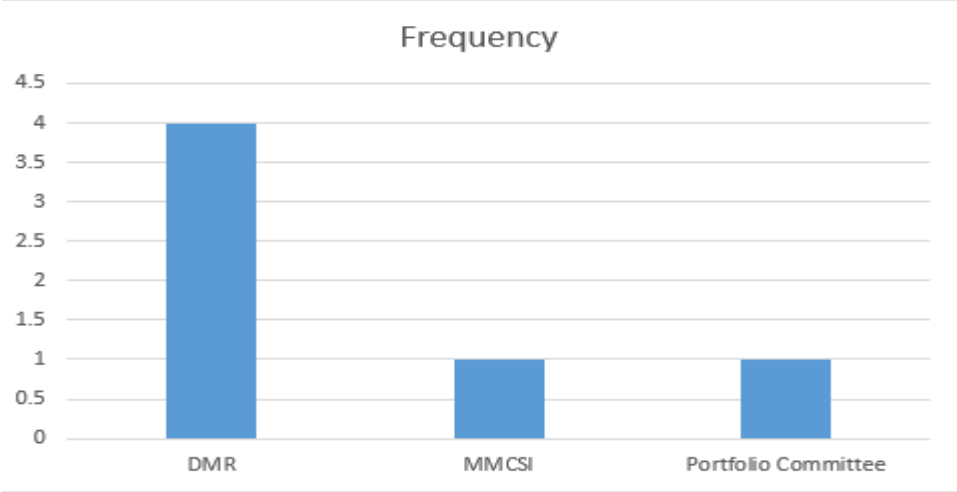


Table VI: Government Regulatory Agencies on Natural Resources Extraction

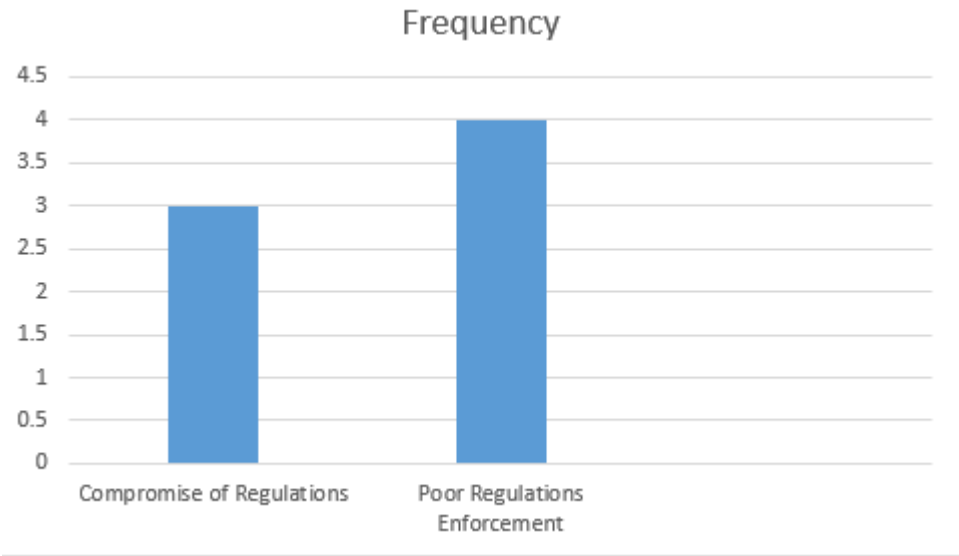


Table VII: Assessment of Regulatory Agencies Enforcement of Natural Resources Regulations

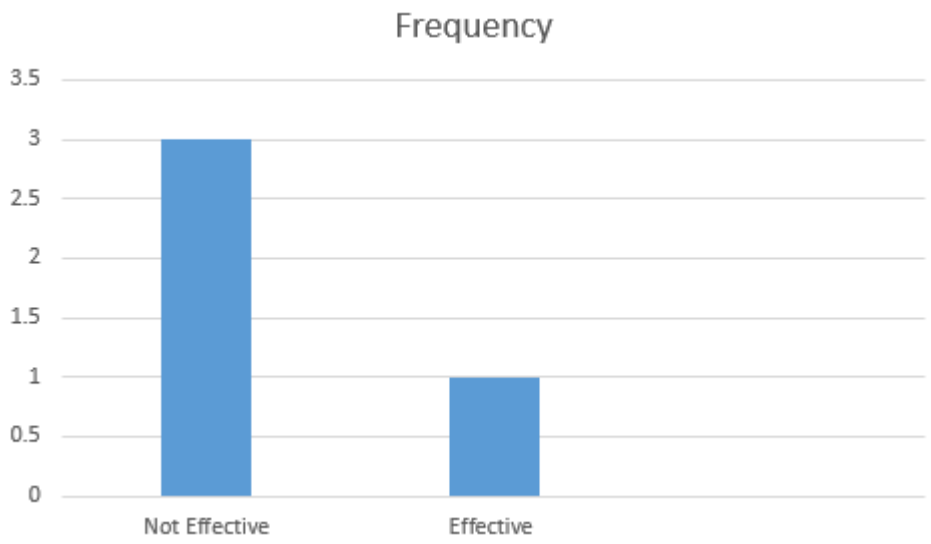


Table VIII: Effectiveness of government regulatory agencies in addressing the challenges

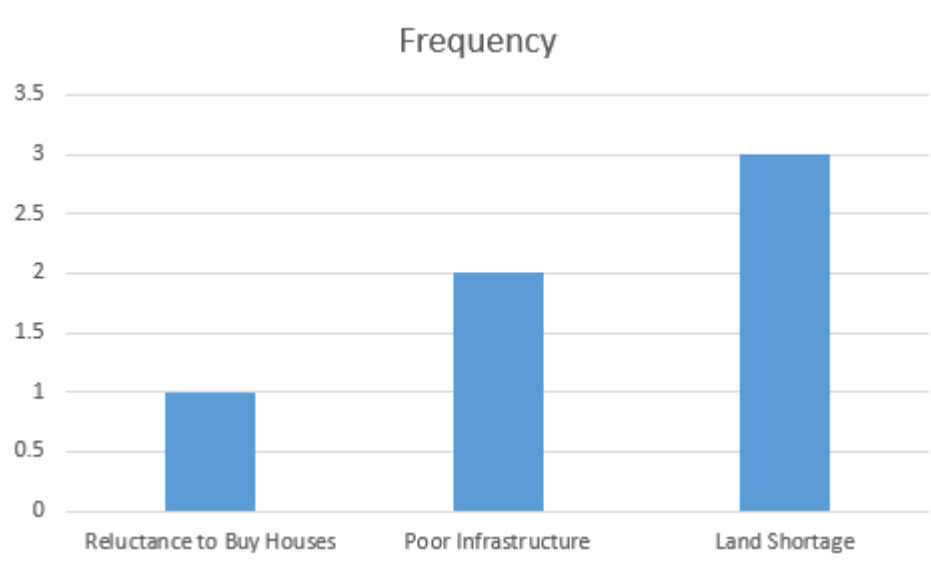


Table IX: Difficulties faced by Government Regulatory Agencies in Addressing the Challenges of the Host Communities

