

**OIL POLITICS IN ECUADOR AND NIGERIA: A PERSPECTIVE FROM  
ENVIRONMENTAL HISTORY ON THE STRUGGLES BETWEEN  
ETHNIC MINORITY GROUPS, MULTINATIONAL OIL  
COMPANIES AND NATIONAL GOVERNMENTS**

by

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## PREFACE

Two stories:

"Historically, we lived...along the length and breath of the Aguarico and San Miguel river basin, all of us being a single people, the Cofán people. We never had problems with game or fish being scarce. We had our own way of organizing: contact between a person and nature, led by the chief or curaca, who was in charge of guiding the people. When Texaco arrived, along with the companies that did the seismic exploration, the irrational destroying of our territory began. They opened roads, destroying immense areas of forest along with plants that provided food and medicines. Irrational deforestation by the colonizers and contamination by lumber and oil companies brought about the contamination of our rivers, so that the fish were exterminated and the animals of our forest disoriented, and they sexually abused our women. Now the entire Cofán territory is fragmented."<sup>1</sup>

Comuna Cofan Dureno in Ecuador

"We in Dere today [1970] are facing a situation which can only be compared with our experiences during the civil war. This village of no less than 20,000 inhabitants produces the greatest oilfield this country has – BOMU, SHELL-BP chooses to call it for reasons best known to that Shylock of a company. It is nearly two weeks now when suddenly we were told that there was an explosion on this oilfield and that people should be on their alert. This 'revelation' came casually, perhaps secretly, from some friends who are employees of the company. Since then an ocean of crude oil had emerged, moving swiftly like a great river in flood, successfully swallowing up anything that comes on its way. These include cassava farms, yams, palms, streams, animals etc etc for miles on end. There is no pipeborne water and yet the streams, the only source of drinking water is coated with oil. You cannot collect a bucket of rain water for the roofs, trees and grass are all covered with oil. Anything spread outside in the neighbourhood is soaked with oil as the wind carries the oil miles away from the scene of the incident. Nor can you enter a bush without being soaked to the skin...But men and women forced by hunger 'steal' occasionally into the 'ocean', some have to dive deep in oil to uproot already rotten yams and cassava...We are thus faced with a

<sup>1</sup> Comuna Cofan Dureno, "The best place in the forest: oil production in Cofán territory" in E.B. Velásquez, *The oil flows, the earth bleeds*, p. 13.

situation where we have no food to eat, no water to drink, no homes to live in and worst of it all, no air to breathe."<sup>2</sup>

Sam Badilo Bako on the 1970 Dere oil spill in Ogoniland

Two stories, two countries, two continents, yet one issue: the environmental impact of multinational oil production on traditional ethnic minority territory in the developing world. These two stories of environmental injustice are not only repeated several times in other minority territories within Ecuador and Nigeria, but also in most oil-producing countries in the developing world where oil-producing ethnic minority groups have over time become subjected to the detrimental environmental and social impacts of the modern oil industry. However, the two stories also contain so much more than just environmental and social marginalisation. They also bear witness to the political and economic neglect and marginalisation of ethnic minority groups within Ecuador and Nigeria over an extended period; neglect and marginalisation that enabled the multinational oil companies to proceed with oil developments in their traditional territory with little regard for acceptable and changing international environmental standards and virtually no governmental supervision.

After decades (and in some cases centuries) of silence, the establishment of a new international post-Cold War political order, with its emphasis on environmental and human rights, provided these oil-producing ethnic minority groups in Ecuador and Nigeria in the 1990s with a receptive global audience to whom they could publicise the adverse environmental and human impacts of oil production on their people and their traditional territory. This international audience also proved receptive to their claims of economic and political marginalisation within their national contexts, which strengthened their struggles against multinational oil companies and the governments of Ecuador and Nigeria.

This study aims at exploring the environmental and human impacts of oil developments on oil-producing ethnic minority groups in South America and Africa, and the struggles waged in the 1990s against multinational oil companies and national governments, that resulted in reaction to the historical and contemporary political, economic, social and

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<sup>2</sup> Sam Badilo Bako as quoted in K. Saro-Wiwa, *Genocide in Nigeria: the Ogoni tragedy*, pp. 58-59.

environmental marginalisation of oil-producing ethnic minority groups. Acknowledging the enormity of such an undertaking, this study, through examples and a single case study for each country, will confine its focus to Ecuador in South America and Nigeria in Africa for the following reasons: both countries can be regarded as being typically South American and African respectively; in both countries the oil-producing regions are situated in the humid tropics and therefore have similar environmental conditions; both have ethnic minority groups who were directly affected by upstream and downstream oil activities; both countries have experienced minority agitation against oil production or the possibility thereof; they have similar histories of economic and political instability in the independent eras, with despotic dictatorial rulers who showed little regard for human rights; ethnic minority groups have had little or no influence on the political processes in both countries and, in the case of Ecuador, have very limited social status in their own country; both have oil industries that contribute extensively to their foreign export earnings, and have histories of extensive foreign involvement in their oil industries through the agency of multinational oil companies.

While Ecuador and Nigeria show a remarkably high degree of similarity in terms of the rights and status of ethnic minority groups, environmental conditions in the oil-producing regions, and in their political and economic histories, it is important to note that the two countries are also very different from each other. In terms of size alone, Nigeria, which has a surface area of 937 768 km<sup>2</sup>, completely dwarfs Ecuador whose total internationally recognised territory is situated on just 280 000 km<sup>2</sup>. The Nigerian population of an estimated 132,8 million people (2003) is also much larger than the Ecuadorian population of only about 13,1 million people (2003). In addition, ethnic minority groups in Nigeria tend to be much larger numerically than those of Ecuador, with the Ogoni people, whose struggle constitutes the Nigerian case study, numbering about 500 000 people, as opposed to the 800 people and 1 000 people of the Cofan and Siona-Secoya Indians respectively, whose court case against Texaco constitutes the Ecuadorian case study. In addition, the Ecuadorian oil industry is much smaller in scope and size than that of Nigeria and the quality of crude oil from the two countries differs considerably, with the Nigerian Bonny Light crude averaging a gravity of 37°API (light, 35°API and higher, and low in sulphur content), while the Oriente blend varies between about 29° and 32°API. Consequently, because Nigerian crude oil has a higher quality

than that of Ecuador, it fetches higher prices on the global oil market and is therefore also in greater demand, especially in Europe, where environmental regulations favour the use of crude oil with a low sulphur content.<sup>3</sup>

Despite these differences, Ecuador and Nigeria constitute an interesting and valuable comparative study in terms of the different impacts that two very different colonial experiences had on the two countries, especially in terms of the historical, political and economic marginalisation and exploitation of ethnic minority and indigenous peoples, and the establishment and entrenchment of discriminatory political and exploitative economic patterns that lingered on long after colonial rule ended, and directly influenced oil developments in ethnic minority regions. In addition, valuable comparisons can be made in terms of different political, economic and social reactions to racial diversity in Ecuador as opposed to the ethnic diversity in Nigeria, which in turn resulted in different governmental reactions to oil-related minority agitation against oil developments in their traditional territory, and the different reactions to this minority agitation from two very different multinational oil companies, namely the United States-based Texaco, Inc. (Ecuador) and the Dutch-British Shell International (Nigeria).

The purpose of this study is therefore firstly, to trace the historical and contemporary political, economic, social and environmental marginalisation of ethnic minority groups in Ecuador and Nigeria that formed not only the background against which oil-related ethnic minority struggles took place, but more importantly the context in which they unfolded; secondly, to provide a comparative historical analysis of the oil-related struggles of the Cofan and Siona-Secoya Indians in Ecuador and the Ogoni in Nigeria; and thirdly, to evaluate comparatively the reciprocal impacts between national governments, multinational oil companies and oil-producing ethnic minority groups in Ecuador and Nigeria.

Proceeding from the viewpoint that oil-related ethnic minority struggles are inherently political, economic and environmental struggles; that it is the responsibility of every

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<sup>3</sup> Fossil Energy International, "An energy overview of Ecuador", <<http://www.fe.doe.gov/international/ecuaover.html>>, 2002; R. Synge, *Nigeria: the way forward*, p. 15; F.A. Olaloku *et al.*, *Structure of the Nigerian economy*, p. 1; Population Action International, "Nigeria", <[http://www.populationaction.org/resources/publications/peopleinthebalance/pb\\_data.php](http://www.populationaction.org/resources/publications/peopleinthebalance/pb_data.php)>, 2002; D.M. Hanratty (ed.), *Ecuador: a country study* (3<sup>rd</sup> edition), <<http://lcweb2.loc.gov/frd/cs/ectoc.html>>, Country profile.

government to pay constructive attention to environmental and human rights, and that multinational oil companies should adhere to the same environmental practices in both the developed and the developing worlds, this study will address the following themes from an environmental historical-scientific and comparative perspective to obtain answers to several questions. These questions are: What are the historical and contemporary political and economic contexts within which oil-related ethnic minority struggles in Ecuador and Nigeria took place? What was/is the political, social and environmental position of ethnic minority groups in the two countries? What are the political, economic and environmental contexts in which the oil industries developed in Ecuador and Nigeria? What was/is the nature of governmental environmental management in the two countries? What was/is the environmental impact of the oil industries and how did/do these impacts affect oil-producing ethnic minority communities in Ecuador and Nigeria? What was the nature of the oil-related struggle of the Cofan and the Siona-Secoya Indians in Ecuador, and that of the Ogoni in Nigeria, against their national governments and Texaco and Shell International respectively? What was (and is) the impact of the struggles of the Cofan and the Siona-Secoya Indians on their land, the government of Ecuador, Texaco and on the Cofan and the Siona-Secoya themselves? What was (and is) the impact of the Ogoni struggle on the Nigerian government, the Niger Delta region, Shell International and the Ogoni themselves? Who is to blame for the detrimental environmental, economic and social impacts of oil production on ethnic minority territories in Ecuador and Nigeria? And, what are the environmental and human costs of oil production in South America and in Africa?

The parameters of this study will be confined firstly to the political, economic and environmental contexts of oil-related ethnic minority struggles in Ecuador and Nigeria, and, secondly, to one representative case study from each of the two countries, namely the oil-related struggle of the Cofan and Siona-Secoya Indians against the Ecuadorian government and Texaco, Inc., and the oil-related struggle of the Ogoni against the Nigerian government and Shell International. It is important to note that the sections on the historical and contemporary political, economic and environmental contexts of oil-related ethnic minority struggles in Ecuador and Nigeria will limit their focus to the colonial and independent eras, since the onset of colonial rule established not only the

physical boundaries of the contemporary Ecuadorian and Nigerian states, but more importantly established patterns of political, economic and environmental marginalisation and exploitation that directly influenced the way the post-colonial Ecuadorian and Nigerian governments viewed their ethnic minority groups; afforded status and privileges to certain sectors of their societies; planned their national economies which had a direct bearing on resource-rich communities, and exploited and managed their natural environments.

The thesis is structured into four main parts: Chapter 1 serves as an introduction to the thesis and will focus broadly on the three role-players involved in oil-related ethnic minority struggles in Ecuador and Nigeria, namely ethnic minority groups, the modern petro-state and multinational oil companies. In this introductory chapter particular attention will be given to who constitute ethnic minority groups within Ecuador and Nigeria, to the nature of the modern petro-state and to the absence of environmental concern in the global oil industry. Part two (Section 1) will focus on the political, economic and environmental contexts of oil-related ethnic minority struggles in Ecuador and Nigeria in order to provide the background to, the reasons for and the contexts within which oil-related ethnic minority struggles in these two countries unfolded in the course of the 1990s. Chapter 2 will focus on the political histories of Ecuador and Nigeria since the onset of colonial rule which established patterns of ethnic minority marginalisation, political domination and instability, many of which still prevail in both countries, and will conclude with a comparative evaluation. In the light of the fact that the onset of colonial rule in Ecuador dates back to 1533 and that of Nigeria to only the end of the nineteenth century, the section on the political history of Ecuador will be considerably longer than that of Nigeria.

Chapter 3 addresses the economic contexts for these minority struggles and is divided into three sections, namely the economic histories of Ecuador and Nigeria since the colonial era; the development of the Ecuadorian and Nigerian oil industries, and ethnic minority groups and oil developments in the two countries. Each of the sections will conclude with a comparative evaluation. This chapter focuses on the development, over time, of governmental dependence on natural resource exploitation for economic survival; the crucial role the oil industries play in the national economies of Ecuador

and Nigeria; governmental participation in the national oil industries, and ethnic minority reaction to oil developments in both countries. Once again the Ecuadorian economic history section will be longer because it spans a much longer time period than that of Nigeria. Chapter 4 concludes Section 1 and focuses on the environmental contexts of oil-related ethnic minority struggles in Ecuador and Nigeria. Chapter 4 is divided into two sections, namely governmental environmental management in Ecuador and Nigeria since the colonial era, and oil and the environment, in which the focus falls on a comparative physical and social geography of the Oriente and the Niger Delta, the environmental impacts of oil in the two countries, and legislative and governmental regulation of the Ecuadorian and Nigerian oil industries. In the first part of the chapter the two countries will be discussed separately and it will conclude with a comparative evaluation, while the rest of the chapter will follow an integrated approach.

Part three (Section 2) of the thesis consists of two chapters and focuses on a case study of an oil-related ethnic minority struggle in Ecuador, and a similar case study in Nigeria. Chapter 5 provides an account of the oil-related struggle of the Cofan and Siona-Secoya Indians in Ecuador against their national government and Texaco, Inc., and will give a brief history of the Oriente Indians in general and the Cofan and Siona-Secoya Indians in particular; a brief review of the history of Texaco, Inc.; a discussion of the environmental impact of the Texaco's oil-related activities on the Oriente environment, and conclude with the *Aguinda v. Texaco, Inc.* lawsuit which constituted (and continues to do so) the main element of their struggle against Texaco.

Chapter 6, on the other hand, focuses on the oil-related struggle that Ken Saro-Wiwa and the Ogoni people waged against the Nigerian federal government and Shell International. In contrast to the Cofan and the Siona-Secoya whose struggle was and is legal, that of the Ogoni consisted of uprisings and direct political action in which head-on confrontations with the government and Shell Nigeria were the order of the day. In this chapter attention will be directed at a historical overview: of the Ogoni people, Ken Saro-Wiwa and Shell International; oil production in Ogoniland; the Ogoni uprisings from 1990 to 1994; the trial of Ken Saro-Wiwa and his fourteen co-accused, and the impacts of the Ogoni struggle and the execution of Ken Saro-Wiwa on the Nigerian government, the Niger Delta, Shell International and the Ogoni people themselves.

Because of differences between the Ecuadorian and Nigerian case studies, the structures of Chapters 5 and 6 differ. Part four (Chapter 7) concludes the thesis and consists of a comparative evaluation of oil-related ethnic minority struggles in Ecuador and Nigeria in general, and those of the Cofan and the Siona-Secoya Indians and the Ogoni people in particular.

This study will use the reformational philosophy of Herman Dooyeweerd (1894-1977) as its philosophical foundation. Within this philosophical movement, human beings are seen as the central role-players in creation who have the responsibility of caring for and preserving the earth. The reformational philosophy also serves as a historiographical framework, and is particularly suited to a study of oil-related ethnic minority struggles in Ecuador and Nigeria since it demands a holistic approach to the subject matter, whilst at the same time allowing for the individuality of the various components. The research is undertaken with the conviction that a historian should adhere to the principles of responsible historiography, i.e. that despite pre-scientific assumptions which influence scientific work, all parties involved should be treated fairly and be given the opportunity to voice their points of view.

It is important to note that the terminologies employed in Latin American and African studies differ considerably. In Latin American studies, for example, Indian nations are referred to as indigenous peoples, while partnerships between oil companies are normally called consortiums. In African studies, by contrast, Indian nations would be termed ethnic minority groups, while oil company partnerships are normally called joint ventures. For the purpose of consistency the terminology employed throughout this thesis will be that which is most commonly used in African studies. In addition, dates, numbers and measurements will be referred to according to standard South African academic practice. Consequently, the day will appear before the month in all dates (for example 24 April 1997, or 24.4.1997), no comma will be used to divide numbers greater than one thousand (for example 500 000), and a comma will be used instead of a full stop to indicate decimals (for example US \$3,25). The metric system is used throughout the thesis. The reader should also note that the appendices appear in a separately bound volume to enable the reader to consult the maps and tables whilst reading the thesis.

During the research for and the writing of this thesis, numerous themes in the history of oil-related ethnic minority struggles in Ecuador and Nigeria that still need to be researched were identified, including a comprehensive account of the role of international environmental and human rights organisations in environmental and human rights struggles in the two countries; the role of propaganda in oil-related ethnic minority struggles; the relationship between big business and petro-states in the developing world, and individual histories of the numerous oil-related ethnic minority struggles that have been and continue to be waged in both countries.

\* \* \*

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Coventry; the Shell Group Archives, London; the Nigerian National Archives, Enugu branch; the Nigerian National Library, Lagos; the Library of Congress, Washington; the library of the Center for Latin American Studies, Stanford University; the Cecil H. Green Library, Stanford University; the Widener Library, Harvard University, and the library of Acción Ecológica in Quito and the resource centre at their Oriente monitoring station situated outside Lago Agrio.

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Phia Steyn

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## ABBREVIATIONS AND ACRONYMS

AD	Alliance for Democracy
AG	Action Group
APP	All Peoples Party
ATCA	Alien Torts Claims Act
b p/d	Barrels per day
BP	British Petroleum
BPA	BP Archives
CDCC	Constitution Debate Co-ordinating Committee
CEPE	Corporación Estatal Petrolera Ecuatoriana
CFP	Concentración de Fuerzas Partido
CIA	Central Intelligence Agency
CONAIE	Confederación de Nacionalidades Indígenas del Ecuador
CONFENAI	Confederación de Nacionalidades Indígenas de la Amazonía Ecuatoriana
DIGEMA	Dirrección General de Medio Ambiente
DINAMA	Dirrección Nacional de Medio Ambiente
DPA	Distributive Pool Account
ECLAC	Economic Commission for Latin America
ECOWAS	Economic Community of West African States
ENGO	Environmental non-governmental organisation
EU	European Union
FEDCO	Federal Electoral Commission
GCC	Global Climate Coalition
GNP	Gross National Product
IERAC	Instituto Ecuatoriana de Reforma Agraria y Colonizacion
ILO	International Labour Organisation
IMF	International Monetary Fund
LNG	Liquefied natural gas
MOSOP	Movement for the Survival of the Ogoni People
MOU	Memorandum of Understanding
NAPIMS	National Petroleum Investment Management Services

NARESCON	Natural Resources Conservation Council
NCC	National Constitutional Conference
NCNC	National Council of Nigeria and the Cameroons
NGO	Non-governmental organisation
NNAE	Nigerian National Archives, Enugu Branch
NNOC	Nigerian National Oil Corporation
NNPC	Nigerian National Petroleum Company
NPC	Northern People's Congress
NPN	National Party of Nigeria
NRC	National Republican Convention
NYCOP	National Youth Council of Ogoni People
OAU	Organisation of African Unity
OCP	Oleoducto de Crudos Pesados
OCU	Ogoni Central Union
ODU	Ogoni Divisional Union
OISE	Organización de Indígenas Siona-Secoya
OMPADEC	Oil Mineral Producing Areas Development Commission
OPEC	Organisation of Petroleum Exporting Countries
OPIP	Organización de Pueblos Indígenas de Pastaza
OSRA	Ogoni State Representative Assembly
PC	Partido Conservador
PDP	Peoples Democratic Party
Petroecuador	Petroleos del Ecuador
PLR	Partido Liberal Radical
PRO	Public Record Office
PSC	Production sharing contracts
SAP	Structural Adjustment Programme
SDP	Social Democratic Party
SIL	Summer Institute of Linguistics
Socal	Standard Oil of California
SOTE	Sistema de Oleoducto Trans-Ecuatoriana
Tcf	Trillion cubic feet
TexPet	Texaco Petroleum Company

UK	United Kingdom
UN	United Nations
UNCED	United Nations Conference on Environment and Development
UNCHE	United Nations Conference on the Human Environment
UNPO	Unrepresented Nations and Peoples Organisation
USA/US	United States of America
WSSD	World Summit on Sustainable Development

## CHAPTER 1

### INTRODUCTION

#### 1.1 OIL-RELATED ETHNIC MINORITY STRUGGLES IN SOUTH AMERICA AND AFRICA

Oil-related ethnic minority struggles have become a striking feature of contemporary political and economic landscapes in both South America and Africa. Though the origins of these struggles date back many years, they only surfaced strongly from the late 1980s onwards when changes in international politics, new developments in global environmental management and the "rediscovery" of ethnic minority/indigenous groups combined to create a favourable environment for oil-producing ethnic minority groups to mobilise against oil production in their traditional territories.

While changes globally enabled oil-producing ethnic minority groups to articulate their grievances to a greater audience and thereby muster concrete political support from international environmental and human rights groups, local and national circumstances within states in the 1980s acted as the trigger for the emergence of popular and minority discontent with big business and national governments. Of particular importance in both South America and Africa were the multiple impacts of the dismal economic conditions that prevailed on both continents in the 1980s. In this decade, many oil-producing and exporting South American and African countries experienced problems with the servicing of external debt accumulated especially in the 1970s in the wake of the massive oil windfalls generated by the 1973 Oil Crisis and Arab oil embargo. Oil prices, however, fell dramatically in the course of the 1980s and this made it very difficult for South American and African governments to service external debt, survive economically and meet the basic economic expectations of their citizens. In order to survive, these countries turned to the international financial community led by the International Monetary Fund and the World Bank, which imposed neo-liberal structural adjustment plans as preconditions for any form of foreign aid amidst these dismal economic conditions.<sup>1</sup>

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<sup>1</sup> For more details see, for example, M.S. Grindle, *Challenging the state: crisis and innovation in Latin America and Africa*, pp. 18-46.

These structural adjustment programmes aimed at increasing the foreign export earnings of developing countries, which in turn would make capital available to service external debts. With crude oil being the primary export commodity of oil-producing and exporting South American and African countries, the structural adjustment programmes contributed directly to an increase in the rate of oil exploitation in these areas, to the detriment of their natural resource bases. In South America, the financial crisis of the 1980s also created fierce competition between the various countries, in need of attracting business investment, as to who would be able to provide the most favourable conditions for foreign investors. These favourable conditions included lower wages, guaranteed submissive work forces, and a lowering and/or non-enforcement of environmental standards. In addition to an increase in the rate of crude oil exploitation, structural adjustment programmes also increased the economic hardship of the masses in that it forced governments to cut back, *inter alia*, on social spending, the provision of basic needs, the size of the civil service, and on subsidies for a variety of sectors, while at the same time increasing taxes and levies in order to increase governmental revenue. Consequently oil-producing ethnic minority groups were subjected to new rounds of oil-related activities as multinational oil companies, spurred on by various governmental incentives to increase oil production and exploration, took advantage of the many opportunities for expansion that generally bore no environmental restrictions, despite the existence of environmental regulations for the oil industry in many South American and African countries.<sup>2</sup>

Ethnic minority mobilisation was further stimulated in the course of the 1980s by two additional factors, namely the emergence of the Indian movement in the Americas and the failure of states in Africa to respond to the dismal economic conditions that prevailed in this decade. The mobilisation of the Indian communities and nations in the course of the 1980s resulted from a number of factors, including their exclusion from mainstream society and politics for centuries; failed agrarian reform in Latin America

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<sup>2</sup> E. Dore, "Capitalism and ecological crisis: legacy of the 1980s" in H. Collinson (ed.), *The green guerrillas: environmental conflicts and initiatives in Latin America and the Caribbean*, pp. 10-11; M. Stiefel and M. Wolfe, *A voice for the excluded: popular participation in development – utopia or necessity?*, pp. 179-181; M. Barke and G. O'Hare, *The Third World: diversity, change and interdependence* (2<sup>nd</sup> edition), pp. 294-297; F. Cheru, *The silent revolution in Africa: debt, development and democracy*, pp. 1-45.

that largely failed to meet the expectations of the Indian communities; higher levels of education and training, and the internationalisation of their plight as minorities through the work of various United Nations (UN)-related and private organisations. The political mobilisation of the Indian communities in South America and the forging of international alliances with relevant organisations, had a far-reaching impact on oil-producing Indian communities on the continent and contributed directly to their political awakening and subsequent activism against oil developments in their traditional territories.<sup>3</sup>

In Africa, on the other hand, the dismal economic conditions of the 1980s and the inability of states to meet the expectations of the masses, undermined the role of the state and forced citizens to find salvation and survival by alternative means. Such means included churches, mosques, traditional healers and diviners, community development associations and ethnic organisations, with governments being viewed increasingly as existing only for the benefit of a selected few. While support for religious and ethnic organisations grew disproportionately by the late 1980s, what little identification with the nation that was left at the onset of the 1980s diminished as the ethnic group became the primary agent that provided support, security and identity amidst harsh economic and social conditions. Within this context, oil-producing communities organised themselves along ethnic lines into organisations that voiced the grievances of ethnic minority groups, especially their economic and political marginalisation within the broader state set-up, and started to agitate for greater control over the natural resources within their traditional territories.<sup>4</sup>

While local and national conditions in the 1980s created the right environment for ethnic minority mobilisation, radical changes to the world political order following the

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<sup>3</sup> K. Egan, "Forging new alliances in Ecuador's Amazon" in *School of Advanced International Studies Review* 16, Summer/Fall 1996, p. 130; M.H. Selverston, "The politics of culture: indigenous peoples and the state in Ecuador" in D.L. van Cott (ed.), *Indigenous peoples and democracy in Latin America*, pp. 136-150; N.H. Hornberger, "Bilingual education policy and practice in the Andes: ideological paradox and intercultural possibility" in *Anthropology and Education Quarterly* 31(2), 2000, pp. 180-181; D.L. van Cott, "Indigenous peoples and democracy: issues for policymakers" in Van Cott (ed.), *Indigenous peoples and democracy in Latin America*, pp. 6-10.

<sup>4</sup> For more details see, for example, J.O. Ihonybere, "The 'irrelevant' state, ethnicity, and the quest for nationhood in Africa" in *Ethnic and Racial Studies* 17(1), January 1994, pp. 42-60; E. Anugwon, "Ethnic conflict and democracy in Nigeria: the marginalisation question" in *Journal of Social Development in Africa* 15(1), 2000, pp. 61-78; D. Abubakar, "Ethnic identity, democratisation, and the future of the African state: lessons from Nigeria" in *African Issues* 29(1/2), 2001, pp. 33-34.

collapse of communism created a conducive international environment for ethnic minority groups to mobilise public support for their struggles. Of particular importance was the global focus on environmental and human rights stimulated in no small part by renewed attention being paid to global environmental management and the promotion of sustainable development as *the* development blueprint that would ensure the survival of humankind on earth.<sup>5</sup> Global environmentalism created an international audience for ethnic minority groups who linked their oil-related struggles with global environmental concerns, thereby ensuring broad foreign support for their causes. While this process was in itself an achievement, it was also not possible for oil-producing ethnic minorities, given their historical lack of power and influence within their countries, to take on their national governments and multinational oil companies successfully without international support. Consequently, international support became a crucial element in oil-related ethnic minority struggles with international organisations fulfilling not only the role of disseminators of information on the marginalisation of these ethnic minority groups to an international audience, but also acting as guardians in the hope that they would be able to protect these minority groups against excessive state violence.

Against the backdrop of changes in the world order, the international preoccupation with environmental and human rights, and support from international organisations, oil-producing ethnic minority groups set out in the 1990s to change their circumstances for the better. Following the example of early pioneer groups such as the Ogoni people in Nigeria, oil-related ethnic minority struggles became more pronounced, more frequent and more intense in the course of the 1990s. In doing so they threatened the very basis of contemporary South American and African petro-states frequently to the shock, disbelief and concern of both national governments and multinational oil companies.<sup>6</sup>

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<sup>5</sup> D. Korten, "The Earth Summit, Brazil 1992" in *Indicator South Africa* 9(2), Autumn 1992, p. 10; *Vrye Weekblad* (South Africa), 2.10.1992, p. 23; M.S. Steyn, "Environmentalism in South Africa, 1972-1992: an historical perspective" (M.A. dissertation, University of the Free State, 1998), pp. i, 51-52.

<sup>6</sup> For some examples of these oil-related ethnic minority struggles, see World Rainforest Movement, "The high cost of cheap oil", <<http://www.wrm.org.uy/publications/oil2.html>>, *s.a.*

## **1.2 THE ROLE-PLAYERS IN OIL-RELATED ETHNIC MINORITY STRUGGLES IN ECUADOR AND NIGERIA**

Despite the international nature of many oil-related ethnic minority struggles in South America and Africa in general, and Ecuador and Nigeria in particular, the main role-players in these struggles remained essentially the same in the course of the 1990s, and consist of oil-producing ethnic minority groups on the one hand, and national governments and multinational oil companies on the other. It is therefore necessary to focus briefly on these three role-players involved in the struggles in Ecuador and Nigeria. Please note that the sections on the Ecuadorian and Nigerian governments are proportionately shorter than those on the ethnic minority groups and the multinational oil companies, the reason being that much of the aforementioned information is valid within the national contexts and will therefore not be repeated.

### **1.2.1 OIL-PRODUCING ETHNIC MINORITY GROUPS**

Identifying and defining ethnic minority groups on a global scale is no simple task mainly owing to the different terminologies employed in different regions and the historical development of the ethnic minority question after the Second World War. It is important to note that the term "ethnic minority groups" is essentially an Africanist term and is seldom used within the South American context where the term "indigenous groups" prevails. It is therefore important to focus on the development of both terms, which will be done via a brief discussion of the historical development of the ethnic minority question since 1945.

In the aftermath of the Second World War, attention was directed, on an international level, to ethnic minorities and their right to self-determination in order to address the marginalisation of such groups by Nazi Germany and Japan. Consequently, minority rights were only afforded to the minority groups of Europe and the Far East who had been liberated by Allied forces. The UN expanded on this general trend towards the recognition of human rights, and in 1948 articulated its views in its Universal Declaration of Human Rights, in which the protection of human rights and the

promotion of the self-determination of peoples became key functions of the newly established international organisation. This recognition of the right to self-determination, however, was initially not extended to the colonial world that started to demand independence from their colonial rulers in the aftermath of the Second World War. After numerous set-backs the UN only recognised decolonisation as a principle of self-determination in the 1960s. It is important to note that while the UN did make provision for the self-determination of colonies it refused to recognise the self-determination of different peoples within colonies. The first international organisation to take up the issue of ethnic minority groups was the International Labour Organisation (ILO), which adopted the Indigenous and Tribal Peoples Convention in 1957 (ILO Convention no 107). Though an important first step, this convention did not recognise the right of ethnic minority groups to continue with their traditional lifestyles; instead, it sought to develop ways to integrate and assimilate indigenous peoples into mainstream society through development programmes that were first launched in the Andean region of South America.<sup>7</sup>

Developments after the 1960s by the UN, Western academics and human rights organisations, gradually introduced the term "indigenous peoples" to refer to the Indian communities in the Americas who constituted the main focus of their attention and therefore also the basis for defining who could be regarded as such. Despite the absence of a generally acceptable definition of indigenous peoples, in no small part due to the fact that the UN Working Group on Indigenous Populations (established in 1982) refused to define indigenous peoples, a limited but commonly used working definition formulated by the Special Rapporteur of the working group, José Matinez Cobo, does exist.<sup>8</sup> In his view "indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of society now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their

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<sup>7</sup> T. Bose, "Definition and delimitation of the indigenous peoples of Asia", <[http://www.iwgia.org/pop\\_up/phtml?id=309](http://www.iwgia.org/pop_up/phtml?id=309)>, 1996; S. Wiessner, "Rights and status of indigenous peoples: a global comparative and international legal analysis" in *Harvard Human Rights Journal* 12, Spring 1999, p. 100.

<sup>8</sup> Bose, "Definition and delimitation of the indigenous peoples of Asia".

continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems."<sup>9</sup>

This definition, however, applied very specifically to the situation in the Americas and was exported with ease to Australia, New Zealand and Europe. In Asia and Africa, however, it was of little use to those ethnic minority groups who found themselves in similar marginalised positions, but in whose countries the dominant forces were not foreign colonisers but neighbouring ethnic groups who happened to form a majority in the countries that were delineated and defined by colonial rule. Because of the inadequacy of the working definition, the ILO, which by 1989 had changed its position on ethnic minority groups, defined indigenous and tribal peoples in their Convention (no 169) Concerning Indigenous and Tribal Peoples in Independent Countries, as follows: "Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations....Peoples in independent countries who are regarded as indigenous on account of their descent from populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions...Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of the Convention apply."<sup>10</sup>

Despite the fact that the ILO broadened the definition of the indigenous peoples to allow for "tribal peoples" (i.e. ethnic minority groups in Africa and Asia) to be included in the term indigenous, their definition did not satisfy governments in the 1990s who demanded an internationally acceptable definition of indigenous peoples before they were willing to engage in discussions with their own ethnic minority groups on minority rights in terms of international law. This problem was compounded in the 1990s by the

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<sup>9</sup> J.M. Cobo, *The problem of discrimination against indigenous populations*, p. 379.

<sup>10</sup> International Labour Organisation, "Convention (no 169) Concerning Indigenous and Tribal Peoples in Independent Countries", <<http://www.unhcr.ch/html/menu3/b/62.htm>>, 1989.

refusal of the Working Group on Indigenous Populations, who drafted the 1992 UN Draft Declaration on the Rights of Indigenous Peoples, to include a formal definition of indigenous peoples in their declaration, preferring instead to focus on self-identification as criterion to be considered in the identification of indigenous groups.<sup>11</sup> The chair of the working group, Erica-Irene Daes, however, did offer some guidelines for the identification of indigenous groups, namely "(a) priority in time, with respect to the occupation and use of a specific territory; (b) the voluntary perpetuation of cultural distinctiveness, which may include the aspects of language, social organisation, religion and spiritual values, modes of production, laws and institutions; (c) self-identification, as well as recognition by other groups, or by State authorities, as a distinct collectivity; and (d) an experience of subjugation, marginalisation, dispossession, exclusion or discrimination, whether or not these conditions persist".<sup>12</sup>

By refusing to allow the development of a definition, the Working Group did allow for the inclusion of ethnic minority groups from Africa and Asia, who in historical terms do not wholly qualify as indigenous peoples, into UN-related developments and discussions with indigenous peoples. However, the usage of this term in research into oil-related environmental struggles by minority groups in Africa is problematic since African governments in general do not regard their minority groups as indigenous peoples, but label them "ethnic minority groups".<sup>13</sup> The identification of ethnic groups in general is remarkably less problematic than that of indigenous peoples, as, according to Thomson, an ethnic group is "a community or people who have the conviction that they have a common identity and common fate based upon issues of origin, kinship ties, tradition, cultural uniqueness, a shared history and possibly a shared language".<sup>14</sup> For Nnoli, on the other hand, ethnic groups are "social formations distinguished by the communal character of their boundaries. The relevant communal factors may be language, culture or both. In Africa, language has clearly been the most crucial

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<sup>11</sup> Wiessner, "Rights and status of indigenous peoples", pp. 101-104, 112-114.

<sup>12</sup> E-I. Daes as quoted in *ibid.*, p. 114.

<sup>13</sup> During the dialogue session with indigenous people, the Commission on Sustainable Development, in preparation for the five year review and appraisal of the implementation of Agenda 21 that was held in New York in 1997, a Nigerian governmental representative noted for the record that the Ogoni, who were represented at the session, were considered an ethnic group in Nigeria and not an indigenous group. Economic and Social Council, *Preparations for the Special Session of the General Assembly for the purpose of an overall review and appraisal of the implementation of Agenda 21: dialogue sessions with major groups Summary report of the dialogue session with indigenous people* (E/CN.17/1997/L.6), 18.4.1997.

<sup>14</sup> A. Thomson, *An introduction to African politics*, p. 58.

variable."<sup>15</sup>

The importance of language in ethnic identity is underscored by Anugwom when he writes that "ethnicity should be seen as arising in any situation where a group or people, no matter how small, with different cultural and linguistic attributes from those of its neighbours, uses this as the basis of solidarity and interaction with others. In doing so, the group sees itself not only as distinct but as a 'group in itself and for itself'. In other words, the socio-cultural consciousness of oneness develops and forms the basis of interaction with and participation in other socio-cultural processes, especially in power and resource allocation, within a larger social group or state. And this consciousness is most crucial in the definition of an ethnic group."<sup>16</sup>

For the purpose of this study ethnic groups are viewed broadly, and in concurrence with most elements of Thomson's definition, as a community or people who have the conviction that they have a common identity and a distinct culture which can be based upon issues such as origin, kinship ties, tradition, cultural practices, religious outlooks, modes of production, and a shared history and language. Ethnic minority groups share these basic traits with majority ethnic groups, but also manifest aspects of Daes' view on indigenous peoples, namely their self-identification as a distinct collectivity, and an experience of subjugation, marginalisation, dispossession, exclusion or discrimination. The importance of language in the self-identification process of ethnic minority groups cannot be overemphasized and forms one of the basic elements through which the "sense of ethnic self is created and perpetuated".<sup>17</sup>

The identification of ethnic minority groups is fairly uncomplicated within the Nigerian context owing to vast disparities in the size of ethnic groups and the overwhelming focus on ethnic identity in Nigerian society. As a conglomerate state with about 250 ethnic groups who speak more than 400 languages, the ethnic composition in the

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<sup>15</sup> O. Nnoli, *Ethnic politics in Nigeria*, p. 9.

<sup>16</sup> E.E. Anugwom, "Ethnic conflict and democracy in Nigeria: the marginalisation question" in *Journal of Social Development in Africa* 15(1), 2000, p. 64.

<sup>17</sup> S.G. Obeng and E. Adegbija, "Sub-Saharan Africa" in J.A. Fishman (ed.), *Handbook of language and ethnic identity*, p.366. See also O. García, "Latin America" in Fishman (ed.), *Handbook of language and ethnic identity*, pp. 226-243; H. Haarmann, "History" in Fishman (ed.), *Handbook of language and ethnic identity*, pp. 60-76.

country is skewed in favour of just three groups, namely the Hausa and Fulani (Hausa-Fulani), the Yoruba and the Ibo, who constitute roughly about 35 %, 25 % and 20 % respectively of the total estimated Nigerian population of 132,8 million people (2003 estimate).<sup>18</sup> Within this context, the Ogoni, who number about 500 000 people, along with the other 247 ethnic groups who collectively make up only 30 % of the Nigerian population, can be considered ethnic minority groups within the wider Nigerian set-up. The Niger Delta, which constitutes the main onshore oil-producing region in Nigeria, is inhabited mostly by ethnic minority groups such as the Abriba, the Andoni, the Edo, the Ibibio, the Ika-Ibo, the Ikwerre, the Irhobo, the Isekeri, the Kalabari and the Ogoni, who share a long history of political, economic, social and environmental marginalisation at the hands of the three majority ethnic groups in the country.<sup>19</sup> (See maps N-1, N-5, N-6, N-7, N-16 and N-21.)

In Ecuador, on the other hand, population composition, along with the emphasis on a dominant Ecuadorian culture that is supposedly inclusive and transcends ethnicity and the social stratification of Ecuadorian society, complicates ethnic minority identification. The Ecuadorian population of about thirteen million people (2003 estimate) consists of 40 % mestizos (persons of mixed Indian and European origin), 40 % Indian, 15 % white (descendants of the Spanish who managed to keep their bloodline "pure" by not marrying outside their group),<sup>20</sup> and 5 % black people (descendants from the slaves brought in from Africa during the colonial era). In terms of population numbers, whites constitute a minority group in Ecuador, but due to historical social stratification the white group occupies the highest strata of Ecuadorian society and has direct access to the most important political, economic and cultural institutions and positions. To a large extent they are the salient and constant dominant ethnic group by virtue of their colour and their pure bloodline. Mainstream Ecuadorian culture, however, is determined and defined by the mestizo who, together with the whites,

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<sup>18</sup> Population Action International, "Nigeria", <[http://www.populationaction.org/resources/publications/peopleinthebalance/pb\\_data.php](http://www.populationaction.org/resources/publications/peopleinthebalance/pb_data.php)>, 2002; Anugwon, "Ethnic conflict and democracy in Nigeria", p. 66; S.O. Olugbemi, "The ethnic numbers game in interelite competition for political hegemony in Nigeria" in W.C. McCready (ed.), *Culture, ethnicity, and identity: current issues in research*, p. 267; Abubakar, "Ethnic identity, democratisation, and the future of the African state", pp. 33-34.

<sup>19</sup> A.A. Ikein, *The impact of oil on a developing country: the case of Nigeria*, pp. 38, 62.

<sup>20</sup> During field research in Ecuador in 2001, the author was told on numerous occasions that a mestizo family welcomes a marriage between a mestizo family member and a white person since it improves the bloodline of the next generation. White people, on the other hand, are also very aware of the superior status their race affords them in Ecuador and therefore in general try not to marry outside the white group.

control political, economic and cultural processes in the country. The dominant culture that the mestizo so actively promote leaves very little room for cultural diversity which, in any case, successive Ecuadorian governments have denied in favour of a mythical homogenous Ecuadorian society and culture.<sup>21</sup>

The majority of Indians that make up 40 % of Ecuador's population, however, do not conform to mainstream Ecuadorian culture and as a result are marginalised within the country and relegated to a subordinate position despite collectively constituting a majority group. More importantly, they do not conform to the generic Indian identity that was created in the course of colonial rule and which continued well into the independence era. By contrast, the Indian population in Ecuador more often than not is as diverse as the country's natural environment, owing to political, economic, cultural and environmental factors that influenced and ensured diversity, and which in turn demands recognition for the individual Indian nations in the country.<sup>22</sup> Individually, groups such as the Cofan, with about 800 people, and the Siona-Secoia, who number about 1 000 people, constitute absolute minorities in the country.<sup>23</sup> Also included on the list of ethnic minorities is the black population who due to persistent and blatant racism, along with their relatively small numbers, still occupy the very bottom of the Ecuadorian social order.<sup>24</sup> In Ecuador, the main oil-producing region is the Oriente, which traditionally had been inhabited only by various Oriente Indian communities which collectively and individually constitute ethnic minority groups within the Ecuadorian set-up. (See maps E-1, E-3, E-4, E-5, E-6 and E-15.)

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<sup>21</sup> W.L. Partridge, "The human ecology of tropical land settlement in Latin America: overview" in D.A. Schumann and W.L. Partridge (eds), *The human ecology of tropical land settlement in Latin America*, p. 5; D.M. Hanratty (ed.), *Ecuador: a country study* (3<sup>rd</sup> edition), <<http://lcweb2.loc.gov/frd/cs/ectoc.html>>, Chapter 2, Section 5.

<sup>22</sup> For more details see, for example, T. Korovkin, "Reinventing the communal tradition: indigenous peoples, civil society, and democratisation in Andean Ecuador" in *Latin American Research Review* 36(2), 2001, pp. 37-67; R. Stutzman, "El mestizaje: an all-inclusive ideology of exclusion" in N.E. Whitten (ed.), *Cultural transformations in modern Ecuador*, pp. 45-94; N.E. Whitten, "Introduction" in Whitten (ed.), *Cultural transformations in modern Ecuador*, pp. 13-20.

<sup>23</sup> B.C. Bennet, "Plants and people of the Amazonian rainforests: the role of ethnobotany in sustainable development" in *BioScience* 42(8), September 1992, p. 599; J. Kimerling, *Amazon crude*, p. 34; S.S. Robinson, "Numbers, distribution and present state of the indigenous groups of the coastal and Amazonian regions of Ecuador" in W. Dostal (ed.), *The situation of the Indian in South America: contributions to the study of inter-ethnic conflict in the non-Andean regions of South America*, pp. 397-401.

<sup>24</sup> Whitten, "Introduction", pp. 13-17; J.M. Rahier, "Blackness, the racial/spatial order, migrations, and Miss Ecuador 1995-1996" in *American Anthropologist* 100(2), 1998, pp. 421-430; N.E. Whitten, "The ecology of race relations in northwest Ecuador" in D.B. Heath (ed.), *Contemporary cultures and societies in Latin America: a reader in the social anthropology of Middle and South America* (2<sup>nd</sup> edition), pp. 327-340.

### 1.2.2 THE ECUADORIAN AND NIGERIAN PETRO-STATES

The second role-players in oil-related ethnic minority struggles in Ecuador and Nigeria are the Ecuadorian and Nigerian governments who exercise complete control over the oil resources in their countries, determine the extent of oil developments and multinational involvement in their oil industries, and who allocate oil windfalls within their societies, thereby determining the ethnic and social composition of the "haves" and "have-nots" in their societies.

According to Karl both Ecuador and Nigeria conform to the general trend of mining states in that these countries are economically dependent on a single resource, in this case crude oil; have industrial sectors that are highly capital-intensive, form an enclave in their economies and are controlled by foreign ownership; rely on a finite natural resource that is non-renewable and is therefore lost for good once processed and sold on the international market; are dependent on oil rents which fosters persistent rent-seeking behaviour and a bias towards unproductive activities, and are states in which the rents are channelled directly into their respective national treasuries. Both these countries are rentier and distributive states in which political authority and economic control depends almost exclusively on the ability of their governments to extract oil rents and profits from the international economy, which profits in turn are distributed internally to those sectors of society on which the survival of the Ecuadorian and Nigerian governments depends.<sup>25</sup>

Over time this state of affairs ensured that oil windfalls in Ecuador and Nigeria were distributed to the dominant social and ethnic groups in their respective societies, to the detriment of the ethnic minority groups who inhabit the oil-producing regions and who, by virtue of their historical lack of power and influence, had a negligible share in the revenue generated by oil production in their traditional territories. Consequently, oil-producing ethnic minority groups developed a distinct impression that they had been, and continue to be marginalised in political, economic, environmental and social terms

<sup>25</sup> T. Karl, *The paradox of plenty: oil booms and petro-states*, pp. 47-49. See also A. Gelb, *Oil windfalls: blessing or curse?*, pp. 32-46

within their countries. Their oil-related struggles are therefore essentially attempts to obtain state recognition of their existence as minority groups and of their important contribution to the national economy, and to seek redress for what they perceive as decades of political, economic, social and environmental marginalisation.

### **1.2.3 MULTINATIONAL OIL COMPANIES**

The role of multinational companies in the developing world has been a great source of discontent for many academics and local communities who have accused these companies of being immoral exploiters of natural resources and labour and who prefer to keep the developing world underdeveloped in order to ensure greater returns on their investments. Consequently multinational companies frequently become targets for minority agitation, in part because they represent the very wealth that ethnic minority groups have no access to, and also because their activities have resulted in far-reaching environmental destruction in the name of national development and resource exploitation.

Multinational oil companies active in Ecuador and Nigeria through their local subsidiaries, have in recent years come under attack for the lack of environmental standards and regulation in these two countries. This state of affairs can be directly attributed to the historical lack of environmental concern in the global oil industry. Prior to the environmental crisis and corresponding environmental revolution of the 1960s, environmental concerns only entered into discussions in the global oil industry when economic considerations forced oil companies to consider altering wasteful practices. In the United States of America (USA) in the 1920s, for example, improvements were made to storage tanks simply because they reduced the petrol evaporation during transport and storage (up to 7,5 % of petrol evaporated during these phases), which in turn meant a higher return on investments. Concerns regarding the discharge of oily industrial wastes and oil field brines, on the other hand, were addressed by the oil industry because many farmers, fishermen and business owners in resort towns did not hesitate to seek compensation for economic losses resulting from pollution by the oil

industry. As a result it became cheaper for the industry to address these problems than to continue to pay compensation.<sup>26</sup>

The environmental revolution, on the other hand, focused attention especially on pollution, since it was the most visible sign of the detrimental impact of economic and industrial development. However, to a large extent oil succeeded in remaining outside the debate which focused a great deal of attention on the detrimental impacts of coal as an energy source and which directly contributed to a sharp drop in coal's share of the global energy market (from 56 % in 1965 to 35 % by 1970). While coal was perceived as bulky, dirty and difficult to transport, oil was hailed as the clean, flexible and economic energy resource of the future.<sup>27</sup> Attention was given to the environmental impacts of the oil industries in the developed world via legislation to set exploration and production regulations and restrictions in place, such as mandatory environmental impact assessments, the prohibition of the dumping of drilling wastes directly into the immediate environment and the treatment of effluent before it was returned to source. In the developing world, however, environmental concerns did not become a feature of the national oil industries and multinational oil companies were left to continue with business as usual without the burden of environmental restrictions implemented in the developed world.<sup>28</sup>

The 1973 Oil Crisis and Arab oil embargo ensured that the environment never got onto the oil agenda, primarily because it resulted in an economic recession in many parts of the world which forced governments to abandon environmental concerns in order to obtain oil security in a global economy in which oil suddenly became a very expensive energy resource.<sup>29</sup> Not only did this crisis ensure governmental approval for the development of the Alaska and North Sea oil fields, but it further ensured that oil

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<sup>26</sup> For more details see H.S. Gorman, "Efficiency, environmental quality, and oil field brines: the success and failure of pollution control by self-regulation" in *Business History Review* 73, Winter 1999, pp. 601-640.

<sup>27</sup> J. Fernie and A.S. Pitkethly, *Resources: environment and policy*, pp. 30-31, 38.

<sup>28</sup> A.C. Decrane, "The greening of the energy world: the impact of environmental actions on the U.S. petroleum industry" in *Vital Speeches of the Day* 56(4), 1.12.1989, p. 118; T.M. Shaw and M.J. Grieve, "The political economy of resources: Africa's future in the global environment" in *Journal of Modern African Studies* 16(1), 1978, pp. 7-8.

<sup>29</sup> For more details see, for example, D.A. Rustow and J.F. Mungo, *OPEC: success and prospects, passim*; N.H. Jacoby, *Multinational oil: a study in industrial dynamics*, pp. 112-114; A. Sampson, *The Seven Sisters: the great oil companies and the world they made*, pp. 262-272; D. Yergin, *The prize: the epic quest for oil, money and power*, pp. 606-609.

remained absent from the environmental agenda until new developments in the late 1980s forced multinational oil companies to take a sudden interest in environmental concerns.<sup>30</sup> Subsequently the public relations departments of the multinational oil companies were instructed to construct new *green* identities for their respective companies. These green identities in part meant getting involved in environmental issues on a political level in order to influence political decision-making processes to the advantage of the oil industry, and *not* to improve their environmental management. The founding of the Global Climate Coalition (GCC) by a group of energy companies, including Amoco, Chevron, Exxon, Shell USA and Texaco, is a good example of industry's reaction to environmental issues. Founded in 1989 to co-ordinate business participation in international initiatives to combat global climatic change and global warming, the GCC became known in the course of the 1990s for its fierce opposition to proposals to cut back on carbon dioxide emissions and to USA ratification of the 1997 Kyoto Protocol.<sup>31</sup> Numerous individuals in the industry also pronounced their firm belief in the ability of technology to address all pollution problems associated with their industry.<sup>32</sup>

The construction of green identities for multinational oil companies, however, proved to be an inadequate reaction to the growing importance of environmental concern in international politics in the course of the 1990s, especially after the 1989 *Exxon Valdez* oil spill in Prince William Sound in Alaska. On a global level, however, new concerns regarding the environmental impact of the oil industry were countered by the economic

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<sup>30</sup> For more details see, for example, J. Rees, *Natural resources: allocation, economics and policy* (2<sup>nd</sup> edition), pp. 130, 175-176; S. Dalby, "Environmental security: geopolitics, ecology and the new world order" in J.B. Braden, H. Folmer and T.S. Ulen (eds), *Environmental policy with political and economic integration: the European Union and the United States*, p. 455; G. Tomeh, "Interdependence: a view from the Third World" in P. Dorner and M.A. El-Shafie (eds), *Resources and development: natural resources policies and economic development in an interdependent world*, p. 365; B. Hodgson, "The pipeline: Alaska's troubled colossus" in *The National Geographic Magazine* 150(5), November 1976, pp. 684-717; J. Fisher, "The evolving world oil economy" in *Journal of Energy and Development* 3(2), Spring 1978, pp. 338-346; A. MacKillop, "Energy for the developing world: a critique of the new wisdom" in *Energy Policy* 8(4), December 1980, pp. 261-262; N. Grove, "Oil, the dwindling treasure" in *The National Geographic Magazine* 145(1), January 1974, pp. 792-825.

<sup>31</sup> J.R. McNeill, "Ideas matter: a political history of the twentieth-century environment" in *Current History* 99(640), November 2000, p. 376; D. Humphreys, "Environmental accountability and transnational corporations" in Gleeson and Low (eds), *Governing for the environment*, pp. 90-91; Global Climate Coalition, "About us: what is the GCC?", <<http://www.globalclimate.org/aboutus.htm>>, *s.a.*

<sup>32</sup> See, for example, R.F. Tucker, "High tech frontiers in the energy industry" in *Vital Speeches of the Day* 55(14), 1.5.1989, pp. 437-441.

and political impacts of the first Gulf War (1990-1991)<sup>33</sup> which created a new world oil order that ensured that oil was placed back on the security agendas of Western countries.<sup>34</sup> This new world oil order created an environment in which it became perfectly acceptable for oil companies to continue with business as usual, whilst at the same time "greenwashing" their images to show greater sensitivity towards the demands for sustainable environmental management that emerged strongly after the 1992 Earth Summit. Oil companies in general continued to view their main role as meeting the energy needs of society, virtually regardless of the human and environmental costs of oil production, while governments continued to urge oil companies to ensure uninterrupted production and the expansion of proven reserves to meet the energy needs of the not too distant future. Within this context it once again became possible for the oil industry to start lobbying governments for approval of oil exploration and production in ecologically sensitive areas such as the Arctic National Wildlife Refuge in Alaska.<sup>35</sup>

The new world oil order, with its emphasis on oil security and the expansion of the oil industry, and the new world order, with its concern for environmental and human rights issues, have had a conflicting and strained relationship since 1990. The contradictions between what oil companies profess to stand for in terms of the environment, in comparison to the environmental impact of their activities and their support for the anti-environmental agenda, is a good case in point. While most of the oil companies began to make pro-environmental statements by the late 1980s and have continued to do so especially since the Earth Summit, debates on global climatic change and the need to reduce both greenhouse gases and humankind's dependency on fossil fuels have met

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<sup>33</sup> For more information see A.Z. Yamani, "The Gulf Crisis: oil fundamentals, market perceptions and political realities" in *Energy Journal* 12(2), 1991, pp. 1-8; P. Aarts, "Democracy, oil and the Gulf War" in *Third World Quarterly* 13(3), 1992, pp. 525-538; P.K. Verleger, "Understanding the 1990 oil crisis" in *Energy Journal* 11(1), 1990, pp. 15-33; "Gushing again" in *The Economist* 316(7671), 8 September 1990, pp. 71-72; F.R. Parra, "OPEC and the price of oil in 1993" in *Energy Journal* 15(1), 1994, pp. 17-30; Yergin, *The prize*, pp. 770-779.

<sup>34</sup> The 1973 Oil Crisis created the first new world oil order which lasted until 1986 when the oil prices collapsed mainly due to overproduction. The 1986 oil price decrease created a new world oil order that was characterised by cheaper oil prices and the removal of oil from the security agenda. J. Stanislaw, *The new world oil order: strategies for the 1990s* pp. 1-22. See also Aarts, "Democracy, oil and the Gulf War", pp. 525-538; C. LaCasse and A. Plourde, "On the renewal of concern for the security of oil supply" in *Energy Journal* 16(2), 1995, pp. 1-23.

<sup>35</sup> See, for example, D. Beers and C. Capellaro, "Greenwash!" in *Mother Jones* 16(2), March/April 1991, pp. 38-42; J.L. Dunlap, "The realities of our Middle East commitments: making our energy future more secure" in *Vital Speeches of the Day* 58(3), 15.11.1991, pp. 72-74; D.B. Lee, "Oil in the wilderness: an arctic dilemma" in *The National Geographic Magazine* 174(6), December 1988, pp. 858-871.

with strong resistance from the oil industry which, through the GCC, continued throughout the 1990s to oppose most initiatives to address global climatic change on the basis that there was not enough scientific evidence to justify reductions in carbon dioxide emissions.<sup>36</sup>

Similarly, the oil industry resisted all accusations that their activities in the developing world led directly to environmental and human rights abuses within the oil-producing communities. In a twelve page pamphlet, the American Petroleum Institute (founded in 1919 to promote the interests of the USA oil industry) claims that American oil companies "provide powerful support for humanitarian activities" wherever they are engaged in the world. Reference is made to contributions Occidental Petroleum has made to education in Colombia; to British Petroleum's promotion of environmental education in China, and to Exxon's promotion of economic development in Colombia and capitalism amongst the Russian youth. The pamphlet also claims that Unocal has improved living conditions in the Yadana region in Myanmar, even though it is public knowledge that forced labour was used to build the company's oil pipeline in this territory.<sup>37</sup>

Claims by the oil industry that their activities promote "humanitarian activities" wherever they are engaged in the world, have been met with strong resistance from oil-producing communities in the developing world. Weary of their environmental, social and economic marginalisation brought about by oil production within their traditional homelands, oil-producing communities around the world began to mobilise opposition to their national governments and oil companies in the course of the 1990s. Within the context of the new world order with its concern for environmental and human rights,

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<sup>36</sup> For more information see, for example, Greenpeace International, *Oiling the machine: fossil fuel dollars in the U.S. political process*, *passim*; Greenpeace International, *Industry and the climate change debate: membership and positions of international lobby groups*, *passim*; B. Hare, *Fossil fuels and climate protection: the carbon logic*, *passim*; K. Bruno, J. Karliner and C. Brotsky, "Greenhouse gansters vs climate justice", <<http://www.corpwatch.org/campaigns/PCD.jsp?articleid=1048>>, 1999; "No to Kyoto", p. 15; D. Humphreys, "Environmental accountability and transnational corporations" in B. Gleeson and N. Low (eds), *Governing for the environment: global problems, ethics and democracy*, pp. 90-91, pp. 90-91; Gorman, "Efficiency, environmental quality, and oil field brines", p. 610; Interview with Richard Sykes, Shell Group Environmental Advisor, London, 21.9.2001; American Petroleum Institute, "American Petroleum Institute", <[http://api-ec.api.org/intro/index\\_noflash.htm](http://api-ec.api.org/intro/index_noflash.htm)>, *s.a.*; American Petroleum Institute, "Global climate change: the big picture", <[http://api-ec.api.org/enviro/index.cfm?objectid=96582F5C-7735-453DB86A7195953798E0&method=display\\_body&er=1&bitmask=001003004002000000](http://api-ec.api.org/enviro/index.cfm?objectid=96582F5C-7735-453DB86A7195953798E0&method=display_body&er=1&bitmask=001003004002000000)>, *s.a.*

<sup>37</sup> Bruno, Karliner and Brotsky, "Greenhouse gansters vs climate justice", Part 2; Project Underground, "Unocal: betraying Burma", <<http://www.moles.org/ProjectUnderground?motherlode/unocal.html>>, 1997.

many oil-producing communities found a sympathetic audience for their grievances amongst the international environmental and human rights communities, while foreign journalists made the injustices of oil production in the developing world known to the oil consumers of the developed world. Examples of these oil-related environmental struggles in South America and Africa include that of the U'wa against Occidental Petroleum in Colombia; the Machiguenga against Shell International in Peru; the Cofan against Texaco and Petroecuador in Ecuador; the Bakka and Bokola in Cameroon, who are threatened by the Chad-Cameroon Oil and Pipeline Project, and the Ogoni and the Ijaw in Nigeria against Shell International and Chevron respectively.<sup>38</sup>

Despite an indication in the early 1990s that the oil industry would be able to continue with their *business as usual*, the realities of the new world order in the post-Cold War era has forced a number of oil companies to rethink their positions on both their environmental and social responsibility to society at large. The argument favoured by big business, including the oil industry, that it is the responsibility of national states and not of multinational companies to ensure the environmental and social well-being of the people directly affected by the latter's activities, especially in the developing world, came under increasing attack in the 1990s, as oil consumers in the developed world mobilised support against oil companies such as Shell International in retaliation against their activities in some developing countries.<sup>39</sup>

However, despite the good intentions of some oil companies, the transformation of multinational oil companies and their subsidiaries into truly *green* and socially responsible corporations will not happen overnight. Oil consumption, on the other hand, has not decreased in the new age of environmental awareness and concern, and all indications point towards crude oil continuing to fuel governments, industries and

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<sup>38</sup> For more information on these and other oil-related environmental struggles, see the webpage of Project Underground at <<http://www.moles.org>>. See also T. Freinas, *Blood of our mother: the U'wa People, Occidental Petroleum and the Colombian oil industry*, *passim*; G.H. Uriz, "To lend or not to lend: oil, human rights, and the World Bank's internal contradictions" in *Harvard Human Rights Journal* 14, Spring 2001, pp. 197-231; Human Rights Watch, *The price of oil: corporate responsibility and human rights violations in Nigeria's oil producing communities*, <<http://www.hrw.org/hrw/reports/1999/Nigeria/Nigew991.htm>>, *passim*; Kimerling, *Amazon crude*, *passim*.

<sup>39</sup> See, for example, P. Herrmann, "Human environmental crisis and the transnational corporation: the question of culpability" in *Human Ecology* 23(2), 1995, pp. 285-289; J.O. Tompson, "Corporate responsibility in the new age of accountability" in *Optima* 47(2), September 2001, pp. 38-45; P.J. Carroll, "How oil companies must adapt to survive in 2000 and beyond" in *Oil and Gas Journal* 93(47), 20.11.1995, pp. 34, 36.

people for some time to come. On a geopolitical level, questions concerning the greening of the oil industry are further clouded by the dramatic and tragic events in New York and Washington on 11 September 2001 and the consequent global "war on terrorism" led by the USA; by the escalation of conflict between Palestinians and the Jewish state of Israel, and by the second Gulf War (2003) and subsequent occupation of Iraq that re-emphasised the tendency of Middle Eastern politics to be volatile and unstable at best. If trends since 11 September 2001 are to be taken as an indication of future developments, it seems likely that the oil industry will enter a new era of production diversification away from the Middle East and that, in a new quest for oil security, governments will provide the necessary political backing for oil companies. The discovery of vast oil reserves off the coast of Equatorial Guinea, for example, has been met with rapidly improving relations between the US government and the dictatorial government of Brig.-Gen. Teodoro Obiang, despite the official position of the George W. Bush administration that it will not deviate from its policy of advancing human rights and democracy.<sup>40</sup>

While the world and big industry adapt to the political realities of the twenty-first century, oil-producing communities in developing countries will continue to bear the brunt of environmental and social mismanagement by the oil industry. Whether or not the industry can transform itself into one that is environmentally and socially responsible, remains to be seen. Until that time, British Petroleum's new slogan, "beyond petroleum", will continue to be "beyond preposterous", and oil-producing ethnic minority groups will continue to oppose multinational oil-related activities in their traditional territories.

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<sup>40</sup> For more information see, for example, V. Smil, "The energy question, again" in *Current History* 99(641), December 2000, pp.408-412; M. Bird, "Oil on troubled waters" in *Time* 158(23), 31.2.2001, pp. 84-85; K. Silverstein, "US oil politics in the 'Kuwait of Africa' " in *The Nation*, 22.4.2002, <<http://www.thenation.com/doc.mhtml?i=20020422&c=4&s=silverstein>>.

## **SECTION 1**

# **THE POLITICAL, ECONOMIC AND ENVIRONMENTAL CONTEXTS OF OIL-RELATED ETHNIC MINORITY STRUGGLES IN ECUADOR AND NIGERIA**

## **CHAPTER 2**

### **THE POLITICAL CONTEXT OF OIL-RELATED ETHNIC MINORITY STRUGGLES IN ECUADOR AND NIGERIA**

#### **2.1 INTRODUCTION**

Oil-related ethnic minority struggles in Ecuador and Nigeria are inherently political struggles that aim at addressing (and reversing) the political marginalisation of particular ethnic minority groups that inhabit the oil-producing regions in these two countries. In essence, these struggles, on a political level, demand from the dominant groups greater political recognition of their distinct ethnic minority identity and culture within contemporary Ecuadorian and Nigerian societies, and the right to be regarded as equal citizens along with and by the dominant ethnic groups within the two countries.

The political marginalisation of ethnic minorities in both Ecuador and Nigeria is part of a long historical process in which the needs and aspirations of minority groups were ignored, first by the colonial governments and thereafter by independent governments. Though both countries share a colonial past, their respective colonial histories could not be more different as are their independent histories due to the impacts of colonial rule. Spain colonised Ecuador in the first half of the sixteenth century when the modern state was still but a distant dream for those not born into wealth and power. As a result, Spain transplanted an essentially medieval political system into Ecuador, which not only relegated indigenous groups to the bottom of society, but further divided the Spanish colonists and rulers into social classes with associated privileges or a lack thereof. The influx of white colonists and the creation of a new mestizo social group further complicated social relations and ensured that Ecuadorian Indians remained in a subordinate position throughout colonial rule and well into the independence era. The fact that Spain kept its colonies in Spanish Americas, and especially Ecuador, in isolation from the outside world, further ensured that the emergence of the modern state and popular participation in politics, albeit limited initially, largely bypassed Ecuador where limited political developments took place during the colonial era. As a result, at

independence in 1830 the Ecuadorian political system was still firmly rooted in medieval political values and outlooks that would take almost a century to alter for good.<sup>1</sup>

By contrast, Britain colonised Nigeria at the end of the nineteenth century. Not only was the colonial phase in Nigerian history markedly shorter than that of Ecuador (about 60 years as opposed to 296 years), but the Europe in which Britain found itself was vastly different from that which existed at the time of Ecuador's colonisation. In Britain, popular democracy had already been established and entrenched in a parliamentary system that allowed for universal male political participation. In addition, previous experiences with colonial rule, in particular in North America, had taught the British the importance of implementing constitutional and political reforms in their colonies if colonial rule was to succeed. British colonisation of Nigeria further coincided with the prevalence of Social Darwinistic perspectives in Europe which not only gave European societies a social justification for the colonisation of Africa, but further made the development, "civilisation" and modernising of black people on the continent the "white man's burden". All these factors influenced British colonial policies in Nigeria and ensured that colonial rule was marked by the implementation of Western political, administrative, educational and religious institutions in an attempt to bring Nigerian society into the modern world with little regard to the validity of pre-colonial institutions. Conscious of their American experience, the British did allow for the gradual participation of some Nigerians in colonial rule. By not allowing white settlement in Nigeria, Britain also ensured that social relations did not centre round race as it did in other colonies with large white settlements. Instead, social relations became based upon ethnicity with ethnic affiliation emerging as the dominant factor in determining access to opportunities and positions of privilege.<sup>2</sup>

Even though Ecuador and Nigeria have divergent political histories, as the rest of the

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<sup>1</sup> M. Jorrín, *Governments of Latin America*, pp. 3-71; G. Arciniegas, *Latin America: a cultural history* (translated by J. MacLean), pp. 123-128; F. Tannenbaum, "The United States and Latin America: the sins of the fathers" in *Political Science Quarterly* 76(2), June 1961, pp. 165, 171.

<sup>2</sup> For more details see, for example, A.N. Cook, "Steps towards self-government in British Nigeria" in *The Journal of Negro History* 32(1), January 1947, pp. 100-109; R.J. Bunche, "French and British imperialism in West Africa" in *The Journal of Negro History* 21(1), January 1936, pp. 31-46; R.L. Schuyler, "The climax of anti-imperialism in England" in *Political Science Quarterly* 36(4), December 1921, pp. 537-560.

chapter will clearly illustrate, ethnic minorities in the countries do share a similar past in that governments (both colonial and independent) in the two countries pursued political policies that were beneficial to the dominant ethnic and social groups – groups who remained in firm control of political processes and controlled access to economic modes of production to the detriment of minority groups in the country.

## 2.2 A POLITICAL HISTORY OF ECUADOR

The development of Indian nations in Ecuador throughout history was inextricably linked to the natural environment. The fragmentation of the Ecuadorian environment into many small separate ecological zones prohibited political integration, ensured the development of different customs, beliefs and languages, and led to various forms of cultural-ecological adaptations to suit the natural environment in particular areas. Political isolation, however, did not entail economic isolation as extensive formalised trade networks linked the inhabitants of the Costa, the Sierra and the Oriente with one another.<sup>3</sup> (See map E-3.)

Foreign domination of Ecuador started in the mid-fifteenth century when the Inca Empire from Peru started to expand its northern borders. The Inca conquest of Ecuador lasted from around 1455 to 1495, during which period the Inca extended the borders of *Tahuantinsuyo* (the Inca "Four Parts of the World") northwards to near the Colombian border. Subjugation was weakest in the Costa where the Inca met fierce opposition from what they regarded as primitive peoples not worthy of the civilising effort that went hand-in-hand with Inca expansion. Inca presence was strongest in the Sierra, though the fierce resistance of the Shyri delayed their northern expansion by about seventeen years. After the Shyri were conquered, Huayna Capac finalised his conquest by marrying Paccha, the daughter of the conquered Shyri king. The Oriente was spared the Inca conquest and imperialism mainly because of the widespread presence of endemic

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<sup>3</sup> R.A. Feldman and M.E. Mosely, "The Northern Andes" in J.D. Jennings (ed.), *Ancient South Americans* pp. 142-143; J.H. Steward and L.C. Faron, *Native peoples of South America*, p. 449; U. Oberem, "Trade and trade goods in the Ecuadorian montaña" in P.J. Lyon (ed.), *Native South Americans: ethnology of the least known continent*, pp. 346-348; L. Linke, *Ecuador: country of contrasts* (3<sup>rd</sup> edition), p. 16.

virulent diseases to which the highlanders were not immune.<sup>4</sup> (See map E-7.)

As in the other parts of *Tahuantinsuyo* the Inca established the use of the Quechua language in its northern Kingdom of Quito, and introduced new plants, llamas, irrigation projects and a road system that linked Quito with the Inca capital at Cuzco. Dynastic kinship was transplanted in Ecuador along with a system of indirect rule through which the Inca ensured the co-operation of local Indian leaders while continuing the tradition of political regionalisation that existed in pre-Inca times. The formal extension of Inca control over large parts of Ecuador did not entail the total subjugation of all the Indian groups as constant revolts kept the Inca army occupied throughout the roughly 50 years of Inca rule. In the areas where these revolt were strongest, such as those of the Cañari, Puruhá and the Cara, the Inca resorted to their established practice of forcefully removing large parts of the local population to other areas and replacing them with fully assimilated *mitimae* colonists from other parts of the Empire.<sup>5</sup>

Ecuador was never fully incorporated into *Tahuantinsuyo* and the Inca were still in a process of consolidating their power in the territory when the Spanish conquistadors intervened in the first half of the sixteenth century. The Spanish conquest was preceded in Peru, Bolivia and Ecuador by a civil war amongst the Inca that broke out in 1526 following the death, due to disease, of Inca Huayna Capac. At the time of his death Huayna Capac had divided the empire in two, leaving the northern kingdom of Quito to his son Atahualpa (the son produced in his marriage to Paccha, the Shyri king's daughter), while Huascar, his son from a previous marriage to an Inca princess, inherited Cuzco and the southern parts of the empire. Not content with their inheritance, Atahualpa and Huascar took up arms against each other with Atahualpa emerging victorious by 1530. His reign, however, was short-lived and the central Inca empire fell

<sup>4</sup> M. Mörner, *The Andean past: land, societies, and conflicts*, pp. 16-17; J. Murra, "The historic tribes of Ecuador" in J.H. Steward (ed.), *Handbook of South American Indians 2: the Andean civilisations* pp. 808-809; Linke, *Ecuador*, p. 16; *The New Encyclopaedia Britannica Micropaedia* 17 (15<sup>th</sup> edition), p. 1041; D.W. Gade, "Inca and colonial settlement, coca cultivation and endemic disease in the tropical forest" in *Journal of Historical Geography* 5(3), 1979, p. 263.

<sup>5</sup> Linke, *Ecuador*, p. 16; Feldman and Moseley, "The northern Andes", pp. 172-173; J.V. Murra, "The expansion of the Inka state: armies, war, and rebellions" in J.V. Murra, N. Wachtel and J. Revel (eds), *Anthropological history of Andean polities*, pp. 50-56; Murra, "The historic tribes of Ecuador", pp. 808-812; D. Preston, "Ecuador" in C. Véliz (ed.), *Latin America and the Caribbean: a handbook*, p. 89.

to the Spanish in 1533.<sup>6</sup>

### 2.2.1 POLITICS IN COLONIAL ECUADOR

The Spanish conquest of Ecuador began in earnest in 1534 after Francisco Pizarro succeeded in bringing the central region of the Inca Empire under Spanish rule in less than one year. His lieutenant, Sebastián de Benalcázar's band of conquistadors was very successful, in no small part due to their strategic alliance with the Cañari who, resentful of Inca rule and their treatment during the Inca civil war, aided the Spanish in their conquest of the northern part of the Inca Empire. The Cañari proved essential in Benalcázar's defeat of the great Inca warrior, Rumiñahui, at the decisive battle of Liripamba at the foot of Mount Chimboraza near present-day Riobamba in May 1534. From Riobamba to Quito fighting between the Spanish and the Inca was almost continuous with the Spanish finally succeeding in breaking into Quito in June 1534. Instead of finding a city rivalling Cuzco in wealth and beauty, Benalcázar found the city burned to the ground by Rumiñahui, who had retreated with all the treasures of the city. After a few turbulent months, the Spanish established the city of San Francisco de Quito on 6 December 1534 on top of the ruins of the old northern capital of the Inca, with Benalcázar as its governor.<sup>7</sup> (See map E-8.)

Using Quito as base, the Spanish conquistadors sent out expeditions to colonise what is today known as Ecuador – a process lasting about sixteen years, in which approximately 2 000 Spaniards succeeded in subjugating about 500 000 Indians.<sup>8</sup> In contrast to many other regions affected by the Spanish conquest of the Americas, the initial conquest of Ecuador did not result in a demographic collapse in the region, either through the introduction of Old World diseases or through the slaughter of the Indians on the battlefields. The reason was that the first wave of major demographic disruptions that normally followed in the wake of the Spanish conquests actually preceded the Spanish

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<sup>6</sup> Feldman and Moseley, "The northern Andes", p. 173; Linke, *Ecuador*, pp. 16-17; D.W. Schodt, *Ecuador: an Andean enigma*, pp. 17-19.

<sup>7</sup> D. Corkill and D. Cubitt, *Ecuador: fragile democracy*, p. 5; Hanratty (ed.), *Ecuador*, Chapter 1, Section 2; A.M. Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, p. 2; A.M. Vernaza, *Orígenes de la nacionalidad Ecuatoriana*, pp. 69-70; S.A. Alchon, *Native society and disease in colonial Ecuador*, pp. 32-33. See also J. Hemming, *The conquest of the Incas* pp. 151-168.

<sup>8</sup> O. Hurtado, *Political power in Ecuador* (translated by N.D. Mills), p. 1; J.E. Fagg, *Latin America: a general history* (3<sup>rd</sup> edition), pp. 128-129.

occupation of Ecuador. In terms of warfare, the initial Inca conquest of Ecuador led to a sharp population decline amongst those Indian groups who strongly opposed Inca occupation, such as the groups in the Otavalo region north of Quito. This conquest was followed in the 1520s by the Inca civil war which wreaked havoc with the Indian population in the southern Sierra, with the Cañari, for example, nearly annihilated by Atahualpa for their support to Huáscar. The population loss of the 1520s was exacerbated by the outbreak of two epidemics, in 1524 (most probably smallpox which claimed amongst others the life of Inca Huayna Capac) and between 1531 and 1533 (measles and possibly plague), which together with Inca war devastation, claimed the lives of about half of Ecuador's population of approximately one million people prior to the arrival of the Spanish.<sup>9</sup>

The initial years of Spanish rule over Ecuador, between 1534 and the late 1540s, was characterised by both political instability and political stability. The main source of political instability was the conquistadors who quickly grew weary of their settled lifestyles as the political and administrative masters of colonial Ecuador when there were still areas on the South American continent to be conquered. Consequently, Quito struggled to retain its governor and many of its Spanish inhabitants who periodically left the territory in search of treasures and the thrills of the conquest. As a result, property in Quito changed ownership numerous times in the initial years with newly arrived Spaniards eagerly settling on the vacant plots of land. Political instability was further heightened by the violent conflicts in Peru between opposing groups of conquistadors and numerous Indian revolts in Ecuador against Spanish rule. Guayaquil, for example, was first founded in 1533, but was destroyed twice by Indian groups before it was refounded for the third and final time in 1537.<sup>10</sup>

Despite the prevalence of political instability, a number of factors in the initial years of colonial rule promoted political stability and helped to lay the foundations for 296 years

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<sup>9</sup> Alchon, *Native society and disease in colonial Ecuador*, pp. 13-18; L.A. Newson, "The population of the Amazon basin in 1492: a view from the Ecuadorian headwaters" in *Transactions of the Institute of British Geographers New Series* 21(1), 1996, p. 16; A.W. Crosby, "Conquistador y pestilencia: the first New World pandemic and the fall of the great Indian empires" in *The Hispanic American Historical Review* 47(3), August 1967, pp. 321-337.

<sup>10</sup> Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, pp. 2-3; Hurtado, *Political power in Ecuador*, p. 1; Linke, *Ecuador*, pp. 17-18.

of Spanish colonial rule in Ecuador. Prevalent amongst these factors was the establishment of towns and other nucleated settlements in the Sierra by the Spanish which served as places of residence for the Europeans and bases from which the Indian population in the surrounding areas could be controlled and evangelised, and from which the exploitation of natural resources could be organised and managed.<sup>11</sup> These settlements were peopled by Spanish colonists and Roman Catholic clergy that followed in the wake of the conquest and came to settle permanently in colonial Ecuador. The relatively large influx of Spaniards to Ecuador resulted mainly from the fact that both land and Indians (the main source of labour) were easily obtainable in the first 50 years of colonial rule. These colonists served an important stabilising role in the initial years of the colonial era in that they became the main sources of political stability and continuity in a period when conquistadors more often than not left their highly sought after political positions in search of new land and people to conquer.<sup>12</sup>

Political instability was also slowly countered by the introduction of administrative structures and procedures to manage Spanish interests, mainly land and labour, in colonial Ecuador. In 1547 the Quito *cabildo* (city council) was established to administer the region stretching from Cuenca in the south to Pasto in the north. This *cabildo* was responsible not only for normal administrative functions, but more importantly controlled the distribution of land which was handed out free to all newly arrived Spaniards until 1589. In the process conquistadors, their descendants, bureaucrats, colonists and the church became the main landowners in colonial Ecuador to the detriment of the indigenous Indian groups who were left either landless or with economically insufficient land by the end of the sixteenth century.<sup>13</sup>

The highest political authority in colonial Ecuador was the Spanish monarchs who were granted perpetual patronage over the Indies by Pope Julius II on 28 July 1508 (the bull *Universalis Ecclesiae*). Due to administrative complexities, the size of Spanish America and international rivalries, Spanish America was reorganised in the sixteenth century into viceroalties (*virreys*) which acted in place of the king with supreme power over a

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<sup>11</sup> R.D.F. Bromley, "Urban-rural demographic contrasts in highland Ecuador: town recession in a period of catastrophe 1778-1841" in *Journal of Historical Geography* 5(3), 1979, pp. 283-285.

<sup>12</sup> Linke, *Ecuador*, pp. 18-19; Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, pp. 2-3.

<sup>13</sup> Hurtado, *Political power in Ecuador*, pp. 3-6; Schodt, *Ecuador*, pp. 20, 23.

specific territorial unit. Ecuador was allocated to the Viceroyalty of Castile (Peru) until 1717 when it was incorporated into the Viceroyalty of New Granada (Colombia). This unity was short-lived and in 1722 Ecuador was re-incorporated into New Castile until 1739 when it was shifted back again to New Granada where it remained till independence.<sup>14</sup>

Ecuador was elevated to the status of *audiencia* (the *Audiencia* of Quito) in 1563. Politically, the *Audiencia* of Quito was the highest political authority which exercised both executive and judicial authority over the territory. It consisted of a collective tribunal whose members in general were lawyers, and was headed by a president. Its jurisdiction extended to all civil, criminal, administrative and ecclesiastical matters; administrative control over the bureaucracy; the collection of taxes and management of the fiscal interests of the Spanish crown, and enforcing laws relating to Indians. In addition they controlled the distribution of land and water resources to colonists, and controlled all military aspects in their territory. The *Audiencia* of Quito had jurisdiction over a territory that corresponds more or less with present-day Ecuador including the undiscovered territories of the Oriente beyond the La Canela and Quijos regions.<sup>15</sup>

On a local level *cabildos*, headed by a major, controlled the urban centres in colonial Ecuador. Their members were appointed by the governor or the king, and consisted mostly of conquistadors and their descendents. Their responsibilities included judicial and administrative aspects, the distribution of both urban and rural lands, and control over the artisans' guilds, which were the only form of popular organisation in the territory. The Spanish crown exercised a great deal of power over these colonial political structures by holding all colonial officials at all levels accountable for their acts in office. Through the institutions of *visita* and *residencia* the Crown conducted investigations into complaints against an official (*visita*) and reviewed the acts of high officials at the end of their terms in office (*residencia*), which in theory both served as regulating factors in an attempt to curtail corruption and maladministration.<sup>16</sup>

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<sup>14</sup> Jorrín, *Governments of Latin America*, pp. 11-13; Linke, *Ecuador*, p. 21; Arciniegas, *Latin America*, pp. 128-130.

<sup>15</sup> Jorrín, *Governments of Latin America*, pp. 13-14; Linke, *Ecuador*, p. 21.

<sup>16</sup> Hurtado, *Political power in Ecuador*, pp. 10-13; Jorrín, *Governments of Latin America*, pp. 13-14, 20-22.

In addition to the official political structures the Roman Catholic Church, which was present at every stage of the Spanish conquest of and colonial rule over Ecuador, represented the second main political power in the territory. Through the system of *Patronato Real* (Royal Patronage)<sup>17</sup> the church assumed a subordinate role to the Spanish crown in Spanish America with the Diocese of Quito subjected to the control of the *audiencia*. *Patronato Real* gave the Spanish monarchs the right to nominate all bishops for Spanish America; to establish new dioceses as well as to determine their boundaries; to control the appointment and placing of all missionaries, and the right to the tithes of all dioceses and parishes. The Spanish crown further controlled all communication between the church in the Spanish colonies and Rome which had to be sent via the *Consejo de Indias*.<sup>18</sup> In return for this privilege the Spanish crown assumed the cost of propagation and the maintenance of the Christian faith in the New World.<sup>19</sup>

Political control over the Indian population in the initial decades of colonial rule consisted mainly of indirect rule through the *encomienda* system that assigned a chief (*curacas*) along with his subjects within a defined territory to a Spaniard (*encomendero*) to whom they had to pay tribute, either in money or in kind. The *encomienda* system incorporated about half of the Indian population in colonial Ecuador. The *encomenderos* became the elite in the newly established towns situated mainly in the Sierra with the exception of Guayaquil. The tribute extracted from their Indian subjects not only ensured many *encomenderos* of a comfortable living, but also made it possible to maintain the urban centres, which became centres of administration and markets. Indians living outside *encomiendas* were consolidated into *reducciones* that were controlled mainly by the church. *Reducciones*, which incorporated about one quarter of the Indian population, were originally established to protect Indian communities, but gradually became centres of exploitation when priests began to force their Indian subjects to work in return for a Christian education. The introduction of a Spanish

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<sup>17</sup> *Patronato Real* had its origin in the Middle Ages, but was more properly developed during the conquest of the Canary Islands from 1418 onwards when the pope granted Spain not only authority over the people on the islands, but also required Spain to defend and evangelise these peoples. *Patronato Real* was legalised by papal bulls published between 1493 and 1508 through which the Spanish monarchs succeeded in gradually obtaining total control over the church in Spanish America.

<sup>18</sup> Council of Indies, i.e. the highest legislative and administrative authority of the Spanish Empire which exercised jurisdiction over all Spanish possessions in the Americas and the Philippines.

<sup>19</sup> E. Dusel, *A history of the church in Latin America: colonialism to liberation (1492-1979)* (translated by A. Neely), pp. 38-39; Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, p. 7; Jorin, *Governments of Latin America*, pp. 23-27.

*corregidor de indios* in the 1570s to protect the Indians living in *reducciones* did little to relieve exploitation in these settlements.<sup>20</sup>

Spanish control in colonial Ecuador in the sixteenth century was only absolute in those areas that came under direct control of the Inca empire. In the Costa, adverse climatic conditions and strong resistance to Spanish colonial rule severely limited colonial efforts to extend political control over the Indians in this territory. Spanish control was so weak in the northern Costa that self-liberated black slaves, who sought refuge amongst the Manabi and Mantux Indians in what is the present-day Esmeraldas province, managed to establish a major Pacific coast stronghold known as El Portete. The zambo descendants of these black and Indian groups, living in what was known as the Zambo Republic, successfully resisted all attempts by the Spanish to extend their political control over this area during the second half of the sixteenth century. Ultimately Francisco Arias de Herrera was forced to negotiate a compromise with the Zambo leaders in 1598 in terms of which the Zambo acknowledged the nominal sovereignty of the Spanish monarch, while remaining autonomous. The Zambo were reinforced in 1650 by 24 black slaves who managed to escape from their sinking slave ship, and who eventually established themselves as rulers of the Zambo Republic. Zambo remained an autonomous region in colonial Ecuador up till the early eighteenth century when the Spanish succeeded in establishing more than just nominal authority in this region. In the Oriente, Spanish political control depended almost exclusively on the missionary activities of the Jesuits who set up *reducciones* in the tropical rainforest. The Oriente Indians, however, did not take kindly to these efforts and sporadically rebelled against the invaders. A violent uprising in the Oriente in 1578 left the Jesuit settlements of Avila and Archidona in ashes, while a second insurrection in 1599 led to the destruction of Logroño and Sevilla de Oro. After the expulsion of the Jesuits in 1767, the extremely limited Spanish control over the Oriente collapsed.<sup>21</sup>

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<sup>20</sup> Linke, *Ecuador*, pp. 18-19; Mörner, *The Andean past*, pp. 38-39, 46; Jorrín, *Governments of Latin America*, pp. 35-37; Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, pp. 3-4; F. Salomon, "Shamanism and politics in late-colonial Ecuador" in *American Ethnologist* 10(3), August 1983, pp. 414-415.

<sup>21</sup> N.E. Whitten, "Introduction" in N.E. Whitten (ed.), *Cultural transformations and ethnicity in modern Ecuador*, p. 19; L.B. Rout, *The African experience in Spanish America: 1502 to the present day*, pp. 116-117; Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, pp. 2-5; Dussel, *A history of the church in Latin America*, p. 60.

Society in colonial Ecuador was rigidly structured according to race and origin which allowed no opportunity for the lower classes to move up in the social hierarchy. The most important social group was the white Spaniards who were divided into three distinct classes. The upper class consisted of peninsular Spaniards who occupied the highest offices in the administrative and ecclesiastical institutions through direct royal appointments. This class constituted the political elite in colonial Ecuador and consisted of a small number of men. Directly below the political elite was those Spaniards, both peninsular and creole, whose wealth emanated from their land holdings and/or commercial ventures, and who were concentrated in the urban areas where they dominated the *cabildos*. While this class did not possess control over the top political structures in colonial Ecuador, they were responsible for setting the values of the ruling classes and for ensuring the continuation of the rigid social structure that continue in present-day Ecuador.<sup>22</sup>

By contrast, the lower class within the white group had limited political, economic and social influence in the colonial era and consisted of both peninsular and creole Spaniards who were either low-status bureaucrats or without any landholdings. Although occupying a position that ensured political obscurity, the lower class whites were responsible for the day-to-day administrative and judicial practices as well as for delivering essential services in their roles as carpenters and blacksmiths to name but two. While the white social group numerically constituted the smallest class, their numbers increased drastically in the course of the sixteenth century due to immigration. It is estimated that between 15 000 and 20 000 people immigrated to the former Inca empire before 1560 with another 50 000 to 60 000 arriving before 1600.<sup>23</sup>

Prior to 1540 the immigrants were almost entirely male. During the 1540s women constituted 16 % of the immigrants and by the 1560s about a third. In the absence of white females, many Spaniards took on Indian concubines. The second social group in colonial Ecuador, the mestizos, emanated from the miscegenation between whites and Indians. They occupied a very uneasy position between the whites and the Indians and although they were legally equal with whites they were regarded as an inferior social

<sup>22</sup> Schodt, *Ecuador*, p. 22; Corkill and Cubitt, *Ecuador*, pp. 6-7.