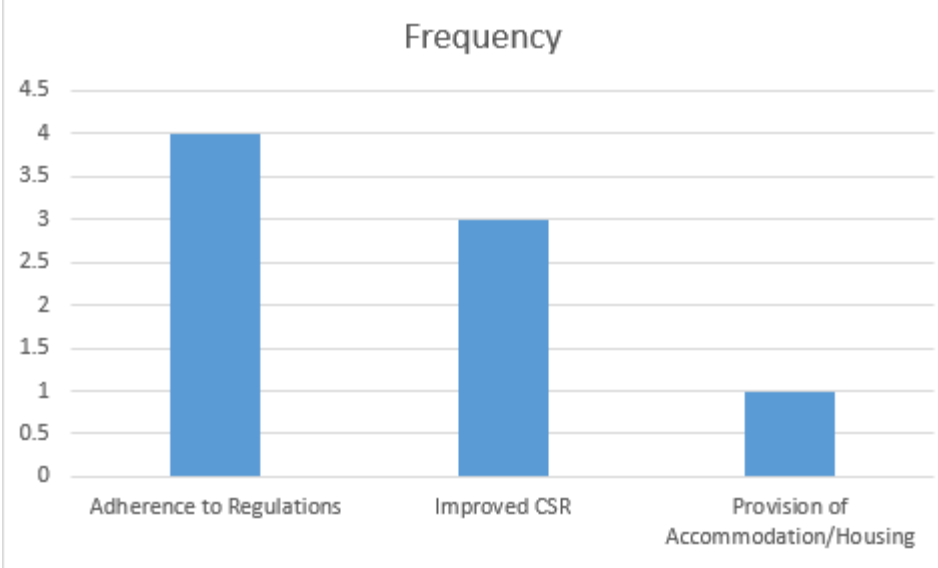


Table X: How Natural Resources Extractions can operate Without Impacting the Environment