<sup>23</sup> Arciniegas, *Latin America*, p. 128; Mörner, *The Andean past*, p. 44.

group by them (the whites). As their numbers grew, the mestizos gradually formed their own distinct social and racial group. They constituted the majority of the population in the urban areas and were confined mostly to the skilled trades, small-scale commerce and retailing, and services. Because of their inferior social status, mestizos frequently became victims of extreme social prejudice which in turn fostered discontent and resentment amongst this group. As a result, they were generally easily incited to riot and to mobilise politically.<sup>24</sup>

The Indian and black groups formed the lowest echelon of society in colonial Ecuador. Far from being regarded as subjects of the Spanish crown, the main functions of the Indian population in the colonial era were to fill the colonial treasury with tribute (they were the only group that paid direct taxes) which constituted a sizeable portion of the total income of the *audiencia*, and to act as beasts of burden to their Spanish masters. Elaborate systems of debt peonage and legal servitude ensured that the Indian population that came under direct control of the Spanish were kept under conditions of virtual slavery for most of the colonial era, working in the *obrajes* (textile factories in the Sierra), on *haciendas* and plantations, in the mines, and as porters, servants and labourers in the urban areas.<sup>25</sup> Colonial society and direct interaction with the Spanish impacted negatively on traditional Indian political, economic, social and cultural practices. In the Sierra, Quechua gradually became the *lingua franca*, replacing pre-Inca languages; traditional political authority was replaced with a Spanish-devised political system which left Indians without political power, without land and in a perpetual state of servitude. New plants and animals gradually changed traditional modes of production, as did new cultivation methods and European concepts of work. Socially, the colonial era not only superimposed a new religion on indigenous society, but further radically altered the status of alcohol from a ceremonial product to a product suited for everyday use, which in turn resulted in widespread abuse. Spanish notions of the role of women in society also impacted on male-female relations within Indian communities and resulted in the adoption of the Spanish belief and practice of blaming many conflicts and crises on women and their supposedly unacceptable behaviour. Within this

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<sup>24</sup> Mörner, *The Andean past*, pp. 44-46; Corkill and Cubitt, *Ecuador*, pp. 7-8.

<sup>25</sup> Corkill and Cubitt, *Ecuador*, p. 8. On the status of Indians in Spanish America see, for example, W. Borah, "The Spanish and Indian law: New Spain" in Collier, Rosaldo and Wirth (eds), *The Inca and Aztec States 1400-1800*, pp. 265-288.

perspective improper behaviour by females in society leads to conflicts and crises as a form and punishment by God.<sup>26</sup>

Due to the social stigma associated with slavery, black people were at the very bottom of colonial social hierarchy in Ecuador. In comparison to other parts of Spanish America, colonial Ecuador had relatively few black slaves, approximately 8 000 by 1800. In addition, about 42 000 free blacks and zambos lived in the north-west in Zambo territory. Black people played an essential role in the export-oriented plantation agriculture of the Costa since highlands Indians were considered unsuitable for hard labour in the humid tropics.<sup>27</sup>

Throughout the colonial era Spain managed to exercise political, economic, social and religious control in the *Audiencia* of Quito through two important systems, namely the implementation and maintenance of a strict social hierarchy and by co-opting the creole elite into the colonial bureaucracy. The maintenance and promotion of the social hierarchy ensured that the social classes remained divided and antagonistic towards one another. This state of affairs was not conducive to the formation of unifying bonds between the various social groups thereby severely limiting the possibility of a unified opposition to Spanish domination. As a result the numerous rebellions and uprisings throughout the colonial era remained isolated and local affairs and generally failed to spread to other social groups and regions. Unity was further impeded by the strong fundamental political and economic differences that existed between the Costa and the Sierra regions which ensured division within the social groups. Lack of unity remained a political factor throughout the colonial era (and well into the independence era) with the Spanish crown and authorities exploiting the divisions to their own benefit and ensuring the continuation of colonial rule.<sup>28</sup>

The Spanish crown, however, could not maintain its colonial domination over Ecuador without the co-operation of the creole elite despite the latter's inferior status to that of

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<sup>26</sup> Murra, "The historic tribes of Ecuador", p. 818; Mörner, *The Andean past*, pp. 35-37, 46-47; Alchon, *Native society and disease in colonial Ecuador*, pp. 38-39.

<sup>27</sup> Rout, *The African experience in Spanish America*, pp. 95, 116-117; Corkill and Cubitt, *Ecuador*, p. 8.

<sup>28</sup> G.R. Andrews, "Spanish American independence: a structural analysis" in *Latin American Perspectives* 12(1), Winter 1985, pp. 113-114; Hurtado, *Political power in Ecuador*, pp. 32-37; Schodt, *Ecuador*, pp. 26-27.

peninsular Spaniards. Two important white rebellions in the sixteenth century (1544-1546 against the New Laws of the Indies, and the 1592 Sales Tax Rebellion) brought home the need to incorporate the creole elite into colonial bureaucracy and political systems if Spanish colonial rule was to succeed in the Quito Audiencia. As a result creole participation in colonial government and bureaucracy increased gradually in the course of the seventeenth century and early eighteenth century. While this process fell short of providing creoles access to the top political and administrative positions in the Audiencia, it did serve the purpose of reducing the risk of a popular revolt against the Spanish monarch from the ranks of the creole elite.<sup>29</sup>

In the course of the eighteenth century a number of factors resulted in the gradual erosion of the very base of colonial rule in Ecuador, thereby creating the circumstances for the eventual overthrow of Spanish colonial rule in the early nineteenth century. Foremost amongst these factors was the decline of Spain's international power and importance owing to the activities of other European countries, in particular England, the Netherlands and France, and the implementation of reforms by the Bourbon kings (1700-1808) in Spain to revive the economies of Spain and her colonies. These reforms fell into two categories, namely economic reforms aimed at increasing productivity and tax revenue (see Chapter 3, section 3.3.1.2, *infra*), and political reforms to strengthen the control of the Spanish crown over both the societies and their economies that fell within Spanish control. As part of these political reforms the Quito Audiencia was transferred to the newly created Viceroyalty of New Granada in 1710 where it remained, with the exception of a brief period between 1722 and 1739, until independence.<sup>30</sup>

The political reforms aimed in particular in limiting the political influence of the creole elite – whom the Bourbon kings saw as a threat to their rule – by replacing creole judges and officials with peninsular bureaucrats. These political reforms threatened the vested political interests of the creole elite and damaged their traditional ties with the Spanish monarch, resulting in turn in the gradual development of the need and aspiration for

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<sup>29</sup> Andrews, "Spanish American independence", pp. 110-123; Hurtado, *Political power in Ecuador*, pp. 35-36.

<sup>30</sup> Linke, *Ecuador*, p. 21; Andrews, "Spanish American independence", pp. 109-111; A.B. Thomas, *Latin America: a history*, pp. 219-222.

independence from Spain. The authority of the Spanish crown in colonial Ecuador was further undermined by the expulsion of the Jesuits from Spanish America in 1767. The removal of the Jesuits from colonial Ecuador deprived the Spanish of their most important source of ideological and moral support in Ecuadorian society and therefore also of an important instrument in asserting Spanish domination in the territory. The fact that the exiled Jesuits became fierce opponents of Spanish colonial rule and assumed the responsibility for disseminating anti-colonial material in the colonies only served to further undermine the authority of the Spanish crown in colonial Ecuador.<sup>31</sup>

The base of Spanish colonial rule was also undermined by the ideals of nationalism, individualism and freedom propagated by the Enlightenment. Despite its isolated position within world affairs and the tight control of the Roman Catholic Church, Enlightenment concepts were brought to Ecuador by a French scientific mission (who measured the earth's circumference at the equator) between 1736 and 1745. While the Enlightenment had a limited impact on Ecuadorian society, it did have a profound influence on the leading intellectual of the time, Francisco Eugenio de Santa Cruz y Espejo. Born in Quito in 1747 to an Indian father and a zambo mother, Espejo propagated between 1792 and 1795 complete emancipation from Spain, autonomous republican and democratic government for each colony, and the nationalisation of the clergy. Espejo died in prison in 1795 after persecution and imprisonment for his ideas.<sup>32</sup>

Despite a number of pan-Indian uprisings in the Sierra from the 1760s onwards<sup>33</sup> and the Quito tax insurrection of 1765<sup>34</sup> that challenged Spanish colonial authority, Spain succeeded in maintaining control over Ecuador until the early nineteenth century when popular discontent against Spanish colonialism resulted in the emergence of

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<sup>31</sup> M. Picón-Salas, *A cultural history of Spanish America: from conquest to independence* (translated by I.A. Leonard), pp. 131-137; Dussel, *A history of the church in Latin America*, p. 60; Hurtado, *Political power in Ecuador*, pp. 36-37.

<sup>32</sup> Linke, *Ecuador*, pp. 20-21.

<sup>33</sup> These revolts resulted from deep-seated Indian resentment of their economic and political exploitation by white people. It formed part of a broader anti-colonial movement amongst Indians in South America, and a number of these uprisings (e.g. in Chimborazo, Imbabura and Cotopaxi) were motivated by a "millenarianism" spirit in which Indians expressed their desire to preserve their cultural heritage and to reinstate their independence. Hurtado, *Political power in Ecuador*, p. 33; Alchon, *Native society and disease in colonial Ecuador*, pp. 124-129; L.G. Campbell, "Recent research on Andean peasant revolts, 1750-1820" in *Latin American Research Review* 14(1), 1979, pp. 6-12; Mörner, *The Andean past*, pp. 87-95.

<sup>34</sup> For more details see K.J. Andrien, "Economic crisis, taxes and the Quito insurrection of 1765" in *Past and Present* 129, November 1990, pp. 107-131.

independence movements across Spanish America. (See map E-9.) In Ecuador the independence movement started with the small Quito creole elite uprising of August 1809 which, influenced by the ideas of Espejo, was directed against Joseph Bonaparte who was installed as Spanish king following the successful French invasion of Spain. The creole uprising, which claimed allegiance to the deposed Spanish king, Ferdinand VII, was quickly but brutally suppressed by Spanish troops from Peru, thereby triggering a second uprising in September 1810 during which another creole junta assumed political control over Quito. In 1812 this junta even produced a constitution for an independent state, but due to lack of support outside Quito, the Spanish succeeded in easily suppressing anti-colonial activities and restoring Spanish political control by the end of 1812.<sup>35</sup>

The Quito independence movement of 1809-1812, influenced to a large extent by the ideas of Espejo, was limited to the creole elite in the city. The majority of the city's inhabitants, namely the mestizos, servants, servile Indians, artisans and small-scale merchants, did not participate in this anti-colonial struggle. Neither did the *cabildos* of the other cities in the *audiencia*, in particular Guayaquil, whose creole elite actively opposed the actions of the Quito creole elite, mainly because of the economic boom brought about by increased cocoa exports. By October 1820, however, this situation had been reversed and economic stagnation in the Costa prompted the creole elite to proclaim Guayaquil's independence from Spain in the same month. A junta under the leadership of the poet José Joaquín Olmedo assumed control, anxious to promote free trade and expand the stagnating cocoa industry, while a mutiny in the Spanish military forces stationed in the city ensured that Guayaquil could defend its newly found independence against Spanish aggression.<sup>36</sup>

By 1820 Guayaquil was not alone in its struggle against Spanish domination. Revolution had spread across Spanish America forcing royalist forces to fight on many fronts with varying levels of success. Help for the Ecuadorian independence struggle came from both Colombia (Simón Bolívar and General Antonio José de Sucre), and the

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<sup>35</sup> Thomas, *Latin America*, pp. 227-228; Corkill and Cubitt, *Ecuador*, p. 9; Mörner, *The Andean past*, p. 109; J. Lynch, *The Spanish American revolutions 1808-1826* (2<sup>nd</sup> edition), pp. 230-239.

<sup>36</sup> Hurtado, *Political power in Ecuador*, pp. 38-39; W.S. Robertson, *Rise of the Spanish-American republics*, p. 234; Hanratty (ed.), *Ecuador*, Chapter 1, Section 4.

south (José de San Martín, the liberator of Peru). Combined with the Guayaquil forces, they eventually defeated the royalist forces on the slopes of Mount Pinchincha on 24 May 1822. On 29 May 1822, the Sierra was incorporated into Bolívar's Gran Colombia with Guayaquil following shortly thereafter when pressure from Sucre and Bolívar forced the city to ally itself with Gran Colombian instead of Peru.<sup>37</sup>

Ecuador remained united with Colombia and Venezuela for eight years in which it constituted the District of the South within the Confederation of Gran Colombia, with its headquarters in Bogotá. Dissatisfaction with political changes implemented by Gran Colombia in Ecuador in 1825 led to widespread dissatisfaction with the Gran Colombian leadership resulting in 1826 in the issuing of *pronunciamientos* by the departmental capitals of Guayaquil, Quito and Cuenca. Unique for Ecuadorian politics, these *pronunciamientos* that simultaneously promoted federalism, dictatorship and popular sovereignty, showed a remarkable level of consensus amongst the elite in all three cities. Ecuador's association with Gran Colombia was short-lived, especially after the territory was caught in 1828 and 1829 in the middle of a war between Peru and Gran Colombia over the location of their common border. Not only was Guayaquil nearly destroyed in the war, but the hostilities impacted negatively on commercial ties between Ecuador and Peru. In 1830 Gran Colombia disintegrated when first Venezuela and then Ecuador withdrew from the confederation. A constitution, drawn up in August 1830, established the Republic of Ecuador which was headed by the Venezuelan General, Juan José Flores.<sup>38</sup> (See map E-1.)

The Ecuadorian independence struggle resulted in full independence from foreign oppression, both Spanish and Colombian. However, as Hurtado and Andrews point out, it did not result in the creation of an Ecuadorian "nation", nor was popular participation promoted in the newly established republic. Instead, the creole elite took over where the

<sup>37</sup> Corkill and Cubbitt, *Ecuador*, p. 9; Robertson, *Rise of Spanish-American republics*, pp. 234-237; Hurtado, *Political power in Ecuador*, pp. 39-40; M.P. Vila, *Simon Bolivar: his basic thoughts*, pp. 24-26; Andrews, "Spanish American independence", pp. 124-126. See also B.R. Hamnett, "Process and pattern: a re-examination of the Ibero-American independence movements, 1808-1826" in *Journal of Latin American Studies* 29, 1977, pp. 279-328.

<sup>38</sup> R.P. Davis, "The local dynamics of national dissent: the Ecuadorian *pronunciamientos* of 1826" in *The Historian* 55(2), Winter 1993, pp. 292-302; Hanratty (ed.), *Ecuador*, Chapter 1, Section 4; M. van Aken, "The lingering death of Indian tribute in Ecuador" in *The Hispanic American Historical Review* 61(3), August 1981, pp. 439-444; Corkill and Cubitt, *Ecuador*, pp. 9-10.

Spanish left off with little regard for the wishes of the masses, both mestizos and Indians, taking with them the newly established tradition of militarisation of society and politics that resulted from the military's involvement in the wars against Spain.<sup>39</sup>

### **2.2.2 INDEPENDENT ECUADOR: THE POLITICS OF INSTITUTIONALISED INSTABILITY**

Ecuadorian politics since independence in 1830 have been many things – chaotic, oppressive, violent, and a seemingly constant struggle between liberalism and conservatism represented respectively by the Costa (Guayaquil) and the Sierra (Quito) elites. In more ways than one it was as a rule unstable, but never dull or colourless. According to Maier it is possible to argue that Ecuadorians have suffered more from unrealistic constitutions in the republican era than from unconstitutional presidential changes, the reason being that the multitude of republican constitutions seldom reflected "the nation's history, its customs, its ideas and values".<sup>40</sup> On the contrary, it more often than not served the purpose of legalising the method through which the president assumed power while also reflecting his personal preferences. Maier continues by stating that "were the constitutions to reflect more realistically the nation's political culture, the frequent presidential changes would not be interpreted as political instability, but rather as a major characteristic of Ecuadorian politics, which they actually appear to be".<sup>41</sup>

#### **2.2.2.1 The initial years of confusion, 1830-1860**

Ecuador's secession from Gran Colombia in 1830 and subsequent independence proclamation, meant little more than the creation of the Republic of Ecuador on paper. By 1830 the short-lived "unity" between the elites of Guayaquil, Quito and Cuenca expressed in the 1826 *pronunciamientos* was long gone and had been replaced by traditional opposing regional political and economic interests that made the creation of a national identity for the newly created republic a challenge that none of the presidents in

<sup>39</sup> Andrews, "Spanish American independence", pp. 128-129; Hurtado, *Political power in Ecuador*, pp. 40-41.

<sup>40</sup> G. Maier, "Presidential succession in Ecuador, 1830-1970" in *Journal of Interamerican Studies and World Affairs* 13 (3/4), July/October 1971, p. 485.

<sup>41</sup> *Ibid.*, p. 489. The discussion of the political history of Ecuador that now follows in section 2.2.2.1 to 2.2.2.8 will utilise the periods identified by Hanratty (ed.), *Ecuador*, Chapter 1.

the initial three decades of independence could overcome.

The Venezuelan Gen. Juan José Flores led the Ecuadorians to independence in 1830 and became the first president of the newly established republic. Having gained acceptance into Quito society by marrying Mercedes Jijón y Vivanco, the daughter of Quito notables, Flores was never truly accepted by Ecuadorian society owing to his foreign status and his dark complexion. As the first *caudillo*<sup>42</sup> to rule Ecuador, Flores was more interested in extending the borders of the country in generally unsuccessful and costly military campaigns against Peru and Colombia, than in initiating the process of nation-building. Opposition to his rule was widespread, culminating in 1833-1834 in the Revolution of the Chichuahuas, led by Vicente Rocafuerte. Knowing that his first term in office was quickly coming to an end, Flores made peace with the liberals by offering Rocafuerte a deal in terms of which they would alternate the presidency between them.<sup>43</sup>

The deal brought Rocafuerte to power in 1834 and, though an ardent liberal in theory, he quickly established an authoritarian regime, remarking in a letter to Flores that the underdeveloped character of Ecuador "makes enlightened despotism necessary". While authoritarian in character, Rocafuerte's regime brought order to Ecuador, and led to the expansion of education and the implementation of a road building programme to address regional isolation in the country. Fiscal regularity was also achieved and his regime accepted Ecuador's responsibility to pay back 21,5 % of the debt incurred by Gran Colombian during the struggle to rid the territory of Spanish colonial rule – this debt was only paid off in full in 1974.<sup>44</sup>

As agreed, Flores succeeded Rocafuerte as president in 1839, and the former took up the

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<sup>42</sup> According to Tannenbaum "the dictators is the *caudillo* who for the time being and by varying methods has succeeded in securing the support of a sufficient number of local 'bosses' to stay in power. The constitutional pattern is then cut to fit his personality. If he is liberal, then the government is liberal. If he is mellow, urbane and sophisticated, then the government is like him. If he is arbitrary, bloody, unscrupulous and vengeful, the government takes its color from him. The milieu sets the broad limits within which personal government takes place...He does not have to have a majority of the people to get him into office, or to stay there. He must merely be strong enough to overthrow the *caudillo* whom he would succeed, and strong enough to keep any other *caudillo* from replacing him". F. Tannenbaum, "A note on Latin American politics" in *Political Science Quarterly* 58(3), September 1943, pp. 420-421.

<sup>43</sup> R. Pineo, "Recent contributions to Ecuadorian political history" in *Latin American Perspectives* 24(3), May 1997, pp. 108-109; Linke, *Ecuador*, pp. 23-24.

<sup>44</sup> F.B. Pike, *The United States and the Andean republics: Peru, Bolivia, and Ecuador*, pp. 107-108.

position of governor of the Province of Guayaquil. In violation of the Ecuadorian constitution (which prohibited consecutive tenures of office for presidents) and his agreement with Rocafuerte, Flores opted to stay in power when his term expired in 1843. He achieved this by summoning a constituent assembly that drew up a new constitution in terms of which the presidential term was extended from four to eight years, the clergy were excluded from certain high political positions, and Catholicism established as the state religion. The new constitution, dubbed "the Charter of Slavery", as well as Flores' decision, proved very unpopular acts and resulted in widespread uprisings to protest his rule.<sup>45</sup>

The anti-Flores coalition triumphed in March 1845 (and were therefore called the *marcistas*) which brought Gen. Vicente Ramón Roca, a *caudillo* with strong Sierra alliances, to power in 1845 as the first *marcista* president. The *marcistas*, who ruled Ecuador for the next fifteen years, were beset with problems from the start, including financial problems, divisions within their own ranks, and the constant threat that Flores would organise a foreign invasion. The death of Rocafuerte in 1847 dealt a further severe blow to the coalition, which degenerated into instability between 1849 and 1851 resulting in the succession of two presidents, Manuel de Ascáubi (1849-1850) and Diego Noboa (1850-1851) in just three years.<sup>46</sup>

Order was established in 1851 when Gen. José María Urbina came to power following the coup that deposed of Noboa. Urbina, a *caudillo* with strong Costa support, reasserted the power of the armed forces, who in the absence of a national unifying factor, re-established themselves as the base of political power in Ecuador. By 1851 conservative-liberal differences were still evolving, though the two perspectives had by that time become identified with a regional support-base and a particular position towards the church. In line with evolving liberal attitudes towards the church, Urbina took up an anti-clerical stance, expelled the Jesuits in 1852 and sought to limit the political participation of the clergy. He also abolished black slavery on 25 July 1851, which eventually gave the 2389 black slaves, in theory, their total emancipation by 6

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<sup>45</sup> *Ibid.*, p. 108; Hanratty (ed.), *Ecuador*, Chapter 1, Section 5.1.

<sup>46</sup> Pike, *The United States and the Andean republics*, pp. 108-109; G. Maier, "Presidential succession in Ecuador, 1830-1970" in *Journal of Interamerican Studies and World Affairs* 13(3/4), July/October 1971, p. 494.

March 1854. However, lack of governmental enforcement of the anti-slavery law and lack of owner compliance, ensured that black slavery continued either openly or by means of forced multi-year contracts up till the 1890s.<sup>47</sup>

The removal of the discriminatory Indian tribute, in turn became the focus of Urbina's successor, the liberal-oriented Gen. Francisco Robles. Motivated by the desire to integrate Indians into Ecuadorian society, Robles succeeded in convincing Congress to abolish tribute formally on 20 October 1857.<sup>48</sup> The end of tribute, however, merely shifted the economic exploitation of Indians to other areas such as sales taxes from which they had traditionally been exempt, while the *trabajo subsidiario* system (a road tax implemented Congress in 1854) became a substitute for tribute after 1857. In terms of the *trabajo subsidiario* people who could not pay the tax could work off their debt on road construction projects. By the late 1850s this tax was rarely levied on whites and mestizos, while the Indian population became the hard labour force for the massive road construction projects in the country. The cart road between Quito and Guayaquil, for example, "employed" 1 700 Indians by 1862 in terms of this law.<sup>49</sup>

Robles was far from popular and was overthrown by 1859 when anarchy reigned in the country. Known as the "Terrible Year", regional, ideological and racial tensions erupted all over the country, plunging Ecuador into unprecedented political instability and chaos. Local *caudillos* proclaimed several regions independent, while Cuenca and Loja declared their succession from the Ecuadorian republic, and in Guayaquil, Guillermo Franco signed the Treaty of Mapasingue ceding Ecuador's southern provinces to an occupying Peruvian army. Order was only restored when García Moreno, with the help of Flores, succeeded in suppressing the numerous local uprisings and expelling the occupying Peruvian forces.<sup>50</sup>

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<sup>47</sup> Hanratty (ed.), *Ecuador*, Chapter 1, Section 5.1; Rout, *The African experience in Spanish America*, pp. 227-230.

<sup>48</sup> An important factor that enabled Robles to abolish the Indian tribute was the fact that by the 1850s economic developments, especially in the export-sector, had resulted in a sharp decline in the historical significance of Indian tribute to the state treasury. By 1857, tribute constituted only 8,5 % of total governmental revenue, as opposed to the around 35 % back in the 1830s.

<sup>49</sup> Maier, "Presidential succession in Ecuador, 1830-1970", p. 494; Van Aken, "The lingering death of Indian tribute in Ecuador", pp. 437-459.

<sup>50</sup> Hanratty (ed.), *Ecuador*, Chapter 1, Section 5.1; Pike, *The United States and the Andean republic*, p. 110; Schodt, *Ecuador*, pp. 29-30.

### 2.2.2.2 García Moreno, conservatism and the progressive interlude, 1861-1895

García Moreno came to power in 1861 after succeeding in restoring order in Ecuador, and remained the key political power until his assassination in 1875. Twice during this period, between 1865-1867 and 1867-1869, front men, namely Jerónimo Carrión (the first president elected by direct popular suffrage) and Javier Espinosa occupied the presidential seat, while the real political power was still retained by García Moreno, leaving no-one in doubt as to who was really in control. Known for his conservative and pro-clerical stance, the division between conservatives and liberals became entrenched during Moreno's term in office, resulting in the establishment of clerical and anti-clerical parties.<sup>51</sup>

García Moreno's religious fanaticism very quickly impacted on Ecuadorian politics after he assumed power in 1861 since he strongly believed that Catholicism was the most vital element of national identity. In the absence of any other real unifying factor to promote Ecuadorian nationalism, he therefore set out to use the Catholic religion to create a strong, unified Ecuador. The active promotion of Catholicism directly resulted in the expansion of the role of the church in cultural and educational affairs, and strengthened relations with the Vatican. However, it brought García Moreno in direct (and violent) opposition with the liberals who accused him of implementing a theocratic state in Ecuador. During his second term in office, García Moreno had the constitution rewritten, in terms of which one had to be a Catholic, as defined by García Moreno, to qualify for Ecuadorian citizenship.<sup>52</sup>

Despite his ability to provoke hatred from the liberals, García Moreno did use his two terms in office to advance Ecuador on various fronts, such as road and railway construction projects that finally linked Esmeraldas with Quito, an increase in cocoa and guanine exports, which provided an economic boom for most of the country, massive

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<sup>51</sup> Maier, "Presidential succession in Ecuador, 1830-1970", p. 495; T.G. Sanders, "The politics of transition" in H. Handelman and T.G. Sanders (eds), *Military government and the movement toward democracy in South America*, pp. 6-7.

<sup>52</sup> M. Handelman, *Culture and customs of Ecuador*, pp. 27-28; Linke, *Ecuador*, pp. 24-25; Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, p. 12.

expansion of education (for example primary school enrolment increased from 13 000 in 1865 to over 32 000 by 1875), and the promotion of the development of native industries to expand the economic base of Ecuadorian society.<sup>53</sup>

Economic progress, however, did not ensure him the tolerance of the liberals, and opposition to his presidency spilled over when he arranged for his re-election for a consecutive presidential term in 1875. On 6 August 1875 he was assassinated by a group of youthful, idealistic liberals inspired by the writings of exiled Juan Montalvo. A short period of instability followed the assassination during which two people, namely Francisco Javier León (1875) and Antonia Borrero (1875-1876), briefly occupied the presidency. Order was restored when Ignacio de Veintemilla, another conservative military *caudillo*, seized power in 1876 following the coup that deposed Borrero. Veintemilla further increased the role of the church in Ecuadorian society, signed a new concordat with the Vatican in 1882, and welcomed the Jesuits back in the same year.<sup>54</sup>

Despite his charisma and ability to mobilise the masses, Veintemilla was overthrown in a coup d'etat in 1883, and was followed at first by José María Plácido Caamaño (1883-1888) before the Progresista Party managed to assume control over the presidency. Founded in Cuenca by conservatives seeking a moderate alternative to intolerance and authoritarianism, the Progresistas briefly influenced Ecuadorian politics between 1888 and 1895 before losing power permanently. By contrast, the Partido Conservador (PC, Conservative Party founded in 1869) and Partido Liberal Radical (PLR, Radical Liberal Party established in 1875), succeeded in dominating Ecuadorian politics well into the twentieth century.<sup>55</sup>

### **2.2.2.3 The rule of the liberals, 1895-1925**

The Liberal Revolution of 1895 removed Ecuador's conservative oligarchy from power and replaced it with a series of liberal military *caudillos* that ruled the country until 1925. From the outset, divisions within the ranks of the PLR plagued liberal rule –

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<sup>53</sup> Schodt, *Ecuador*, pp. 30-31; Pike, *The United States and the Andean republics*, pp. 114-115.

<sup>54</sup> Pike, *The United States and the Andean republics*, pp. 116-117.

<sup>55</sup> Schodt, *Ecuador*, p. 31; Hanratty (ed.), *Ecuador*, Chapter 4, Section 3.1.1.

divisions that were exacerbated by the dominant position of the armed forces vis-à-vis highland intellectuals and the Guayaquil elite who had to rely on the army to keep the liberals in power, along with power struggles between contesting military *caudillos*, in particular Eloy Alfaro and Gen. Leónidas Plaza Gutiérrez. As a result, presidential succession remained controversial and problematic for most of the liberal period. Alfaro, who occupied the presidency between 1895 and 1901, was followed by Plaza who hand-picked his successor, Lizardo García, in 1905. García's rule was short-lived and he was overthrown by Alfaro in 1906, who himself was overthrown and exiled in 1911 following his refusal to hand over the presidency to his own hand-picked successor Emilíó Estrada. After a few months of political chaos following Estrada's death in 1911, during which period Ecuador had two presidents (Carlos Freile Zaldumbie and Francisco Andrade Marín) and Alfaro was captured and executed, Plaza finally managed to consolidate his power by 1912 by being elected to serve a second presidential term until 1916. Thereafter he was followed by Alfredo Baquerizo Moreno (1916-1920), José Luis Tamayo (1920-1924) and Gonzalo S. Córdova (1924-1925).<sup>56</sup>

Up to 1911 real political power remained firmly in the hands of the presidents, i.e. Alfaro and Plaza, who were responsible for implementing major changes by means of constitutional changes. The 1897 constitution, for example, established equality under law, freedom of speech, abolished the death penalty for political crimes, guaranteed personal safety to all Ecuadorians, and limited the powers of the Catholic Church. The power of the church further decreased with the adoption of the 1906 constitution which *inter alia* abolished Catholicism as the state religion, guaranteed free secular education, declared the separation of church and state, and recognised freedom of thought and expression. Though both liberal constitutions made provision for basic human rights and public freedoms, these provisions were rarely adhered to by the liberal *caudillos* who were more prone to exile or execute political opponents, to confiscate the property of adversaries, and to force conscription onto Ecuadorian society. Election fraud also reached new heights during the liberal period, which effectively ensured the exclusion of conservatives (PC) from the legislature, while coup d'états became a more popular

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<sup>56</sup> Hurtado, *Political power in Ecuador*, pp. 113-114; Hanratty (ed.), *Ecuador*, Chapter 1, Section 5.3; Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, pp. 13-16; Maier, "Presidential succession in Ecuador, 1830-1970", pp. 497-499.

method of assuming power than going through the trouble to fix elections.<sup>57</sup>

In the second half of liberal rule following Plaza's return to office in 1911, the presidency lost power to the powerful *la argolla* plutocracy. Consisting of coastal agricultural and banking interests, *la argolla* constituted the real political power in the country between 1911 and 1925. The central force in *la argolla* was the Commercial and Agricultural Bank of Guayaquil, headed by Francisco Urbina Jose, which gained widespread influence through its generous loan policies, and which yielded enough power to force political role-players to submit all candidates and appointments for all government positions, including the president, to the bank for approval.<sup>58</sup>

In contrast to the preceding conservative era, the anti-clerical policies of the PLR drastically reduced the power and influence of the church. The Catholic clergy, however, did not relinquish their traditional power willingly and actively participated in the violent struggles against the "atheistic" *alfaristas* on the side of the conservatives, at first in the bloody civil war that erupted in the first year of liberal rule, and thereafter by aiding the conservative guerrilla groups until the latter were defeated by the liberal regime around 1901. In the end, however, the liberals were victorious, and by 1925 Catholicism was no longer the state religion; clerical censorship had been suppressed; many powerful foreign clergy had been expelled; education was secularised; civil marriages and divorce were instituted; the concordat with the Vatican was cancelled; most of the church's rural property had been nationalised, and the country was no longer dedicated to the Sacred Heart of Jesus. In addition, the Alfaro regime lifted the centuries old ban on Protestant evangelism in Ecuador, and welcomed Protestant missionary groups into the country from 1895 onwards. Labelled "Children of Satan", the Protestant missionary groups, with their different religious agenda that excluded the opulence, magnificent churches and unquestioned power associated with the Catholic Church in Ecuador, directly threatened the traditional Catholic monopoly over religious affairs in Ecuador, thereby generating considerable resistance and opposition from the Catholic clergy. The Protestant missionaries slowly gained ground in the course of the twentieth century and by 1983 about 3% of the population adhered to the Protestant

<sup>57</sup> Sanders, "The politics of transition", p. 7; Hurtado, *Political power in Ecuador*, pp. 116-118.

<sup>58</sup> Hanratty (ed.), *Ecuador*, Chapter 1, Section 5.3.

versions of the Christian faith.<sup>59</sup>

The liberal presidents also paid attention to Indian rights, and in contrast to other Latin American countries did not promote agricultural developments that depended on the exploitative treatment of Indians. Instead, the liberals pursued paternalistic policies aimed at integrating Indians into Ecuadorian society in the hope that this would promote labour migration to the Costa region thereby undermining the political and economic power of the highland elites. Debt peonage was placed under governmental control between 1895 and 1898 when Alfaro established certain restrictions on the *concertaje* contract requiring, for example, that these contracts be validated in front of two witnesses. In 1918, the right to imprison Indians who failed to pay their debts was banned which further undermined the *concertaje* system. Though humanitarian in outlook, the 1918 ban resulted more from the belief that a wage-earning, free labour force was cheaper in the long run than were traditional paternalistic practices that tied Indians indefinitely to a particular piece of land and owner.<sup>60</sup>

The liberal agenda was popular only as long as the cocoa boom lasted, which generated the necessary wealth for the liberals to embark on ambitious development projects such as the completion of the Guayaquil-Quito railway line in 1908. Economic prosperity, however, started to make way for economic decline that set in during the First World War and this was exacerbated by the crash of the cocoa industry from 1916 onwards. The ensuing economic crisis, along with worker and Indian reaction to the dismal economic conditions, were badly managed by the liberals which paved the way for their removal from office in 1925.<sup>61</sup>

<sup>59</sup> Handelman, *Culture and customs of Ecuador*, pp. 29-30; Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, pp. 14-16.

<sup>60</sup> Pike, *The United States and the Andean republics*, pp. 148-149; A.K. Clark, "Racial ideologies and the quest for national development: debating the agrarian problem in Ecuador (1930-50)" in *Journal of Latin American Studies* 30, 1998, p. 374.

<sup>61</sup> C. Larrea and L.L. North, "Ecuador: adjustment policy impacts on truncated development and democratisation" in *Third World Quarterly* 18(5), 1997, pp. 915-916; H. Handelman, *Ecuadorian agrarian reform: the politics of limited change* (American Universities Field Staff Reports no 49), p. 3; Corkill and Cubitt, *Ecuador*, pp. 11-12; Hanratty (ed.), *Ecuador*, Chapter 1, Section 5.3.

#### 2.2.2.4 Reform, chaos and debacle, 1925-1948

The coup of 9 July 1925 by a group of young military officers marked the beginning of radical changes in Ecuadorian politics and society that gradually undermined set patterns of political, economic and social relations that had been in place since 1830. Of particular importance was the emergence of the military as an institution as opposed to the era of military *caudillism* that preceded the July 1925 coup. Given the weakness of political parties, social organisation and public authority, and the unstable character of politics in Ecuador, no government in the independence era had been able to exist without strong backing from the military forces. This state of affairs in turn facilitated the participation of military officers, in the form of *caudillos*, in political processes between 1830 and 1916, with all the major politicians during this period, with the exception of García Moreno, rising through the military ranks to take control of the highest political *and* military office: the Ecuadorian presidency. The gradual professionalisation of the Ecuadorian military in the first half of the twentieth century undermined the traditional importance and political role of individual military *caudillos* by fostering an institutional mentality amongst military officers that resulted in the emergence and establishment of the military as an institution by 1925, which in turn led to changes in traditional civil-military relations. In contrast to many other Latin American states, the new semi-professionalised Ecuadorian military, from 1926 onwards, started to assume a politically subordinate position in political affairs, thereby becoming clienteles of civilian political leaders, but not active participants in partisan politics.<sup>62</sup>

An important new development was the disruption and decline of the traditional Liberal-Conservative two-party structure. Of the 27 presidents occupying the highest political office in the country from 1925 to 1948, fifteen were independents, eleven Liberals and the Conservatives managed to put their man into the presidency only once and that for a full fourteen days. While the traditional power of the two main political

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<sup>62</sup> Sanders, "The politics of transition", p. 13; A. Isaacs, *Military rule and transition in Ecuador, 1972-92*, p. 1; J.S. Fitch, *The military coup d'etat as a political process: Ecuador, 1948-1966*, pp. 14-19; G. Philip, *The military in South American politics*, p. 37.

parties declined sharply, improved political organisation and the gradual disappearance of *caudillos* from the parties ensured that both parties grew as institutions. Their support base, however, remained restricted to the elite and educated groups. While the power of the traditional parties declined after 1925, that of the Ecuadorian Congress increased drastically after the adoption of the 1928 constitution that gave Congress enough power over the president to make effective governance almost impossible. After 1929 Congress assumed a powerful and destabilising role in Ecuadorian politics as it set out to limit the power and authority of the presidency, thereby creating enduring conflict and power struggles between Congress and the presidency.<sup>63</sup>

The political, economic and social circumstances in Ecuador from the 1920s onwards also impacted on Ecuadorian society, resulting in the gradual emergence of populist politics as opposed to traditional oligarchic electoralism. Socio-economic factors such as the dramatic urbanisation in the 1930s and 1940s (Guayaquil's population increased from about 100 000 in 1920 to 200 000 by 1944, while Quito's population increased from 51 858 in 1906 to 120 000 by 1933 and to 138 900 by 1944); the growth in urban public associations (42 organisations were established between 1925 and 1930, 191 between 1931 and 1940, and 682 in the 1940s); the emergence and transformation of the labour movement (i.e. the 1922 Guayaquil strikes, and the establishment of two labour federations, the Confederación Ecuatoriana de Obreros Católicos in 1938, and the communist and socialist Confederación de Trabajadores del Ecuador in 1944); the emergence of socialist (Partido Socialista Ecuatoriano, 1926) and communist (Partido Comunista del Ecuador, 1931) political parties, and the difficult economic circumstances of the period, all contributed to the emergence of populist politics. José María Velasco Ibarra came to embody Ecuadorian populism for a generation from the 1930s onwards, replacing traditional military *caudillism* with populist *caudillism*. Elected to the presidency in 1934, 1944, 1952 and 1960 and seizing control through a coup in 1968, Velasco Ibarra took politics out of the salons and cafés patronised by the elite and into the public spaces occupied by the masses where he successfully mobilised various sectors of Ecuadorian society. As a rule, he presented himself as being above

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<sup>63</sup> Hurtado, *Political power in Ecuador*, pp. 122-127; Schodt, *Ecuador*, p. 53; P. Pyne, "Presidential caesarism in Latin America: myth or reality? A case study of the Ecuadorian executive during the presidency of José María Velasco Ibarra, 1960-1961" in *Comparative Politics* 9(3), April 1977, p. 282.

political parties, denounced corruption, maladministration and injustices, offered to solve the immediate problems of his followers, and promoted moral regeneration.<sup>64</sup>

It is important to point out that while populist politics started to develop during the 1925-1948 period, political incorporation of the masses was still several decades away. Though Ecuador extended the franchise to women in 1929, making it the first Latin American country to do so, literacy requirements and electoral laws restricted direct participation in electoral processes. Literacy was only 20,25 % by 1939, increasing to 22,28 % of the total population by 1944. By contrast, only 3,1 % of the population participated in the 1933 elections, increasing to 8,81 % in the 1948 elections. While populist politics therefore did not necessarily translate into citizen participation in governmental structures and processes, it did result in mass mobilisation on a scale unknown to Ecuador up to the 1930s and 1940s.<sup>65</sup>

While the position of the masses slowly started to change in the 1930s and 1940s, that of the Indians remained essentially the same despite greater political organisation and economic advancement of some Indian groups during this period. Armed with a new discriminatory vocabulary that assigned biological and cultural causes to what was perceived as Indian "degeneration", the dominant classes managed to continue with their traditional domination and exploitation of the Indian population in Ecuador. In order to reverse the degeneration processes, numerous notables and academics argued that one should first improve the biological condition of Indians (seen as hygiene, nutrition, alcoholism and disease) and address their lack of culture (for example their lack of westernised education that resulted in "irrational" behaviour and exposed them to exploitation) before advances could be made in addressing the Indian question in the country. Despite prevailing white and mestizo attitudes of Indian inferiority, numerous Indian communities proved received wisdom wrong either through the establishment of successful entrepreneurial enterprises (e.g. the commercialisation of artisan production in Otavalo in the 1930s), the occupation and cultivation of unused *hacienda* lands of the

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<sup>64</sup> C. de la Torre, "Velasco Ibarra and 'La Revolución Gloriosa': the social production of a populist leader in Ecuador in the 1940s" in *Journal of Latin American Studies* 26, 1994, pp. 684-692; Corkill and Cubitt, *Ecuador*, pp. xiv-xv, 14-15; Sanders, "The politics of transition", pp. 9-10.

<sup>65</sup> De la Torre, "Velasco Ibarra and 'La Revolución Gloriosa' ", pp. 689-690; C de la Torre, "Populism and democracy: political discourses and cultures in contemporary Ecuador" in *Latin American Perspectives* 24(3), May 1997, pp. 13-14.

Asistencia Pública, and the promotion of literacy through the provision of Quechua classes in the Sierra.<sup>66</sup>

Ecuadorian politics reached new heights in political instability between 1925 and 1948 with – as has already been stated – 27 presidents occupying the highest political office during a period of 23 years. Of these, only three were elected by popular vote, twelve were interim presidents, eight were dictators and four were elected by constituent assemblies. Notable presidents during this period are limited to Isidro Ayora (1926-1931), Velasco Ibarra (1934-1935, 1944-1947), Gen. Alberto Enríques Gallo (1937-1938) and Carlos Alberto Arroyo del Río (1939-1944). Ayora, a former rector of the Central University of Quito, instituted much-needed economic and social reforms that expanded the role of the state in the national economy and committed the state to the provision of certain social services. These reforms included the creation of the Banco Central, the expansion of the bureaucracy, the initiation of a pension scheme for state workers, and the passing of legislation to protect the working class from exploitation and to improve working conditions.<sup>67</sup> Velasco Ibarra, on the other hand, is noteworthy during this period for assuming control during periods of chaos with widespread popular support, and for losing that very support quickly when the idealistic Ecuador he promised the masses did not materialise. Gallo, by contrast, did make a positive contribution during his short period as president from 1937 to 1938 by promulgating the Labour Code of 1938.<sup>68</sup>

The most controversial and probably the most hated president in the period was Alberto Arroyo del Río who assumed power in 1939. Arroyo's term in office coincided with the Second World War, which created an export-boom in war-related products such as balsa wood, rubber and chinchona, which in turn triggered a drastic increase in inflation and a decrease in real monthly wages. Economic hardship along with his rigging of the 1941 presidential elections and the repressive measures he took to stay in power, ensured that

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<sup>66</sup> Clark, "Racial ideologies and the quest for national development", pp. 376-393; R. Colloredo-Mansfeld, " 'Dirty Indians', racial *Indígenas*, and the political economy of social difference in modern Ecuador" in *Bulletin of Latin American Research* 17(2), 1998, pp. 189-193.

<sup>67</sup> Isaacs, *Military rule and transition in Ecuador, 1972-92*, pp. 1-2; Corkill and Cugitt, *Ecuador*, p. 13; Hanratty (ed.), *Ecuador*, Chapter 1, Section 5.4.

<sup>68</sup> Hanratty (ed.), *Ecuador*, Chapter 1, Section 5.4; Pike, *The United States and the Andean republics*, pp. 263-267; De la Torre, "Velasco Ibarra and 'La Revolución Gloriosa' ", pp. 689-710.

he became unpopular fairly quickly.<sup>69</sup> Civil discontent with his rule reached new heights following the Peruvian invasion of Ecuador on 5 July 1941. This invasion was the culmination of a border dispute between the two countries (dating back some 150 years) over their common border in the Oriente, which thirteen attempts between 1802 and 1941 failed to resolve. Despite early indications that a war was on hand, Ecuador was poorly prepared for an armed conflict with Peru – a state of affairs that was exacerbated by Arroyo's refusal to allow the country's best troops, upon whose protection he depended for his political survival, to be dispatched to the war zone. As a result, Peru easily occupied vast territories in Ecuador's southern and eastern provinces, and forced Ecuador to accept a cease-fire by 31 July 1941. Adding insult to injury, Ecuador was forced to relinquish ownership over about 128 800 km<sup>2</sup> of unoccupied Amazonian territory in the Oriente and over 8 050 km<sup>2</sup> of land occupied by Ecuadorian nationals in terms of the Protocol of Peace, Friendship, and Boundaries of Rio de Janeiro, signed on 29 January 1942 and guaranteed by the United States of America (USA/US), Brazil, Argentina and Chile.<sup>70</sup>

Ironically, the very region that since 1532 had played no role in national politics and which by 1942 was still effectively isolated from the rest of the country, became the focus of Ecuadorian national pride and a major source of nationalism in a country that was, in the words of Hurtado, a "territorial country" instead of a nation-state. As a result the slogan "¡el Ecuador ha sido, es, y será, el país amazónico!"<sup>71</sup> became a favourite nationalist rallying cry for politicians and the public alike in the years following 1942.<sup>72</sup>

#### **2.2.2.5 The "democratic parenthesis", 1948-1960**

After 23 years of political instability, expectations that Galo Plaza, the US educated son of former president Leonidas Plaza Gutiérrez, would finish his term in office when he came to power in September 1948, did not run high. However, Galo Plaza eventually

<sup>69</sup> De la Torre, "Velasco Ibarra and 'La Revolución Gloriosa' ", pp. 691-692; Hanratty (ed.), *Ecuador*, Chapter 1, Section 5.4.

<sup>70</sup> For more details see, for example, R.R. Platt, "Present status of international boundaries in South America" in *The Geographical Review* 14(4), October 1924, p. 632; "The monthly record" in *The Geographical Journal* 99(4), April 1942, p. 205; D.A. Palmer, "Peru-Ecuador border conflict: missed opportunities, misplaced nationalism, and multilateral peacekeeping" in *Journal of Interamerican Studies and World Affairs* 39(3), Fall 1997/1998, pp. 111-118.

<sup>71</sup> "Ecuador has been, is, and will be, the Amazonian country!" N.E. Whitten, *Amazonian Ecuador: an ethnic interface in ecological, social and ideological perspectives* (IWGIA document no 34), p. 5.

<sup>72</sup> *Ibid.*; Hurtado, *Political power in Ecuador*, p. 142; Hanratty (ed.), *Ecuador*, Chapter 1, Section 5.3.

became the first president since 1925 to serve his full term and hand over the presidency to his constitutionally elected successor. The relative political stability during his term in office resulted in no small part from the banana boom that started in 1948 when Ecuador stepped in to fill the shortages in the international banana market that resulted when a combination of problems left Central America incapable of delivering their share of a rapidly expanding world banana market. The banana boom generated the necessary wealth that allowed Galo Plaza to embark on various development projects around the country, while also bringing wealth and prosperity to a larger proportion of Ecuadorian society than did the cocoa boom. It further provided the necessary finances for the expansion and further professionalisation of the Ecuadorian army that began in earnest following the country's humiliating defeat in the 1941 frontier war with Peru.<sup>73</sup>

Gala Plaza contributed greatly to Ecuadorian political culture through his commitment to democratic principles and practices that promoted freedom of speech, freedom of the press, the right to organise and the right to a fair election. Though opposition to his rule did exist, he managed to steer clear of partisan politics that ensured the early departure of so many of his predecessors. This was an admirable accomplishment given the fact that shortly after his term started a series of earthquakes, landslides and floods wreaked havoc amongst the southern Sierra communities leaving more than 6000 people dead and some 100 000 homeless. This was followed in 1950 by renewed conflict with Peru over their common border, and the 1950-1951 Inter-American census that briefly "mobilised" the Indian population against his government. This census, the first in Ecuadorian history, determined that the country had a population of just over three million people.<sup>74</sup>

The banana boom also came to the aid of Galo Plaza's successor, Velasco Ibarra (1952-1956), and enabled him to finish his term in office for the first time during his third attempt as president. Like before, Velasco Ibarra came to power without being attached to a specific political party, preferring once again to rely on a political movement

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<sup>73</sup> Maier, "Presidential succession in Ecuador, 1830-1970", p. 503; Fitch, *The military coup d'etat as a political process*, pp. 39-40; Pike, *The United States and the Andean republics*, pp. 299-300; Larrea and North, "Ecuador", pp. 916-919; Philip, *The military in South American politics*, p. 338.

<sup>74</sup> E.A. Peers (ed.), *Bulletin of Hispanic Studies: a record and review of their progress* 27 (1952 edition), pp. 22-23; E.A. Peers (ed.), *Bulletin of Hispanic Studies* 28 (1951 edition), pp. 34-36; Hanratty (ed.), *Ecuador*, Chapter 1, Section 6.1; E.A. Peers (ed.), *Bulletin of Hispanic Studies* 26 (1951 edition), pp. 20-21.

organised around his personality. And, as before, Velasco Ibarra showed little respect for economic control, but in contrast to his first two presidential terms, the government in the early 1950s actually had the money to sustain his wasteful practices. Ever the passionate Ecuadorian nationalist, Velasco Ibarra can be credited with starting the "tuna war"<sup>75</sup> with the USA in 1955 when Ecuadorian officials seized two American fishing boats caught within the 200 nautical mile territorial waters claimed by Ecuador.<sup>76</sup>

The banana boom had to end at some point and the industry started the painful process of decline when Camilo Ponce Enríquez (1956-1960) succeeded Velasco Ibarra in yet another peaceful and constitutional transition following the 1956 elections. Though the banana boom would continue until the mid-1960s, the sharp reduction in world cocoa and coffee prices in 1956, along with a drop in exports, resulted in widespread unemployment and consequential civil discontent with governmental economic management. The economic difficulties were exacerbated by Enríquez's fiscal conservatism and determination to maintain a stable currency, which in turn further reduced his popularity within Ecuadorian society and increased his standing with international financial institutions. Foreign financial aid did ensure the economic survival of the country, but it also drastically increased the country's foreign debt from US \$ 42 million in 1950 to US \$ 94 million by 1960.<sup>77</sup>

#### **2.2.2.6 Instability and military dominance, 1960-1972**

Ecuador entered the 1960s as a predominantly agricultural society in which the traditional elite still dominated political, economic and social affairs. Despite marked changes in Ecuadorian society since 1925 that saw the emergence of populist participation in politics, albeit in an indirect way, the socio-economic circumstances in

<sup>75</sup> The tuna war started in the 1950s when US fishermen refused to acquire licences to enter and obtain bait for tuna fishing within the 200 nautical miles of territorial waters claimed by Ecuador in terms of the 1952 Santiago Declaration on the Maritime Zone (signed by Peru, Chile and Ecuador). The US government did not recognise this claim, but in response US president Lyndon Johnson unilaterally signed an act in 1966 in terms of which a 19,2 km exclusive fishing zone was established in the seas adjacent to the US. M.J.R. Martz, "Ecuador" in H.E. Davis and L.C. Wilson, *Latin American foreign policies: an analysis*, pp. 386-389.

<sup>76</sup> Hanratty (ed.), *Ecuador*, Chapter 1, Section 6.1; Schodt, *Ecuador*, p. 61.

<sup>77</sup> Pike, *The United States and the Andean republics*, pp. 300-301; J.V. Kofas, "The IMF, the World Bank, and U.S. foreign policy in Ecuador, 1956-1966" in *Latin American Perspectives* 28(5), September 2001, pp. 51-59.

the country ensured that the elite remained in firm control of the country. Elitist domination was further enhanced by the banana boom that not only brought wealth and prosperity to a larger segment of society, but more importantly created a false sense of cohesion and stability in political affairs which enabled an unprecedented three presidents between 1948 and 1960 to complete their constitutional presidential terms in office and transfer authority to their elected successors.<sup>78</sup>

The economic prosperity of the 1950s was short-lived and by the beginning of the 1960s the country was once again plunged into economic decline, despite the fact that the banana boom continued until 1965. Socially, this period saw the further expansion of the urban middle and working classes, the emergence of liberation theology amongst some Roman Catholic clergy, along with changes in traditional land holding patterns that resulted from limited agrarian reforms implemented from 1964 onwards.<sup>79</sup> The emergence of new social groups was further stimulated by the fragmentation of the traditional Conservative and Liberal parties, which produced Christian democratic, social democratic and new populist parties, and renewed interest in communism and the Communist Party following the successful 1959 Cuban Revolution. Amidst these socio-economic and political transformations, the traditional elite tried in vain to continue with their traditional exclusivistic political practices thereby triggering military coups and social revolts that hastened the disintegration of the established order.<sup>80</sup>

Despite the fact that the political mobilisation of the Shuar in the Oriente into the Shuar Federation, which aimed at promoting and protecting the Shuar culture and at providing

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<sup>78</sup> C.M. Conaghan and R. Espinal, "Unlikely transitions to uncertain regimes? Democracy without compromise in the Dominican Republic and Ecuador" in *Journal of Latin American Studies* 22, 1990, pp. 558-559.

<sup>79</sup> The Agrarian Reform Law (decree no 1480 of 11 July 1964) in general did not meet the expectations of peasant and Indian farmers, especially in the Sierra, since it failed to redistribute *latifundia* (i.e. large estates) land in private ownership. The vast majority of land transfers took place on government-owned land administered by the Asistencia Pública. The most positive aspect of agrarian reform in the 1960s was that it abolished the feudalistic Sierra labour relations that had kept Sierra Indians in virtual servitude for many centuries. For more details see Handelman, "Ecuadorian agrarian reform", pp. 6-9; L. Zamosc, "Agrarian protest and the Indian movement in the Ecuadorian highlands" in *Latin American Research Review* 29(3), 1994, p. 42; Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, pp. 115-116.

<sup>80</sup> Conaghan and Espinal, "Unlikely transitions to uncertain regimes?", pp. 558-560; Handelman, "Ecuadorian agrarian reform", pp. 6-9; Corkill and Cubitt, *Ecuador*, pp. xii-xvii; Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, pp. 115-116.

a united front in the face of Andean colonisation of their traditional land,<sup>81</sup> and that the economic successes of the Otobaloños in the Sierra directly challenged racist stereotypes of Indian "backwardness", complacency and submissiveness, the position of Indians in Ecuadorian society did not change between 1960 and 1972. Indians still occupied the bottom of the sharply stratified Ecuadorian social order, and were characterised as a group by poverty, illiteracy, high infant mortality rates, low life expectancy, extremely limited participation in local and national institutions, low self-esteem, limited opportunities for social mobility and limited economic opportunities.<sup>82</sup>

In contrast to the relative political stability of the 1948-1960 period, Ecuador once again degenerated into political instability after Velasco Ibarra came to power following his landslide victory in the 1960 presidential elections. Velasco's fourth term as president coincided with the popularisation of communism in Latin America following the communist triumph in Cuba, and the USA's attempts to counter the spread of communism through their Alliance for Progress programme and the activities of the US Central Intelligence Agency (CIA). Velasco Ibarra's pro-communist position widened political polarisation and led to violent confrontations between pro- and anti-communist factions, while his conflict with Congress intensified to the point where his supporters and Congress members engaged in a gun battle in the Legislative Palace on 16 October 1961. Persistent political instability, coupled with a general economic decline, paved the way for Velasco Ibarra's removal from office in a military coup on 8 November 1961.<sup>83</sup>

Velasco Ibarra was replaced as president by his vice-president, Carlos Julio Arosemena Monroy, a prominent Guayaquil banker. Arosemena inherited both a troubled economy (foreign debt stood at US \$ 94,8 million that constituted 11,4% of governmental revenues and 8,7% of gross export earnings) and a political system polarised by

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<sup>81</sup> For more information on the Shuar Federation see, for example, M.H. Selverston, "The politics of culture: indigenous peoples and the state in Ecuador" in D.L. van Cott (ed.), *Indigenous peoples and democracy in Latin America*, pp. 135-136; E. Salazar, *An Indian federation in lowland Ecuador* (IWGIA document no. 28), pp. 24-49.

<sup>82</sup> Selverston, "The politics of culture", pp. 136-139; J.B. Casagrande, "Strategies for survival: the Indians of highland Ecuador" in D.B. Heath (ed.), *Contemporary cultures and societies of Latin America: a reader in the social anthropology of Middle and South America* (2<sup>nd</sup> edition), pp. 94-95.

<sup>83</sup> For more information on Velasco's fourth term in office see, for example, Pyne, "Presidential caesarism in Latin America", pp. 281-302; Pyne, "The politics of instability in Ecuador", pp. 109-133; P. Pyne, "Legislatures and development: the case of Ecuador 1960-1961" in *Comparative Political Studies* 9(1), April 1976, pp. 69-90; Pike, *The United States and the Andean republics*, p. 315; Kofas, "The IMF and World Bank, and U.S. foreign policy in Ecuador, 1956-1966", pp. 67-73.

opposing views on communism. Arosemena's pro-communist position made him a favourite target for misinformation actions organised by the CIA,<sup>84</sup> unsettled the military who resorted to open rebellion in March 1962, and motivated the Social Christians into organising militant-action squads who resorted to small-scale acts of terrorism. With his political power and authority undermined, and his drunken behaviour causing embarrassment to Ecuadorian society, Arosemena became a political liability to the military who intervened once again on 11 July 1963.<sup>85</sup>

In contrast to many other military-led coups since 1925, when prominent civilians were requested to form new governments, a military junta consisting of four members, namely Col Marcos Gandara Enríquez, Capt. Ramón Castro Jijón, Col Lurs Cabrera Sevilla and Col Guillermo Freile Gándara, took control of the government in 1963. The 1963 coup was the first direct military intervention since 1925, but contrary to the 1925 junta the ruling military officers in 1963 came from a professionalised military with an institutional identity. The military junta pursued two central aims, namely the removal of the communist threat in Ecuador, and the institutionalisation of socio-economic and political reforms necessary for the modernisation and industrialisation of the country and the establishment of true democracy. Its anti-communist position and purging of communists in Ecuadorian society met the approval and support of the USA government, and ensured Ecuador of some US \$ 84,5 million in aid and assistance from the USA from 1963 to 1967.<sup>86</sup>

Transforming the socio-economic and political landscapes of Ecuadorian society, however, proved more challenging than foreign relations did. Tax and agrarian reforms, though much-needed, ensured that the military junta quickly lost the support of the Costa and Sierra elite, without whose backing it was not possible to govern. By 1965 opposition to military rule existed in every sector of Ecuadorian society and it was fuelled further by the economic crisis in the country. Amidst these unstable times it became increasingly popular to refer to the ruling junta not as a *dictadura* (dictatorship),

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<sup>84</sup> See P. Agee, *Inside the Company: CIA diary*, pp. 101-316 for a detailed description of CIA activities in Ecuador in the early 1960s.

<sup>85</sup> Hanratty (ed.), *Ecuador*, Chapter 1, Section 6.2; Schodt, *Ecuador*, p. 82.

<sup>86</sup> Fitch, *The military coup d'etat as a political process*, pp. 62-66; Isaacs, *Military rule and transition in Ecuador, 1972-1992*, pp. 2-3; Philip, *The military in South American politics*, p. 338; Kofas, "The IMF, the World Bank, and U.S. foreign policy in Ecuador, 1956-1966", pp. 73-78.

but as a *dictablanda* (a powder puff government). Opposition to their rule, along with serious budgetary problems, the weak impact of their reforms, the damage their rule caused to military prestige in the country, and public disorders, finally convinced the junta to step down in April 1966 and to reinstate civilian rule.<sup>87</sup>

Two presidents, namely Clemente Yerovi Indaburo (appointed after the junta resigned) and Otto Arosemena Gómez (elected interim president by the constituent convention), preceded the return of Velasco Ibarra to his fifth term as president after his narrow victory in the 1968 presidential elections. As before, Velasco Ibarra proved incapable of addressing the social and economic problems of the country, despite his election promises, and failed to retain the support of the political and economic elite that secured him the presidency for a fifth term. Political opposition to his rule intensified when he executed an *autogolpe* (self-seizure of power) on 22 June 1970 by dismissing Congress and the Supreme Court. His dictatorial rule, along with the implementation of unpopular economic rescue measures to save the economy, ensured that his political career came to an end in 1972 when the military stepped in again to save the country from its civilian politicians.<sup>88</sup>

#### **2.2.2.7 Direct military rule, 1972-1979**

On 15 February 1972 the military overthrew Velasco Ibarra for the last time, and installed a three-man military junta, headed by the Army Chief of Staff, Gen. Guillermo Rodríguez Lara. Three important factors served as the main motivation for the 1972 coup, namely the possibility that the populist leader of the Concentración de Fuerzas Partido (CFP), Asaad Buaram, might win the scheduled 1972 presidential election; the prospect of vast oil revenues that were expected to transform the Ecuadorian economy when oil production commenced later in 1972 (seven years of turbulent civilian rule prior to 1972 left the impression amongst the military that the civilian politicians would

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<sup>87</sup> Fitch, *The military coup d'etat as a political process*, pp. 65-73; Schodt, *Ecuador*, pp. 82-86; Sanders, "The politics of transition", pp. 13-14; Kofas, "The IMF, the World Bank, and U.S. foreign policy in Ecuador, 1956-1966", pp. 73-78.

<sup>88</sup> Maier, "Presidential succession in Ecuador, 1830-1970", p. 504; Schodt, *Ecuador*, pp. 86-88; Pike, *The United States and the Andean republics*, pp. 317-318; Hanratty (ed.), *Ecuador*, Chapter 1, Section 6.2; Corkill and Cubitt, *Ecuador*, p. 20.

not be able to handle the expected wealth satisfactory), and examples of military control over the government elsewhere in Latin America, but in particular in Peru and Bolivia.<sup>89</sup>

The Rodríguez Lara regime called itself "nationalistic and revolutionary", and while it lacked ideological cohesion, it did set out to implement nationalistic economic and social policies aimed at increasing state control over the country's petroleum resources, renewing industrial development through import-substitution policies, instituting agrarian modernisation and reform, and generating economic growth that would improve the economic and social conditions of the poorer segments of Ecuadorian society.<sup>90</sup> Their nationalistic vision also included the Indian population in the country, with the Rodríguez Lara regime actively promoting the integration of Indians into mainstream Ecuadorian culture after declaring in 1972 that "there is no more Indian problem ... we all become white when we accept the goals of the national culture".<sup>91</sup> Promoting this "national culture" became a main concern of his regime after its passing of the National Law of Culture in 1973, which, along with the colonisation policies, increased governmental efforts to assimilate the Oriente Indians into society to the detriment of the latter.<sup>92</sup>

Like its predecessors, Rodríguez Lara's military regime failed to build up a civilian support base for its government. But more importantly, his government further failed to include the powerful business elite into any of the governmental structures and decision-making apparatus. The general lack of interest representation in the Rodríguez Lara government, including civilian political role-players since Congress was suspended and party activities banned, quickly antagonised the business elite, resulting in the erosion of business support for the military regime. The tension between the business elite and the military junta was exacerbated by the rapid expansion of state participation in the

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<sup>89</sup> Philip, *The military in South American politics*, pp. 338-340; J Levy and N.D. Mills, "The challenge to democratic reformism in Ecuador" in *Studies in Comparative International Development* 18(4), Winter 1983, pp. 4-5.

<sup>90</sup> Isaacs, *Military rule and transition in Ecuador, 1972-92*, pp. 3-4; Conaghan and Espinal, "Unlikely transitions to uncertain regimes?", pp. 560-561.

<sup>91</sup> Rodríguez Lara as quoted by N.E. Whitten, *Ecuadorian ethnocide and indigenous ethnogenesis: Amazonian resurgence amidst Andean colonialism* (IWGIA document no 23), p. 12.

<sup>92</sup> *Ibid.*, pp. 3-33; A. Brysk, "Turning weakness into strength: the internationalisation of Indian rights" in *Latin American Perspectives* 23(2), Spring 1996, pp. 40-41; J.E. Uquillas, "Social impacts of modernisation and public policy, and prospects for indigenous development in Ecuador's Amazonia" in D.A. Schumann and W.L. Partridge (eds), *The human ecology of tropical land settlement in Latin America*, pp. 410-419.

economy, through numerous new state and parastatal ventures, and the expansion of the bureaucracy that followed in the wake of the oil boom, and which directly threatened the interests of the business elite. As a result, the business elite set out to undermine the reform measures of Rodríguez Lara and to set a recivilisation programme into motion through its repeated calls for a *retorno constitucional*. They were successful in their attempts to remove Rodríguez Lara from power and he was replaced on 11 January 1976 by a Supreme Council of Government, after an earlier coup attempt failed at the cost of 22 lives in August 1975.<sup>93</sup>

The Supreme Council that consisted of the commanders of the three armed forces, namely Gen. Guillermo Durán (army), Adm. Alfredo Póveda (navy) and Gen. Luis Leoro (air force), set out from the beginning to return the government to civilian control. The recivilisation process was originally scheduled for completion in February 1978, but due to disagreement amongst the three-member military junta and repeated efforts of the military to control the outcome of the presidential elections, it lasted until August 1979. It consisted of two processes, namely the drafting of a new constitution, and presidential, congressional and municipal elections. Significant new developments in the 1979 constitution (the country's eighteenth since 1830) were the acknowledgement of the role and responsibility of the state in socio-economic development, the legalisation of a worker self-managed sector in the economy, a unicameral legislature, no presidential re-election, and universal suffrage. The 1979 constitution abolished literacy as a suffrage requirement and allowed for future illiterate (predominantly Indian) participation in elections. However, illiterates were not allowed to participate in the 1978 and 1979 presidential and municipal elections.<sup>94</sup>

In July 1978 presidential elections were a dilemma for the military junta since it was generally expected that populist politician Assad Bucaram of the CFP would win any freely contested election. The junta therefore barred Bucaram from participating in the

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<sup>93</sup> C.M. Conaghan, "Capitalists, technocrats, and politicians: economic policy making and democracy in the central Andes" in S. Mainwaring, G.O'Donnell and J.S. Valenzuela (eds), *Issues in democratic consolidation: the new South American democracies in comparative perspective*, pp. 199-208; Conaghan and Espinal, "Unlikely transitions to uncertain regimes?", pp. 560-563.

<sup>94</sup> Handelman, "A new political direction?", p. 33; M. Barczak, "Representation by consultation? The rise of direct democracy in Latin America" in *Latin American Politics and Society* 43(3), Fall 2001, pp. 47-48; Hanratty (ed.), *Ecuador*, Chapter 1, Section 6.3

presidential elections on the basis that his parents were not Ecuadorian citizens at the time of his birth. Despite election tampering by the military junta, 1,6 million Ecuadorians voted on 16 July 1978, not for the more conservative presidential candidate Sixto Durán as was expected, but for Bucaram's replacement candidate for the CFP, Jaime Roldós. Roldós managed to obtain 31 % of the vote, compared to Durán's 23 % and Raúl Clemente Huerta's 22 %. Because Roldós did not win with a clear majority, a second round of presidential elections had to be contested between Roldós and Sixto Durán. After long delays and repeated military attempts to influence the outcome of the second round of presidential elections, this election eventually took place on 29 April 1979 with Roldós and his Christian Democratic running-mate, Osvaldo Hurtado, amassing 68,5 % the votes. On 10 August 1979 the military junta handed over power to the democratically elected Roldós government thereby setting the pace for democratisation processes elsewhere in South America.<sup>95</sup>

#### **2.2.2.8 Capricious democratic rule, 1979-2003**

The democratisation of Ecuadorian politics in 1979 did not bring an end to nearly 150 years of political instability in the country. On the contrary, democratisation resulted to a large extent merely in the recivilisation of Ecuadorian politics and bureaucracy, while retaining its institutionalised instability beyond the transitional phase. The sources of political instability also largely remained the same as before, namely conflicts between leading political leaders; tensions within political parties over leadership; open conflicts between the executive and Congress and the executive and the military; the shaky ideological grounding of political parties and fragmentation within parties; tenuous party loyalties of party members; tension and conflict between the business and political elite, and the ever-present tension and competition between the Sierra and the Costa regions. Political instability was further exacerbated by the dismal economic conditions that followed in the wake of the 1980s debt crisis, the unstable world oil markets and

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<sup>95</sup> Handelman, "A new political direction?", pp. 33-61, Levy and Mills, "The challenge to democratic reformism in Ecuador", pp. 4-5; Martz, "Populist leadership and the party *caudillo*", pp. 32-42; Isaacs, "Problems of democratic consolidation in Ecuador", pp. 222-223; M.S. Grindle, *Audacious reforms institutional invention and democracy in Latin America*, p. 5. On the democratisation processes in Latin America see, for example, K.L. Remmer, "The process of democratisation in Latin America" in *Studies in Comparative International Development* 27(4), Winter 1992-1993, pp. 3-24; B. Loveman, " 'Protected democracies' and military guardianship: political transitions in Latin America, 1978-1993" in *Journal of Interamerican Studies and World Affairs* 36(2), Summer 1994, pp. 105-189.

the implementation of neoliberal economic reforms.<sup>96</sup> In short, the 1980s and 1990s were to some extent business as usual in independent Ecuador, with the important exception that direct political participation was now open to every Ecuadorian after the removal of the literacy requirement for suffrage. As a result, the size of the Ecuadorian electorate expanded by one-third between the 1979 and 1984 presidential elections.<sup>97</sup>

Despite the continuation of business as usual, important new developments in Indian political and social organisation started to take place from 1980 onwards which directly challenged the traditional role, function and position of Indians in Ecuadorian society. Of particular importance was the founding of two national umbrella groups in 1980, namely the Confederación de Nacionalidades Indígenas de la Amazonía (CONFENIAE) and the Confederación de Nacionalidades Indígenas del Ecuador (CONAIE), that united Indian organisations across the country. These two groups, along with the founding of numerous smaller Indian organisations that catered for the needs of specific Indian communities, emerged in the 1980s in reaction to and as a result of a number of factors which included unrealised Indian expectations of the benefits of agrarian reform; the Church's focus on liberation theology; higher levels of educational training amongst Indians that enabled them to communicate better with the authorities; Oriente Indian opposition to the colonisation of their traditional territories; the internationalisation of the indigenous movement in South America, and the mobilisation of indigenous organisations across the Americas. After nearly 450 years of marginalisation, Indian communities and organisations started to make their presence felt in the newly "democratised" Ecuadorian society, obtaining important concessions along the way. More importantly, however, was the political "awakening" of Ecuadorian Indians in the course of the 1980s, and their collective and historically feared entrance into national politics in June 1990. The indigenous uprisings of June 1990 not only shattered traditional perceptions of the passive, humble Indian, but more significantly established

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<sup>96</sup> Martz, "Populist leadership and the party *caudillo*", pp. 43-46; Conaghan, "Capitalists, technocrats, and politicians", pp. 217-234; Isaacs, "Problems of democratic consolidation in Ecuador", pp. 223-235; J.I. Domínguez, "Latin America's crisis of representation" in *Foreign Affairs* 76(1), January/February 1997, pp. 106-108; C.M. Conaghan, "Politicians against parties: discord and disconnection in Ecuador's party system" in S. Mainwaring and T.R. Scully (eds), *Building democratic institutions: party systems in Latin America*, pp. 434-458; J.A.K. Hey, "Foreign policy options under dependence: a theoretical evaluation with evidence from Ecuador" in *Journal of Latin American Studies* 25, 1993, pp. 553-555; A. Isaacs, "Ecuador: democracy standing the test of time?" in J.I. Domínguez and A.F. Lowenthal (eds), *Constructing democratic governance: Latin America and the Caribbean in the 1990s* pp. 42-57.

<sup>97</sup> Remmer, "The process of democratisation in Latin America", p. 5.

the Indian as a political factor in contemporary Ecuadorian politics.<sup>98</sup>

After seven years of military rule, the recivilisation of Ecuadorian politics in August 1979 did little to end the traditionally unstable character of political processes in the country. Instead the brief presidential term of Jamie Roldós was beset with problems from the start with competition between Roldós and Bucarain (the leader of the CFP and the Congress) plunging their party (the CFP), Congress and the government into chaos. Their struggle had two important consequences, namely it disrupted the conduct of public affairs and immobilised the government for most of 1979 and 1980, and it led to a break within the CFP that resulted in the emergence of several splinter groups, including Roldós' own new political party, the Pueblo, Cambio y Democracia (People, Change and Democracy). While a renewed border conflict with Peru temporarily boosted Roldós' popularity in 1980, the introduction of economic reform measures in February 1981 quickly eroded the little support left for the president. However, he did not live to see civil discontent increase since he was killed in a plane crash on 24 May 1981 along with his wife and the Minister of Defence.<sup>99</sup>

Roldós was succeeded as president by his constitutional successor, Vice-President Osvaldo Hurtado, who was a member of the liberal Christian Democratic Party. Hurtado inherited a troubled economy and much of his time in office was spent implementing economic reforms and austerity measures in an attempt to save the ailing Ecuadorian economy. Though his austerity measures did ensure that the country remained credible in the eyes of the international financial community (no small achievement within the context of the 1980s Latin American debt crisis), these measures met with strong resistance from all sectors of Ecuadorian society, including the military who

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<sup>98</sup> K. Egan, "Forging new alliances in Ecuador's Amazon" in *School of Advanced International Studies Review* 16, Summer/Fall 1996, p. 130; Selverston, "The politics of culture", pp. 136-150; N.H. Hornberger, "Bilingual education policy and practice in the Andes: ideological paradox and intercultural possibility" in *Anthropology and Education Quarterly* 31(2), 2000, pp. 180-181; D.L. van Cott, "Indigenous peoples and democracy: issues for policymakers" in D.L. van Cott (ed.), *Indigenous peoples and democracy in Latin America*, pp. 6-10.

<sup>99</sup> Martz, "Populist leadership and the party *caudillo*", pp. 43-46; Isaacs, "Problems of democratic consolidation in Ecuador", p. 225; Conaghan, "Politicians against parties", p. 442; H. Handelman, "Postscript" in Handelman and Sanders (eds), *Military government and the movement towards democracy in South America*, pp. 66-69.

contemplated removing Hurtado from office.<sup>100</sup>

Hurtado was succeeded as president by Febres Cordero Rivadeviera who came to power following Cordero's narrow victory over Rodrigo Borja Cevallos in the 1984 presidential elections. As a conservative politician with a strong commitment to structural adjustment reforms, Cordero continued with and expanded austerity measures in an attempt to counter the worsening economic conditions in the country.<sup>101</sup> Politically, the Corde ro administration was characterised by serious conflicts between the executive on the one hand and Congress, the Supreme Court, the military and all opposition groups on the other hand. His lack of tolerance for opposition to his rule led to frequent humanrights abuses by national police (of which the murder of the Restrepo brothers on 8 January 1988 became the symbol),<sup>102</sup> the emergence of insurgent groups such as Alfaro Vive Carajo (Alfaro Lives Goddamit) and Montoneras Patria Libre (Montoneros for a Free Country) and their violent suppression by governmental forces; two abortive uprisings by Air Force personnel led by Gen. Frank Vargas Pazzos, and the bizarre events that took place on 16 January 1987 at the Taura Air Force Base near Guayaquil when Cordero and his entourage were held hostage for eleven hours by military forces loyal to Vargas. By 1987 civil discontent with Cordero became a serious threat to his political survival and this in turn forced him to abandon many of his austerity measures in a desperate attempt to stay in the presidency until the end of his constitutional term in office.<sup>103</sup>

<sup>100</sup> Levy and Mills, "The challenge to democratic reformism in Ecuador", pp. 6-20; C. Anglade and C. Fortin, "Accumulation, adjustment and the autonomy of the state in Latin America" in C. Anglade and C. Fortin (eds), *The state and capital accumulation in Latin America 2*, pp. 280-281; D.W. Schodt, "Austerity policies in Ecuador: Christian Democratic and Social Christian versions of the gospel" in H. Handelman and W. Baer (eds), *Paying the cost of austerity in Latin America*, pp. 176-182; Conaghan and Espinal, "Unlikely transitions to uncertain regimes?", pp. 564-565; Hey, "Foreign policy options under dependence", pp. 554-561

<sup>101</sup> J.A.K. Hey and T. Klak, "From protectionism towards neoliberalism: Ecuador across four administrations (1981-1996)" in *Studies in Comparative International Development* 34(3), Fall 1999, pp. 72-73; Schodt, "Austerity policies in Ecuador", pp. 182-186; J.D. Martz, "Ecuador: the right takes command" in *Current History* 84(499), February 1985, pp. 69-72, 84-85; *Latin American Monitor* 3: *Andean Group* 1(1), 1-31 January 1984, p. 3.

<sup>102</sup> For more details see, for example, T. van Dongen, "The Restrepo case: murky waters" in *Human Rights Quarterly* 14(3), 1992, pp. 289-302; Americas Watch and the Andean Commission of Jurists, *Human rights of Ecuador, passim*.

<sup>103</sup> J.D. Martz, "Instability in Ecuador" in *Current History* 87(525), January 1988, pp. 17-20; H. Veltmeyer, J. Petras and S. Vieux, *Neoliberalism and class conflict in Latin America: a comparative perspective on the political economy of structural adjustment*, pp. 80-81; C.M. Conaghan, *Democracy that matters: the search for authenticity, legitimacy, and civic competence in the Andes* (Project Latin America 2000 Working Paper 1), p. 7; Conaghan and Malloy, *Unsettling statecraft*, pp. 179-181.

Although Cordero succeeded in finishing his constitutional term in office, popular and electoral discontent with Cordero found expression in electoral support for the social democratic Izquierda Democrática candidate, Rodrigo Borja, who came to power in 1988 following the defeat of Abdala Bucaram in the second round of the 1988 presidential elections. The Borja administration placed a greater emphasis on foreign policy and relations in an attempt to normalise relations with Latin America and other global partners which had come under pressure during the Cordero regime.<sup>104</sup> Despite his official opposition towards neoliberal economic policies, Borja revived neoliberalism that had come to a halt during the last year of the Cordero administration. Labelling his economic policies "stabilising" and "gradual", Borja implemented a number of neoliberal reforms that aimed at reviving the country's economy. These stabilising measures resulted in widespread unpopularity, and civil and labour actions against his regime. Like before, presidential unpopularity also impacted negatively on the relationship between Borja and the Congress, especially during the second half of his term when he needed seven parties to form a congressional majority as opposed to the two during the first half of his presidential term.<sup>105</sup>

Borja's greatest political challenge, however, came from the most neglected sector of Ecuadorian society, namely its Indian population. Tired of centuries of marginalisation in which the authorities first tried to segregate them, then to incorporate them, before turning their attention to Indian integration into mainstream Ecuadorian society, along with the failure of the neoliberal "democratic" state to provide for the political, economic and cultural needs of the Indian communities, from 1990 Indians throughout Ecuador onwards started to challenge the prevailing cultural misconceptions, the neoliberal state and the notion of ethnic homogeneity in the country.<sup>106</sup> Beginning with the June 1990 *levantamiento* (uprising) in which Sierra Indians under the direction of CONAIE protested, *inter alia*, against poor market prices for agricultural products and

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<sup>104</sup> For more details see, for example, Bustamante, "Ecuador", pp. 195-219; Hey, "Ecuadorian foreign policy since 1979", pp. 73-75; United States Senate, *Trip report on Congressional Delegation Bentsen (Latin America visit of Monday, August 12, 1991 through Sunday, August 25, 1991)*, p. 31; "Joining the crowd" in *The Economist* 323(7760), 23 May 1992, p. 52.

<sup>105</sup> Hey and Klak, "From protectionism towards neoliberalism", pp. 74-77; *Latin American Monitor* 3: *Andean Group* 7(1), January-February 1990, p. 736.

<sup>106</sup> D.J. Yashar, "Democracy, indigenous movements, and the postliberal challenge in Latin America" in *World Politics* 52(1), October 1999, pp. 76-104; H. Díaz-Polanco, "Indian communities and the quincentenary" in *Latin American Perspectives* 19(3), Summer 1992, pp. 14-15; Van Cott, "Indigenous peoples and democracy", pp. 2-4.

the lack of land titles,<sup>107</sup> the Indian *levantamientos* became more pronounced in the course of the 1990s in their demand for the proper recognition of the role of Indians in Ecuadorian society, their right to pursue their own cultural development within a pluralistic state, their right to ownership of their traditional territories, and their right to control the exploitation of natural resources on their land.<sup>108</sup> The June 1990 *levantamiento* was followed in April 1992 by a thirteen day march by Oriente Indians from Puyo in the Pastaza Province to Quito. The march, organised by the Confederación de Pueblos Indígenas Pastaza (OPIP), aimed at obtaining territorial rights and greater autonomy for Oriente Indians to pursue traditional political relations within the context of a modern Ecuadorian state.<sup>109</sup>

Both the 1990 and 1992 *levantamientos* were crucial elements in the political development of Ecuador in that they changed the political debate on national level for good. Instead of the traditional poor, humble, uneducated Indian, mainstream Ecuadorian society was now confronted with proud Indian nations who demanded state recognition of their cultural, political and economic heritage. Opposing neoliberal notions of individual rights, CONAIE, OPIP and other Indian groups also demanded collective rights and local autonomy for Indian nations along with the recognition of Ecuador as a pluralistic state in which ethnic diversity should be respected and promoted. The mobilisation of Indian communities in the country in the early 1990s coincided with the quincentenary celebrations of the "discovery" of the Americas by

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<sup>107</sup> The June 1990 *levantamiento* started on 28 May 1990 when about 100 Indians took over the Santo Domingo Church in Quito. The *Levantamiento Indígena Nacional* formally lasted from 4-6 June 1990 during which time Indians blocked all the major highways, and took part in strikes, land seizures, the occupation of buildings, demonstrations and occasional hostage taking. For more information see, for example, S.M. Yáñez and J. Figueroa, *El levantamiento indígena del intiraymi de 1990*, *passim*; M.W. Hilario, "Cultural politics of indigenous peoples of Ecuador, the role of identity in the *levantamiento* of 1990" (M.A. thesis, Stanford University, 2001), *passim*.

<sup>108</sup> Egan, "Forging new alliances in Ecuador's Amazon", pp. 131-134; R.C. Dash, "Introduction: Ecuador" in *Latin American Perspectives* 24(3), May 1997, p. 8. An important aspect of Indian mobilisation in the 1990s was the reaffirmation of separate Indian cultural identities even though collective action was undertaken in the name of all the Indian nations of the country. After the 1950s the traditional "generic" Indian identity gradually made way for the re-establishment of separate cultural identities amongst the various Indian groups which, amongst other things, enabled these groups to relaunch themselves as Indian nations in the course of the 1990s. See, for example, Zamosc, "Agrarian protest and the Indian movement in the Ecuadorian highlands" pp. 56-60; T. Korovkin, "Reinventing the communal tradition: indigenous peoples, civil society, and democratisation in Andean Ecuador" in *Latin America Research Review* 36(3), 2001, pp. 37-67.

<sup>109</sup> The Oriente Indians did not disperse after reaching Quito on 23 April 1992. Instead, they camped out at Quito's central park, El Ejido, for three weeks while their leaders negotiated the specific terms of land adjudication with the Borja government. An important consequence of the march and the subsequent three week camping in the capital city, was the development of popular consensus that the Oriente Indians had the right to ownership of their land. S. Sawyer, "The 1992 Indian mobilisation in lowland Ecuador" in *Latin America Perspectives* 24(3), May 1997, pp. 65-67.

Christopher Columbus, and as such the 1990 and 1992 *levantamientos* become part of the official "500 Years of Indian Resistance" to outside rule.<sup>110</sup>

The Borja administration reacted relatively positively to the 1990 and 1992 *levantamientos*. After the 1990 *levantamiento*, Borja recognised CONAIE as the central representative of the Indian nations of Ecuador and further granted CONAIE a large decree of control over the bilingual education programme. The 1992 *levantamiento*, on the other hand, resulted in the granting of communal title to 1 115 475 hectares of land, which amounted to about 70 % of the territory that OPIP demanded title to. In addition, Borja increasingly started to refer in public to the pluralistic nature of Ecuadorian society from June 1990 onwards, thereby by implication giving Indian cultures the governmental recognition that had lacked in Ecuador since the Spanish conquest.<sup>111</sup>

Governmental recognition of traditional cultures and needs in Ecuador, however, was short-lived and declined notably during the presidential term of conservative Sixto Durán Ballén (1992-1996). Sixto Durán denounced all claims of the existence of a pluralistic Ecuadorian state, maintained that the country was one nation and that the answer to Indian problems was assimilation. He further actively sought to undermine the importance of Indian organisations; attempted to revoke the bilingual education programme, and violently suppressed all Indian uprisings (for example the June 1994 march against agrarian reform).<sup>112</sup> Opposition to Sixto Durán was not confined to the Indian groups, but included organised labour, civil society and, as usual, the Congress. A key source of discontent against Sixto Durán was his economic policies that included significant neoliberal reforms under the guise of "modernisation". The ambitious nature of the economic reforms and their impact on the people sparked off widespread opposition to his rule from various sectors within Ecuadorian society, to which Sixto

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<sup>110</sup> S. Varese, "The ethnopolitics of Indian resistance in Latin America" in *Latin America Perspectives* 23(2), Spring 1996, pp. 67-69; Egan, "Forging new alliances in Ecuador's Amazon", pp. 132-136; M. Garner, "Goodbye Columbus" in *Index on Censorship* 22(1), 1993, p. 26; B.A. Conklin and L.R. Graham, "The shifting middle ground: Amazonian Indians and eco-politics" in *American Anthropologist* 97(4), December 1995, pp. 695-698; Hilario, "Cultural politics of indigenous peoples of Ecuador", p. 1.

<sup>111</sup> Sawyer, "The 1992 Indian mobilisation in lowland Ecuador", p. 67; Selverston, "The politics of culture", pp. 141, 145-146.

<sup>112</sup> Barczak, "Representation by consultation?", pp. 48-49; "Pre-election Ecuador go-slow" in *The Economist* 322 (7740), 4.1.1992, p. 44; "Joining the crowd" in *The Economist* 323(7760), 23.5.1992, p. 52; *Latin American Monitor* 3: *Andean Group* 9(5), June 1992, p. 1024; *Latin American Monitor Andean Group* 9(6), July/August 1992, p. 1036; Egan, "Forging new alliances in Ecuador's Amazon", pp. 134-135; Selverston, "The politics of culture", pp. 146-148.

Durán responded by implementing states of emergency on four occasions and by mobilising the police and armed forces on two further occasions. In a very short period his actions made him the most unpopular Ecuadorian leader since the military dictatorship. The only period in which he briefly obtained popular and congressional support was when the long-standing border dispute with Peru erupted again in January and February 1995. While the war lasted, Sixto Durán was able to suppress popular protests in terms of the state of emergency regulations, while it further enabled him to cut subsidies, raise utility rates, and impose war and automobile taxes, without Congressional support.<sup>113</sup>

Congressional *and* popular opposition to the executive intensified during the brief term of Abdalá Bucaram (August 1996-February 1997) who succeeded Sixto Durán in 1996. In contrast to his election campaign in which he presented himself as a new messiah with the ability to address all ills in Ecuadorian society, Bucaram proved incapable of solving the numerous crises in the country. Unpopular economic reforms implemented shortly after he came to power, further ensured that he quickly lost what little support he had. His only real achievement, in theory at least, was the creation of a national Truth and Justice Commission on 17 September 1996 to investigate human rights abuses in Ecuador since 1979. The usefulness and effectiveness of this Commission, however, was short-lived and by 3 February 1997 the Commission had broken all ties with the government. Two days later, on 5 February 1997, a collective strike supported by more than 300 social and labour organisations brought over two million people to the streets to protest against the president, with opposition to Bucaram culminating late in February 1997 in Congress' impeachment of him, citing a lack of mental capability.<sup>114</sup>

Bucaram was succeeded by the Congressional appointee, Fabián Alarcón, who acted as interim president between February 1997 and August 1998. Alarcón legitimised his

<sup>113</sup> Hey and Klak, "From protectionism towards neoliberalism", pp. 78-80; Isaacs, "Ecuador", p. 46; Barczak, "Representation by consultation?", pp. 49-50; Conaghan and Malloy, *Unsettling statecraft*, pp. 228-229; Organisation of American States, *Report on the situation of human rights Ecuador*, pp. 5-6, 12-13; Hey, "Ecuadorian foreign policy since 1979", pp. 76-77; Palmer, "Peru-Ecuador border conflict", pp. 119-123.