APPENDIX III

Data Analysis (Coding) – Ogoniland

Civil Society Organizations

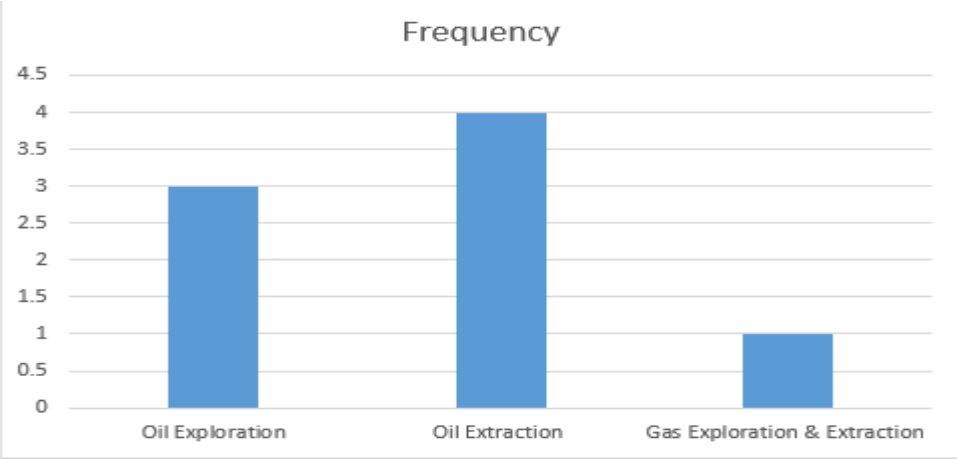


Table I: Resource Extraction Activities in Ogoni

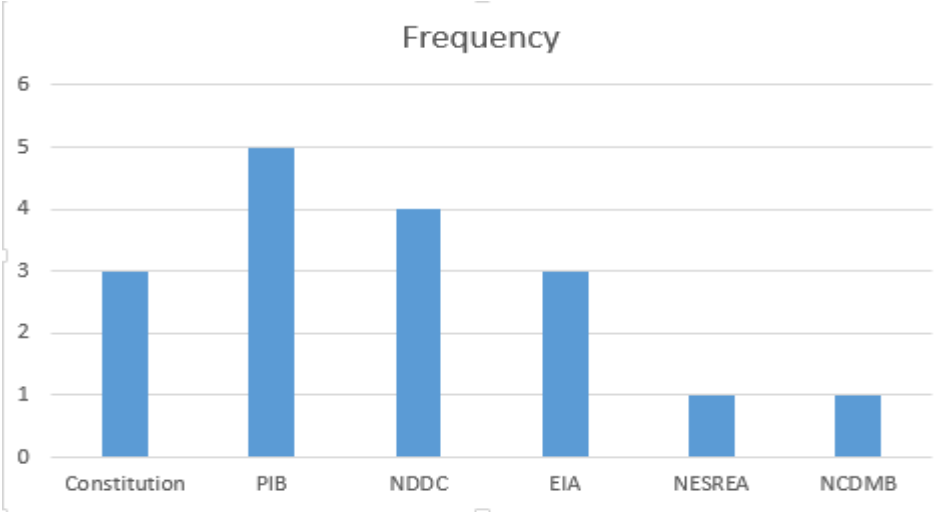


Table II: Existing Mining Laws in Guiding Mining Activities in Ogoni

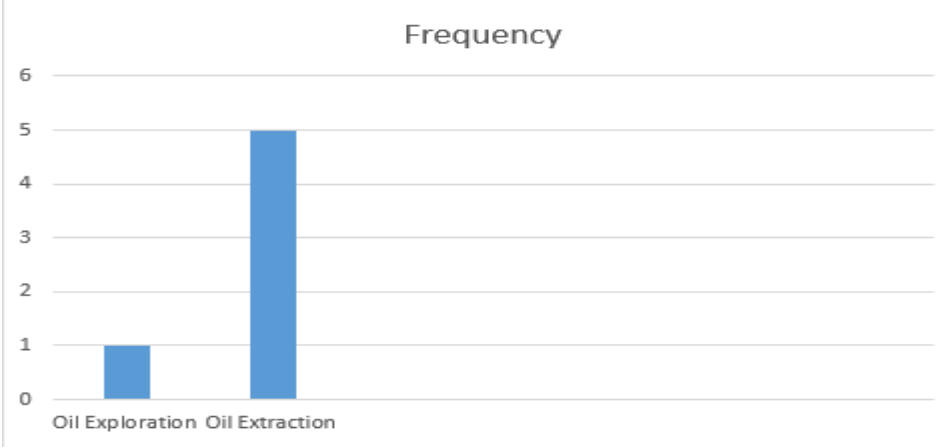


Table III: Activities of Natural Resource Companies in Ogoni

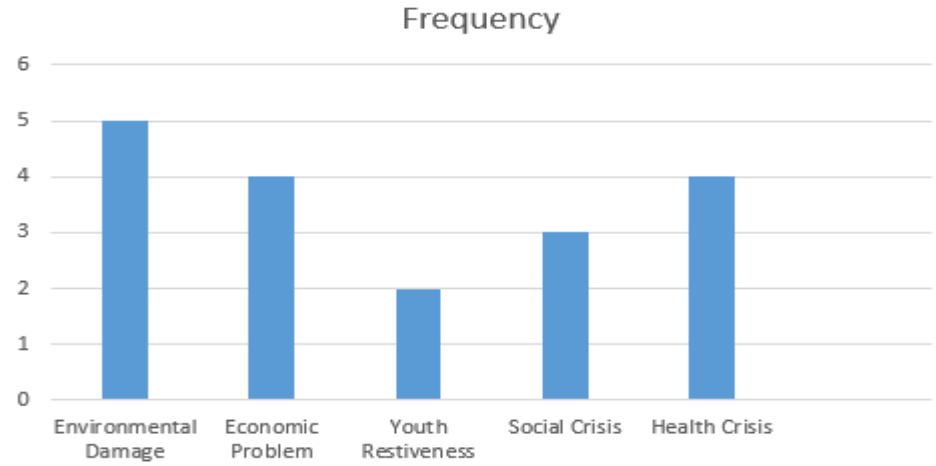
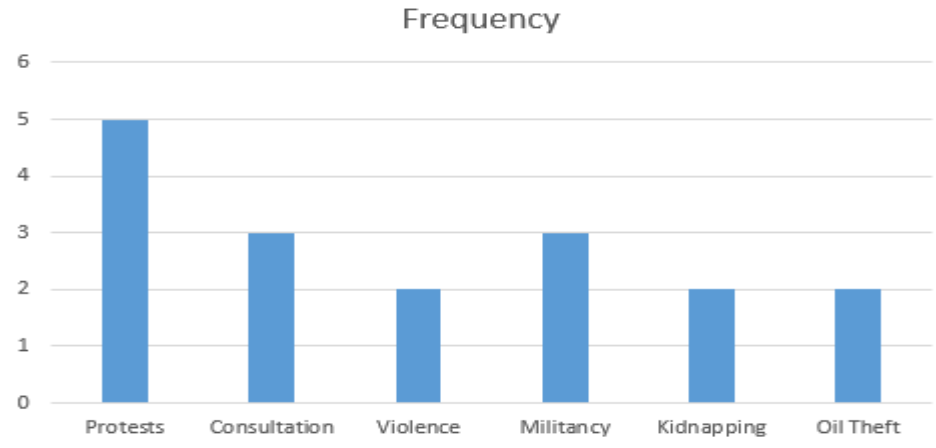


Table IV: Challenges Posed by Natural Resource Extraction in Ogoni



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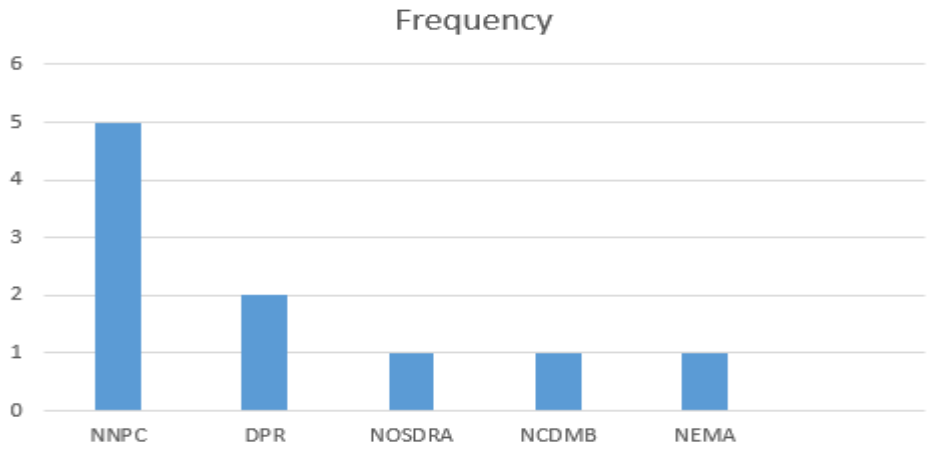


Table VI: Government Regulatory Agencies on Natural Resources Extraction

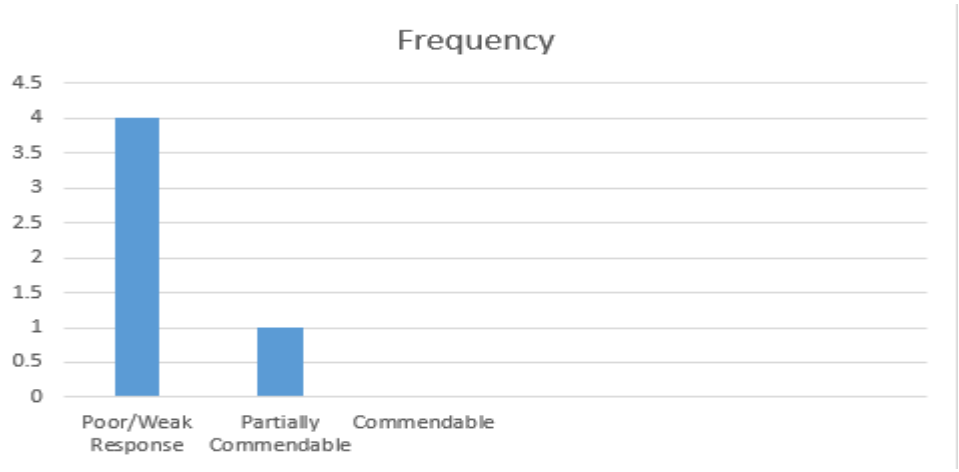


Table VII: Assessment of Regulatory Agencies Enforcement of Natural Resources Regulations

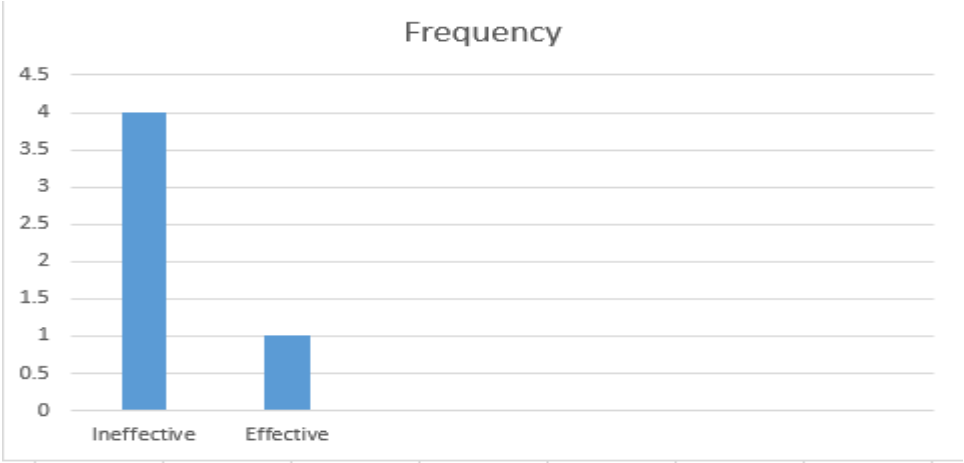


Table VIII: Effectiveness of government regulatory agencies in addressing the challenges