<sup>114</sup> Organisation of American States, *Report on the situation of human rights in Ecuador*, pp. 9-10; Barczak, "Representation by consultation?", p. 50; De la Torre, "Populism and democracy", pp. 15-19; M. Pearlman, "More than meets the media eye" in *NY Transfer News Collective*, <<http://www.hartford-hwp.com/archives/42a/001.html>>, 18.2.1997; A. Gerlach, *Indians, oil, and politics: a recent history of Ecuador*, pp. 81-101.

tenure of office through a referendum held in May 1997 in which the electorate was asked to cast a verdict on Bucaram's removal from office by Congress, the appointment of Alarcón, and whether or not they wanted a new constitution for the country. Voters agreed on all three referendum questions, leaving Alarcón the task of convening a constituent assembly in 1998. An important aspect of this constitutional process was the role played by Indian politicians from both CONAIE and the Indian-based political party, Movimiento Popular Democrático y una parte de Pachakútik (Pachakútik) that had obtained 10% of Congressional seats during the 1996 elections.<sup>115</sup> The 1998 Ecuadorian constitution reflected the views of the Indian delegates by affording Indian peoples a whole series of rights that included, *inter alia*, the right of Indian communities to maintain and develop their cultural and economic traditions; to conserve community lands; to maintain possession of ancestral community lands; to participate in the use, administration and conservation of renewable natural resources found on their land, and to be consulted on the exploitation of non-renewable natural resources in their territories. The new constitution further recognised Afro-Ecuadorians as an integral part of Ecuadorian society, granting them "peoples" status which connotes a political community with the right to self-determination under international law. Alarcón proved to be only slightly better than the Bucaram regime that preceded him, which in turn led to clashes with the Congress, a high turnover of ministers (many removed through Congressional impeachment) and the continuation of the economic crisis that was exacerbated by El Niño storms, floods and landslides in 1998.<sup>116</sup>

Alarcón's successor, Jamil Mahuad, who came to power in August 1998 following presidential elections, inherited a dismal economy and a highly politicised and agitated civil society. Having promised "to leave the crisis behind" during his election campaign, Mahuad set out to rescue the Ecuadorian economy by implementing reform measures which only exacerbated the economic crisis to the point at which the Ecuadorian

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<sup>115</sup> Barczak, "Representation by consultation?", p. 50; "Now for the hard part" in *The Economist* 348 (8077), 18.7.1998, p. 54; M. Gonzalez, "Indians demand recognition as autonomous nationalities", <<http://www.hartford-hwp.com/archives/41/108.html>>, 13.3.1998; M. Eisner, "Ecuador: caught in the stalemate of crises" (M.A. thesis, Stanford University, 2001), p. 46.

<sup>116</sup> "Now for the hard part" in *The Economist* 348 (8077), 18.7.1998, pp. 50-55; S.A. McConnell, "Ecuador's centrifugal politics" in *Current History* 100 (643), February 2001, pp. 74; S.J. Anaya and R.A. Williams, "The protection of indigenous peoples' rights over lands and natural resources under the Inter-American Human Rights System" in *Harvard Human Rights Journal* 14, Spring 2001, pp. 62-63; Gerlach, *Indians, oil, and politics*, pp. 107-113; D.L. van Cott, "Latin America: constitutional reform and ethnic right" in *Parliamentary Affairs* 53(1), 2000, pp. 50-51.

economy collapsed in 1999. As a result, civil discontent with the presidency and political instability reached new heights, and by mid-1999 the Mahuad administration were struggling to retain control over Ecuador as numerous communities around the country started to take justice into their own hands. Probably the only political success of his administration, depending on one's perspective, was the fact that Mahuad resolved the border conflict with Peru in 1998. In terms of the agreement, Ecuador relinquished all claims to the disputed Amazonian territory in return for guaranteed Ecuadorian access to Amazon River ports. While this step was initially supported by over 60 % of the Ecuadorian population, it gradually became a major source of political discontent with the Mahuad regime.<sup>117</sup>

Political discontent with Mahuad reached an all-time high after he announced in January 2000 that Ecuador would fully dollarise its economy. This announcement was met with widespread unrest and repeated calls for his removal, to which the government responded by declaring a state of emergency. Repression, however, could not contain opposition to Mahuad who was deposed on 21 January 2000 in a coup led by the Indian community with the backing of the military. The coup brought a triumvirate consisting of CONAIE leader, Antonio Vargas, a military representative, Gen. Carlos Mendoza, and a former Supreme Court judge, Carlos Solórzano, to power for a few hours. After intense international opposition, Mendoza resigned from the triumvirate, and handed over the presidency to Mahuad's vice-president, Gustavo Noboa.<sup>118</sup>

Despite early opposition to Noboa from the ranks of Indian leaders who felt that the military had betrayed them (CONAIE gave Noboa a six-month truce in which to address its grievances), Noboa succeeded in implementing much-needed economic reforms without generating the same levels of discontent than his predecessors did.

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<sup>117</sup> McConnell, "Ecuador's centrifugal politics", pp. 74-75; J.A. Lucero, "High anxiety in the Andes: crisis and contention in Ecuador" in *Journal of Democracy* 12(2), April 2001, pp. 62-63; Eisner, "Ecuador", p. 1; K. Lucas, "Indigenous groups take justice into own hands", <<http://www.hartfordhwp.com/archives/41/102.html>>, 10.9.1999.

<sup>118</sup> "Ecuadorian cabinet out" in *BBC News*, <[http://news.bbc.co.uk/hi/english/world/americas/newsid\\_596000/596931.stm](http://news.bbc.co.uk/hi/english/world/americas/newsid_596000/596931.stm)>, 10.1.2000; "Bank approves Ecuador dollar plan" in *BBC News*, <[http://news.bbc.co.uk/hi/english/world/americas/newsid\\_598000/598447.stm](http://news.bbc.co.uk/hi/english/world/americas/newsid_598000/598447.stm)>, 11.1.2000; "Coup declared in Ecuador" in *BBC News*, <[http://news.bbc.co.uk/hi/english/world/americas/newsid\\_614000/614331.stm](http://news.bbc.co.uk/hi/english/world/americas/newsid_614000/614331.stm)>, 22.1.2000; "Ecuador coup condemned" in *BBC News*, <[http://news.bbc.co.uk/hi/english/world/americas/newsid\\_614000/614434.stm](http://news.bbc.co.uk/hi/english/world/americas/newsid_614000/614434.stm)>, 22.1.2000; "Ecuador Indians angry at 'betrayal'" in *BBC News*, <[http://news.bbc.co.uk/hi/english/world/americas/newsid\\_615000/615459.stm](http://news.bbc.co.uk/hi/english/world/americas/newsid_615000/615459.stm)>, 23.1.2000; Gerlach, *Indians, oil, and politics*, pp. 163-202.

Shortly after coming to power, he announced that dollarisation and privatisation would continue, and with the help both the Popular Democracy and Social Christian parties managed to push major economic reforms through Congress, known as the Laws of Economic Transformation, that lessened the severity of the economic crisis and managed to re-establish faith in the country amongst foreign debtors.<sup>119</sup>

Noboa pursued an ambiguous relationship with the Indian organisations and their leaders. On the one hand, with the backing of the military, he used greater force to suppress Indian unrest and opposition to the government, which at times resulted in the deaths of Indian protesters and the suppression of media freedom to report on such acts of repression. On the other hand, Noboa, two state officials and six presidents of national Indian and peasant federations signed a 23-point agreement on 6 February 2001 that, *inter alia*, afforded the Indian communities greater governmental protection against economic crises and poverty and greater recognition of the importance of Indian communities in Ecuadorian society.<sup>120</sup>

Noboa was succeeded as president by the former army colonel, Lucio Gutierrez in December 2002, following presidential elections in October and November in which Gutierrez defeated the banana magnate, Alvaro Noboa. Gutierrez entered the political scene in January 2000 when he and his troops violated their order to dispersed Indian demonstrations in Quito by joining these demonstrations against Muñuz, setting up mobile army kitchens to feed the protesters and by allowing them to take over the Congress building. After the coup, Gutierrez was expelled from the army and jailed for six months for his participation in the coup, before turning his attention to politics. His election victory in November 2002 was very significant in that it represents the defeat of both the traditional political elite and traditional political parties which had been in control of the country since independence.<sup>121</sup>

<sup>119</sup> McConnell, "Ecuador's centrifugal politics", pp. 76-66; K. Lucas, "Power is not indigenous goal, says leader", <<http://www.hartford-hwp.com/archives/41/116.html>>, 2.2.2000; Lucero, "High anxiety in the Andes", pp. 60, 68.

<sup>120</sup> Lucero, "High anxiety in the Andes", pp. 68-70; International Work Group for Indigenous Affairs, *The Indigenous world 2000/2001*, pp. 120-124.

<sup>121</sup> "Ecuador face battle of outsiders" in *BBC News*, <<http://news.bbc.co.uk/2/hi/americas/2343239.stm>>, 21.10.2002; "Lucio Gutierrez: Ecuador's populist leader" in *BBC News*, <<http://news.bbc.co.uk/2/hi/americas/2511113.stm>>, 25.11.2002; "Ecuador set for fresh IMF funds" in *BBC News*, <<http://news.bbc.co.uk/2/hi/business/2738791.stm>>, 7.2.2003.

However, Gutierrez's new brand of mass-based populism that managed to win the support of trade unions, Indian groups and the majority of the 60% of Ecuadorians who live in poverty, has had to come to grips with the realities of the Ecuadorian economy shortly after Gutierrez was inaugurated on 15 January 2003. Consequently, Gutierrez had been forced to move away from his opposition to the International Monetary Fund policies in an attempt to rescue the ailing Ecuadorian economy and to secure much-needed foreign loans. This change in Gutierrez's economic policies has proved very unpopular with his support base, and resulted in August 2003 in a formal break between him and CONAIE and Puchakútik.<sup>122</sup>

Although his term in office has so far been short, Gutierrez, like the current (2003) president in Nigeria, Gen. Olusegun Obasanjo, has learned in the past few months that there is no quick fix for his country's multiple problems, and that moving beyond a historical legacy of political instability, economic decline and ethnic minority marginalisation in Ecuador, as is the case in Nigeria, will take far longer than just one presidential term. Whether or not he will in fact be allowed by the Indian movement to finish just his current term, however, is an open question.

### **2.3 A POLITICAL HISTORY OF NIGERIA**

The first Europeans to visit the Nigerian coast were the Portuguese explorers who established diplomatic relations with the King of Benin in the 1480s. Missionaries and traders, especially slave traders, followed shortly after, thereby increasing the interaction between the coastal ethnic groups in pre-colonial Nigeria and the European powers. Intensive rivalry between European powers over control of the trans-Atlantic slave trade, especially between 1640 and 1750, led to the first wave of European political expansion into West Africa through the establishment of fortresses and trading posts along the coastline to protect their commercial interests. Due to its supremacy at sea and political instability on the European continent, Britain emerged as the dominant European commercial power along the West African coastline by the beginning of the

<sup>122</sup> "Ruling alliance breaks up" in *Weekly Update on the Americas* <[http://www.americas.org/news/nir/20030810\\_ruling\\_alliance\\_breaks\\_up.asp](http://www.americas.org/news/nir/20030810_ruling_alliance_breaks_up.asp)>, 8.10.2003.

nineteenth century.<sup>123</sup> (See map N-1.)

The decision by Britain to abolish the slave trade in 1807 directly increased British interaction with West Africa through the patrols it sent to this region to enforce the British ban. Despite these attempts, the slave trade continued well into the 1840s when a drop in demand for slaves in the Americas brought this trade to an end. After the slave trade ban, pre-colonial British exploitation of Nigeria shifted away from trade in humans to trade in palm oil. The establishment of "legitimate trade" in the nineteenth century was a gradual process facilitated by individual merchants, trading firms and chartered companies such as the Royal Niger Company. The rise in the importance of palm oil produce in Europe contributed to the expansion of the existing trade in palm oil with the Niger Delta contributing the bulk of palm oil which led to it being called the Oil Rivers. From 1830 onwards, the frontier of commercial opportunities gradually shifted from the coast to the Nigerian hinterland after the European discovery that the Niger River entered the Bight of Benin. This discovery, along with the invention of steamships and the use of quinine as an antidote for malaria facilitated the penetration of the Nigerian interior by traders and missionaries, thereby paving the way for British colonisation of this area.<sup>124</sup>

### 2.3.1 POLITICS IN COLONIAL NIGERIA

British control of Nigeria started in 1861 with the annexation of Lagos as a crown colony, initially placed under the direct control of the Governor of the Gold Coast until 1886 when it became a separate crown colony. The Berlin Conference (1884-1885) acknowledged British claims over the Niger Delta and paved the way for the establishment of the Oil Rivers Protectorate in 1885. The expansion of British interests into the interior after 1885, led to the formal extension of British control over western and eastern Nigeria, which were incorporated into the renamed Niger Coast Protectorate

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<sup>123</sup> E.W. Nafziger, *The economics of political instability: the Nigerian-Biafran war*, pp. 28-29; Central Office of Information, *Nigeria: the making of a nation*, p. 6; R.L. Sklar, *Nigerian political parties: power in an emergent African nation*, p. 16.

<sup>124</sup> J.S. Coleman, *Nigeria: background to nationalism*, pp. 40-42; M. Perham, "General introduction: the country. Outline of political and economic development" in D. Forde and R. Scott (eds), *The native economies of Nigeria*, p. 6; L.I. Izuakor, "Patterns of pre-colonial exploitation" in T. Falola (ed.), *Britain and Nigeria: exploitation or development?*, p. 42.

in 1893.<sup>125</sup> The latter was controlled and administered on behalf of Britain by the Royal Niger Company which was granted a Royal Charter in 1886 "to administer, make treaties, levy customs and trade in all territories in the basin of the Niger and its affluents".<sup>126</sup> The charter of the Royal Niger Company was revoked in 1900 and the Niger Coast Protectorate, renamed Southern Nigeria, along with the Lagos Colony was placed under direct control of London. In 1906 these two regions were combined into the Colony and Protectorate of Southern Nigeria. Britain's "creeping" colonisation of Nigeria culminated in 1900 with the establishment of the Protectorate of Northern Nigeria on 1 January 1900.<sup>127</sup>

The formal extension of British control over Nigeria between 1861 and 1900 did not translate into Britain exerting direct control over all the peoples of this territory. The British colonisation process in Nigeria was marked by strong resistance from local ethnic groups which necessitated punitive expeditions and patrols such as the Benin City Expedition (1897) and the Sabagreia Expedition (1903). These expeditions served three important purposes, namely of conquering local opposition to colonial rule, the establishment of local colonial administration in the districts and the obtaining of geographical information used in the mapping of the colonies and their internal boundaries. By 1905 most of what is today known as Nigeria was brought under direct British control, although some groups in eastern and northern Nigeria continued with their resistance to British colonial rule well into the 1910s.<sup>128</sup>

According to Crowder the period from 1906 to 1912 was one of the most crucial in Nigerian history since it marked both the beginning of effective British administration in the territory and the onset of the rejection of traditional standards and customs that had been in place for centuries.<sup>129</sup> Despite the fact that Britain laid emphasis on the

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<sup>125</sup> Central Office of Information, *Nigeria*, pp. 7-8; Coleman, *Nigeria*, pp. 41-42; Sklar, *Nigerian political parties*, p. 17; R.S. Jordan, *Government and power in West Africa*, pp. 298-299.

<sup>126</sup> M. Perham, *Native administration in Nigeria*, p. 3.

<sup>127</sup> Central Office of Information, *Nigeria*, p. 8; L.I. Izuakor, "Quest for further exploitation: British colonial occupation of Nigeria" in Falola (ed.), *Britain and Nigeria*, p. 55.

<sup>128</sup> M. Crowder and G. Abdullahi, *Nigeria: an introduction to its history*, pp. 139-151; B. Onimode, *Imperialism and underdevelopment in Nigeria: the dialectics of mass poverty*, pp. 31-36; T.N. Tamuno, *The evolution of the Nigerian state: the Southern phase, 1898-1914*, pp. 42-44. For a description of expeditions in Southern Nigeria between 1904 and 1907 see, for example, E.A. Steel, "Exploration in Southern Nigeria" in *The Geographical Journal* 32(1), July 1908, pp. 6-25.

<sup>129</sup> M. Crowder, *The story of Nigeria* (1966 edition), pp. 232-233.

humanitarian aspects of its colonial endeavours in Nigeria, which were strongly influenced by the then prevailing Social Darwinistic perceptions of European superiority and African savagery, the primary focus of the British in the early phase of Nigerian colonialism was economic. European political control had limited cultural impact on the majority of Nigerian society and, apart from the missionaries, there was no deliberate attempt to alter traditional societies except when they hindered trade or were involved in the slave trade or human sacrifices which the British found unacceptable. From 1906 to 1912, however, the introduction of effective administration in Nigeria subjected large portions of Nigerian society to Western influences, altered the economic base of pre-colonial Nigeria, introduced large parts of the western and eastern regions to Christianity, introduced new forms of administration and justice, and made Western style education available to more people than before.<sup>130</sup>

The decision to unify Northern and Southern Nigeria dates back to 1911 when logistical difficulties in the construction of a railway line between Baro and Kano emphasised the need for greater political co-operation between the two Nigerias. The financial benefits of unification were also an important motivation for Britain since it was hoped that the financially prosperous Southern Nigeria would be able to relieve the Imperial Treasury from the burden of making annual grants to Northern Nigeria. It was therefore argued that within a united Nigeria southern revenues could be used to finance the colonial administration in the north. The amalgamation process began in 1912 with the appointment of Sir Frederick Lugard as governor of both Northern and Southern Nigeria. Lugard dismissed proposals to divide the country into numerous smaller states on the grounds that it would pose a threat to traditional governance and that it would result in excessive expense for the British government. Amalgamation came into effect on 1 January 1914 with the proclamation of the Colony and Protectorate of Nigeria.<sup>131</sup> (See map N-2.)

The fusion of the north and the south into a single political unit did not result in administrative unification. At the time of amalgamation vast disparities existed not only

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<sup>130</sup> *Ibid.*; D. Mou and F. Vivekananda, *New hopes but old seeds: the political economy of capital accumulation, state, national development, agrarian transformation and the Nigerian peasantry*, p. 168.

<sup>131</sup> A.N. Cook, *British enterprise in Nigeria*, pp. 191-193; Jordan, *Government and power in West Africa*, p. 299.

between Northern and Southern Nigeria, but especially between the various districts in Southern Nigeria. In Northern Nigeria, Lugard implemented a system of indirect rule in which the emirs of the Fulani Empire became the instruments of colonial rule. In essence, indirect rule in this region aimed at preserving traditional political institutions, while slight modifications were made by consolidating the traditional series of taxes into a single tax and by the creation of a Native Treasury (Beit-eI-Mal) within each emirate which *inter alia* was used for the salaries of the emirs and their officials. Indirect rule therefore ensured the continuation of highly centralised, hierarchically organised authoritarian states in which women were excluded from political processes. Northern Nigerian ethnic groups outside and on the fringes of the Fulani Empire were subjected to the same system of indirect rule regardless of whether or not their traditional political systems supported a chief with authoritarian powers. Furthermore, minority groups such as the Kilba of Adamawa found themselves marginalised in Native Authorities, which were dominated by the Hausa-Fulani whom the colonial administration preferred to employ.<sup>132</sup>

The British also employed variations of indirect rule in south-western and south-eastern Nigeria. Lagos retained its status as British colony until 1951 with its inhabitants considered as British subjects who owed allegiance to the British crown. In the western parts of Southern Nigeria, the kings of the Yoruba and Edo states continued to rule over their subjects, but under the supervision of British administrators. Though the British preserved the pre-colonial traditional political structures in these areas, they significantly altered traditional political authority by removing the traditional checks-and-balances which held Yoruba and Edo kings at bay. By focusing on the executive role of the King, the British gave him authority that he never possessed in the traditional system, and British support ensured the continuation of a king's rule regardless of the wishes of his subjects.<sup>133</sup> Within the Yoruba states, colonial rule negatively affected the political influence of women in two important ways, namely by reducing their central role in the economy, which threatened their political and social status, and by initially excluding women from direct participation in the political decision-making process,

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<sup>132</sup> Crowder and Abdullahi, *Nigeria*, pp. 154-155; Coleman, *Nigeria*, p. 51; U. Okpu, *Ethnic minority problems in Nigerian politics: 1960-1965*, pp. 43-44.

<sup>133</sup> Crowder and Abdullahi, *Nigeria*, p. 152; Coleman, *Nigeria*, p. 51; Crowder, *The story of Nigeria*, p. 236.

which was regarded as a male domain by the British.<sup>134</sup>

In contrast to the centralised traditional political systems in western and northern Nigeria, the pre-colonial political structures of the Ibo and many of their neighbours such as the Ibibio, Ijo and Ogaja in eastern Nigeria, were characterised by political decentralisation. Instead of integrating their societies into a larger empire or state, these ethnic groups organised themselves into small, autonomous and politically equivalent groups. Traditional governance in most of the east was therefore ill-suited to traditional British indirect rule. In order to address the absence of traditional political systems that yielded influence and control over a wide geographical area, the British instituted a system of Native Courts and warrant chiefs. Individuals from local communities, on the assumption that they were chiefs, were given warrants to sit in the Native Courts to judge cases – hence the designation of these warrant holders as warrant chiefs.<sup>135</sup> The warrant chief system undermined traditional political authority in eastern Nigerian since, more often than not, it vested political authority and power in individuals with low social and political status in their own communities. It further threatened the democratic and inclusive political decision-making processes, gave minority groups a taste of majority domination since most Native Courts served more than one clan and at times ethnic groups, and brought warring clans and villages together within the same administrative and judicial structure. As was the case with women in the western region, colonial rule undermined the pre-colonial political power of women in eastern Nigeria by excluding them from political and judicial processes, by banning their powerful women's organisations and by inviting and facilitating European male infiltration of their economic systems – systems in which women traditionally wielded a great deal of power and control.<sup>136</sup>

After amalgamation Lugard set out to implement Northern-style indirect rule in the

<sup>134</sup> For more details see C. Johnson, "Grass roots organising: women in anticolonial activity in south-western Nigeria" in *African Studies Review* 25(2/3), June/September 1982, pp. 137-157; A. Mama, "Sheroes and villains: conceptualising colonial and contemporary violence against women in Africa" in M.J. Alexander and C. Mohanty (eds), *Feminist genealogies, colonial legacies, democratic failures*, pp. 48-49.

<sup>135</sup> E. Isichei, *A history of the Igbo people*, pp. 142-144; A.E. Afigbo, *The warrant chiefs: indirect rule in southeastern Nigeria 1891-1929*, pp. 6-8.

<sup>136</sup> Isichei, *A history of the Igbo people*, pp. 141-144; Crowder, *The story of Nigeria*, p. 236; Mama, "Sheroes and villains", pp. 40-44; I. Amadiume, *Male daughters, female husbands: gender and sex in an African society*, pp. 119-143; I. Berger and E.F. White, *Women in sub-Saharan Africa: restoring women to history*, pp. 102-110.

western and eastern regions, paying particular attention to the introduction of direct male taxation which was first extended to Yorubaland, Egbaland and Benin in 1916 and was generally in use by 1920 in the western parts of the colony.<sup>137</sup> In eastern Nigeria, however, the colonial government delayed the imposition of direct taxation until 1928. This decision was met with strong resistance in many eastern districts, culminating in the female-led Aba Riots of 1929.<sup>138</sup> These riots served as a wake-up call for the British and resulted in radical reforms being made to the colonial administration of eastern Nigeria in which the Native Court and warrant chiefs system was replaced with indigenous local authorities, most of which consisted of group, clan or village councils.<sup>139</sup>

The British colonial focus on traditional political authority and structures neglected to accommodate the political aspirations of the emerging educated elite. Armed with a Western education provided mostly by missionary societies, who up till 1942 controlled 99% of all Westernised schools in the colony, educated Nigerians were frustrated by the reluctance of the colonial authorities to entrust the educated elite with real political power. Instead, the British opted to employ educated Nigerians in salaried positions within the colonial administration. The challenge of and opposition to colonial rule from the ranks of the educated elite were mostly confined to Southern Nigeria due to the colonial government's decision to limit the work of Christian missionary societies in the north to the non-Islam parts. Amongst the northern Muslim communities, education was mostly provided for by the Koranic schools with their focus on religious education as opposed to the Westernised education that prevailed in other parts of the colony. The British protection and promotion of Islamic culture and values in Northern Nigeria had two important consequences. Firstly, it created a gap in education levels between the north and the south, which continues to this day, and which in turn opened up administrative and other skilled job opportunities in the north to educated southerners. Secondly, a general lack of Westernised education coupled with strong, centralised

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<sup>137</sup> Cook, *British enterprise in Nigeria*, pp. 201-202.

<sup>138</sup> The Aba Riots of 1929 were sparked off by rumours that women would also be taxed. These riots developed into protests against taxation, the extortions of the warrant chiefs who were known to abuse their British granted authority, and the Native Courts. This spontaneous protest movement was met with strong and violent resistance by the British, with soldiers firing on the women in eight different centres, killing 55 women in the process. Isichei, *A history of the Igbo people*, pp. 150-155; Afigbo, *The warrant chiefs*, pp. 207-248; W. Ademoyega, *The Federation of Nigeria: from earliest times to independence*, p. 114.

<sup>139</sup> Isichei, *A history of the Igbo people*, pp. 155-159; Crowder and Abdullahi, *Nigeria*, pp. 160-161.

traditional political control in the north meant that nationalist opposition to colonial rule was at first confined to the western and eastern regions of the colony. This in turn ensured that politics in the north continued to be dominated by traditional rulers who benefited directly from British colonial rule, while Southern Nigeria underwent a gradual process of political reform from the 1920s onwards due to nationalist agitation.<sup>140</sup>

The development of modern nationalism in Nigeria, aimed at self-government and independence of the colony as a nation-state, was influenced by a number of individuals and factors. These include Edward Wilmot Blyden (the West Indian who sought the cultural emancipation of black people), the Liberian newspaper editor John Payne Jackson (who constantly attacked British colonial administration), Pan-Africanism as propagated by both W.E.B. du Bois and Marcus Garvey, the First World War (especially statements by the USA's President Woodrow Wilson and the British Prime Minister Lloyd George on the right to self-determination), the popular press in Nigeria that facilitated the awakening racial and political consciousness amongst educated Nigerians, and the publication of nationalist literature which highlighted ethnic histories, cultures and values.<sup>141</sup>

Nationalism in British West Africa found expression after the First World War in the founding of the National Congress of British West Africa in 1920 under the leadership of Casely Hayford from the Gold Coast (today Ghana). This organisation aimed at negotiating a measure of participation by educated people in the existing colonial governments, and not at self-government for the British territories. Sir Hugh Clifford, as governor of Nigeria, strongly opposed the ideas propagated by the National Congress as well as any notion of the possibility of a Nigerian nation. However, despite his opposition, Clifford did introduce constitutional changes in 1922 that were implemented in 1923. The Clifford-constitution allowed for the direct participation of educated Nigerians in the political processes of Southern Nigeria and the Lagos Colony through

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<sup>140</sup> R. Stock, *Africa south of the Sahara: a geographical interpretation*, p. 370; Central Office of Information, *Nigeria*, p. 22; S.J.S. Cookey, "Colonialism and the process of underdevelopment in Nigeria: a review" in V.C. Uchendu (ed.), *Dependency and underdevelopment in West Africa*, pp. 22-23; Okpu, *Ethnic minority problems in Nigerian politics*, pp. 48-50; F. Pedler, *Main currents of West African history 1940-1978*, p. 23; Information supplied by Ben Naanen, Port Harcourt, 22.6.2001.

<sup>141</sup> Coleman, *Nigeria*, pp. 169-170; Crowder, *The story of Nigeria*, pp. 253-254.

the election of four black members to the newly formed Legislative Council. Several political parties were formed in the run-up to the 1923 elections in which the Nigerian Democratic Party under the leadership of Herbert Macaulay won all three seats for Lagos.<sup>142</sup> These limited constitutional reforms were not implemented in Northern Nigeria, thereby ensuring the preservation of separate political identities in the colony and a general lack of identification by the north with the greater Nigeria. The 1939 split of Southern Nigeria into two separate provinces, namely the Eastern and Western provinces further entrenched the regionalisation of Nigerian politics by the British authorities.<sup>143</sup> (See map N-2.)

Like elsewhere in Africa, the Second World War stimulated the growth of Nigerian nationalism into a more militant nationalism based upon the principles of racial equality and national self-determination. Up to 1945, the Nigerian nationalist movement was characterised by multi-ethnic co-operation. After the war, however, political processes were increasingly dominated by ethnic nationalism that resulted from the competition between the three dominant ethnic groups (the Hausa-Fulani, the Yoruba and the Ibo) over access to both political power and the material benefits of modernisation. Due to overpopulation in the Eastern province, Ibo migration into the Western and Northern provinces further threatened the vested political and economic interests of both the Hausa-Fulani and the Yoruba which in turn provided further impetus for ethnic nationalism amongst the latter two groups.<sup>144</sup>

Eastern Nigerian politics were dominated by the National Council for Nigeria and the Cameroons (NCNC), led by Nnamdi Azikiwe and based predominantly on Ibo support, which advocated a united Nigeria. In Western Nigeria, the Action Group (AG) under the leadership of Obafemi Awolowo dominated political processes, and educated Yorubas in turn dominated the AG. In reaction to the Ibo diaspora that threatened Yoruba interests, the AG advocated the right of every ethnic group to autonomous

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<sup>142</sup> J.H. Price, *Political institutions of West Africa*, pp. 28-29; Coleman, *Nigeria*, pp. 192-200; Crowder, *The story of Nigeria*, pp. 255-258. Franchise was open to all males with an income of £100 or higher. Pedler, *Main currents of West African history 1940-1978*, p. 26.

<sup>143</sup> T.N. Tamuno, "Separatist agitations in Nigeria since 1914" in *The Journal of Modern African Studies* 8(4), 1970, p. 566; Sklar, *Nigerian political parties*, p. 18.

<sup>144</sup> Nafziger, *The economics of political instability*, pp. 33-34; Okpu, *Ethnic minority problems in Nigerian politics*, p. 64; Sklar, *Nigerian political parties*, p. 18.

development and non-interference in each other's affairs as prerequisites for peace and unity in the colony. The Northern People's Congress (NPC) dominated politics in the north. Its nominal leader was the Sardauna of Sokoto, Ahmadu Bello, and its political spokesperson Abubakar Tafawa Balewa. The NPC's powerbase was situated in Hausa-Fulani support and based upon the slogan "one north, one people, one destiny". Ethnic minorities responded to this majority ethnic nationalism by organising themselves into ethnic, cultural and political bodies, in order to assert themselves vis-à-vis the major ethnic groups. The most important ethnic minority movements and political organisations during the decolonisation process were the Mid-West State Movement (west), the Calabar-Ogoja-Rivers State Movement (east) and the United Middle Belt Congress (north).<sup>145</sup>

The Nigerian decolonisation process lasted fifteen years and started in June 1945 when seventeen trade unions called on 30 000 government workers to go on strike in protest of colonial rule. Britain responded to nationalist opposition to colonial rule by implementing constitutional reforms, beginning with the 1946 Richards Constitution (named after the Governor, Sir Arthur Richards, 1943-1947). This constitution made provision for a Legislative Council which became the legislature for the whole country, and the creation of Houses of Assembly in each region and a House of Chiefs in the Northern region. To the frustration of the educated elite, representatives selected by the native authorities dominated the Regional Houses of Assembly, they had no legislative powers and performed a predominantly consultative role. The only real success of this constitution was the inclusion of the Northern region into mainstream Nigerian political processes.<sup>146</sup>

In contrast to the colonial government's view that the 1946 constitution would be sufficient for a period of nine years, non-traditional nationalist leaders agitated for its replacement soon after it was implemented. As a result, Richards's successor, Sir John McPherson, announced its replacement in 1948, along with the policy of Africanisation

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<sup>145</sup> Price, *Political institutions of West Africa*, pp. 86-87; Okpu, *Ethnic minority problems in Nigerian politics*, pp. 61-64; Nafziger, *The economics of political instability*, p. 34.

<sup>146</sup> J.F.A. Ajayi and A.E. Ekoko, "Transfer of power in Nigeria: its origins and consequences" in P. Gifford and W.M.R. Louis (eds), *Decolonisation and African independence: the transfer of power, 1960-1980*, pp. 245-249; Pedler, *Main currents of West African history 1940-1978*, pp. 28-29; Jordan, *Government and power in West Africa*, p. 30; Central Office of Information, *Nigeria*, pp. 28-30.

of the Nigerian civil service in which no expatriate could be appointed in any position for which a qualified Nigerian was available. The review of the 1946 constitution was marked by inclusive political discussions between the colonial authorities and the three dominant political parties, which in turn directly contributed to the growth of ethnic nationalism and the strong regionalism of national politics based upon the interests of the three dominant ethnic groups. These discussions culminated in the implementation of the McPherson-constitution in 1951, which made provision for a central legislature, three regional legislatures and three councils of ministers. An important new development was the introduction of population size as a determinant of the ratio of representation in the central legislature between the three regions. As a result, the Northern region, with its huge population, obtained 50 % of the seats in this legislature.<sup>147</sup>

The McPherson Constitution did not meet the expectations of the educated nationalist leaders who criticised the continuation of indirect elections in some parts of the colony (especially in the north), the entrenchment of elements of traditional political authority and its failure to implement self-government. Internal party conflict within the NCNC, conflict between the AG and the British administration, conflict between the British and nationalist leaders, a controversial 1952 census, and northern opposition to eastern and western pre-occupation with self-government, followed the implementation in 1951 of the McPherson Constitution.<sup>148</sup> As a result the British started another round of constitutional discussions in 1953 in which debates were dominated by insistence from the AG and NCNC for independence by 1956, despite strong northern opposition, and conflict regarding the position of Lagos and the possibility of secession. The constitutional discussions resulted in the implementation of the Littleton Constitution in 1954 that was based upon the commitment (from both the British and the nationalists) to maintain Nigeria as a political unit, but within a federal state, thereby replacing the existing unitary approach. It further allowed for greater regional autonomy in which residual powers were vested, the re-allocation of revenue on the principle of derivation, and provision was made for the different regions to achieve self-government at different

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<sup>147</sup> Central Office of Information, *Nigeria*, p. 30; Ajayi and Ekoko, "Transfer of power in Nigeria", pp. 249-254; Jordan, *Government and power in West Africa*, pp. 301-302; Tamuno, "Separatist agitation in Nigeria since 1914", pp. 557-558.

<sup>148</sup> Ajayi and Ekoko, "Transfer of power in Nigeria", pp. 254-256.

times. In the 1954 elections for the federal House of Representatives, the NPC emerged as the strongest political party. A coalition was formed with the NCNC shortly thereafter which left the NPC-NCNC coalition in control of 140 seats out of 184 seats in the federal parliament, and thus also in control of the federal government.<sup>149</sup>

The regionalisation of the nationalist movement and the emergence of the three dominant ethnic-based political parties that dominated the decolonisation process in Nigeria, directly contributed to the emergence of ethnic minority problems in the course of the 1950s. Historically, the British are to blame for creating ethnic minority problems in the colony through the implementation of colonial policies that encouraged parochialism, by determining boundary lines to suit colonial administration rather than ethnic needs, and by dividing Nigeria into three large and powerful regions that were each dominated by a single majority group. The decolonisation process granted these majority groups even greater political power which increased with every constitutional reform implemented from 1946 to 1957.<sup>150</sup>

Despite the fact that the dominant regional majorities tried to downplay the fears of the various ethnic minorities in their regions, impending independence created fears and insecurity amongst minority groups which could no longer be ignored. As a result, in September 1957 the British appointed a Commission of Enquiry into Minority Fears, chaired by Sir Henry Willink, to examine the problem and to propose ways to address these fears. In all the regional submissions made to the Willink Commission, the dominant group of each region was accused of excluding minority groups from political positions and political decision-making processes, of forcing their cultures, values and language onto minority groups, and of neglecting to promote development in minority areas. Minority groups lobbied for the creation of more regions to address the problem of majority domination – a concept that the Willink Commission strongly opposed because it believed that the creation of more regions would result in new minority problems and would therefore not solve the problem. Despite good intentions, the

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<sup>149</sup> Price, *Political institutions of West Africa*, pp. 95-96; Central Office of Information, *Nigeria*, p. 31.

<sup>150</sup> Okpu, *Ethnic minority problems in Nigerian politics*, pp. 68-69, 75; R.T. Akinyele, "States creation in Nigeria: the Willink Report in retrospect" in *African Studies Review* 39(2), September 1996, p. 73. See also J.R.V. Prescott, "Nigeria's regional boundary problems" in *The Geographical Review* 49(4), October 1959, pp. 483-505.

Willink Commission left the ethnic minority problem unresolved by merely recommending the inclusion of fundamental human rights in the independence constitution in order to provide constitutional safeguards against majority domination.<sup>151</sup>

The decolonisation process gained momentum after Britain granted self-government to the Western and Eastern regions in August 1957 and the Northern region in March 1959, on the condition that the regions would obtain independence within a united federal Nigeria that excluded the possibility of secession by any of the regions. The NPC-NCNC coalition obtained the majority of votes in the 1959 federal elections with the AG once again filling the ranks of the Official Opposition. Independence followed shortly after with the adoption of the 1960 independence constitution which, *inter alia*, granted universal suffrage in the east and west, and universal male suffrage in the north.<sup>152</sup>

### **2.3.2 THE FIRST REPUBLIC, 1960-1966**

On 1 October 1960 Nigeria became an independent federal state headed by Balewa as Prime Minister, Azikiwe as Governor-General, and the British Queen as Head of State. Federal politics in the First Republic were dominated by the Hausa-Fulani-based NPC, who initially ensured its domination of federal politics through its strategic coalition government with the Ibo-dominated NCNC. The Yoruba-dominated AG, on the other hand, was the Official Opposition.

Shortly after independence, Nigerian political processes disintegrated into instability when a power struggle developed in the AG in 1961 between Obafemi Awolowo, the AG leader, and his deputy and premier of the Western region, Chief S.L. Akintola. This power struggle plunged both the AG and the Western region into chaos and provided the federal government with the necessary excuse to remove the Yoruba as a political factor in the First Republic and to curtail the effectiveness of the AG as Official

<sup>151</sup> Akinyele, "States creation in Nigeria", pp. 73-82; Ajayi and Ekoko, "Transfer of power in Nigeria", pp. 261-262; Okpu, *Ethnic minority problems in Nigerian politics*, pp. 68-75.

<sup>152</sup> Price, *Political institutions of West Africa*, pp. 95-96, 99; Jordan, *Government and power in West Africa*, pp. 303-305; Central Office of Information, *Nigeria*, pp. 33-39.

Opposition on the federal level. The federal government intervened in 1962 by declaring a state of emergency in the Western region and by abolishing its regional governmental structures. A federal investigation into the activities of the AG resulted in the prosecution of Awolowo and 27 others for high treason while Akintola was requested by the federal government to form a new government in the Western region.<sup>153</sup>

An important consequence of the crisis in the Western region was the 1962 federal decision to create a Mid-West region in the non-Yoruba parts of the Western region. This action not only represented the first major step to reverse the findings of the Willink Commission, but was also an opportunity for the NPC and the NCNC to expand their influence in this region. Both the Eastern and the Northern regions readily accepted the creation of the proposed new region. In the Western region, on the other hand, the Yoruba strongly opposed the proposed division, but after a pro-division electoral result in the 13 July 1963 referendum in this region, the Mid-West region came into existence on 21 August 1963.<sup>154</sup> (See map N-2.)

The crisis in the Western region in the first three years of independence coincided with two other important political processes, namely the emergence of republican nationalism and strong inter-ethnic conflict that resulted from the 1962 and 1963 census attempts. Republican nationalism emerged shortly after independence in reaction to continued British domination over Nigeria, both in real and in symbolical forms. The period of Anglo-Nigerian Entente (1960-1962) during which the Balewa-government signed a defence pact with Britain and provided for other concessions that increased Britain's already dominant position in Nigerian society, increased nationalist support for a republic. Republican nationalism ultimately found expression in constitutional changes that allowed for the establishment of the Federal Republic of Nigeria on 1 October 1963. The most important aspect of the 1963 constitution was the "sacking" of the British Queen as head of state. A president replaced both the British monarch as

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<sup>153</sup> J.M. Ostheimer, *Nigerian politics*, pp. 48-50; G. Arnold, *Modern Nigeria*, pp. xi-xii; W. Schwarz, *Nigeria*, pp. 131-151; B. Dudley, *An introduction to Nigerian government and politics*, pp. 64-66.

<sup>154</sup> Akinyele, "States creation in Nigeria", pp. 82-83; B. Smith, "Federal-state relations in Nigeria" in *African Affairs* 8, July 1981, p. 356; M. Dent, "Nigeria: federalism and ethnic rivalry" in *Parliamentary Affairs* 53(1), 2000, p. 161; Price, *Political institutions of West Africa*, p. 101.

well as her representative, the governor-general. The nationalist veteran Nnamdi Azikiwe was appointed as the first president of the Nigerian Federal Republic. However, Nigeria did retain its membership of the Commonwealth.<sup>155</sup>

The year 1963 also saw the second attempt by the federal government to determine the size of the Nigerian population. The 1962 census resulted in a crisis when the partial returns indicated that the southern population was larger than that of the north. This threatened the dominant position of the Northern region, which on the basis of its population size in the 1950s, was allocated 55 % of the seats in the federal parliament. Due to intensive conflict between the three ethnic-based dominant political parties over the 1962 census results, the federal government cancelled these results and ordered a recount in 1963. The 1963 census determined that Nigeria had a total population of 55,6 million people of which 30 million resided in the Northern region. This resulted in an even further increase of seat allocations for the Northern region in the federal parliament. Despite the fact that the 1963 census was also clouded with controversy, all the regions eventually accepted the results. For nearly 30 years these results were the only available population statistics since all subsequent attempts until the 1991 census failed to determine the size of the Nigerian population.<sup>156</sup>

The 1963 census crisis was followed by an equally controversial 1964 general election, widespread general strikes for higher wages in 1963 and 1964, and the chaotic November 1965 elections in the Western region. The latter not only brought corruption and maladministration in the region to the fore, but also underscored the political instability that had come to characterise Nigerian politics. The disclosure of massive corruptive practices by politicians in the course of 1965 further contributed to enhance dissatisfaction amongst the Nigerian armed forces with the civilian government –

<sup>155</sup> F.A.O. Schwarz, *Nigeria: the tribes, the nation, or the race – the politics of independence*, pp. 172-192; Pedler, *Main currents of West African history 1940-1978*, pp.211-214; S. Akinrinade, "Nigeria and the Commonwealth: towards an understanding of a foreign policy crisis" in *The Round Table* 342, 1997, p. 188; J. Ihonvbere and T.M. Shaw, *Towards a political economy of Nigeria: petroleum and politics at the (semi-) periphery*, pp. 154-155; Ajayi and Ekoko, "Transfer of power in Nigeria", pp. 263-265.

<sup>156</sup> Schwarz, *Nigeria*, pp. 157-164; C.O. Kwarteng, "Nigeria's elusive search for nationhood" in *Africa Insight* 23(1), 1993, p. 28; E.W. Nafziger, "The political economy of disintegration in Nigeria" in *The Journal of Modern African Studies* 11(4), 1973, p. 511; Tamuno, "Separatist agitations in Nigeria since 1914", p. 574; Arnold, *Modern Nigeria*, pp. xii, 36; Pedler, *Main currents of West African history 1940-1978*, p. 216.

dissatisfaction that found expression in the country's first coup d'état early in 1966.<sup>157</sup>

### 2.3.3 THE MILITARY, COUPS D'ÉTAT AND THE BIAFRAN WAR, 1966-1979

On 15 January 1966 the Nigerian armed forces made their first entry into politics when the Balewa civilian government was overthrown in a coup d'état. According to Amadife, the direct intervention of the Nigerian military in civilian political processes was part of the rejection of colonialism by the armed forces. At independence the Nigerian Army had inherited the strong non-political tradition that existed within the British Army. This pattern remained unchanged in the first years of civilian rule, despite the rapid Nigerianisation of the officer corps and the enlargement of the armed forces. However, the British tradition of divorcing martial rights from political privilege meant little to the Nigerian officer corps who stepped in at the beginning of 1966 to take over political control of the country from what they perceived to be a corrupt, incompetent and despotic civilian government.<sup>158</sup>

The coup was executed by a group of young radical officers from the Eastern region under the leadership of Maj. Chukwuma Nzeogwu. The Prime Minister, Balewa, along with the premiers of the Northern (Ahmadu Bello) and the Western (Akintola) regions, the federal minister of finance (Festus Okotie-Eboh) and a group of senior military officers were assassinated. Following the coup, Nzeogwu and his co-conspirators were ordered to turn themselves in by the Commander of the Army, Maj. -Gen. J.T.U. Aguiyi Ironsi (an Ibo), which they surprisingly did. On 17 January 1966 an interim corrective military government under Ironsi assumed political control of the Nigerian state.<sup>159</sup>

Despite fears that the coup was an attempt to establish Ibo domination, initial reactions to the coup were not unfavourable mainly owing to a general state of disillusionment

<sup>157</sup> E. Anugwom, "Ethnic conflict and democracy in Nigeria: the marginalisation question" in *Journal of Social Development in Africa* 15(1), 2000, pp. 70-71; Dent, "Nigeria", p. 157; Tamuno, "Separatist agitations in Nigeria since 1914", pp. 574-575; Pedler, *Main currents of West African history 1940-1978*, pp. 216-217; Dudley, *An introduction to Nigerian government and politics*, pp. 67-73; Okpu, *Ethnic minority problems in Nigerian politics*, pp. 163-165; B. Davidson, *Modern Africa: a social and political history* (3<sup>rd</sup> edition), p. 201.

<sup>158</sup> E.E. Amadife, "Liberalisation and democratisation in Nigeria: the international and domestic challenge" in *Journal of Black Studies* 29(5), May 1999, pp. 621-624.

<sup>159</sup> *Ibid.*; Schwarz, *Nigeria*, pp. 191-199; R.L. Sklar, "Nigerian politics in perspective" in R.L. Sklar and C.S. Whitaker, *African politics and problems in development*, pp. 157-158; Nafziger, *The economics of political instability*, pp. 41-42.

created by the corruption and nepotism displayed by the Balewa government. However, the changes imposed by Ironsi, especially the abolition of the federal constitution and the institution of a unitary state with a united civil service, soon paved the way for a counter coup. Ironsi's centralisation plans were met with strong resistance from the north who perceived them as a threat to their policy of Northernisation of the private and governmental sectors. With the Ibos already occupying a high percentage of jobs in the public and private sectors in the Northern region, it was feared that Ibo domination would increase even further if seniority and qualifications became a criteria for jobs instead of regional ties. The perception that the January coup was an Ibo coup was further enhanced by the fact that Ironsi failed to prosecute those involved in the coup and by his dependence on advice from fellow Ibos.<sup>160</sup>

Ironsi failed dismally at uniting the country through his political changes. Rather, he succeeded in uniting ethnic groups and classes in other regions against the Ibos, which contributed greatly to attacks on Ibos and other southerners in the Northern region in May 1966. The Ironsi government was short-lived and was replaced in a counter coup, on 28-29 July 1966, by Lieut-Col Yakubu Gowon, a Northerner from the Angas ethnic group. Gowon's first act as head of state was to re-establish the federal system. Political control, however, remained with the military for the time being, although the return to civilian rule was envisioned in the long term.<sup>161</sup>

The July coup intensified ethnic conflict in the Northern region where Ibos continued to be the object of widespread attacks. Thousands of Ibos were murdered in September and October 1966 with the biggest massacre occurring in Kano on 1 October. As a result, thousands of survivors fled from the Northern region to their traditional territories in Eastern Nigeria. The Ibo migration back to the east in 1966 impacted negatively on the economies of both the Northern and Eastern regions. In the north, where they constituted the bulk of the skilled workforce, the government and private sectors suffered huge personnel losses. The Nigerian Railways in the north, for example, lost

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<sup>160</sup> Kwarteng, "Nigeria's elusive search for nationhood", pp. 28-29; Smith, "Federal-state relations in Nigeria", p. 357; Nafziger, "The political economy of disintegration in Nigeria", pp. 513-514.

<sup>161</sup> Pedler, *Main currents of West African history 1940-1978*, pp. 220-221; Arnold, *Modern Nigeria*, p. xiii; Nafziger, *The economics of political instability*, pp. 43-44; Sklar, "Nigerian politics in perspective", pp. 159-161.

5 800 employees while the federal communication services had only 450 personnel left out of a workforce of 2 000. In the Eastern region the newly arrived Ibos settled in an already overpopulated and very poor region which increased the competition on a regional level over scarce resources.<sup>162</sup>

An important consequence of these attacks was the development of fervent nationalism amongst the Ibo and the re-emergence of demands to secede from the Nigerian federation, in which the Ibo perceived themselves not only as poorly protected but more importantly as marginalised by the Hausa-Fulani and the Yoruba. As a result, the Ibos under the leadership of the Eastern military governor, Lieut-Col Odumegwu Ojukwu, gradually started to prepare for the possibility of secession and for defending their proposed new state if needs be. In an attempt to deal with the growing tension between the east and the Nigerian federation, Gowon assembled a constitutional conference in Lagos on 12 September 1966 to discuss constitutional changes. The most important outcome of this conference was the decision to maintain the federation, but more regions had to be created to cater for the political needs and aspirations of ethnic minority groups.<sup>163</sup>

Conflict and tension between the Eastern region and the federal government escalated after talks between Gowon and Ojukwu, held in Aburi in Ghana in January 1967, failed. In an attempt to defuse the tension and to derail Eastern plans of secession, on 27 May 1967 Gowon announced the division of Nigeria into twelve regions, and changed the description of regions to states. Northern Nigeria was divided into six states, the Colony province of the former Western region was added to Lagos to form the Lagos state, and the Eastern region was divided into three states.<sup>164</sup> (See map N-2.) Gowon's announcement of the creation of eight additional states had two important consequences. Firstly, it ensured for the federal government the support of the ethnic minority groups within the former Eastern region, including the Ogoni, once hostilities broke out between the Biafran secessionists and the federal government following the

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<sup>162</sup> Isichei, *A history of the Igbo people*, pp. 245-246; Pedler, *Main currents of West African history 1940-1978*, pp. 222-224.

<sup>163</sup> F.R. Metorwich (ed.), *Nigeria: the Biafran war*, pp. 26-28; Tamuno, "Separatist agitations in Nigeria since 1914", pp. 578-580; Schwarz, *Nigeria*, pp. 219-221.

<sup>164</sup> W.E.F. Ward, *Government in West Africa* (6<sup>th</sup> edition), p. 251; Schwarz, *Nigeria*, pp. 221-228; Nafziger, *The economics of political instability*, pp. 44-45.

declaration of Biafra's independence. Secondly, it made the Biafran secession inevitable since the new states would cut the Ibos off from the major oil-producing areas and the country's only refinery. Oil played a central role in the economy of the Eastern region and by 1967 all projections indicated that the oil industry would experience tremendous growth in the near future. The economic viability of an independent Biafra also largely depended on the oil sector. However, in terms of the 1967 states creation, the Ibo would be left with control over only 6% of Nigeria's oil output and a corresponding sharp reduction in revenues generated by the oil industry.<sup>165</sup> (See map N-13.)

Ojukwu reacted to Gowon's announcement of the division of Nigeria into more states by announcing on 30 May 1967 the secession of the Eastern region from the Nigerian federation and the establishment of the Republic of Biafra. In his secession announcement Ojukwu declared that the Ibos were taking this step in line with their right to self-determination and their right to have their own state in which proper protection was provided for their person and property. However, Biafra was not a homogeneous state and a great number of ethnic minority groups found themselves living in this newly established republic and involved in a civil war in which they had no direct interest, but which had a major impact on their lives.<sup>166</sup>

The Biafran civil war lasted about two years and eight months during which more than one million people died. Attempts by Ojukwu to obtain international support for Biafra failed dismally with only France providing the republic with food and weapons. In addition, only four African countries, namely Tanzania, Zambia, Gabon and Côte d'Ivoire formally recognised the Republic of Biafra.<sup>167</sup> While the majority of countries in the international political community supported the federal government, support from the West was lukewarm at best, with Britain initially refusing to sell armaments to the federal government at the outbreak of hostilities. Lack of active Western support for the federal government impacted negatively on the prevalent pro-West Nigerian foreign

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<sup>165</sup> E.E. Osaghae, "Ethnic minorities and federalism in Nigeria" in *African Affairs* 90, 1991, p. 247; Nafziger, "The political economy of disintegration in Nigeria", pp. 531-532; Smith, "Federal-state relations in Nigeria", pp. 358-359.

<sup>166</sup> Isichei, *A history of the Igbo people*, pp. 246-247; Tamuno, "Separatist agitation in Nigeria since 1914", pp. 581-582.

<sup>167</sup> Isichei, *A history of the Igbo people*, pp. 247-251; Pedler, *Main currents of West African history 1940-1978*, pp. 232-234.

policy and led to the diversification of the country's foreign policy to the advantage of the Soviet Union on whom the government initially relied for weapons.<sup>168</sup> Biafra surrendered unconditionally to the federal government on 15 January 1970. Ojukwu, who had fled to Côte d'Ivoire shortly before the official surrender, spent the next fifteen years in exile before returning to Nigeria in 1982 following his pardon by the Nigerian civilian government.<sup>169</sup>

The end of the Biafran civil war did not result in the oppression of the Ibo ethnic group. Gowon's official policy focused on reconciliation and no war compensation was claimed from the Ibos while no medals were awarded for service within the federal forces during the civil war. Shortly after the end of the war the federal government launched a reconciliation, rehabilitation and reconstruction programme aimed at rebuilding the war-torn parts of the country. Gowon further announced a nine-point transition programme that would return the country to civilian rule by 1976.<sup>170</sup> Economically, Nigeria entered a growth period in the post-war era mainly due to the expansion of the oil industry and the 1973 Oil Crisis, which drastically increased oil prices practically overnight, thereby ensuring unprecedented windfalls to oil exporting countries. In Nigeria, these oil windfalls enabled the government to fund the post-war reconstruction of the country and to embark on ambitious development programmes. Important changes made in 1970 to the allocation of revenues from the Distributive Pool Account (DPA), especially oil revenues, increased the dependency of the states on financial resources from the federal centre, thereby promoting the centralisation of Nigerian politics. Centralisation was further increased through federal involvement in all the major areas of public policy and through military control which vested all political control in the Supreme Military Council of which all the state military governors were members until July 1975.<sup>171</sup>

<sup>168</sup> Public Record Office (PRO, London), POWE 63/238: British High Commissioner, Nigeria – Secretary of State for Commonwealth Affairs, 24.8.1967 (letter no TX 10/16); Ihonvbere and Shaw, *Towards a political economy of Nigeria*, pp. 154-155; Dudley, *An introduction to Nigerian government and politics*, pp. 283-288.

<sup>169</sup> B. Harden, *Africa: dispatches from a fragile continent*, p. 285.

<sup>170</sup> *Ibid.*; A. Kirk-Greene, "Part 1: the making of the Second Republic" in A. Kirk-Greene and D. Rimmer, *Nigeria since 1970: a political and economic outline*, pp. 3-5; Amadife, "Liberalisation and democratisation in Nigeria", pp. 625-626; Ward, *Government in West Africa*, p. 252.

<sup>171</sup> R.T. Suberu, "The struggle for new states in Nigeria, 1976-1990" in *African Affairs* 90, 1991, p. 500; R.T. Suberu, "The politics of state creation" in S. Adejumobi and A. Momoh (eds), *The political economy of Nigeria under military rule (1984-1993)*, pp. 59-60; Pedler, *Main currents of West African history 1940-1978*, pp. 359-365.

Economic prosperity in the post-war period did not translate into political stability during the last five years of the Gowon administration. Civil discontent with the military government found expression in widespread trade union strikes and student unrest, which were violently suppressed by the government. The military government was also guilty of massive abuse of their powers, corruption, mismanagement, waste, non-accountability and irresponsibility. The failed 1973-1974 census attempt further undermined the legitimacy of the Gowon government and heightened its unpopularity with Nigerian society. Civil discontent reached an all-time high with Gowon's announcement on 1 October 1974 that the military would not hand over political control to a civilian government by 1976 as was promised in 1970. Widespread unrest followed this announcement which was met with strong resistance from the military forces.<sup>172</sup>

Gowon's announcement along with increasing reports of governmental corruption, especially the 1975 cement scandal, paved the way for his removal from office and he was deposed in a coup d'état on 29 July 1975 while attending the annual Organisation of African Unity summit in Uganda. Gowon was replaced by Brig. Murtala Mohammed who showed reformist zeal in the first few hours of the new regime by dismissing all twelve military governors who had been in office since the 1967 state creation. His main contribution to Nigerian society was a major purge of the bureaucracy that left more than ten thousand civil and military personnel either dismissed or instantly retired and which earned him the respect and support of the Nigerian population. Mohammed also announced the new date for the recivilisation of the Nigerian government as 1 October 1979, cancelled the results of the 1973 census and appointed a panel headed by Justice Ayo Irikefe to investigate and recommend the further division of Nigeria into more states.<sup>173</sup>

The Irikefe investigation differed radically from the two state-creation initiatives of the

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<sup>172</sup> T. Turner, "Commercial capitalism and the 1975 coup" in K. Panter-Brick (ed.), *Soldiers and oil: the political transformation of Nigeria*, pp. 179-181, 190; S.O. Akinboye, "Nigeria's transition to democracy: prospects for consolidation" in *Africa Insight* 31(3), September 2001, pp. 4-5; J.O. Ihonvbere, "A critical evaluation of the failed 1990 coup in Nigeria" in *The Journal of Modern African Studies* 29(4), 1991, pp. 605-606; Amadife, "Liberalisation and democratisation in Nigeria", pp. 625-626.

<sup>173</sup> Kirk-Greene, "Part 1", pp. 8-14; Ihonvbere, "A critical evaluation of the failed 1990 coup in Nigeria", p. 606; L. Diamond, "Nigeria in search of democracy" in *Foreign Affairs* 62(4), Spring 1984, p. 914; Kwarteng, "Nigeria's elusive search for nationhood", p. 29; Suberu, "The politics of state creation", p. 60.

1960s which aimed at satisfying long-standing demands from ethnic minorities for greater political autonomy. The 1970 changes in the federal revenue allocation from the DPA, however, changed the criteria for state creation from the ethno-linguistic principle towards one guided by the redistributive ideology. For Mohammed, the aim was to bring the government closer to the people while ensuring equable development throughout the country. New states were not expected to be economically viable – by viewing the whole country as a single economic unit the military government committed the federal centre to ensuring the economic viability of the various states. According to the Irikefe panel, economic development served as the main motivation in the applications it received for states. Ultimately, the panel approved the creation of seven new states which resulted in a nineteen-state structure replacing the 1967 twelve-state structure in February 1976.<sup>174</sup> (See map N-2.)

Mohammed's reforms did not prove popular with all and he was assassinated on 13 February 1976 in an unsuccessful counter-coup led by Maj. Buka Suka Dimka. Loyal forces quickly suppressed the mutiny and Mohammed's second-in-command, Gen. Olusegun Obasanjo, stepped in to assume control. Obasanjo, a Yoruba, reaffirmed the commitment of his military government to continue with the reforms initiated by Mohammed and the intention of handing back political control to a civilian government by 1979. He further refused to review the newly implemented nineteen-state structure despite demonstrations for new states in a few regions in the country, and nationalised all land and mineral resources in 1978 and 1979 respectively, thereby denying oil-producing communities' claims to ownership of oil produced on their traditional lands.<sup>175</sup>

The recivilisation process started in October 1977 when a Constituent Assembly was convened to draw up a new federal constitution. This was followed by the unbanning of political parties on 21 September 1978. However, a ban was placed on the reformation

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<sup>174</sup> Suberu, "The politics of state creation", pp. 58-60; Suberu, "The struggle for new states in Nigeria, 1976-1990", pp. 500-506; Smith, "Federal-state relations in Nigeria", pp. 359-361.

<sup>175</sup> Ihonvbere, "A critical evaluation of the failed 1990 coup in Nigeria", p. 606; Turner, "Commercial capitalism and the 1975 coup", pp. 192-193; Pedler, *Main currents of West African history 1940-1978*, pp. 242-243; Suberu, "The struggle for new states in Nigeria, 1976-1990", p. 506. For more information see, for example, P. Francis, " 'For the use and common benefit of all Nigerians': consequences of the 1978 land nationalisation" in *Africa* 54(3), 1984, pp. 5-27; K. Saro-Wiwa, *Genocide in Nigeria: the Ogoni tragedy*, pp. 85-86.

of the three political parties that dominated the First Republic in an attempt to move away from ethnicity as a basis for political party organisation. Instead, only political parties approved and registered with the Federal Electoral Commission (FEDCO) were allowed to contest the upcoming 1979 elections. All parties had to demonstrate their federal character by being headquartered in the federal capital and by including members from at least two-thirds of the states in their executive council. The federal government also financed the political parties. FEDCO received nineteen applications of which only five were approved and registered. Despite Obasanjo's attempts to move away from ethnicity as a political factor, all five political parties derived their main support from the dominant ethnic groups in the country.<sup>176</sup>

The 1979 constitution was based on the American model and made provision for an executive president, a senate and a house of representatives on federal level. On state level, state governors were placed in control aided by state houses of assembly. As was the case in the 1960 and 1963 constitutions, a bill of human rights was also included in the new constitution. An important new development was the inclusion of the "federal character principle" in terms of which the composition and activities of governmental structures and agencies had to reflect the country's ethnic and cultural diversity. The 1979 elections were held at weekly intervals in July and August during which the National Party of Nigeria (NPN), under the leadership of Alhaji Shehu Shagari, narrowly succeeded in obtaining the majority vote on federal level. Shagari also succeeded in winning the presidential elections of 11 August 1979.<sup>177</sup>

#### **2.3.4 THE SECOND REPUBLIC, 1979-1982**

The Second Republic officially came into existence on 1 October 1979 with Shagari as the new president. Unfortunately the second attempt at civilian government was plagued with problems from the start. Politically the small majority with which Shagari and the NPN came to power meant that it had difficulty in the federal parliament. Attempts to

<sup>176</sup> L. Diamond, "Social change and political conflict in Nigeria's Second Republic" in I.W. Zartman (ed.), *The political economy of Nigeria*, pp. 31-41; C. Hart, "The Nigerian elections of 1983" in *Africa* 63(3), 1993, pp. 387-401; Amadife, "Liberalisation and democratisation in Nigeria", pp. 626-627.

<sup>177</sup> Kirk-Greene, "Part 1", pp. 20-23, 33-34, 44-45; S.E. Oyovbaire, "Structural change and political processes in Nigeria" in *African Affairs* 82, January 1983, pp. 3, 15-19, 22-27; Hart, "The Nigerian elections of 1983", pp. 398-399; Suberu, "The politics of state creation", p. 60.

unite opposition parties were also unsuccessful although they did co-operate at times. Shagari also inherited an economy in recession from the military forces mainly due to the overdependence of the Nigerian economy on its oil sector for revenue. A brief sharp increase in world oil prices following the Iranian Revolution in 1979 proved to be short-lived and by 1981 the economy was in its worst state ever.<sup>178</sup>

The Shagari government was characterised by intolerance towards and harassment of the opposition, lack of planning, waste, repression, political manipulation and corruption. The latter reached staggering heights and was exposed in the media on a continual basis making the civilian government extremely unpopular with Nigerian society. While most of the corruption charges against the government were never proved true, governmental officials continued to live extravagantly lavish lifestyles while the majority of the population had to bear the brunt of the economic recession that resulted in widespread shortages, retrenchments and increased unemployment rates.<sup>179</sup>

Popular dissatisfaction with the Shagari government found expression in widespread protest actions and demonstrations, especially in the northern regions in Kano, Maiduguri and Kaduna, which the civilian government did not hesitate to suppress violently at the cost of a great number of civilian lives. The unpopularity of the civilian government was further heightened by the 1983 elections that returned Shagari to the presidency and increased the NPN majority in the federal parliament by a large margin. Accusations from opposition parties of election manipulation and rigging were the order of the day, which in turn paved the way for renewed military intervention in Nigerian politics. Shagari and his civilian government were removed from power in a bloodless coup on 31 December 1983 which brought the military forces back into power.<sup>180</sup>

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<sup>178</sup> R. Sygne, *Nigeria: the way forward*, p. 29; H. Ekwe-Ekwe, "The Nigerian plight: Shagari to Buhari" in *Third World Quarterly* 7(3), July 1985, pp. 612-613; C.O. Bassey, "Retrospects and prospects for political stability in Nigeria" in *African Studies Review* 32(1), 1989, p. 109.

<sup>179</sup> Ekwe-Ekwe, "The Nigerian plight", pp. 613-616; Ihonvbere, "The failed 1990 coup in Nigeria", pp. 606-607; Amadife, "Liberalisation and democratisation in Nigeria", pp. 627-628; Diamond, "Nigeria in search of democracy", pp. 905-909; Anugwom, "Ethnic conflict and democracy in Nigeria", pp. 71-72.

<sup>180</sup> T.C. McCaskie, "Recent history" in *Africa south of the Sahara* (25<sup>th</sup> edition), p. 709; E. Burke and P. Lubeck, "Explaining social movements in two oil-exporting states: divergent outcomes in Nigeria and Iran" in *Comparative Studies in Society and History* 29, 1987, pp. 651-657; Hart, "The Nigerian elections of 1983", pp. 399-403, 415; C.S. Heymans, *Konsosiasie in Nigerië (1979-1983)* (HSRC Report Pol-15), pp. 38-48.

### 2.3.5 FROM BUHARI TO ABUBAKAR, VIA BABANGIDA AND ABACHA, 1983-1999

The 1983 coup brought Maj.-Gen. Muhammandu Buhari, a Hausa and a former military governor of the Borno state, to power claiming that his government would "root out the canker worm of corruption".<sup>181</sup> Though widely viewed as a necessary response to the worsening economic and social conditions in the country, the Buhari government proved incapable of dealing with the problems at hand. During his terms in office, political parties were banned; more than 520 civilian leaders were imprisoned; wide-scale purging occurred within the ranks of the armed forces, the police, the national security service and customs; freedom of press was restricted, and newspaper editors joined the former civilian government in prisons.<sup>182</sup>

Buhari imposed an austerity budget aimed in theory at increasing foreign exchange deposits and making the country less dependent on imported goods. In practice, however, austerity measures merely expanded the role of foreign capital in the economy while further advancing the position of Nigerians with vested capital interests. Drastic cuts in social services along with massive retrenchments increased the economic hardships of Nigerian society, while shortages of the most basic products were the order of the day. Buhari also launched a "war against indiscipline" campaign in which his government attributed all the problems of the country to a lack of discipline in national life.<sup>183</sup>

Buhari's term as head of state was short-lived and he was removed from office in a bloodless palace coup on 27 August 1985 by Maj.-Gen. (later Gen.) Ibrahim Babangida, the Chief of Staff of the armed forces. As was the case with the Buhari coup, Babangida's new regime claimed to be a corrective government aimed at restoring order in the country. He promised to defend human rights, curb corruption, impose discipline on the bureaucracy and parastatals, and ensure governmental accountability. However,

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<sup>181</sup> J. Kohan, "Rooting out corruption" in *Time* 124(4), 23.7.1984, p. 43.

<sup>182</sup> *Ibid.*; Amadife, "Liberalisation and democratisation in Nigeria", pp. 628-629; G. Bourke, "Playing politics" in *Africa Report* 34(5), September/October 1989, p. 42; Stock, *Africa south of the Sahara*, p. 373.

<sup>183</sup> Kohan, "Rooting out corruption", pp. 43-44; Kwarteng, "Nigeria's elusive search for nationhood", p. 30; Ekwe-Ekwe, "The Nigerian plight", pp. 622-624.

these proved to be empty promises and during his term in office Nigeria plunged deeper into economic and social despair.<sup>184</sup>

Babangida inherited an economy characterised by massive foreign debt, much reduced foreign export earnings due to the 1980s oil glut and a stagnating domestic economy. Shortly after assuming power he instituted a 30-month economic emergency programme in which wages were cut by 20 %, the fuel subsidy cut by 80 %, new levies and taxes introduced to raise revenue, and workers retrenched to reduce the public wage bill. This was followed in 1986 by the implementation of a Structural Adjustment Programme (SAP) in terms of which the government, *inter alia*, devalued the naira, abolished the import licensing scheme, liberalised trade, de-regulated the economy by reviewing indigenisation decrees of the 1970s, tightened monetary and fiscal policies, and focused attention on stimulating growth in the agricultural sector.<sup>185</sup>

Instead of improving the Nigerian economy, the SAP increased the economic hardship of Nigerian society which was caught up in a dismal daily struggle to survive. As a result, crime, vagrancy, corruption as well as prostitution skyrocketed to unprecedented levels. The economic, social and political difficulties directly contributed to the re-awakening of Nigerian civil society which organised itself into numerous civil associations to protest the injustices of the Babangida regime on various fronts. The unnecessary harsh and violent suppression of civil discontent by Babangida underscored his lack of respect for basic human rights. Discontent with Babangida was not confined to civil society and organised labour – within the ranks of the armed forces his regime also generated much criticism which found expression in two failed and bloody coup attempts in March 1986 and April 1990.<sup>186</sup>

<sup>184</sup> Stock, *Africa south of the Sahara*, p. 373; Bourke, "Playing politics", p. 42.

<sup>185</sup> K. Maier, "Biting the bullet" in *Africa Report* 37(3), May/June 1992, pp. 44-46; K.A. Shettima, "Engendering Nigeria's Third Republic" in *African Studies Review* 38(3), December 1995, p. 80; Ihonvbere, "A critical evaluation of the failed 1990 coup in Nigeria", pp. 607, 609, 612-613; P.M. Lewis, "Endgame in Nigeria? The politics of a failed democratic transition" in *African Affairs* 93, 1994, pp. 336-339.

<sup>186</sup> For more information see, for example, A. Momoh, "The military and human rights" in Adejumobi and Momoh (eds), *The political economy of Nigeria under military rule (1984-1993)*, pp. 321-336; O. Oko, "Lawyers in chains: restrictions on human rights advocacy under Nigeria's military regimes" in *Harvard Human Rights Journal* 10, Spring 1997, pp. 262-274; Kwarteng, "Nigeria's elusive search for nationhood", p. 33; A. Ikelegbe, "The perverse manifestation of civil society: evidence from Nigeria" in *The Journal of Modern African Studies* 39(1), 2001, pp. 8-12; Ihonvbere, "A critical evaluation of the failed 1990 coup in Nigeria", pp. 607-622.

Shortly after he assumed power Babangida announced his intention to return to a civilian government in the near future. A recivilisation programme was announced in 1986 which commenced with the inauguration of a Political Bureau which was tasked with organising, collecting and collating the views of Nigerian society on a future democratic dispensation. An important component of this programme was the investigation of the "women question" in which the political, economic and social marginalisation of women in independent Nigeria was addressed for the first time. Though the Babangida regime officially supported the improvement of the status and participation of women in all walks of life, they refused to introduce a 5% quota system to secure women greater participation in political processes.<sup>187</sup> Demands for the creation of new states also re-emerged in the 1980s, which resulted in the creation of two additional states in 1987 (Katsina and Akwa Ibom states) and further divisions in September 1991 that increased the number of federal states to 30.<sup>188</sup> (See map N-2.)

The recivilisation programme was aimed at taking the country to its Third Republic. The appointment of a Constitutional Review Commission in 1987 was followed by the convening of a Constituent Assembly in 1988 to discuss the draft constitution which was adopted in 1989. Having postponed the military hand-over date from 1990 to 1992, the Babangida government proceeded with its control over Nigerian political processes through the creation of only two political parties to contest the upcoming elections, namely the Social Democratic Party (SDP) and the National Republican Convention (NRC). Both these parties were artificial governmental creations whose political viewpoints and constitutions were written by the federal government.<sup>189</sup> The much-anticipated Third Republic was stillborn after Babangida annulled the results of the June 1993 presidential elections that followed the 1992 elections for the federal parliament. It was generally accepted that the SPC candidate, Chief Moshood Kashimawo Olawale Aboila, won the presidential election which was, ironically, considered to be the most free and fair election ever held in the country. After some election results were made

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<sup>187</sup> Shettima, "Engendering Nigeria's Third Republic", pp.63-89; H. Abdullah, "'Transition politics' and the challenge of gender in Nigeria" in *Review of African Political Economy*20(56), 1993, pp. 27-37.

<sup>188</sup> Suberu, "The politics of state creation", pp. 63-68; Suberu, "The struggle for new states in Nigeria, 1976-1990", pp. 518-519.

<sup>189</sup> R. Joseph, "Nigeria: inside the dismal tunnel" in *Current History* 95(601), May 1996, p. 195; O. Anyadike, "New breed, old politics?" in *Africa Report* 36(3), May/June 1991, pp.46-48; S. Olumhense, "The road to democracy" in *Africa Report* 36(2), March/April 1991, pp. 51-53; Shettima, "Engendering Nigeria's Third Republic", pp. 71-72.

public the military government refused to announce further results and, citing electoral misconduct and fraud as reasons, Babangida annulled the electoral results on 23 June 1993.<sup>190</sup>

The failure of the military to stay on course with the recivilisation of Nigerian politics pushed Babangida's unpopularity to unprecedented heights. As a result of widespread civil discontent, Babangida was forced to resign in August 1993. An interim government was appointed on 27 August 1993 under the leadership of Ernest Shonekan, an American-educated former director of Shell. The main purpose of the interim government was the organising of regional and presidential elections for the end of 1993 and 1994 respectively. However, the Shonekan government did not succeed in establishing itself as a legitimate government, in no small part due to the Supreme Court ruling that it was unconstitutional and illegitimate. As a result, the Shonekan government lasted only 82 days and was toppled in a coup on 17 November 1993 that brought Gen. Sani Abacha to power.<sup>191</sup>

By 1993 Abacha was no stranger to Nigerian politics, having participated in the 1983 Buhari and 1985 Babangida coups. During the Babangida regime he was appointed Chief of Staff of the armed forces and promoted to Minister of Defence in 1990. His first step as head of state was the dismantling of the interim governmental structures, the appointment of military governors to head the federal states, and the banning of all political activities. He further reconfirmed the annulment of the June 1993 presidential elections. While suppressing all the recivilisation efforts and structures of the previous six years, he affirmed his intention to relinquish power to a civilian government at a future date.<sup>192</sup>

Under Abacha Nigerian society was subjected to the oppression of the most abusive military government in their history with human rights abuses being the order of the

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<sup>190</sup> P. Adams, "Babangida's boondoggle" in *Africa Report* 38(4), July/August 1993, p. 27; D. Rimmer, "Nigeria changes course" in *Africa Insight* 24(2), 1994, pp. 99-101; J.C. Okoroji, "The Nigerian presidential elections" in *Review of African Political Economy* 20(58), November 1993, pp. 123-131.

<sup>191</sup> P. da Costa, "The politics of 'settlement' " in *Africa Report* 38(6), November/December 1993, pp. 53-57; Rimmer, "Nigeria changes course", p. 101; Lewis, "Endgame in Nigeria?", pp. 323, 328.

<sup>192</sup> K. Ahmed, "Abacha in the dock" in *BBC Focus on Africa* 7(1), January/March 1996, p. 4; Akinboye, "Nigeria's transition to democracy", p. 7; Amadife, "Liberalisation and democratisation in Nigeria", p. 631; P. Adams, "The deepening stalemate" in *Africa Report* 39(4), July/August 1994, p. 62.

day. The armed forces were quickly purged of possible Babangida supporters while a great number of highly placed politicians were imprisoned. Included amongst the latter was Aboila who was charged with high treason for declaring himself president in June 1994. Two months later, in August 1994, Abacha passed several restrictive decrees aimed at increasing his power and limiting the activities of all opposition to his regime. One of the decrees, for example, placed him above the law thereby denying any legal investigation into his actions, policies and decrees. Freedom of the press was severely curtailed when the military government started to act against all publications critical to the government. Numerous publications were banned, such as *The Guardian*, *Punch* and *Concord*, editors were imprisoned and journalists harassed and intimidated.<sup>193</sup>

The repressive nature of the Abacha regime manifested itself throughout his terms in office. Included in his long list of human rights abuses were the continued imprisonment of Aboila, the prosecution of 40 military officers (including Obasanjo) for an alleged coup (international pressure saved the lives of fourteen who were sentenced to death), the execution of Ken Saro-Wiwa and his eight fellow Ogoni in November 1995, the conviction of Wole Soyinka on charges of treason, the murder of Aboila's wife Kudirat in 1996, and the violent suppression of anti-oil protests around the Niger Delta.<sup>194</sup> The human rights abuses of the Abacha regime resulted in international political action against his government following Saro-Wiwa's execution in November 1995. Nigeria was suspended from the Commonwealth, sanctions were imposed by the European Union (EU) and Canada, the United Nations and the Commonwealth both launched formal inquiries into human rights abuses in Nigeria in 1996, diplomatic representatives from the EU, Canada and South Africa were withdrawn, and restrictions were placed on weapon sales to the country.<sup>195</sup>

<sup>193</sup> *New York Times (Late New York edition)*, 4.12.1995, p. A17; P. Jason, "Inside a police state" in *New African*, January 1995, p. 21; A.R. Mustapha, "The Nigerian transition: third time lucky or more of the same?" in *Review of African Political Economy* 26(80), June 1999, pp. 278-279; A. Maja-Pearce, "The press in Nigeria" in *Index on Censorship* 6, 1994, pp. 212-227; J. Arinze, "Nigerian press under fire from military leaders" in *The Christian Science Monitor* 88(124), 24-30.5.1996, p. 19.

<sup>194</sup> For more details see, for example, Parliamentary Human Rights Group, *Nigeria: crisis in nationhood*, pp. 10-17; Amnesty International, *Nigeria: time to end contempt for human rights* (report no. AFR44/14/96), pp. 1-20; P. Jason, "Aboila in hock" in *New African*, May 1996, p. 23; "Nigeria's secret trials" in *New African*, September 1995, p. 18; "After the hangings" in *The Economist* 337(7941), 18.11.1995, p. 57; "Nigeria foaming" in *The Economist* 337(7941), 18.11.1995, pp. 15-16; *New York Times (Late New York edition)*, 13.3.1997, p. A6.

<sup>195</sup> Akinrinade, "Nigeria and the Commonwealth", pp. 187-188, 191-195, 199-201; Parliamentary Human Rights Group, *Nigeria*, pp. 17-20; R. Sygne, "Recent history" in *Africa south of the Sahara* (31<sup>st</sup> edition), pp. 749-753.

Domestic instability was increased by numerous inter- and intra-ethnic conflicts, power struggles between the north and the south, and serious clashes between Muslims and Christians in the north. Economically, the recession continued to impose economic hardships on already impoverished people, while Nigeria's coffers were drained by its key participation in Economic Community of West African States (ECOWAS) peace operations in Liberia and Sierra Leone. As though this was not enough, Abacha proved more greedy than his predecessors by stealing about US \$3 billion during his four-year reign, money which was stashed abroad in foreign bank accounts.<sup>196</sup>

Abacha closely controlled the recivilisation programme that started with elections for the National Constitutional Conference (NCC) in May 1994. The NCC consisted of 273 elected and 96 government nominated delegates. In order to have a quorum, only the 96 nominated delegates needed to be present at the negotiations. The NCC submitted a draft constitution in 1995, which was never released. Following the removal of the ban on political activities in June 1995, Abacha announced a three-year transition programme that would take the country to civilian rule by 1 October 1998. In September 1996 five of the fifteen political parties that applied were granted legal status. This was followed in October 1996 by the creation of six additional states that increased the number of federal states to 36.<sup>197</sup> (See maps N-2 and N-3.)

The election processes began with the state assembly elections of December 1997 and were followed in April 1998 with elections for the National Assembly, and presidential and gubernatorial elections in August 1998. Abacha's true intentions of staying on after the civilian transition as the newly elected civilian president emerged early in 1998, when government organised supporters such as the Youths Earnestly Ask for Abacha group initiated demonstrations calling for Abacha's election as president. The weakness and pro-government positions of the five legal political parties were confirmed when

<sup>196</sup> D. Abubakar, "Ethnic identity, democratisation, and the future of the African state: lessons from Nigeria" in *African Issues* 29(1/2), 2001, p. 34; W.A. Fawole, "Nigeria and the future of peace-making in Sierra Leone" in *Africa Insight* 31(3), September 2001, pp. 11-18; E.K. Aning, "Eliciting compliance from warlords: the ECOWAS experience in Liberia, 1990-1997" in *Review of African Political Economy* 26(81), September 1999, pp. 335-348; P. Adams, "Reign of the generals" in *Africa Report* 39(6), November/December 1994, pp. 27-29; "This is how we do it in Nigeria" in *The Economist* 336(7924), 22.7.1995, p. 40.

<sup>197</sup> P. Jason, "Ticking time bomb" in *New African*, February 1995, p. 28; "Blank cheque for Abacha" in *New African*, July/August 1995, p. 30; P. Adams, "The army calls the tune" in *Africa Report* 39(1), January/February 1994, pp. 48-49; Mustapha, "The Nigerian transition", p. 279; Sygne, "Recent history", pp. 752-753.

they all nominated Abacha as their consensus candidate for the presidential elections. This proved to be a very unpopular step with Nigerian society which protested by boycotting the April National Assembly elections *en masse* – in many regions the voter turnout was around 1 %. Abacha, however, did not live to become the first civilian president of the Fourth Republic. He died unexpectedly in the arms of Indian prostitutes on 8 June 1998 from undisclosed causes.<sup>198</sup>

While news of Abacha's death was greeted with jubilation and celebrations around the country, a career army officer with no record of political involvement and political ambition, Gen. Abudulsalami Abubakar, quickly assumed control. Abacha's transition programme died with him as Abubakar responded positively to popular demands for the annulling of Abacha's so-called reforms. The five registered political parties were dissolved, all electoral results annulled and a new date, namely 29 May 1999, was set for the military hand-over to a civilian government. Abacha's death also brought demands for Aboila's release and the recognition of the June 1993 election results. Aboila, however, died from a heart attack upon his release from prison, which was confirmed by an independent autopsy by US specialists.<sup>199</sup>

Abubakar's recivilisation programme consisted of two elements. Firstly, a Constitution Debate Co-ordinating Committee (CDCC) was set up under the leadership of Appeal Court judge Niki Tobi, who had to comment on and restructure the 1995 constitution. This process was characterised by a number of shortcomings including the fact that the 1995 constitution was never released, lack of consultation of well-organised opposition groups and the amendment of the 1979 constitution (which the CDCC recommended as the basis for the new constitution) by a group of army officers after the CDCC submitted its draft to Abubakar. As a result, the 1999 constitution has various shortcomings and fails to address a great number of issues such as human rights,

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<sup>198</sup> Akinboye, "Nigeria's transition to democracy", p. 8; Mustapha, "The Nigerian transition", pp. 279-281; Sygne, "Recent history", pp. 752-753.

<sup>199</sup> F. Olonisakin, "Democratic transition in Nigeria: will the military stay out of politics?" in *Africa Insight* 29(4), 1999, p. 29; Mustapha, "The Nigerian transition", pp. 280-281; J. Walsh, "Abdulsalami Abubakar" in *Time* 152(26), 28.12.1998-4.1.1999, p. 73; Akinboye, "Nigeria's transition to democracy", p. 8.

citizenship, gender representation, political restructuring and unitary federalism.<sup>200</sup>

Secondly, recivilisation brought with it a new round of elections on the various political levels. Of the 29 political parties which applied for registration, nine were granted provisional permission to contest the first round of elections, while only three were ultimately granted legal recognition. The three political parties were the Peoples Democratic Party, PDP (with support from the northern and eastern parts of the country and minority areas of the North-Central and South-South zones), the All Peoples Party, APP (which incorporated the majority of politicians who participated in Abacha's transition programme with support from parts of the north and the east), and the Alliance for Democracy, AD (with main support from disgruntled Yorubas in the south-west). The local government elections of 5 December 1998 were followed by state gubernatorial and assembly elections on 9 January 1999, and federal Senate and House of Representatives elections on 20 February 1999.<sup>201</sup> Throughout this process the PDP proved to be the strongest party of the three. The process of nominating candidates for the presidential elections of 27 February 1999 was controversial and challenging at best, but ended with Obasanjo as PDP candidate, while Ogbonnaya Onu and Olu Falae were the candidates for the APP and the AD respectively. Despite many flaws in the elections, the presidential election results in which Obasanjo obtained 7 627 867 more votes than his closest rival, Olu Falae, were generally accepted due to the strong performance of the PDP throughout the whole election process.<sup>202</sup>

### 2.3.6 THE FOURTH REPUBLIC, 1999 AND BEYOND

Nigeria's Fourth Republic, headed by Obasanjo, came into existence on 29 May 1999. Obasanjo's new civilian government faced many challenges immediately after it came to power, many of which continue to date (2003). Some of the most pressing problems

<sup>200</sup> J.O. Ihonvbere, "How to make an undemocratic constitution: the Nigerian example" in *Third World Quarterly* 21(2), 2000, pp. 348-364; R.T. Suberu, "Can Nigeria's new democracy survive?" in *Current History* 100(646), May 2001, pp. 207, 209; S. Akinrinade, "Nigeria's lingering political crisis: internal combustion, international inaction" in *The Round Table* 347, 1998, pp. 315-317.

<sup>201</sup> Mustapha, "The Nigerian transition", pp. 282-284; *Sowetan* (South Africa), 29.12.1998, p. 11; *The Star* (South Africa), 9.1.1999, p. 4; *City Press* (South Africa), 24.1.1999, p. 11; *Mail & Guardian* (South Africa), 29.1-4.2.1999, p. 24.

<sup>202</sup> Mustapha, "The Nigerian transition", pp. 284-285; *The Star*, 16.2.1999, p. 4, 20.2.1999, p. 4, 23.2.1999, p. 4, 25.2.1999, p. 20; *City Press*, 7.3.1999, p. 7; *Mail & Guardian*, 26.2-4.3.1999, p. 14.

included confronting and reducing entrenched military interests in order to attempt to remove the ever-present threat of a military take-over, addressing ethnic and religious conflicts, restoring faith in the Nigerian government, the restructuring of political structures to the satisfaction of Nigerian society, and dealing with worsening economic conditions. In an important first step towards reducing the threat of a possible military coup, Obasanjo removed all officers in the armed forces who had held political positions in the military governments between 1983 and 1999. A commission was also established to investigate human rights violations during the previous administrations.<sup>203</sup>

The return of civilian rule did not reduce the level of civil disturbance in the country. On the contrary, civil disturbances have increased rapidly since 1999 with inter- and intra-ethnic conflicts, resource-related conflicts and religious conflicts being the order of the day. Religious tensions between Christians and Muslims in the north reached all-time highs following the adoption and implementation of Shari'a law as the state legal system in various northern states. In December 1999, Zamfara was the first state to take this measure and was soon followed by Sokoto, Kebbi, Katsina, Bauchi, Niger, Borno and Yobe. Despite the fact that the implementation of Shari'a law is in contravention of section 10 of the Nigerian Constitution, in terms of which the legitimacy of the state cannot be grounded on any particular religious or non-religious concept of goodness, Obasanjo has failed to declare these Shari'a proclamations unconstitutional. In the north, the anticipated adoption and implementation of Shari'a law has resulted in widespread conflicts between Christians and Muslims in which thousands of people have died.<sup>204</sup>

Inter-ethnic conflict once again emerged as a destabilising factor in Nigerian politics with conflict between the Yoruba and the Hausa-Fulani, as well as between various minority groups in the Niger Delta, making headlines on a regular basis. Obasanjo's re-emergence as elected civilian president has also been met with strong resistance from oil-producing communities in the Niger Delta who hold him responsible for the

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<sup>203</sup> *The Star*, 28.5.1999, p. 15; *Mail & Guardian*, 28.5-3.6.1999, p. 10, 4-10.6.1999, p. 20, 18-24.6.1999, p. 15; Olonisakin, "Democratic transition in Nigeria", pp. 30-35; *Sunday Punch* (Nigeria), 8.7.2001, pp. 12, 17.