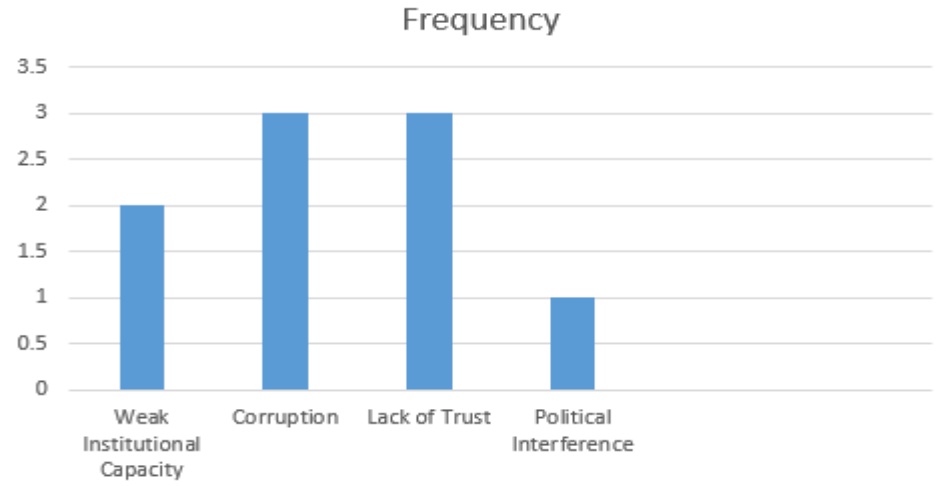


Table IX: Difficulties faced by Government Regulatory Agencies in Addressing the Challenges of the Host Communities

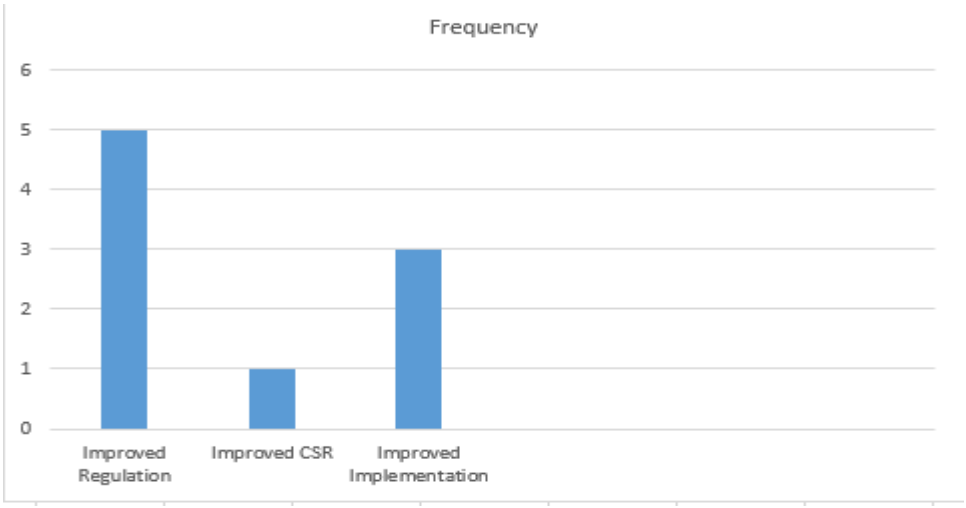
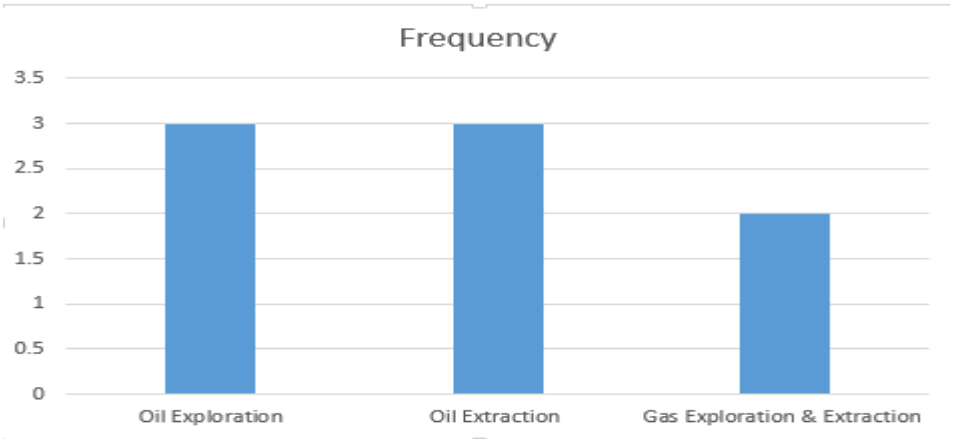


Table X: How Natural Resources Extractions can operate Without Impacting the Environment

Natural Resource Conflicts Experts



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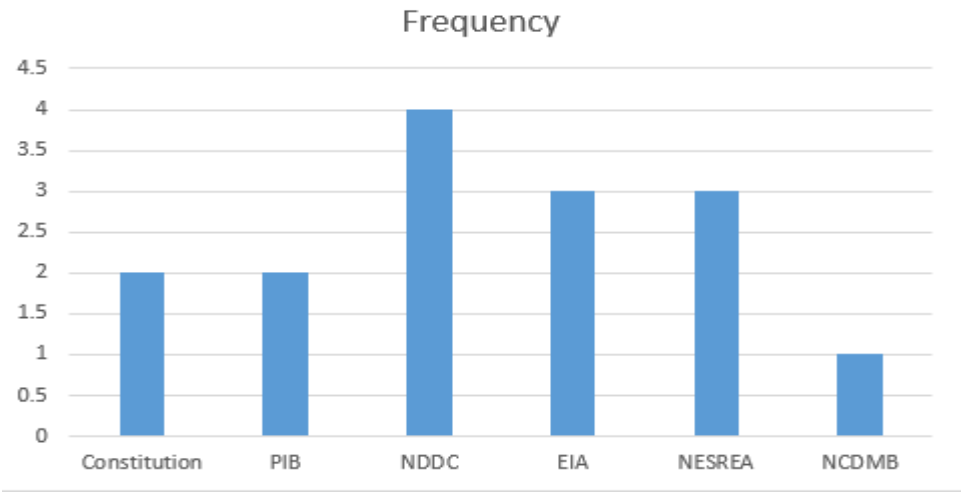

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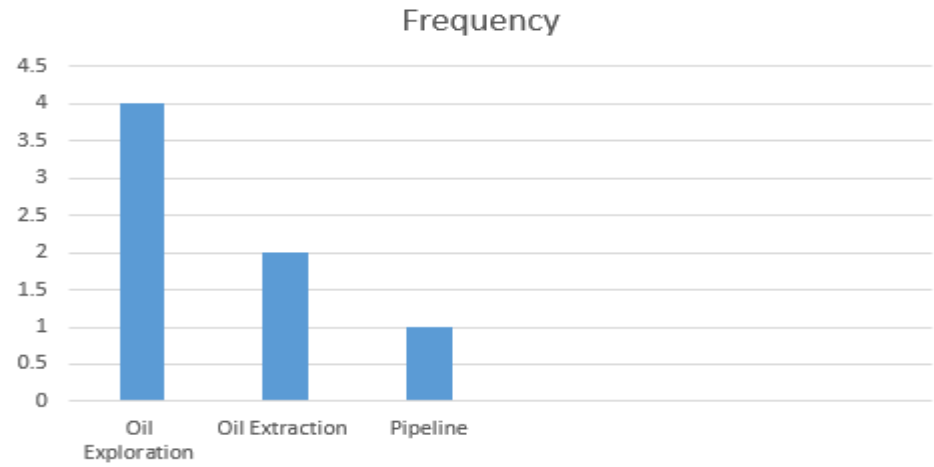


Table III: Activities of Natural Resource Companies in Ogoni

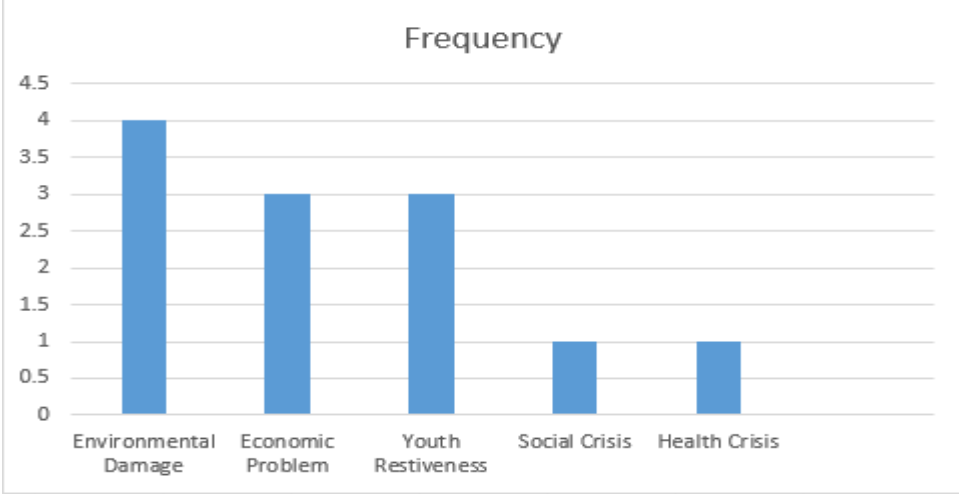
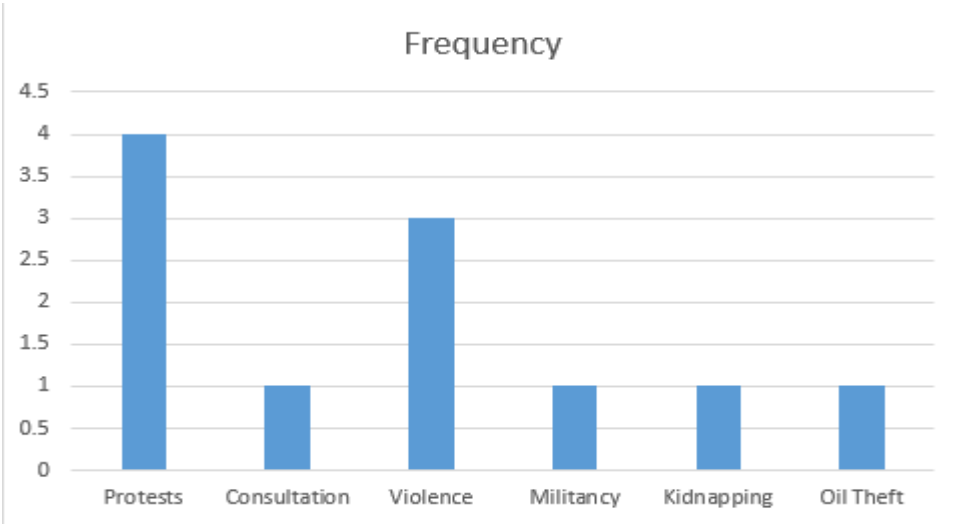


Table IV: Challenges Posed by Natural Resource Extraction in Ogoni



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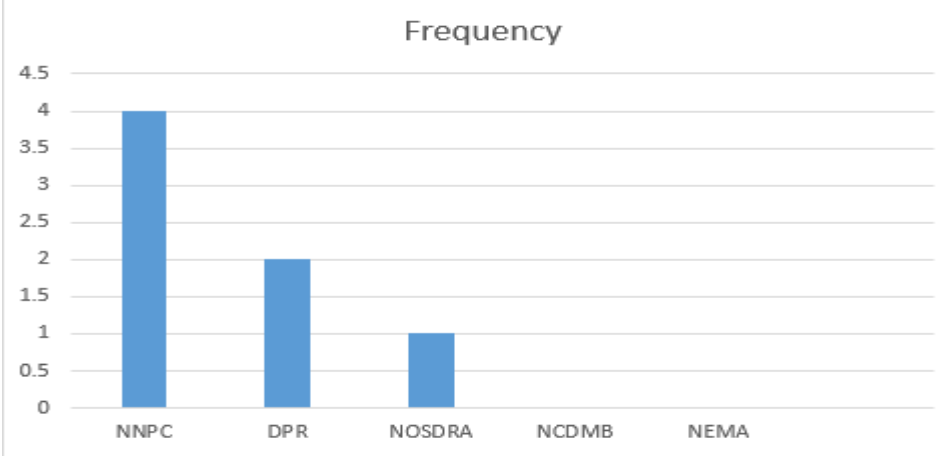


Table VI: Government Regulatory Agencies on Natural Resources Extraction

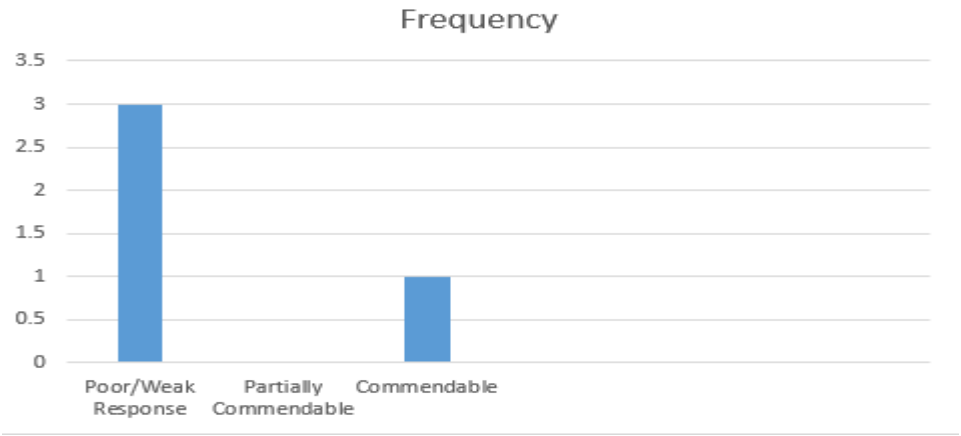


Table VII: Assessment of Regulatory Agencies Enforcement of Natural Resources Regulations