<sup>204</sup> Abubakar, "Ethnic identity, democratisation, and the future of the Africa state", p. 34; S.O. Ilesanmi, "Constitutional treatment of religion and the politics of human rights in Nigeria" in *African Affairs* 100, 2001, pp. 542-545, 548-549; *The Star*, 25.2.2000, pp. 4, 17; *Weekly Trust* (Nigeria), 16-22.2001, pp. 1-6.

nationalisation of land and mineral rights which occurred during his term as military head of state in the 1970s.<sup>205</sup>

Obasanjo's inability to successfully address the inter- and intra-ethnic, religious and resource conflicts, as well as the economic problems of the country have led to great dissatisfaction with his leadership amongst the Nigerian political elite. Though a Yoruba, he holds limited support amongst his own ethnic group who view him as a northern stooge, while his northern support base has started to disintegrate due to his new-found opposition to Shari'a law. Obasanjo's dwindling popularity is underscored by numerous unsuccessful attempts by the federal parliament to impeach him in the course of 2002.<sup>206</sup> Obasanjo, however, has proved to be a political survivor. In the April 2003 general elections his PDP won by a landslide, amassing more than 50 % of the votes, thereby triggering widespread allegations of election fraud and corruption, and the rejection of the results by all the opposition parties who contested the elections. The final results of the presidential elections in which Obasanjo received 62 % of the votes as opposed to the 32 % of his main rival, the former military dictator Gen. Buhari, further fuelled widespread belief that Obasanjo had rigged the elections in his favour. Particularly suspicious is the fact that 99,82 % of voters in his home state, Ogun, voted for him in the presidential elections. Despite widespread calls for a new election and the rejection of all election results by opposition groups, Obasanjo remained the official winner and was duly inaugurated for his second term as president of Nigeria.<sup>207</sup>

## 2.4 COMPARATIVE PERSPECTIVE

The processes of political marginalisation of ethnic minority groups in Nigeria and Ecuador from the colonial era through to the present day are closely linked to the political histories of the two countries, and as a result show few similarities. One area in

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<sup>205</sup> *Sunday Business Times* (South Africa), 20.6.1999, p. 7; R.T. Akinyele, "Ethnic militancy and national stability in Nigeria: a case study of the Oodua People's Congress" in *African Affairs* 100, 2001, pp. 625-640; Abubakar, "Ethnic identity, democratisation, and the future of the African state", p. 34; Ikelegbe, "The perverse manifestation of civil society", pp. 10-18; Sygne, "Recent history", pp. 754-755.

<sup>206</sup> *Die Volksblad* (South Africa), 29.8.2002, p. 9; *Weekly Trust*, 16-22.2001, p. 11.

<sup>207</sup> *Beeld* (South Africa), 15.4.2003, p. 6, 16.4.2003, p. 8, 21.4.2003, p. 6, 23.4.2003, p. 8, 24.4.2003, p. 6, 25.4.2003, p. 20.

which both countries share a similar experience concerns the origin of the ethnic minority problem in that the imposition of European colonial rule created ethnic minorities in Nigeria and Ecuador. This was done through the imposition of colonial rule on defined territories which over time became known as Ecuador and Nigeria respectively. Having created these colonies, Spain and Britain set out to occupy the territories and to subject their indigenous peoples to foreign rule. The colonial policies pursued by these two European powers in turn resulted in different forms of political marginalisation of minority groups.

In Nigeria, with its overwhelming ethnic diversity, the British promoted the interests of the dominant ethnic groups from the onset of colonial rule. The failure of initial attempts to transplant Hausa-Fulani political and economic systems to the East, did make the British more sensitive to the differences between the various ethnic groups. However, the British addressed these differences by dividing the country into three provinces in 1939 and allowed each province to be dominated by a single ethnic group, namely the Yoruba (West), the Ibo (East) and the Hausa-Fulani (North). The regionalisation of Nigerian politics followed shortly thereafter when the Nigerian nationalist movement became regionalised after 1945 and with the emergence of three dominant regional- and ethnic-based political parties which derived their support from the dominant ethnic group in each of the three provinces. These three ethnic-based political parties negotiated independence from the British and created a Nigerian federal state that served their needs and not those of the minority groups in the country.

The active promotion of the interests of the Ibo, Yoruba and the Hausa-Fulani by the British did not go by unnoticed by minority groups who started to organise themselves into minority movements and organisations in the course of the 1940s in an attempt to counter majority domination. Their activities eventually resulted in 1957 in the acknowledgement by the British of the existence of the minorities problem in Nigeria, which they tried to address when they created the Willink Commission to investigate minority fears and grievances. Unfortunately for minority groups in the colony, a definite answer to the problem did not emerge from the Willink Commission and the British opted to leave the minorities problem for an independent Nigerian government to solve. As a result, one of the main political legacies of the British colonial rule in

Nigeria is the perception that the Yoruba, the Ibo and the Hausa-Fulani have the right to dominate minorities that inhabit their regions. In addition, Britain empowered these ethnic groups by allowing them to participate in and negotiate the decolonisation process to the detriment of the other ethnic groups in the country whose political aspirations were largely ignored. And lastly, by promoting the regionalisation of politics, Britain ensured that Nigeria entered the independence era as a "territorial state" in which notions of nationalism and civil allegiance to the state translated into ethnic nationalism and allegiance to politicians and political parties which preferably shared ethnic alliances.

By contrast to the British who consistently viewed the indigenous Nigerian population as humans (they did make important distinctions between ethnic groups with some being viewed as savages, and others as industrious and civil), the Spanish from the onset of colonial rule viewed Indians in Ecuador as beings which existed purely for exploitative reasons. As "noble savages" Indians were only just regarded as humans when it came to religious matters and vigorous attempts to Christianise and "civilise" them. The rest of the time, however, they were objects of exploitation who existed, through their labour and their tax contributions, to enrich Spanish conquistadores, colonists, the Roman Catholic Church and the Spanish crown.

The political marginalisation of Ecuadorian Indians was exacerbated by the influx of Spanish colonists and white settlement of land that had historically belonged to Indian nations and communities. The influx of white colonists created racial diversity in Ecuador (an aspect that was absent in Nigeria due to limitations placed on white settlement in the colony), which quickly turned into blatant racism with Indians regarded as dirty, uncivilised and savage and therefore not worthy of occupying equal positions with white people. The establishment of a highly stratified social order which relegated Indians to the bottom of Ecuadorian society ensured that Indians remained there throughout the colonial era despite numerous Indian uprisings against white domination and exploitation. As a result, Spanish colonial rule left a political legacy of Indian political and social marginalisation in which Indians could be exploited as mainstream Ecuadorian society saw fit, and in which they did not qualify for political and social rights due to their inferior status. In addition, the stratified colonial social

order created a Spanish and creole elitist group that took the lead against Spanish colonial rule in the course of the eighteenth and beginning of the nineteenth centuries, and that became the new political rulers and masters of an independent Ecuador after 1830. This group who decided the fate of independent Ecuador for more than 100 years, represented only 2% of the country's population and succeeded in dominating the rest of the population because of the existence of a stratified social order.

Both Ecuadorian and Nigerian political processes after independence in 1830 and 1960 respectively, were influenced by the lingering political impacts of the colonial era. In both countries the dominant groups favoured by the colonial rules took control of political, economic and social processes that were organised to their benefit and not to that of the minority groups in the country. For most of its independent history the Ecuadorian government showed little concern for minorities in their country. After independence in 1830, the creole elite remained in firm control of the country even though their inter-group conflicts repeatedly plunged the country into periods of political chaos. The continuation of social stratification ensured the continuation of the political marginalisation of Indians in the country. The government was slow to abolish exploitative systems such as tribute (1857), the right to imprison Indians who failed to pay their debts (1918) and debt peonage (1964), and quick to implement new forms of exploitation such as the *trabajo subsidiario* (1854). For most of the independent era, Indians were denied direct participation in political processes through legislation that disqualified illiterates as voters until the 1978 constitutional changes removed the literacy requirement.

Though the discourse within mainstream Ecuadorian society on Indians and the so-called Indian question changed over time, Indians continued to be viewed as inferior humans, with inferior cultures, languages, and modes of production when compared to that of the dominant groups in the country. The only solution to the Indian question for most of the Ecuadorian governments was the integration of Indians into mainstream Ecuadorian society: integration that initialled the full adoption of the Westernised Ecuadorian culture that dominated in the country. Governmental disrespect for traditional Indian cultures, the heterogeneous nature of Ecuadorian society and the lack of recognition of the important contributions Indians made to the development of the

country, ensured that Indians remained politically marginalised until the 1990s. But, even though the *levantamientos* of the 1990s created a political space for Indians in Ecuadorian politics, it did not end their historical marginalisation and it remains to be seen if this state of affairs will be radically altered in the near future.

In contrast to Ecuador, the Nigerian government did attempt to address the minorities problem in the country after 1960. This was done mainly through the creation of new federal states which were carved out of the three original states that existed at independence. As a result, the number of federal states increased from three in 1960, to four in 1964, to twelve in 1967, to nineteen in 1976, to 21 in 1987, to 30 in 1991, and finally to 36 by 1996. Initially the basis for state creation was the ethno-linguistic principle which aimed at diffusing minority problems through the creation of new states in which previously marginalised groups became the majority groups. Noble as this might seem, the creation of new states simply created new minority groups who remained subjected to majority domination, only now within a new state and by a new ethnic group. State creation therefore did not solve minority problems but rather increased and intensified them as each round of state creation took place.

From 1976 onwards, the government opted to create states not along ethno-linguistic principles, but in terms of the redistributive principles in which economic development and needs played a major role. This new development in turn meant that state creation became an economic venture with the majority ethnic groups actively campaigning for the division of their states in order to profit financially from being in control of more states than just one. In this way, ethnic majority groups not only increased their political control, but also increased their share of the Nigerian financial pie, to the detriment of ethnic minority groups whose numbers and levels of agitation increased with each new state creation exercise.

In addition to their political marginalisation on regional and federal levels, ethnic minority groups were also marginalised by the overwhelming emphasis on ethnicity within Nigerian society. This emphasis in practice means that ethnic affiliation determines an individual's access to positions of privilege and to resources, or the lack thereof. In terms of nation building, the promotion of ethnicity also impeded attempts to

foster a unified identity amongst Nigerians who continue to view themselves first and foremost as members of particular ethnic groups. The failure of independent Nigerian governments to promote a united Nigerian identity in turn impacted greatly on ethnic minority groups, in particular those living in oil-producing regions, who see little advantages in their affiliation with the greater Nigeria. Consequently, demands for self-determination for their particular ethnic groups became a logical reaction to majority domination in the course of the 1980s and 1990s.

Although the political marginalisation of ethnic minority groups in the independence era took on different forms in Ecuador and Nigeria, a number of common factors fuelled the continuation of marginalisation in both countries. Political instability, lack of democracy and periods of violent repression characterise both Ecuadorian and Nigerian political histories and in both countries increased the political marginalisation of ethnic minority groups through the general lack of respect for basic human rights and for the wider consequences that conflict between dominant groups has on minority groups. An interesting contrast between the two countries, however, is the role that military governments and dictatorships played in human rights abuses. In Nigeria military rule is associated with widespread repression, human rights violations, and restrictions on freedom of speech and the media. In Ecuador, however, the military governments that ruled after 1960 have much better reputations regarding human rights and respect for basic freedoms than successive civilian governments that came to power following the "democratisation" of the country in 1978. By and large, however, both countries continue to marginalise their minority groups on a political level, especially those living in the oil-producing regions, since they live on top of the wealth without which both the Ecuadorian and Nigerian states cannot exist.

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The political marginalisation of oil-producing ethnic minority groups in Ecuador and Nigeria is closely related to their economic marginalisation which, due to their historical lack of power, ensured that these communities did not share equally and justly in the windfalls generated by oil production in their traditional territories. It is therefore important to pay attention to the economic contexts of oil-related ethnic minority

struggles in Ecuador and Nigeria, before focusing on their environmental marginalisation at the hand of the Ecuadorian government and the multinational oil companies.

### CHAPTER 3

## THE ECONOMIC CONTEXT OF OIL-RELATED ETHNIC MINORITY STRUGGLES IN ECUADOR AND NIGERIA

### 3.1 INTRODUCTION

The dependence of contemporary Ecuador and Nigeria on natural resource exploitation, in particular oil exploitation, for their economic survival, directly impacts on ethnic minority groups who inhabit the oil-producing regions in these two countries. Because these minority groups live on top of the very riches that sustain their countries economically, they have had to bear the brunt of the adverse economic and environmental impacts that go hand-in-hand with oil production in tropical areas in the developing world.

The economic marginalisation of ethnic minority groups living in oil-producing regions in Ecuador and Nigeria is closely linked to their political marginalisation, because the modern petro-state pursues economic policies that in general tend to be beneficial only to the dominant ethnic and social groups in the country, who not only constitute the main support base for governments, but more importantly also ensure the political survival of petro-governments. According to Karl there is an inextricable link between "power" and "plenty" in the modern petro-state "because these states, not the private sector, own the centre of accumulation, extract or receive windfall revenues from the international arena, benefit from rents, and provide the means through which these rents enter the economy".<sup>1</sup>

The very nature of the international oil industry with all its associated wealth, makes control over the state in contemporary Ecuador and Nigeria a profitable venture. However, political control would not be possible without economic control since the fate of their governments depend on economic performance and their ability to distribute the oil windfalls to those sectors and ethnic groups in society that matter

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<sup>1</sup> T.L. Karl, *The paradox of plenty: oil booms and petro-states*, p. 15.

politically.<sup>2</sup>

This state of affairs, combined with the overwhelming dependence on the oil sector for the continuation and survival of the Ecuadorian and Nigerian states and the political status of oil-producing ethnic minority groups in the two countries, ensure that the odds are overwhelmingly against ethnic minority groups whose struggles threaten to disrupt the normal flow of oil in their countries. The situation is, of course, exacerbated during periods of political instability and dictatorship when a general lack of regard for basic human rights, including the right to live, makes it easy for their governments to meet oil-related minority agitation with violence and oppression.

Understanding and investigating the grievances of oil-producing ethnic minority groups have also not been a priority for the governments of Ecuador and Nigeria, of whom the following statement issued by the Abacha government at the height of the Ogoni crisis bears witness: "In progress, something have to give ... There are hundreds of oil communities scattered throughout the delta region. It is not that they are suffering in silence. Rather, their leaders are prepared to accept the fact that there is a price to be paid for all modern development."<sup>3</sup>

The economic marginalisation of oil-producing ethnic minority groups in Ecuador and Nigeria takes place within the wider context of the two countries' economic development and performance over time, and the organisation and structure of their respective oil industries. Hence, this chapter will pay attention firstly to the economic histories of Ecuador and Nigeria, and the development of their oil industries, before addressing the general political and economic problems that oil-producing ethnic minorities in these two countries have with oil developments in their regions.

<sup>2</sup> *Ibid.*, pp. 15, 49.

<sup>3</sup> Institute for the Promotion of Unity and Understanding, *Ogoni: facts of the matter*, p. 32.

### 3.2 GOVERNMENTAL ECONOMIC MANAGEMENT: OVERVIEWS OF THE ECUADORIAN AND NIGERIAN ECONOMIES

Economic development in the tropical zone of the developing world has attracted widespread academic interest due to the poor development performances of these countries when compared to others in the developing world.<sup>4</sup> Notwithstanding the ir seemingly endless natural resource bases and biodiversity, tropical countries are amongst the poorest in the world, with a limited industrial base, high levels of poverty and social inequality, low levels of technology use, and uneven development both regionally and within societal and ethnic groups.

Both Ecuador and Nigeria share the general economic fate of tropical countries and like so many others struggle with mounting foreign debt, unstable world commodity markets and a decline in foreign direct investment, and they have had to rely increasingly on aid in order to survive economically and socially. But the two states differ from many other tropical countries in that they find themselves part of the selected few who are oil-producing and exporting countries in the tropical zone. As a result, economic development *and* underdevelopment are complicated by the structural and policy effects on national levels brought about by periods of boom and bust in the international oil market.<sup>5</sup>

Economic development in independent Ecuador and Nigeria, as is the case with their political development, is strongly influenced by the lingering economic legacies of

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<sup>4</sup> See, for example, M.B. Gleave and W.B. Morgan, "Economic development in tropical Africa from a geographical perspective: a comparative study of African economics" in *The Geographical Journal* 167(2), June 2001, pp. 139-162; J.C. Dickson, "Alternatives to monoculture in the humid tropics of Latin America" in *The Professional Geographer* 24(3), August 1972, pp. 217-222; M.B. Gleave (ed.), *Tropical African development, passim*.

<sup>5</sup> For more details see, for example, T.A. Aina, "Health, habitat and underdevelopment in Nigeria" in *Ekistics* 57(342/343), May/June-July/August 1990, pp. 219-243; R.A. Joseph, "Affluence and underdevelopment the Nigerian experience" in *The Journal of Modern African Studies* 16(2), 1978, pp. 221-239; M. Fardmanesh, "Dutch Disease economic and the oil syndrome: an empirical study" in *World Development* 19(6), 1991, pp. 711-717; P.J.G. Pearson, "Economic linkages of the petroleum sector with the rest of the economy: implications for energy policy" in K.I.F. Khan (ed.), *Petroleum resources and development: economic, legal and policy issues for developing countries*, pp. 207-220; F.E. Thoumi, "The hidden logic of 'irrational' economic policies in Ecuador" in *Journal of Interamerican Studies and World Affairs* 32(2), Summer 1990, pp. 43-68; W. Weiss, "Debt and devaluation: the burden on Ecuador's popular class" in *Latin American Perspectives* 24(4), July 1997, pp. 9-33.

colonial rule, especially in terms of natural resource exploitation. The fact that these two countries were colonised in different eras with vastly different economic outlooks, consequently means that their economic histories take on different formats. When Spain colonised South America in the course of the sixteenth century it transplanted a feudal economic order to its new colonies that aimed at exploiting land, natural resources and the indigenous population. Economic development in the colonies was limited by restrictive policies that prohibited the widescale production and exportation of goods and products that competed with industries on the Spanish peninsular, while Spanish mercantilist policies further prohibited active inter-regional trade with Spanish America. Though the Bourbon economic reforms of the eighteenth century gradually opened up trade within Spanish America, and allowed for outside competition, in particular from Britain and France, the material and developmental benefits arising from trade liberalisation remained confined to the Spanish and creole elite. Small-scale industries, in particular handicrafts such as textile goods, however, could not compete with the flood of cheaper manufactured European goods that entered the domestic market and therefore started their slow process of decline long before independence arrived. What Spanish America in general, and Ecuador in particular, had to offer the industrialising European world in the eighteenth and nineteenth centuries was agricultural raw materials that gradually gained importance as technological and scientific innovations developed new uses for particular products. Trade, however, had a limited modernising impact on the colonial economies, and consequently many of the Spanish American colonies, including Ecuador, found themselves in an underdeveloped state with feudal land relations at the time of independence in the early nineteenth century.<sup>6</sup>

Britain, on the other hand, only became seriously interested in Africa in the course of the nineteenth century when industrialisation had already changed its economy along capitalist lines. Colonial rule incorporated its African colonies into a world economy dominated by capitalist preoccupation with raw materials and markets. In addition, Britain demanded from its African colonies economic self-sufficiency, and therefore set

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<sup>6</sup> A.K. Bagchi, *The political economy of underdevelopment*, pp. 41-53; J.R. Fisher, "Commerce and imperial decline: Spanish trade with Spanish America, 1797-1820" in *Journal of Latin American Studies* 30, 1998, pp. 459-479. See S.L. Stern, "Feudalism, capitalism, and the world-system in the perspective of Latin America and the Caribbean" in *The American Historical Review* 93(4), October 1988, pp. 829-872 for contrasting views on the political and economic legacies of the Spanish colonial era in Latin America.

out to influence economic development in Nigeria and elsewhere to achieve this goal. Economic developments were further influenced by British participation in the two World Wars and the need to build up the British economy after both wars. As a result, production and exploitation of natural resources in Nigeria were re-oriented in the first half of the twentieth century towards products needed in Britain's war effort, and in the inter-war period towards resources that would enable Britain to rebuild its national economy. Through its interventionist economic policies, especially the implementation of modernising technologies in various sectors, Britain also transformed pre-colonial economic structures and production methods, and initiated limited industrialisation after 1945. Consequently, while Nigeria was still a predominantly agricultural society at the time of independence, its economy was fully integrated into international capitalism and not locked up within the confines of an outdated economic model as was the case in Ecuador.<sup>7</sup>

### **3.2.1 ENDURING CYCLES OF BOOM AND BUST: AN ECONOMIC HISTORY OF ECUADOR**

The fragmentation of the Ecuadorian environment into numerous small ecological zones not only gave rise to a multitude of regionally and linguistically diverse Indian chiefdoms during the pre-Columbian era, but resulted further in regional economic specialisation and diversification that showed high levels of environmental mastery and cultural-ecological adaptations. In the Costa, Indian groups such as the Barbacoa, Esmeralda, Manta and Puná subsisted mainly on fishing and hunting. With the exception of the País Caranqui (the Confederacy of the Caranqui and Cayambe groups), Sierra Indians such as the Pasto, Cara and the Cañari shared a basic Andean culture and were sedentary agriculturists who cultivated maize, beans, potatoes, squash and quinea. By contrast, greater diversity existed in the Oriente where environmental limitations restricted human habitation in certain areas and placed limitations on agricultural production. As a result, Oriente Indian groups such as the Cofan and the Siona-Secoya

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<sup>7</sup> S. Amin, "Underdevelopment and dependence in Black Africa: origins and contemporary forms" in D.L. Cohen and J. Daniel (eds), *Political economy of Africa: selected readings*, pp. 38-42; D.K. Fieldhouse, *Economics and empire 1830-1914*, pp. 126-145; S.B. Sul, "The economic significance of 'constructive imperialism' " in *Journal of Economic History* 17(2), June 1957, pp. 173-192; D. Dosser, "The formulation of development plans in the British colonies" in *The Economic Journal* 69(274), June 1959, pp. 255-266; R.J. Bunche, "French and British imperialism in West Africa" in *The Journal of Negro History* 21(1), January 1936, pp. 31-46.

subsisted on hunting, gathering, fishing and slash-and-burn agriculture.<sup>8</sup> (See map E-3.)

Though Indian chiefdoms in pre-Columbian Ecuador largely remained politically isolated, extensive trade networks facilitated trade between the three main ecological regions in the country. Economic specialisation due to environmental factors ensured that the three regions made distinct contributions to the intra-Ecuadorian trade. As a result the Costa became associated, *inter alia*, with cotton, sea shells, fish, salt and gold. The Sierra, on the other hand, provided (highland) salt, cotton, staples and domesticated highland dogs, while the Oriente contributed cinnamon, vegetable colouring (for example bandul), medicinal plants, coca leaves and other hallucinogens, domesticated animals such as parrots and monkeys, and capsicum peppers. Following the Inca conquest of the fifteenth century, a variety of new crops such as yucca, sweet potatoes and peanuts were successfully introduced in Ecuador, while the Incas also brought their llamas along, thereby introducing a "proper" beast of burden to the territory (prior to the Inca conquest only dogs and guinea pigs were domesticated) as well as a wool industry which utilised llama and alpaca wool in the weaving of cloth.<sup>9</sup>

### 3.2.1.1 The economy in colonial Ecuador

The Spanish conquest and settlement of Ecuador impacted negatively on the traditional economies and production methods of Indian communities in the territory, in particular those living in the Sierra where Spanish control was most complete. By contrast, difficult access, hostile and uncontrollable Indian communities, disease and the absence

<sup>8</sup> J. Murra, "The historic tribes of Ecuador" in J.H. Steward (ed.), *Handbook of South American Indians 2: the Andean civilisations*, pp. 784-785, 791-792, 802; R.A. Feldman and M.E. Moseley, "The northern Andes" in J.D. Jennings (ed.), *Ancient South Americans*, pp. 142-143; J.H. Steward and L.C. Faron, *Native peoples of South America*, pp. 341-343, 449-455; F. Salomon, *Native lords of Quito in the age of the Incas: the political economy of north Andean chiefdoms*, pp. 73-88; T.L. Bray, "Archaeological survey in northern highland Ecuador: Inca imperialism and the País Caranqui" in *World Archaeology* 24(2), October 1992, pp. 218-219; J.H. Steward, "Tribes of the montaña: an introduction" in Steward (ed.), *Handbook of South American Indians 3: the tropical forest tribes*, pp. 507-509; D.L. Dufour, "Use of tropical rainforests by native Amazonians" in *BioScience* 40(9), October 1990, pp. 652-658.

<sup>9</sup> Steward and Faron, *Native peoples of South America*, pp. 11-12; P. Henley, "Recent themes in the anthropology of Amazonia: history, exchange, alterity" in *Bulletin of Latin American Research* 15(2), 1996, p. 234; D.W. Lathrap, "The antiquity and importance of long distance trade relationships in the moist tropics of pre-Columbian South America" in *World Archaeology* 5(2), October 1973, pp. 170-182; U. Oberen, "Trade and trade goods in the Ecuadorian montaña" in P.J. Lyon (ed.), *Native South Americans: ethnology of the least known continent*, pp. 346-356; Feldman and Moseley, "The northern Andes", p. 143-144; Salomon, *Native lord of Quito in the age of the Incas*, pp. 102-106; D.M. Hanratty (ed.), *Ecuador: a country study*, <<http://lcweb2.loc.gov/frd/cs/ectoc.html>>, Chapter 1, Section 1.

of exploitable precious metals made the Oriente unattractive to the Spanish with the exception of some missionary groups, in particular the Jesuits. As a result, Indian communities in the Oriente continued to practise their traditional economies well beyond the colonial era. The Costa region, on the other hand, had a much smaller Indian population prior to the conquest than did the Sierra and the Oriente, which was further reduced in the battles of the conquest and through diseases in the course of the sixteenth century. Spanish control over the region was limited to the southern parts, and owing to the absence of large numbers of tributaries, the Guayaquil colonists had to explore other sources of income, which over time resulted in the integration of Indian communities into a mercantile and wage labour economy.<sup>10</sup>

Since the Spanish Crown did not organise nor finance the conquest of Ecuador, the initial economic aim of the conquistadors was the acquisition of precious metals in order to recover and increase their initial investments in the conquest. However, in contrast to Peru, Ecuador did not possess vast gold and silver deposits and by 1573 gold deposits at Santa Bárbara and Zamora had been exhausted. Mining continued at Barbacoas and Zaruma until the mid-eighteenth century, but its contribution to the economic wealth of the *audiencia* was very limited. In the absence of vast gold and silver deposits, land and Indian labour acquired additional importance in colonial Ecuador. Through various colonial institutions such as *encomiendas* and *corregidores* (with its associated right to tribute collections), and *repartimiento* and *mita* (labour division and conscription) Indians were quickly absorbed into a colonial economy that aimed at re-orienting and exploiting Indian labour and production to the advantage and requirements of the Spanish conquerors.<sup>11</sup>

<sup>10</sup> L. Linke, *Ecuador: country of contrasts*, pp. 18-19; M. Mörner, *The Andean past: land, societies, and conflicts*, pp. 38-39, 46; D.W. Schodt, *Ecuador: an Andean enigma*, p. 25; M. Hiraoka and S. Yamamoto, "Agricultural development in the upper Amazon of Ecuador" in *The Geographical Review* 70(4), October 1980, p. 425; Steward and Faron, *Native peoples of South America*, pp. 8-9.

<sup>11</sup> O. Hurtado, *Political power in Ecuador* (translated by N.D. Mills), pp. 6-7, 26-27; J.M. Vargas, *La economía política del Ecuador durante la colonia*, pp. 175-182, 187-201, 211-226; Bagchi, *The political economy of underdevelopment*, pp. 48-49. See also K. Spalding, "Exploitation as an economic system: the state and the extraction of surplus in colonial Peru" in G.A. Collier, R.I. Rosaldo and J.D. Wirth (eds), *The Inca and the Aztec states 1400-1800: anthropology and history*, pp. 321-328.

### *Tribute and forced labour*

Control over both land and labour was the central function of political authorities in colonial Ecuador and therefore also a key component of political power-relations in the territory. At first, conquered lands of the fallen northern Inca empire were distributed to the conquistadors who, through the privilege of *mercedes reales*, were rewarded land as spoils of war and as compensation for economic and military services rendered to the Spanish crown. The 204 city founders of Quito, for example, received plots in the 1530s for town residences as well as rural grants for agricultural purposes. In this way the Spanish succeeded in transplanting a medieval feudal system to Spanish America at a time when feudalism was slowly starting to die out in Europe.<sup>12</sup>

The grant of *encomienda* was not only an economic venture, but also served the purpose of administering political, economic, cultural and religious control over the Indian groups in colonial Ecuador. In theory, the *encomienda* system assigned a chief *curacas* along with his Indian subjects within a defined territory to a Spaniard (*encomendero*) to whom they had to pay tribute, either in money or in kind. In exchange for tribute payments, the *encomendero* had to protect his Indian subjects, care for their spiritual welfare and ensure their adoption of the Christian faith, and extend military assistance to the king. It is important to note that the *encomienda* system did not grant *encomenderos* title to the land nor the right to exact labour from their Indian subjects. In 1573 the Sierra had 81 *encomiendas* which increased to 156 by 1591. By contrast to the Sierra, the *encomienda* system was to a large extent unprofitable in the Costa region where a small Indian population made land readily available but not the tribute paying Indians that went with the land and were at the heart of the system. As a result the number of *encomiendas* in Guayaquil, for example, fell from 30 to thirteen between 1540 and 1605, while their average income fell by about 50 % in the same period.<sup>13</sup>

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<sup>12</sup> Hurtado, *Political power in Ecuador*, pp. 2-5; G. Arciniegas, *Latin America: a cultural history* (translated by J. MacLean), pp. 124-125; Schodt, *Ecuador*, pp. 21-23.

<sup>13</sup> M. Jorrín, *Governments of Latin America*, pp. 35-36; Hurtado, *Political power in Ecuador*, p. 2; Mörner, *The Andean past*, p. 38.

Spanish colonists very rarely adhered to the judicial limitations of the *encomienda* system which in effect led to the enslavement of the Indians in the name of a civilising and Christianising effort. The abuse of the system brought *encomiendos* in direct conflict with the Spanish crown who set out to reform the *encomienda* system in the sixteenth century in reaction to the activities of pro-Indian clergy such as Bartolomé de Las Casas, a priest and former *encomendero*, and the growing power of *encomenderos* in Spanish America. Beginning with a Papal bull in 1537 that declared Indians fully capable of receiving the Christian faith, King Charles V promulgated the New Laws of the Indies in 1542 that prohibited the enslavement of Indians, their compulsory personal service, the granting of new *encomiendas* and the inheritance of *encomiendas*. *Encomenderos'* right to labour services as tribute payment was also abolished in 1563 in terms of the reforms implemented by the Viceroy of New Castile, Francisco de Toledo, which stipulated that Indian tribute could only be paid in gold and kind (at fixed rates and on a 50-50 % basis).<sup>14</sup> In addition, De Toledo established a new class of appointed officials, the *corregidores de indios*, who were responsible for the welfare of the Indian population and who regulated and organised Indian labour in colonial Ecuador.<sup>15</sup>

Uniform tribute rates were set by the *audiencia* from 1563 onwards and varied considerably depending on the region and the presumed ability of Indians to pay specific rates. In 1563, for example, tribute in the Quito and Loja districts was set at three gold pesos and two *tomines* (about three pesos five reales), while that in the Cuenca district was set at five gold pesos. Given the absence of gold and silver deposits in the region, tribute became an important source of income for the colonial treasury, constituting between one-third and two-thirds of the total colonial revenues throughout the colonial era. In the first decade of independence (viz. the 1830s), for example, Indian tribute still contributed about 35 % of total national revenues.<sup>16</sup>

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<sup>14</sup> All Indian males between the ages of eighteen and 49 were subject to annual tribute payments to the *encomenderos* (those living on *encomiendas*) or to the crown (those living on *reducciones*).

<sup>15</sup> Murra, "The historic tribes of Ecuador", p. 814; E.B. Burns, *Latin America: a concise interpretive history* (2<sup>nd</sup> edition), pp. 28-30; E. Dussel, *A history of the church in Latin America: colonialism to liberation (1492-1979)*, pp. 47-48, 51; Schodt, *Ecuador*, p. 21; A.B. Thomas, *Latin America: a history*, p. 76.

<sup>16</sup> M. van Aken, "The lingering death of Indian tribute in Ecuador" in *The Hispanic American Historical Review* 61(3), August 1981, pp. 432-433, 450; Schodt, *Ecuador*, pp. 21-23; Murra, "The historic tribes of Ecuador", p. 814.

The fact that the colonial economy was inextricably tied to the size of the annual Indian tribute, in turn meant that it was greatly affected by any drastic decline in the Indian population. The physical exploitation of the Indians under the forced labour scheme (*mita*), along with disease, played havoc with Indian demographic patterns during the colonial era. The conquest and several periods of disease in the course of the sixteenth century reduced the Indian population by half to about 250 000 by the end of the sixteenth century. After a 90-year recovery period between 1600 and 1690 in which the Indian population almost doubled, disease and natural disasters in the 1690s wiped out almost a century of demographic growth, which left the *audiencia* in economic ruin since many of the Indians could not meet their tribute obligations and many thousands more died. During the eighteenth century disease and natural disasters continued to impede demographic growth amongst Indians, while economic decay increased the hardship amongst them since the remaining Indian population was expected to perform at higher levels with fewer people available to do the physical labour required from them.<sup>17</sup>

The availability of Indian labour was a central concern after the New Laws prohibited the payment of tribute in labour, mainly because the Spanish considered all forms of labour as degrading and not befitting their status. As a result, the *repartimiento* and *mita* systems were implemented to guarantee Spanish colonists a steady supply of Indian labour. In the *repartimiento* system the *corregidores* temporarily allotted Indian workers for a given task in return for a meagre payment. The *mita* system, on the other hand, assigned a fifth of the Indian population between eighteen and 49 to work for a year in the mines, in agriculture and in other activities for predetermined wages. These wages more often than not were not sufficient for the Indians to survive on, let alone provide for their families as well, which in turn forced them into debt with their local *encomenderos*. This resulted in a form of debt peonage through which white colonists ensured themselves of a constant and steady Indian labour force which, through inheritable debt, remained bounded to their white "overseers" for indefinite periods. The *mita* system was abolished only in 1812.<sup>18</sup>

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<sup>17</sup> S.A. Alchon, *Native society and disease in colonial Ecuador*, p. 32 *et seq.*

<sup>18</sup> Mörner, *The Andean past*, pp. 37, 41; Hurtado, *Political power in Ecuador*, pp. 3-4; Jorrín, *Governments of Latin America*, pp. 36-38.

The implementation of the *mita* system merely continued the economic exploitation of the Indian population by the Spaniards without truly improving the predicament of Indians in colonial Ecuador. It further served the important role of continuing the process of breaking down traditional kinship systems and replacing them with Spanish institutions, thereby altering traditional political, economic and social patterns to the disadvantage of the Indian groups. Labour played an important role in this transformation and essentially subjugation process by forcefully incorporating the Indian population into colonial political and economic institutions in which they could be controlled and exploited more easily. Through this process traditional perspectives on labour in which all work was associated with ritual, festival occasions and ceremonial forms, made way for a new perspective in which work became necessary for survival, but did not necessarily ensure survival. While in theory the *mita* system only employed a fifth of the total Indian population at a given time, in practice up to half of the Ecuadorian Indians were subjected to *mita* demands at a given time during the colonial era.<sup>19</sup>

During the colonial period institutionally separated control over land and labour was gradually consolidated into the large landed estates known as *haciendas*, through which *cabildo* land grants were transformed into agricultural and manufacturing units. *Haciendas* were characterised by a resident labour force that was tied to the land and the *hacendados* through forced labour. The resident Indian labourer (*huasipunguero*), in exchange for an annual payment and a small plot of land, had to provide field and/or factory labour, as well as domestic labour to the *hacendados*. Debt peonage kept generations indebted to *hacendados*, which ensured a readily available and stable labour force that could be exploited and sold when the *hacienda* changed ownership.<sup>20</sup>

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<sup>19</sup> Mörner, *The Andean past*, p. 38; Schodt, *Ecuador*, pp. 21-23.

<sup>20</sup> Hurtado, *Political power in Ecuador*, pp. 20-21; Schodt, *Ecuador*, pp. 24-25. See also M. Mömer, "The Spanish American hacienda: a survey of recent research and debate" in *The Hispanic American Historical Review* 53(2), May 1973, pp. 183-216; J.D. Cockcroft, *Neighbours in turmoil: Latin America*, p. 376.

*The Sierra economy*

The economy of the Sierra during the colonial era was based on agriculture and textiles. Many European crops were introduced in the region during the sixteenth century thereby altering traditional cultivation and consumption patterns, especially through the widespread cultivation of wheat and barley. The Spanish further introduced domesticated animals such as horses, mules, cattle, hogs, chickens and sheep, of which the latter two became important to Indian communities since they could be easily managed on the small Indian landholdings. While the production of food for subsistence and for regional markets continued in the Sierra throughout the colonial era, it was the growth of the textile industry that ensured wealth to the Spanish crown and colonists in this region from the late sixteenth century until the early eighteenth century.<sup>21</sup>

The introduction of wool-producing merino sheep in the course of the sixteenth century expanded the raw material base of the pre-Columbian Sierra textile industry, which started to produce wool cloth in addition to the cheaper cotton cloth, thereby expanding the traditional Indian textile industry into a Spanish-controlled "international" textile industry that provided Ecuadorian textile products as far as Popayán in the north and the Peruvian mines at Potosí in the south. The basis of the textile industry was textile mills (*obrajes*) that increased from six *obrajes* in 1595 to 201 by 1681 employing about 28 000 Indians under harsh conditions. By the seventeenth century, the value of annual textile exports was around 1,5 million pesos, which in turn meant vast profits for the *obraje* owners who, with few exceptions, were mainly colonists, and the church, as well as the Spanish crown through taxes on sales and exports. By contrast, the Indian *obraje* workers had to endure harsh conditions and were frequently either chained to the equipment or locked up to ensure that they did not run away. During the textile boom *obraje* owners not only exercised control over labour and production, but also controlled access to the raw materials since most of the *obrajes* were located on estates

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<sup>21</sup> Murra, "The historic tribes of Ecuador", p. 812.

that were sheep ranches as well as food-producing farms.<sup>22</sup>

The textile boom was short-lived and by the early eighteenth century made way for the first of many economic busts in Ecuador when a number of economic, demographic, environmental and international factors initiated a sharp decline in the textile industry, with profits falling to 600 000 pesos annually, and the number of *obrajes* dropping to sixty by 1720. The decline of the Sierra textile industry along with epidemics and natural disasters in the 1690s that drastically reduced both the Indian labour force and the number of tribute paying Indians, created a financial crisis in the region that continued and intensified in the course of the eighteenth century. Important changes to the regional economy that included a return to food production, the expansion of sugar production (the production of *aguardiente*, a potent cane liquor, constituted one of the few profitable ventures in the Sierra during this period) and the implementation of the *repartimiento de mercancías* system (the forced sale of goods, mainly unwanted, to Indians) in 1756, failed to reverse the economic hardships of the region. Economic decline in the Sierra was further exacerbated by the Bourbon economic reforms which, with their focus on increasing commercial and mining activities, tax reforms and the institution of "free trade" from 1765 onwards, left the Sierra producers exposed to world markets where their products were too expensive and therefore uncompetitive. By 1830, when Ecuador became an independent state, the Sierra economy still found itself in the grip of continuing economic decline.<sup>23</sup>

### *The Costa economy*

In the absence of a large tribute paying Indian population whom the conquistadors and colonists could exploit to their benefit, the Guayaquil Spanish had to explore other sources of income than their counterparts in the Sierra. Of particular importance was the

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<sup>22</sup> Hanratty (ed.), *Ecuador*, Chapter 1, Section 3; J.C. Super, "Partnership and profit in the early Andean trade: the experiences of Quito merchants, 1580-1610" in *Journal of Latin American Studies* 11(2), 1979, pp. 266-269; Schodt, *Ecuador*, pp. 23-24; Murra, "The historic tribes of Ecuador", p. 817; Hurtado, *Political power in Ecuador*, p. 7; K.J. Andrien, "Economic crisis, taxes and the Quito insurrection of 1765" in *Past and Present* 129, November 1990, pp. 108-109.

<sup>23</sup> G.R. Andrews, "Spanish American independence: a structural analysis" in *Latin American Perspectives* 12(1), Winter 1985, pp. 110-119; Alchon, *Native society and disease in colonial Ecuador*, pp. 89-100, 113-124; Andrien, "Economic crisis, taxes and the Quito insurrection of 1765", pp. 108-131; L.G. Campbell, "Recent research on Andean peasant revolts, 1750-1820" in *Latin American Research Review* 14(1), 1979, pp. 4-7. See also Fisher, "Commerce and imperial decline", pp. 459-479.

development of Guayaquil as the major port on the Pacific seaboard that facilitated both legal trade between Spain and her colonies in the region, and "illegal" trade amongst the colonies themselves; i.e. illegal in terms of the prevailing mercantilist policies of the Spanish crown. As a result, Guayaquil, known as the "Pesthole of the Pacific" due to the prevalence of disease and poor health, sanitation and building conditions (the city was destroyed by fire on several occasions), developed as an energetic and enterprising commercial centre that exported Sierra textiles and tropical produce such as hardwood and cocoa, while importing European and Asian goods for the Costa and Sierra elite. Due to the vast hardwood resources and a protected harbour, Guayaquil developed a flourishing shipbuilding industry that supplied both merchant ships and warships until the nineteenth century when the failure of the Guayaquil shipyard to make the transition to steam technology resulted in a sharp decline in demand for its products. In addition, the Costa also had a gunpowder manufacturer in Latacunga, while cascarilla bark (*Croton eluteria*, used in the making of incense) was widely exploited and exported in vast quantities.<sup>24</sup>

Due to its function as the facilitator of colonial Ecuador's import and export trade that came predominantly from the Sierra until the end of the seventeenth century, the Costa economy was inextricably tied to that of the Sierra in the first two centuries of colonial rule. The gradual development of plantation agriculture, however, saved the Costa from economic ruin when the Sierra economy stagnated and declined in the course of the eighteenth century. By contrast, the economy of the Costa expanded significantly during this period under the pro-commerce economic policies of the Bourbon kings, resulting in wealth and prosperity for the regional elite, while those of the Sierra faced widespread bankruptcy and the forced sale of property in order to survive.<sup>25</sup>

The wealth and prosperity of the Costa region in the eighteenth century were based on tropical plantation agriculture (dependent upon a combination of black slave and wage labour), especially the cultivation and exportation of cocoa, tobacco, sugarcane and

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<sup>24</sup> Linke, *Ecuador*, p. 18; Hurtado, *Political power in Ecuador*, p. 7; Schodt, *Ecuador*, pp. 25-26; Hanratty (ed.), *Ecuador*, Chapter 1, Section 3; R.F. Pineo, "Misery and death in the Pearl of the Pacific: health care in Guayaquil, Ecuador, 1870-1925" in *The Hispanic American Historical Review* 70(4), 1990, p. 609.

<sup>25</sup> R.H. Whitbeck and F.E. Williams, *Economic geography of South America* (3<sup>rd</sup> edition), pp. 107-108; Andrews, "Spanish American independence" pp. 112-113; Cockcroft, *Neighbours in turmoil*, p. 376. See also Fisher, "Commerce and imperial decline", pp. 459-479.

coffee, which gradually developed in the colonial era in response to a labour shortage in the region. Because of labour shortages, agricultural development was confined mainly to the Guayas Basin where an extensive system of navigable rivers provided the main means of communication and trade while further ensuring that production costs remained low. Over time cocoa production, an indigenous Latin American crop, emerged as the dominant export crop in no small part due to the fact that the Costa region had near perfect environmental conditions for cocoa cultivation.<sup>26</sup> Spanish colonial trade restrictions severely limited cocoa cultivation and export until the Bourbon reforms of the eighteenth century with their focus on increasing commerce between Spain and her colonies. These reforms stimulated the expansion of cocoa production, which increased sixfold between 1700 and 1820. Initially, smaller and medium-scale producers dominated cocoa production until the reinstatement of free trade by the Spanish Crown in the 1780s resulted in the concentration of cocoa expansion and cultivation in the hands of large-scale producers controlled by a few of the economic elite (for example 41 % of new cocoa developments after the 1780s was concentrated in the hands of just five families).<sup>27</sup>

The expansion of the cocoa industry in the Costa, especially from the 1780s onwards, amidst the dismal economic conditions in the Sierra, resulted in widespread migration from the latter to the former region. In 1780, for example, the Costa population constituted about 6,7 % of the total Ecuadorian population, but by 1825 this percentage had increased to 14 %. While the Sierra people migrated to the Costa in search of work, their very presence expanded the Costa labour force which in turn facilitated the drastic expansion of the industry between the 1780s and 1830s, when cocoa cultivation doubled. The expansion of cocoa production increased the export value of this crop that represented between 66 % and 75 % of all exports for colonial Ecuador, which in turn increased the importance of export duties for the colonial treasury. Consequently, over

<sup>26</sup> The Guayas River Basin receives ample but not too much rain that is distributed evenly throughout the year with the exception of a short dry season that is necessary for cocoa ripening, high but not oppressive temperatures, fertile and thick alluvium soil, and an easy and cheap river transportation network. Whitbeck and Williams, *Economic geography of South America*, p. 104.