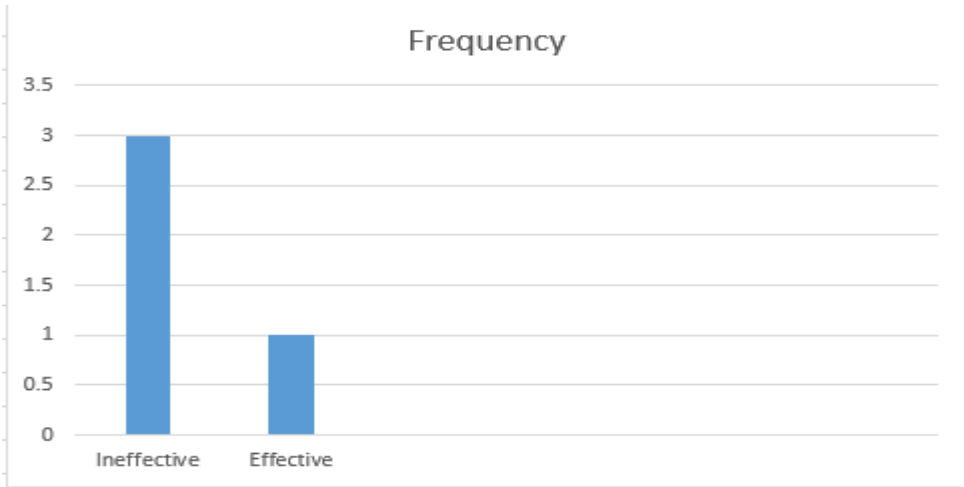


Table VIII: Effectiveness of government regulatory agencies in addressing the challenges

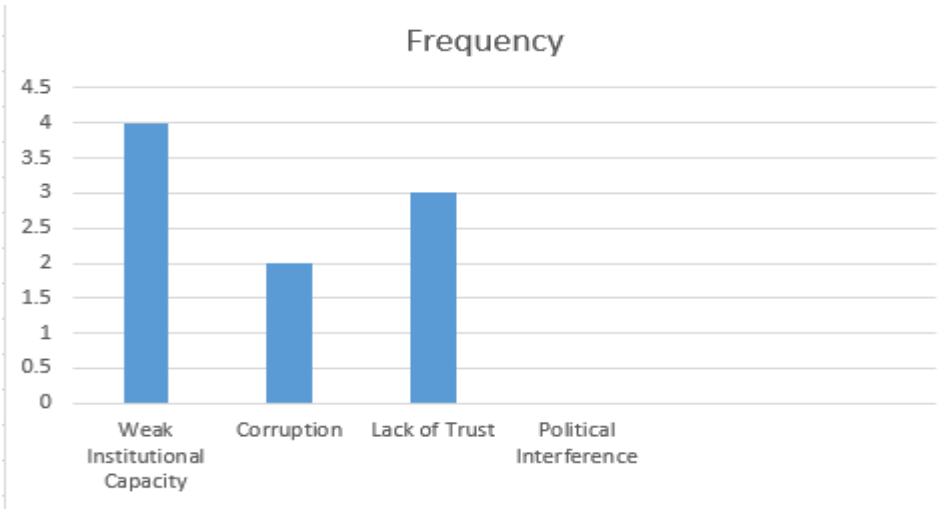


Table IX: Difficulties faced by Government Regulatory Agencies in Addressing the Challenges of the Host Communities

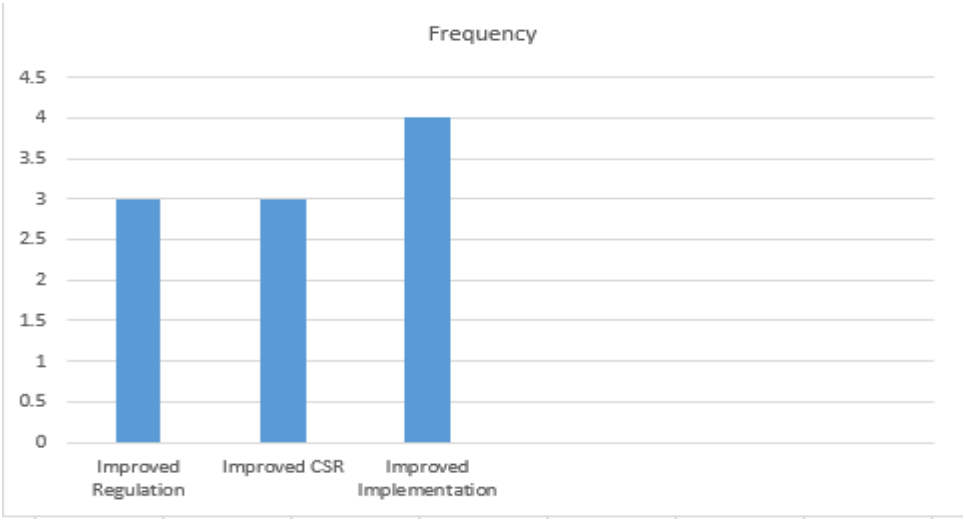
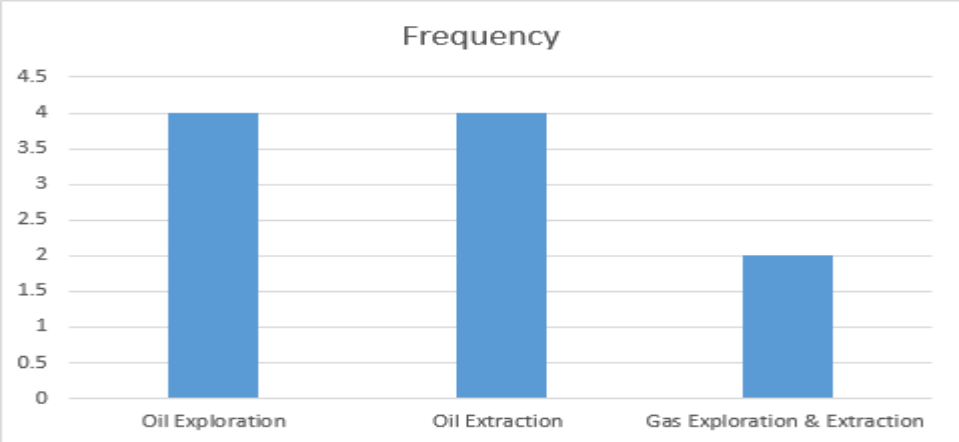


Table X: How Natural Resources Extractions can operate Without Impacting the Environment

Media



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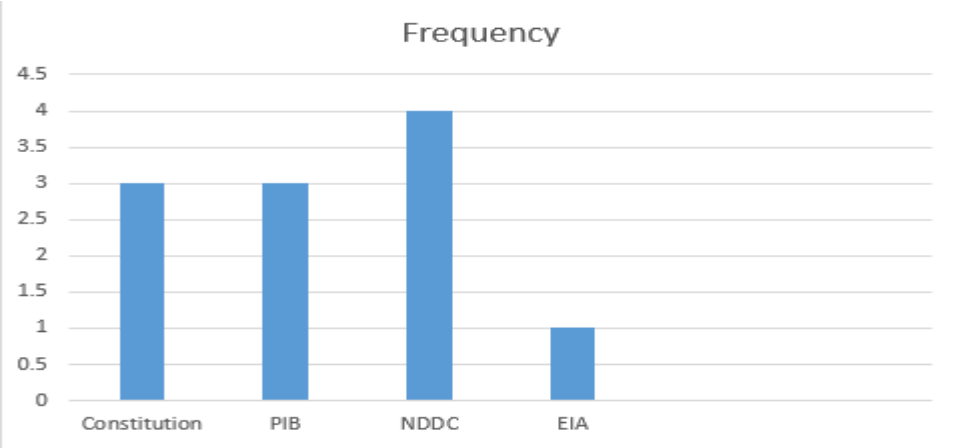

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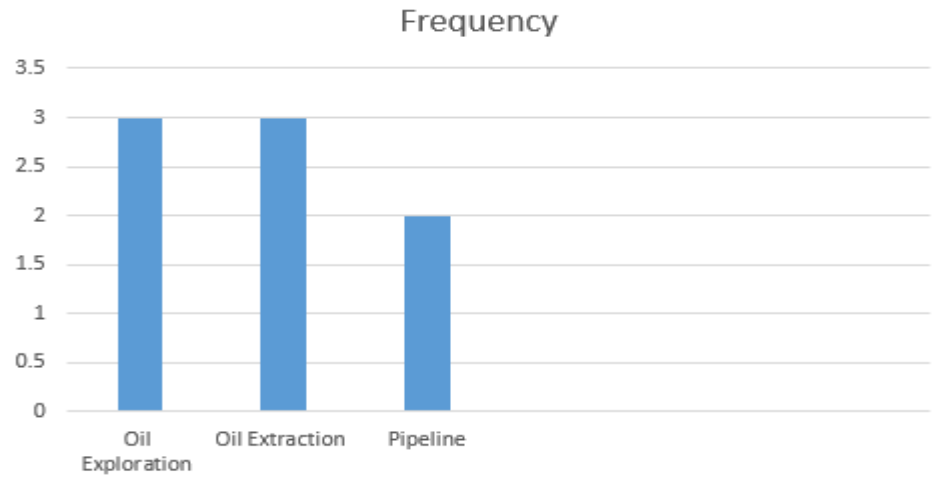

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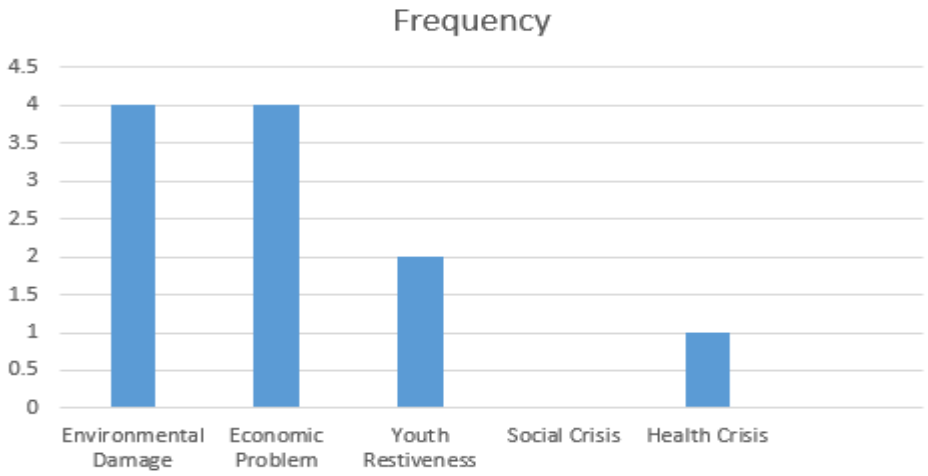
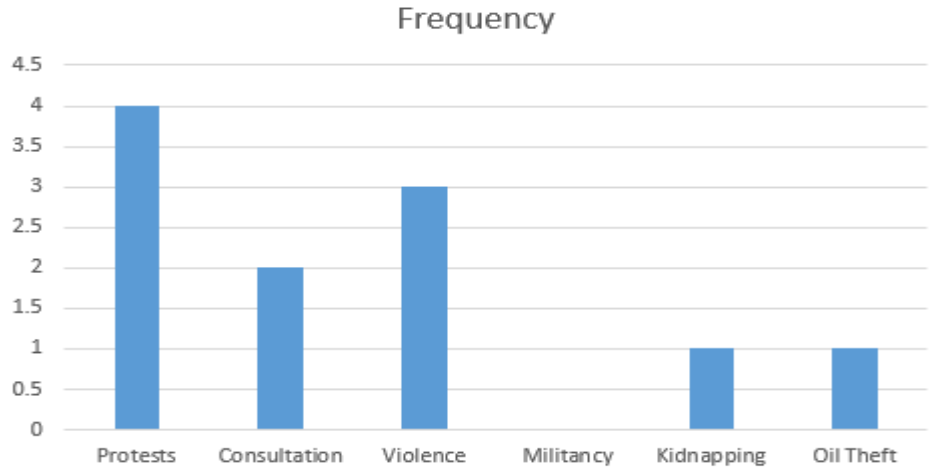


Table IV: Challenges Posed by Natural Resource Extraction in Ogoni



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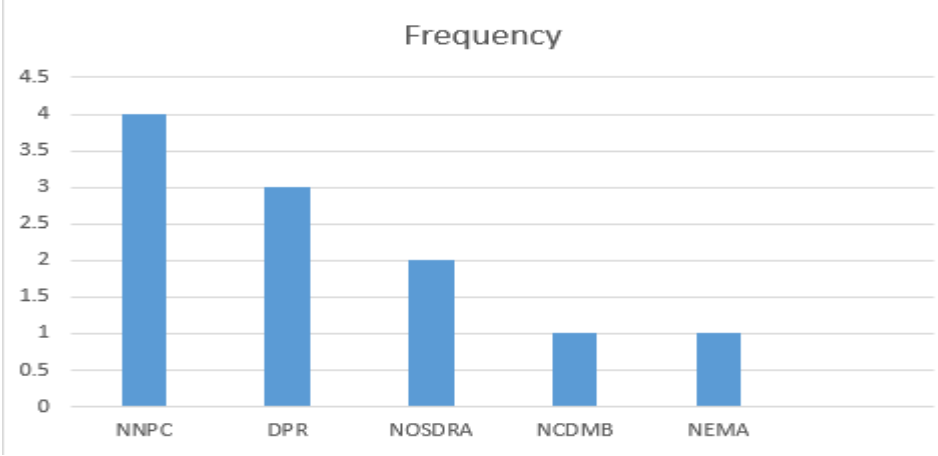
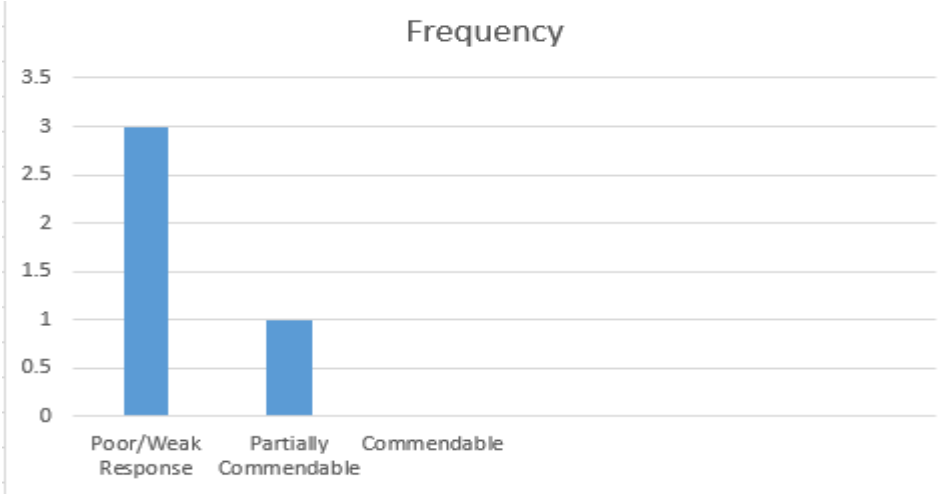


Table VI: Government Regulatory Agencies on Natural Resources Extraction



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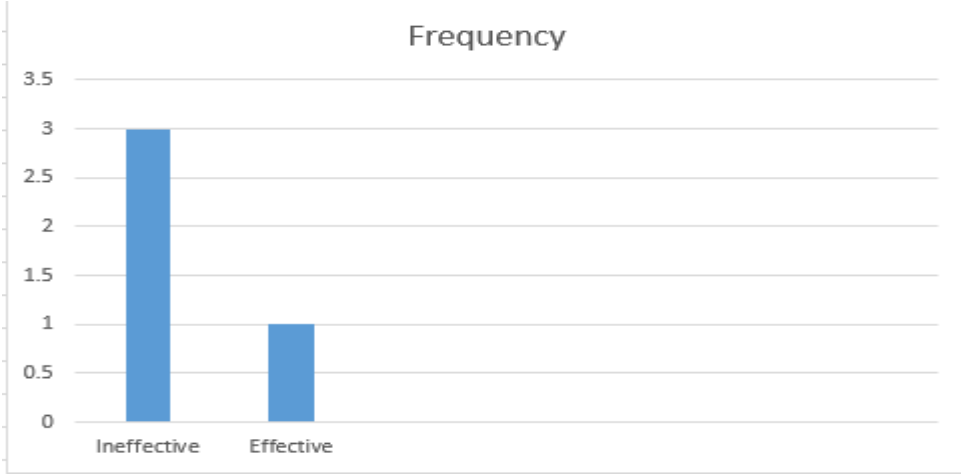

Table VIII: Effectiveness of government regulatory agencies in addressing the challenges

APPENDIX IV: ETHICS CLEARANCE CERTIFICATE

Private Bag X1290, Potchefstroom
South Africa 2520

Tel: 018 299-1111/2222
Fax: 018 299-4910
Web: http://www.nwu.ac.za

Senate Committee for Research Ethics
Tel: 018 299-4849
Email: nkosinathi.machine@nwu.ac.za

15 June 2021

ETHICS APPROVAL LETTER OF STUDY

Based on approval by the **Basic and Social Sciences Research Ethics Committee (BaSSREC)** on 15/06/2021, the Basic and Social Sciences Research Ethics Committee hereby **approves** your study as indicated below. This implies that the North-West University Senate Committee for Research Ethics (NWU-SERC) grants its permission that, provided the special conditions specified below are met and pending any other authorisation that may be necessary, the study may be initiated, using the ethics number below.

Study title: An Evaluation of Natural Resources Extraction and Host Communities' Reactions in Nigeria and South Africa, 2005-2015.

Study Leader/Supervisor (Principal Investigator)/Researcher: Prof V. Ojakorotu.

Student/Research Team: R.R. Ogunnowo (32075405).

Ethics number:

N	W	U	-	0	0	6	2	3	-	2	1	-	A	7
Institution				Study Number						Year			Status	

Status: S = Submission; R = Re-Submission; P = Provisional Authorisation; A = Authorisation

Application Type: Single Study

Commencement date: **15/06/2021** **Risk:** **Low**

Expiry date: 15/06/2022

Approval of the study is initially provided for a year, after which continuation of the study is dependent on receipt and review of the annual (or as otherwise stipulated) monitoring report and the concomitant issuing of a letter of continuation.

Special in process conditions of the research for approval (if applicable):

General conditions:

While this ethics approval is subject to all declarations, undertakings and agreements incorporated and signed in the application form, the following general terms and conditions will apply:

- *The study leader/supervisor (principle investigator)/researcher must report in the prescribed format to the BaSSREC:*
  - *annually (or as otherwise requested) on the monitoring of the study, whereby a letter of continuation will be provided, and upon completion of the study; and*
  - *without any delay in case of any adverse event or incident (or any matter that interrupts sound ethical principles) during the course of the study.*
- *The approval applies strictly to the proposal as stipulated in the application form. Should any amendments to the proposal be deemed necessary during the course of the study, the study leader/researcher must apply for approval of these amendments at the BaSSREC, prior to implementation. Should there be any deviations from the study proposal without the necessary approval of such amendments, the ethics approval is immediately and automatically forfeited.*
- *Annually a number of studies may be randomly selected for an external audit.*
- *The date of approval indicates the first date that the study may be started.*
- *In the interest of ethical responsibility, the NWU-SCRE and BaSSREC reserves the right to:*

- *request access to any information or data at any time during the course or after completion of the study;*
- *to ask further questions, seek additional information, require further modification or monitor the conduct of your research or the informed consent process;*
- *withdraw or postpone approval if:*
  - *any unethical principles or practices of the study are revealed or suspected;*
  - *it becomes apparent that any relevant information was withheld from the BaSSREC or that information has been false or misrepresented;*
  - *submission of the annual (or otherwise stipulated) monitoring report, the required amendments, or reporting of adverse events or incidents was not done in a timely manner and accurately; and / or*
  - *new institutional rules, national legislation or international conventions deem it necessary.*

- *BaSSREC can be contacted for further information or any report templates via 21081719@nwu.ac.za / 13128388@nwu.ac.za.*

The BaSSREC would like to remain at your service as scientist and researcher, and wishes you well with your study. Please do not hesitate to contact the BaSSREC or the NWU-SCRE for any further enquiries or requests for assistance.

Yours sincerely

Prof Jacques Rothmann

Chairperson NWU Basic and Social Sciences Research Ethics Committee

Original details: (22351930) C:\Users\22351930\Desktop\ETHICS APPROVAL LETTER OF STUDY.docm
8 November 2018

File reference: 9.1.5.4.2

APPENDIX V: THESIS TITLE APPROVAL

PO Box 1174, Vanderbijlpark
South Africa, 1900

Faculty of Humanities
Humanities Research Management Committee
Tel: (016) 910-3662
24389080@nwu.ac.za
Date: 01 September 2020

Ogunnowo, Ruth Oore-Ofe

Student no: 32075405

Research title as approved by the Humanities Research Management Committee: **An Evaluation of Natural Resources Extraction and Host Communities' Reactions in Nigeria and South Africa, 2005-2015**

Dear **Ogunnowo, Ruth Oore-Ofe**

This letter serves to confirm that your Ph.D research proposal has been approved by the Humanities Research Management Committee.

The ethics application is referred to the:

* Research Ethics Committee- BaSSREC: _X___.

* Research Ethics Committee-HHREC: _____.

For the details on the procedure that you will have to follow to submit to the Ethics Committee contact Miss Phindile Radebe at 24389080@nwu.ac.za. When your ethics application has been successfully completed and approved please inform her as the responsible person.

Yours sincerely,

Prof C Hofisi
Chairperson: Humanities Research Management Committee