<sup>27</sup> Schodt, *Ecuador*, pp. 25-26; Hurtado, *Political power in Ecuador*, pp. 7-8, 31; R.F. Pineo, "Reinterpreting labour militancy: the collapse of the cocoa economy and the general strike of 1922 in Guayaquil, Ecuador" in *The Hispanic American Historical Review* 68(4), 1988, pp. 710-711; V.D. Wickizer, *Coffee, tea and cocoa: an economic and political analysis*, pp. 262-263; P. Henderson, "Cocoa, finance and the state in Ecuador, 1895-1925" in *Bulletin of Latin American Research* 16(2), 1997, pp. 171-172.

time cocoa exports started to displace Indian tribute as the main source of governmental income. In 1807, for example, Indian tribute constituted 45 % and export duties 15 % of governmental income. By 1830, however, export duties provided 57 % of all governmental revenue as opposed to the 37 % of Indian tribute.<sup>28</sup>

### **3.2.1.2 Economic development in independent Ecuador**

After 297 years of colonial rule the Ecuadorian economy was firmly regionalised when the country became an independent republic in 1830. The regionalisation and fragmentation of the economy had two important consequences, namely each region became associated with specific economic commodities, which in turn fostered the development of different economic and political outlooks amongst the regional economic elites. In the Costa region, economic activities were closely linked to the export trade controlled by an export-oriented business elite with strong liberal assumptions about the state, the economy and personal liberties. Agriculture provided the economic base of society in the region and focused on tropical export crops such as cocoa, coffee, tobacco and (later on) bananas.<sup>29</sup>

Agriculture also formed the economic base of the Sierra region, but in contrast to the Costa, agricultural production aimed at providing domestic needs. After the demise of the textile industry, the only export commodity of value was cascarilla bark, but export quantities were insignificant in comparison with cocoa, coffee and banana exports from the Costa. With their wealth tied to their land and to the domestic market, the land-owning business elite in the Sierra had limited understanding of and need for the internationalisation of the Ecuadorian economy. Instead they preferred to follow a more conservative approach in which a strong state exercised greater control over the economy and its citizens, and in which economic development was based on self-sufficiency in both produce and manufactured goods. As the seat of the Ecuadorian government, the Sierra over time came to rely on economic activities first in the Costa and, after the discovery of petroleum reserves in the Amazon in the 1960s, on the

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<sup>28</sup> Schodt, *Ecuador*, pp. 25-26; Hurtado, *Political power in Ecuador*, pp. 31-32.

<sup>29</sup> Thoumi, "The hidden logic of 'irrational' economic policies in Ecuador", pp. 49-54; Cockcroft, *Neighbours in turmoil*, pp. 376-377.

Oriente for its economic growth and periods of prosperity, thereby fostering resentment amongst the Guayaquil elite who believed that their wealth was being carried away to the Sierra to the detriment of the Costa region.<sup>30</sup>

In contrast to the Sierra and the Costa regions, the Oriente played an insignificant economic role for most of the independence era. The Amazonian rubber and quinine booms of the late nineteenth and early twentieth centuries largely bypassed the Ecuadorian Amazon due to limited and less valuable castilloa (*Castilla elastica* and *Castilla ulei*) and cinchona (*Cinchona officinalis*) trees along with a general lack of a network of navigable rivers to facilitate trade in quinine and rubber. Consequently these booms that transformed Amazonia in Peru, Bolivia and Brazil, had a limited impact on the Ecuadorian Oriente which remained on the margins of political and economic developments until the late 1960s when oil developments pushed it for good to the front of national development.<sup>31</sup>

The economic and political differences between the various regions were exacerbated by extreme geographical limitations on communication and transportation networks that severely limited the physical integration of and interaction between the three regions. Successive governments therefore focused attention on the development of cart, road and rail networks in order to establish direct links between the main urban centres in the country. The physical integration of the various regions, however, proved to be a slow and costly process. A proper cart road linking Quito and Guayaquil, for example, was only completed in the 1860s and was followed shortly thereafter by the completion of a road that provided the first direct link between Esmeraldas and Quito. The building of the Transandean Railway that connected Quito and Guayaquil, on the other hand, took 36 years (1872-1908) and had to be financed by American capital (through the Guayaquil and Quito Railway Company). Up to the 1930s infrastructural development

<sup>30</sup> F.B. Pike, *The United States and the Andean Republics: Peru, Bolivia and Ecuador*, pp. 141-142; Schodt, *Ecuador*, pp. 32-33; Thoumi, "The hidden logic of 'irrational' economic policies in Ecuador", pp. 49-54.

<sup>31</sup> Hiraoka and Yamamoto, "Agricultural development in the upper Amazon of Ecuador", pp. 425-427; B. Barham and O. Coomes, "Wild rubber: industrial organisation and the microeconomics of extraction during the Amazon rubber boom (1860-1920)" in *Journal of Latin American Studies* 26, 1994, pp. 40-46; S. Hvalkof, "Outrage in rubber and oil: extractivism, indigenous peoples, and justice in the upper Amazon" in C. Zerner (ed.), *People, plants, and justice: the politics of nature conservation*, pp. 92-101; O.T. Coomes and B.L. Barham, "The Amazon Rubber Boom: labour control, resistance, and failed plantation development revisited" in *The Hispanic American Historical Review* 74(2), 1994, pp. 233-240.

aimed at linking the Sierra and the Costa regions, while the Oriente remained effectively isolated from the rest of the country until oil exploration activities from the 1930s onwards, and especially after 1967, gradually began to open up the region to outside influences.<sup>32</sup>

The textile boom and bust of the seventeenth century established the basic pattern of Ecuadorian economic development, namely the overdependence on mono-exports for the generation of governmental revenue. The continued resistance of the country's business elite to submit to taxation severely limited the tax base of successive independent Ecuadorian governments who had to turn to export duties and sales tax as their main sources of governmental revenue. The abolition of Indian tribute in 1857, the main source of colonial governmental revenue, and the tithe in 1889 (traditionally the government received one-third of the tithe, which was raised to two-thirds in 1867), further increased governmental dependence on the export sector as the major source of public revenue, financial stability and economic survival of the Ecuadorian state. By directly linking their economy to the whims of the international markets, Ecuador became very exposed and vulnerable to fluctuations in commodity prices on the world markets that went through general boom-bust cycles. As a result, Ecuadorian economic history is marked by enduring boom-bust cycles since the government allowed for the development of overdependence first on cocoa exports (1870-1925), then banana exports (1945-1965), and finally oil exports (since 1972) to ensure the financial survival and continuation of the Ecuadorian state.<sup>33</sup>

The first boom-phase of independent Ecuador was based on cocoa production and exports and lasted from about 1860 to 1922,<sup>34</sup> during which period export duties became

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<sup>32</sup> Schodt, *Ecuador*, pp. 28-33; O. Hardy, "South American alliances: some political and geographical considerations" in *The Geographical Review* 8(4/5), October/November 1919, p. 262; Pike, *The United States and the Andean republics*, pp. 114-115; M. Wilkins, *The emergence of multinational enterprise: American business abroad from the colonial era to 1914*, pp. 177-178; Hiraoka and Yamamoto, "Agricultural development in the upper Amazon of Ecuador", pp. 425-427.

<sup>33</sup> Van Aken, "The lingering death of Indian tribute in Ecuador", pp. 444-447, 450, 453-458; Thoumi, "The hidden logic of 'irrational' economic policies in Ecuador", pp. 45-54; C. Larrea and L.L. North, "Ecuador: adjustment policy impacts on truncated development and democratisation" in *Third World Quarterly* 18(5), 1997, pp. 915-921.

<sup>34</sup> The cocoa boom of the late nineteenth and early twentieth centuries resulted from an increase in world demand for cocoa following the development of the first milk chocolate by the Swiss in 1860. Ecuadorian arriba cocoa was popular on the world cocoa markets due to its high quality and bitter taste. Wickizer, *Coffee, tea and cocoa*, pp. 262-265; Linke, *Ecuador*, pp. 135-136.

the main source of governmental revenue, with cocoa constituting between 60 % and 77 % of all exports between 1885 and 1922. Though exports in coffee, tagua nuts, Panama hats, rubber and gold also increased during this period, their combined value was insignificant in comparison with cocoa exports that increased from 8 380 000 kg in 1860 to 47 210 000 kg by 1914. The cocoa boom had a marked influence on the financial position of the country, with cocoa windfalls enabling successive governments, especially during the liberal phase (1895-1925), to embark on ambitious development programmes that included the development of railways, roads, ports, water works and electricity networks, and the expansion of educational services, the bureaucracy and the military. Increased governmental spending, however, could not be sustained by cocoa export duties alone which prompted the state to cover annual budget deficits with domestic loans from Guayaquil banks.<sup>35</sup>

Due to the nature of the cocoa industry, which was controlled by a small group of families, the cocoa boom did not bring wealth and prosperity to a large section of Ecuadorian society. On the contrary, apart from the small business elite in control of the industry, the Guayaquil banking elite, the government and to a lesser extent the small number of workers involved in various sectors of the industry, the cocoa windfalls did not filter through to the rest of the economy and the vast majority of the population. In addition, the cocoa boom had a limited modernisation impact on the Ecuadorian economy and did not result in economic diversification and industrial development. The failure to promote economic diversification and industrial development became problematic when the cocoa boom turned into a bust from the late 1910s onwards following a drop in world demand for cocoa during the First World War and a drastic decline in world cocoa prices that fell about 60 % between 1920 and 1921. The cocoa bust in Ecuador was exacerbated when plant diseases struck, owing to lack of proper care of the trees, in 1916 (Monilla Pot Rot that attacked non-native cocoa varieties) and in 1922 (Witches' Broom that attacked the native arriba cocoa), killing off thousands of productive trees. Consequently, cocoa exports declined drastically from 40 361 000 kg in 1922 to 29 564 000 kg in 1923, which in turn drastically reduced foreign export

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<sup>35</sup> Henderson, "Cocoa, finance and the state in Ecuador, 1895-1925", pp. 171-174; Larrea and North, "Ecuador", pp. 915-916. Due to the country's badreputation abroad, no international loans were forthcoming in the early twentieth century to cover the excessive spending habits of successive Ecuadorian governments.

earnings. Ecuador quickly lost its status as main cocoa producer in the world and by 1925 contributed only 6,5 % of total world production.<sup>36</sup>

The economic crisis that resulted from the cocoa bust was badly managed by the liberal governments who initially simply increased their domestic borrowing, thereby driving up inflation and increasing the hardship of the majority of Ecuadorian society. In reaction to the prevailing dismal economic conditions, the Guayaquil workers launched the Ecuadorian labour movement when they went on strike in November 1922, a strike that the government suppressed with excessive force that left at least 300 people dead. The government's inability to cope with the economic crisis was also one of the main motivations for the July 1925 military coup that brought an end to 30 years of liberal rule in the country, while at the same time initiating a prolonged period of political and economic instability that was to last until the onset of the banana boom in 1948. During this period, the presidency changed hands 27 times, migration to urban centres increased drastically, and the economy remained in a general state of decline despite a brief growth period during the Second World War due to increased exports in war-related products such as balsa wood, rubber and cinchona bark. However, this brief growth period lasting from 1938 to 1944, had a negative impact on the general economy resulting in massive inflation with the price of basic foods increasing by 400 %, while real monthly wages decreased from 164,44 sucres in 1938 to 133,31 sucres by 1944.<sup>37</sup>

Even though the Ecuadorian economy failed to emerge from the grip of stagnation between 1925 and 1948, important new developments did take place, the most important of which was the resumption of state control over some aspects of the economy which aimed at modernising the state structure, asserting the authority of the state, reforming the tax system and the regulation of the relationship between capital and labour. An important new development was the creation of the Banco Central that

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<sup>36</sup> Henderson, "Cocoa, finance and the state in Ecuador, 1895-1925", pp. 172-174, 179-181; Pike, *The United States and the Andean republics*, pp. 156-157; Pineo, "Reinterpreting labour militancy", pp. 711-712, 714-715; Corkill and Cubitt, *Ecuador*, pp. 10-11; Larrea and North, "Ecuador", pp. 915-916; Hurtado, *Political power in Ecuador*, pp. 70-81.

<sup>37</sup> Schodt, *Ecuador*, pp. 40-42; A. Middleton, "Division and cohesion in the working class: artisans and wage labourers in Ecuador" in *Journal of Latin American Studies* 14, 1982, pp. 179-183; Pike, *The United States and the Andean republics*, pp. 188-189; Pineo, "Reinterpreting labour militancy", pp. 713-736; C. de la Torre, "Velasco Ibarra and 'La Revolución Gloriosa': the social production of a populist leader in Ecuador in the 1940s" in *Journal of Latin American Studies* 26, 1994, pp. 691-696; M.I. Fletcher, "Balsa industry in Ecuador" in *Economic Geography* 25(1), January 1949, pp. 47-54; Linke, *Ecuador*, pp. 135-138.

revoked the right of private banks to issue currency in the 1920s, while the government also created governmental departments for the Comptroller General, the Budget, Public Works and Customs. Spurred on by private initiative, industrial development also began to assume modest importance and was aimed mainly at textiles, cement, shoes, chemical products and printing. In the export sector, rice (1927-1947), coffee and Panama hats became the major export commodities, followed by petroleum and gold exports that constituted 20 % of all exports by 1945. Petroleum and gold exports, however, were severely limited by the sustainability of resources with gold exports coming to an end by the late 1940s, and the country reverting to being a net oil importer by 1958 due to increases in local consumption.<sup>38</sup>

The banana boom came to the rescue of the ailing Ecuadorian economy in 1948 when a combination of hurricanes, labour unrest and crop diseases played havoc with banana plantations in Central America, rendering these countries incapable of delivering their share of a rapidly expanding world market. Ecuadorian farmers, with strong governmental backing in the form of favourable credit schemes, colonisation programmes and an extensive road building programme, stepped in to fill the void and by 1953 Ecuador was the world's leading banana producer. Due to the rapid expansion of land under cultivation along with the development of an extensive road network needed for the transportation of export bananas, Ecuadorian banana exports increased drastically from 99 633 metric tons in 1948 to 406 363 metric tons in 1953, reaching 669 063 metric tons by 1957.<sup>39</sup>

In contrast to the cocoa boom, the economic benefits of the banana boom affected a greater portion of Ecuadorian society, in no small part due to the fact that small- and medium-scale producers contributed up to 50 % of all bananas intended for the export market. The banana boom led to important social and economic changes within the country that included the establishment of wage labour as the dominant form of labour; massive population migrations from the Sierra to the Costa; the emergence of a white-

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<sup>38</sup> C.M. Conaghan, *Restructuring domination: industrialists and the state in Ecuador*, pp. 35-37; Hurtado, *Political power in Ecuador*, pp. 80-84; Linke, *Ecuador*, pp. 137-146; Hanratty (ed.), *Ecuador*, Chapter 1, Section 5.4.

<sup>39</sup> J.J. Parsons, "Bananas in Ecuador: a new chapter in the history of tropical agriculture" in *Economic Geography* 33(3), July 1957, pp. 201-216; Pike, *The United States and the Andean republics*, p. 298; Linke, *Ecuador*, pp. 138-140.

collar middle class; the opening-up of vast tracts of uninhabited and uncultivated lands along the western slopes of the Andes for colonisation and agricultural purposes (for example Santo Domingo de los Colorados); the expansion of the manufacturing sector that grew by an average of 8 % annually in the 1950s; significant growth in the construction, fishing and domestic agricultural markets, and the diversification of the Ecuadorian economy.<sup>40</sup>

Banana exports quickly replaced coffee and cocoa exports as the leading export commodity, contributing about 60 % of all exports during the 1950s and early 1960s, while generating around 75 % of all foreign exchange earnings and about 50 % of all governmental revenue. Banana windfalls enabled both the Galo Plaza and Velasco Ibarra governments (1948-1956, see Chapter 2, section 2.2.2.5) to embark on extensive national development programmes that aimed at modernising both the Ecuadorian economy and society. Excessive governmental expenditure could only be sustained as long as commodity prices remained high on world markets. However, at the start of Camilo Ponce Enríquez's presidency in 1956, world coffee and cocoa prices dropped by 50 % thereby triggering a decline in foreign reserves, a balance-of-payment deficit and a national budget deficit. Though the banana boom lasted until 1965, from 1956 onwards the Ecuadorian economy slowly deteriorated, resulting in widespread unemployment, civil discontent and increasing poverty levels. In order to cover annual deficits, the Ecuadorian government turned to the US and international financial institutions to finance imports and development programmes, thereby increasing the country's foreign debt from US \$42 million in 1950 to US \$94 million in 1960. Debt service payments increased correspondingly from 1,4 % of exports in 1950 to 7% in 1959 and 8,7 % by 1962.<sup>41</sup>

Economic decline continued throughout the 1960s despite attempts by successive governments to restructure the national economy through tax and agrarian reforms, the devaluation of the sucre and the implementation of tight foreign exchange controls.

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<sup>40</sup> Hurtado, *Political power in Ecuador*, pp. 169-175; Conaghan, *Restructuring domination*, pp. 37-41; A.L. Burt *et al.*, "Santo Domingo de los Colorados: a new pioneer zone in Ecuador" in *Economic Geography* 36(3), July 1960, pp. 221-230; Parsons, "Bananas in Ecuador", pp. 211-213; Larrea and North, "Ecuador", pp. 916-919.

<sup>41</sup> J.V. Kofas, "The IMF, the World Bank, and U.S. foreign policy in Ecuador, 1956-1966" in *Latin American Perspectives* 28(5), September 2001, pp. 50-83; J.S. Fitch, *The military coup d'etat as a political process: Ecuador, 1948-1966*, p. 48; Schodt, *Ecuador*, pp. 57-62.

Important new developments included the tax and agrarian reforms implemented by the military junta between 1963 and 1966. Tax reforms included the elimination of 1 216 taxes between 1963 and 1967, the introduction of personal income tax, the transfer of revenue collection responsibilities from autonomous institutions to the Banco Central in Quito, and increases in import duties.<sup>42</sup> Agrarian reform, on the other hand, aimed at the redistribution of *latifundia* land and changes in the feudalistic Sierra labour relations. Though the 1964 Agrarian Reform Law had limited impact on large landholding estates, it did succeed in changing labour relations in the Sierra where *hacendados* had kept *huasipungueros* in virtual servitude for centuries. The law abolished the practice through which Indians paid rent for their *huasipungo* land, pasture, access to water and firewood resources through virtual unpaid labour, and gave Indian peasant farmers title to their small *huasipungo* plots.<sup>43</sup> Also important was the attempt to integrate the countries in the Andean region economically with the creation of the Andean Common Group (known as the Andean Pact) in 1969 by Bolivia, Colombia, Chile, Ecuador and Peru.<sup>44</sup>

Economically the country's growth accelerated from the average 1950s annual growth rate of 5 %, to an average of 6 % between 1960 and 1968, increasing to 8 % by 1970. This growth, however, was largely due to investments in the petroleum sector following the signing of an exploration contract in 1964 between the Texaco-Gulf joint venture and the Ecuadorian government. Agricultural exports, on the other hand, declined relative to imports thereby eliminating the export surplus of the 1950s, and resulting in large import and balance-of-payment deficits. By 1971, import deficits had reached almost 13 % of the gross national product (GNP). Annual deficits were covered by international loans, which increased the country's foreign debt to US \$241 million by 1970. At that stage about 6% of the economically active section of the country's six million citizens were unemployed, 55 % of the active population was still employed in

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<sup>42</sup> Kofas, "The IMF, the World Bank, and U.S. foreign policy in Ecuador, 1956-1966", pp. 73-78; Schodt, *Ecuador*, p. 83.

<sup>43</sup> H. Handelman, *Ecuadorian agrarian reform: the politics of limited change* (American Universities Field Staff Reports 49), pp. 6-8; L. Zamosc, "Agrarian protest and the Indian movement in the Ecuadorian highlands" in *Latin American Research Review* 29(3), 1994, p. 42.

<sup>44</sup> For more information on the Andean Group see, for example, E.G. Ferris, "National support for the Andean Pact" in *The Journal of Developing Areas* 16, January 1982, pp. 249-270; W.P. Avery, "The politics of crisis and co-operation in the Andean Group" in *The Journal of Developing Areas* 17, January 1983, pp. 155-184; D.H. Madani, *South-South regional integration and industrial growth: the case of the Andean Pact* (World Bank Policy Research Working Paper 2614).

agriculture, and just over 45 % of the population was urbanised. In short, on the eve of the petroleum boom Ecuador was still a poor, predominantly agrarian society, with vast income disparities (for example 50 % of the economically active population earned less than 10 % of national income, while the top 2 % took home about 30 % of all income), low levels of real growth and economic diversification, and a high annual population growth of 3,4 % by 1970.<sup>45</sup>

The commencement of oil exports in 1972, following the discovery in 1967 of commercially viable oil deposits in the Oriente and the completion of the trans-Andean oil pipeline in 1971, brought unprecedented wealth and prosperity to Ecuador, enabling it to improve its status as a poor country to that of a middle-income country by the end of the decade. Oil production increased from 28,6 million barrels in 1972 to 76,2 million barrels by 1973. Owing to intense conflict between Texaco-Gulf and the nationalistic military government of Rodríguez Lara (1972-1976), oil production declined to an annual average of 63,9 million barrels between 1974 and 1977, before returning to 1973 production levels for the remainder of the 1970s.<sup>46</sup>

Ecuador became an oil exporter one year before the 1973 Oil Crisis and Arab oil embargo drastically increased world oil prices, bringing unexpected larger windfalls to oil exporting countries around the globe; even for small oil-producing countries such as Ecuador. The 1970s oil boom generated enough wealth for the country to finally start its economic take-off. The real GNP growth grew by an average of 15 % annually between 1970 and 1973, declining to an average of 6,8 % for the rest of the decade (due to the drastic increase in foreign debt from 1975 onwards, growth in the second half of the decade was mostly debt-led). Exports grew from US \$400 million in 1970 to US \$1,1 billion by 1981; the manufacturing sector registered an annual growth of 9,9 % between 1971 and 1981, while manufacturing output increased by 150 %; per capita GNP

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<sup>45</sup> International Bank for Reconstruction and Development, *Current economic position and prospects of Ecuador*, pp. ix-xiv, 411; R.E. Scott, "Introduction: Latin America and modernisation" in R.E. Scott (ed.), *Latin American modernisation problems: case studies in the crises of change*, p. 15; R.J. Bromley, "Agricultural colonisation in the Upper Amazon Basin: the impact of oil discoveries" in *Tijdschrift voor Economische en Sociale Geografie* 63(1), July/August 1972, pp. 283-285.

<sup>46</sup> Bromley, "Agricultural colonisation in the Upper Amazon Basin", pp. 283-287; A. Gelb, *Oil windfalls: blessing or curse?*, pp. 170-171, 173-174, 176; G. Philip, *Oil and politics in Ecuador 1972-1976* (Institute of Latin American Studies Working Papers 1), pp. 13-31; G. Philip, *Oil and politics in Latin America: nationalist movements and state companies*, pp. 276-292; International Bank for Reconstruction and Development, *Current economic position and prospects of Ecuador*, pp. 36-39.

increased to US \$1 180 by 1981, and industry grew at an annual rate of 13,2 % between 1970 and 1976 (mainly growth in capital-intensive industries). The oil windfalls enabled the Rodríguez Lara regime to embark on a five-year development programme that drastically increased public expenditure in education, health, infrastructural developments, the promotion of economic development, the expansion of social services, and the expansion of the state's involvement in the economy through the creation of some 50-odd new state institutions and companies.<sup>47</sup>

The oil boom had a mixed impact on the various sections of the agricultural sector. While this sector as a whole grew at an annual rate of 5,7 % between 1970 and 1976, the growth was unevenly distributed, with livestock farming, forestry and fisheries registering annual growth rates of 6%, 10,1 % and 15 % respectively. Food production, on the other hand, grew by only 1,5 % annually, which was well below the average 1970s annual population growth rate of 2,9 %. The production of wheat and other staples declined markedly throughout the 1970s thereby creating food shortages on a regular basis. Food shortages were compounded by the agrarian reform measures pursued by the Rodríguez Lara government. In contrast to the 1964 agrarian reforms, the 1973 Agrarian Reform Law placed emphasis on efficient production, the provision of credit and increases in colonisation efforts. However, about 80 % of the credit facilities made available to increase agricultural production went to *latifundia* (i.e. large estate) owners, who controlled 78 % of all land and concentrated on export crop production and premium products such as dairy and livestock which the poor could not afford. *Minifundia* owners that farmed on plots of less than five hectares, on the other hand, owned only 11 % of all arable land on which they grew the majority of the agricultural produce consumed in the domestic market. But, due to their traditional lack of political power, *minifundia* farmers lacked access to much-needed governmental credit and technical assistance, and were disadvantaged by import policies and an overvalued

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<sup>47</sup> The World Bank, *Ecuador: an agenda for recovery and sustained growth*, pp. xiii, 12; A. de Janvry, E. Sadoulet and A. Fargeix, *Adjustment and equity in Ecuador*, p. 22; D.W. Schodt, "Austerity policies in Ecuador: Christian Democratic and Social Christian versions of the gospel" in H. Handelman and W. Baer (eds), *Paying the cost of austerity in Latin America*, pp. 172-176; Gelb, *Oil windfalls*, pp. 176-181; J. Hentschel, *Trade and growth in Ecuador: a partial equilibrium view* (The World Bank Policy Research Working Paper 1352), p. 3.

currency that greatly reduced the cost of imported foodstuffs.<sup>48</sup>

Socially the oil boom enabled the government to embark on educational and development projects that impacted greatly on Ecuadorian society. From the beginning of the 1970s to 1981, illiteracy declined from 31,6% to 14,5% (although rural illiteracy was still 25,8% in 1980); secondary school enrolment increased from 22% to 56%; access to safe water in urban areas increased from 28,4% to 43% and in rural areas from 10,3% to 15,6%, and infant mortality dropped from 107,1 per thousand live births from 1965 to 1970, to 69,6 in the period 1980 to 1985. Despite these improvements, about 40% of Ecuadorian society found themselves living below the poverty line by the end of the oil boom.<sup>49</sup>

While the brief oil glut in the late 1970s did not create the same financial difficulties in Ecuador as it did in many other oil-producing exporting countries (including Nigeria) owing to increased world commodity prices in coffee and cocoa, unsustained economic growth and expenditure created serious budgetary and balance-of-payment deficits from the mid-1970s onwards. These deficits were covered by foreign loans which drastically increased foreign debt from US \$330 million in 1974, to US \$461 million in 1975, US \$ 3,3 billion by 1980, and to US \$4,7 billion when the oil boom turned into a bust in early 1981. From 1970 to 1980, foreign debt as a percentage of GNP increased from 14,7% in 1970 to 52,2% by 1980, thereby increasing the vulnerability of the Ecuadorian economy when oil prices started their decline in 1981, and when the 1982 Latin American debt crisis plunged the whole region into an economic crisis.<sup>50</sup>

The economic crisis in Ecuador in the 1980s was exacerbated by the heavy dependence

<sup>48</sup> Zamosc, "Agrarian protest and the Indian movement in the Ecuadorian highlands", pp. 44-47; Corkill and Cubitt, *Ecuador*, pp. 33-37; Handelman, *Ecuadorian agrarian reform*, pp. 10-11; De Janvry, Sadoulet and Fargeix, *Adjustment and equity in Ecuador*, p. 22; J. Levy and N.D. Mills, "The challenge to democratic reformism in Ecuador" in *Studies in Comparative International Development* 18(4), Winter 1983, pp. 7-8; G.M. Scobie, V. Jardine and D.D. Greene, "The importance of trade and exchange rate policies for agriculture in Ecuador" in *Food Policy* 16(1), February 1991, pp. 34-47; The World Bank, *Ecuador: development problems and prospects*, p. x.

<sup>49</sup> The World Bank, *Ecuador: development problems and prospects*, pp. iii-v; A. Gelb, *Oil windfalls: blessing or curse?*, pp. 194-195; Larrea and North, "Ecuador", pp. 920-921.

<sup>50</sup> S. Wunder, *From Dutch Disease to deforestation: a macroeconomic link? A case study from Ecuador* (CDR Working Paper 97.6), pp. 11-18; A.M. Bocco, "Ecuador: the state, public policy and capital accumulation, 1970-83" in C. Anglade and C. Fortin (eds), *The state and capital accumulation in Latin America 2: Argentina, Bolivia, Colombia, Ecuador, Peru, Uruguay, Venezuela*, pp. 93-97; Schodt, "Austerity policies in Ecuador", pp. 175-176; Weiss, "Debt and devaluation", pp. 10-15.

of the economy on oil exports for foreign export earnings (oil accounted for 60-65 % of all exports), earnings that decreased in value in the course of the 1980s as world oil prices steadily declined; rising interest rates on foreign loans; the high levels of domestic oil consumption that reduced the volume of oil exports; governmental subsidies on fuel, electricity and food stuff; the rise of inflation; widespread rural and urban poverty, and rural underdevelopment. This economic crisis forced the Ecuadorian government to implement neoliberal economic policies in an attempt to rescue the ailing economy and in order to qualify for new international financial aid that was hard to obtain in the wake of the 1982 debt crisis.<sup>51</sup>

Limited austerity measures introduced by Jaime Róldos in February 1981 were continued and expanded by his successor, Osvaldo Hurtado, following Róldos' death in a plane crash in May 1981. These measures, that included the devaluation of the sucre by 33 %, the introduction of new taxes on beer, cigarettes and cars, an increase in petrol prices and the elimination of wheat subsidies, soon proved ineffective in reducing the pace of economic decline. As a result, GNP growth fell from 3,8 % in 1981, to 1,1 % in 1982 and -2,3 % in 1983; foreign debt increased from US \$5,868 billion in 1981 to US \$6,690 billion by 1983, and the inflation rate increased to 52,5 % by 1983. The dismal economic conditions were exacerbated in 1982 and 1983 by environmental disasters, in particular severe droughts and flooding, that caused massive damage to infrastructure (about US \$640 million's worth) and balance-of-payment losses in excess of US \$300 million. Despite the domestic unpopularity of austerity measures, Hurtado did succeed in negotiating a relief package with the International Monetary Fund (IMF) in 1983, and in consolidating and rescheduling debt obligations to private creditors in September 1983, which brought some measure of relief to the economy, but not to Ecuadorian society which had to bear the brunt of the dismal economic conditions.<sup>52</sup>

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<sup>51</sup> Levy and Mills, "The challenge to democratic reformism in Ecuador", pp.6-20; C. Anglade and C. Fortin, "Accumulation, adjustment and the autonomy of the state in Latin America" in Anglade and Fortin (eds), *The state and capital accumulation in Latin America 2*, pp. 28-281; The World Bank, *Ecuador: an agenda for recovery and sustained growth*, pp. 1-7.

<sup>52</sup> C.M. Conaghan and J.M. Malloy, *Unsettling statecraft: democracy and neoliberalism in the central Andes*, pp. 112-113; Hanratty (ed.), *Ecuador*, Chapter 1, Section 6.4; Schodt, "Austerity policies in Ecuador", pp. 176-182; M. Eisner, "Ecuador: caught in the stalemate of crises (M.A. thesis, Stanford University, 2001), pp. 14-17; Weiss, "Debt and devaluation", pp. 14-16; C.M. Conaghan and R. Espinal, "Unlikely transitions to uncertain regimes? Democracy without compromise in the Dominican Republic and Ecuador" in *Journal of Latin American Studies* 22, 1990, pp. 564-565; J.A.K. Hey, "Foreign policy options under dependence: a theoretical evaluation with evidence from Ecuador" in *Journal of Latin American Studies* 25, 1993, pp. 554-561.

Austerity measures continued under the Febres Cordero Rivadavia administration (1984-1988) which implemented a new package of austerity measures shortly after assuming power on 10 August 1984. Those included sucre devaluations, cuts in social spending, the elimination of many price controls, deregulation of interest rates, trade liberalisation, and renewed efforts to increase the effectiveness of tax collection methods.<sup>53</sup> Despite the national unpopularity of these austerity measures, they did succeed in reducing the inflation rate from 48 % in 1983 to 28 % by 1985, stimulated economic growth and allowed for the first budget surplus in many years. The economic recovery, however, was short-lived and by 1986 the country's dependence on oil revenues for about 60 % of total governmental income ensured an economic crisis when world oil prices decreased dramatically from an average of US \$26 per barrel to a low of US \$8,60 by July 1986 (oil prices averaged around US \$12 per barrel during 1986). This price decrease resulted in a revenue loss of US \$800-900 million for the Ecuadorian government. Despite rescue financial aid from the USA, the World Bank and the IMF, the current account deficit increased sixfold, inflation started to increase again, growth slowed down and the value of the sucre against the dollar decreased by 35 %. The economic crisis forced Cordero to suspend all debt repayments in February 1987.<sup>54</sup>

Governmental intention to resume debt repayments by mid-1987 was shelved following the devastating earthquake and its aftershock of March 1987 which led to widespread flooding and landslides that killed over 300 people, and destroyed about 40 km of the trans-Amazonian oil pipeline that connected the Lago Agrio oilfields with the oil refinery at Esmeraldas. Oil exports came to a temporary halt until pipeline repairs were completed in August 1987 at a cost of US \$120 million. Economic decline in 1987 exacerbated civil discontent with Cordero, leading him to abandon many of his austerity measures for the sake of political survival. He raised the minimum wage in July 1987,

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<sup>53</sup> J.A.K. Hey and T. Klak, "From protectionism towards neoliberalism: Ecuador across four administrations (1981-1996)" in *Studies in Comparative International Development* 34(3), Fall 1999, pp. 72-73; Schodt, "Austerity policies in Ecuador", pp. 182-186; J.D. Martz, "Ecuador: the right takes command" in *Current History* 84(499), February 1985, pp. 69-72, 84-85; *Latin American Monitor* 3: *Andean Group* 1(1), 1-31 January 1984, p. 3.

<sup>54</sup> Conaghan and Malloy, *Unsettling statecraft*, pp. 166-167; Anglade and Fortin, "Accumulation, adjustment and the autonomy of the state in Latin America", p. 282; Schodt, "Austerity policies in Ecuador", pp. 229-230; J.D. Martz, "Instability in Ecuador" in *Current History* 87(525), January 1988, pp. 18-20.

eliminated the floating exchange system (replacing it with a fixed exchange rate thereby sending the sucre into a free fall against the dollar), abolished plans to cut public spending by 5 % and embarked on large-scale development projects to boost his popularity.<sup>55</sup>

While Cordero did ensure his political survival, the negative economic impact of these measures lingered on long after he handed over the presidency to Rodrigo Borja in August 1988. The dismal economic conditions that included foreign debt of US \$8,5 billion, an economy that had shrunk by 4,3 % in the preceding year, a very weak and unstable currency, an 85 % inflation rate, widespread un- and underemployment, and poverty, forced Borja to place a moratorium on debt repayments after he came to power, which was followed after eighteen months by debt repayments amounting to only 30 % of interest due. During the Borja administration foreign debt grew from US \$8,5 billion in 1988 to US \$12,25 billion by 1992, while wages and produce prices continued to decline in real value. By 1990, for example, the real minimum wage was on par with its 1974 value despite significant increases to the national minimum wage.<sup>56</sup> Extremely limited debt relief was provided in May 1989 by the then largest debt-for-nature swap under which the World Wildlife Fund and the Nature Conservancy bought US \$9 million of Ecuador's debt from the American Express Co. and Morgan Guaranty Trust. The debt, bought at a discount of 11,875 US cents to the dollar, was converted on a one-to-one basis by the Banco Central into local currency bonds and was spent on rainforest conservation.<sup>57</sup>

The economic difficulties continued during the presidency of Sixto Durán Ballén (1992-1996) prompting the new president to pursue economic policies which aimed at

<sup>55</sup> A. Isaacs, "Problems of democratic consolidation in Ecuador" in *Bulletin of Latin American Research* 10(2), 1991, pp. 229-230; Martz, "Instability in Ecuador", pp. 18-20; Conaghan and Malloy, *Unsettling statecraft*, pp. 167, 179-181; Hey and Klak, "From protectionism towards neoliberalism", pp. 73-74.

<sup>56</sup> J.A.K. Hey, "Ecuadorian foreign policy since 1979: ideological cycles or a trend towards neoliberalism?" in *Journal of Interamerican Studies and World Affairs* 37(4), Winter 1995, pp. 74-75; Hey and Klak, "From protectionism towards neoliberalism", pp. 73-77; *Latin American Monitor 3: Andean Group* 8(2), March 1991, p. 872 and 9(5), June 1992, p. 1024; F. Bustamante, "Ecuador: putting an end to ghosts of the past?" in *Journal of Interamerican Studies and World Affairs* 34(4), Winter 1992/1993, pp. 217-218.

<sup>57</sup> *Latin American Monitor 3: Andean Group* 6(4), May 1989, p. 652. See also K. von Moltke, "Debt-for-nature: the second generation" in *Hastings International and Comparative Law Review* 14(4), 1991, pp. 973-987; M.T. Katzman and W.G. Cale, "Tropical forest preservation using economic incentives: a proposal of conservation easements" in *BioScience* 40(11), December 1990, pp. 827-832; "No debt-for-nature: there is a dark side" in *Multinational Monitor* 12(9), September 1991, <[http://multinationalmonitor.org/hyper/issues/1991/09/mm099\\_1\\_03.html](http://multinationalmonitor.org/hyper/issues/1991/09/mm099_1_03.html)>.

"modernising" the Ecuadorian economy. This was to be achieved, *inter alia*, through the privatisation of state and parastatal industries; the removal of protectionist policies aimed at promoting Ecuadorian industries; the removal of restrictive policies on foreign investment; the phasing out of subsidies; the implementation of agrarian reforms; the termination of the country's membership of the Organisation of Petroleum Exporting Countries (OPEC), and major institutional reforms. Sixto Durán's neoliberal reforms succeeded in reducing the budget deficit to 0,5 % of the GNP by 1994; reduced inflation to 27 % and increased the country's foreign reserves to US \$1,5 billion by the same year, and enabled the government to successfully negotiate a debt and debt-service reduction agreement from its commercial creditors in 1994 and new adjustment loans from the World Bank and the International Development Bank, extending new adjustment loans to the country. The positive economic impacts of the reforms, however, were countered in 1995 by the frontier war with Peru which was followed by an extended drought, a banking crisis and renewed conflict between Congress and the Presidency.<sup>58</sup>

The economic (and political) crisis intensified during the brief presidency of Abdalá Bucaram (August 1996-February 1997) and that of his congressionally appointed successor, Fabian Alarcón (February 1997-August 1998). During this period oil prices collapsed, thereby reducing public sector oil revenues, increasing inflation to 40 % by 1998, and the budget deficit to 6 % of the GNP, while foreign debt soared to US \$16 billion that consumed over 40 % of governmental income. Externally the economic crisis was exacerbated by the financial crises in East Asia, Russia and Brazil in 1998, which had a marked influence on demands in the export markets. Domestically, the 1997 and 1998 El Niño phenomenon compounded the Ecuadorian economic crisis when storms, floods and landslides left at least 286 people dead, over 20 000 people in the Costa homeless, while destroying over 2000 km of roads and numerous agricultural plantations in the region. By the end of Alarcón's term in August 1998, 17 % of the population were living in absolute poverty, while an additional 46 % were also regarded

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<sup>58</sup> The World Bank, *Ecuador: Structural Adjustment Loan Project report no PIC 1551*, pp. 1-2; The World Bank, *Ecuador: crisis, poverty and social services 1* (report no 19920-EC), p. 18; *Latin American Monitor 3: Andean Group* 9(6), July/August 1992, pp. 1030-1037, 9(7), September 1992, pp. 1048-1049, 9(8), October 1992, pp. 1060-1061 and 9(9), November 1992, p. 1071; Hey and Klak, "From protectionism towards neoliberalism", pp. 78-80; Hey, "Ecuadorian foreign policy since 1979", pp. 76-77.

as poor; unemployment had increased to 17%; per capita GNP had declined by more than 7,3 %, and child labour (5-15 years) stood at 8,3 %.<sup>59</sup>

Alarción's successor, Jamil Mahuad, inherited a dismal economy and a highly politicised and agitated civil society from his predecessor. Having promised "to leave the crisis behind" during his election campaign, Mahuad set out to rescue the Ecuadorian economy by implementing reform measures such as cutbacks in electricity subsidies and the replacement of income tax with a 1 % tax on all financial transactions which would be collected by banks. Instead of generating new sources of governmental income to narrow the budget deficit, the tax reforms sparked off a capital flight that left major banks in the country vulnerable and often insolvent. By the end of 1998, four major banks had failed, and this number increased to eighteen by the end of 1999 with the government spending US \$6 billion from August 1998 to December 1999 in an attempt to rescue these ailing financial institutions.<sup>60</sup>

In the course of 1999 the Ecuadorian economy sank deeper into the abyss as internal debt grew by 39%, social spending was cut by 50 %, the GNP shrank by 7%, oil production fell by 12 % and the sucre devalued from 8 000 to 25 000 sucres to the dollar by December 1999. Massive petrol price increases met with widespread civil demonstrations and strikes, while the emergency economic packa ge of the second half of 1999 failed dismally in alleviating the economic crisis, leaving the government cash strapped and unable to meet its US \$5,6 billion Brady bond obligations in September 1999, thereby becoming the first country to default on these USA Treasury-backed bonds. Personal income dropped further by one-third during the Mahuad administration, while the number of poor people increased to 69 % of the population by the end of 1999.<sup>61</sup>

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<sup>59</sup> M. Pearlman, "More than meets the media eye" in *NY Transfer News Collective*, <<http://www.hartford-hwp.com/archives/42a/001.html>>, 18.2.1997; "Now for the hard part" in *The Economist* 348(8077), 18.7.1998, pp. 50-55; S.A. McConnell, "Ecuador's centrifugal politics" in *Current History* 100(643), February 2001, pp. 74; The World Bank, *Ecuador: crisis, poverty and social services* 1, pp. vii-x, 1, 18-19.

<sup>60</sup> McConnell, "Ecuador's centrifugal politics", pp. 74-75; J.A. Lucero, "High anxiety in the Andes: crisis and contention in Ecuador" in *Journal of Democracy* 12(2), April 2001, pp. 62-63; The World Bank, *Ecuador: crisis, poverty and social services* 1, pp. 20-21; P. Beckerman, *Dollarisation and semi-dollarisation in Ecuador* (The World Bank Policy Research Working paper 2643), pp. 10, 18-22.

<sup>61</sup> Eisner, "Ecuador", p. 1; K. Lucas, "Indigenous groups take justice into own hands", <<http://www.hartford-hwp.com/archives/41/102html>>, 10.9.1999; Lucero, "High anxiety in the Andes", pp. 62-63; McConnell, "Ecuador's centrifugal politics", pp. 74-75; K.P. Jameson, "Latin America and the Dollar Bloc in the twenty-first century: to dollarise or not?" in *Latin American Politics and Society* 43(4), Winter 2001, pp. 23, 26.

The economic crisis continued into 2000 when the sucre went into free fall against the dollar, losing 25 % of its exchange value within the first week of January. With the economy in shambles and the Banco Central incapable of controlling money supply and the exchange rate, the Mahuad government opted for the full dollarisation of the Ecuadorian economy in January 2000. Though this decision was met with strong opposition from civil society and forced Mahuad from office on 21 January 2000, his successor, Gustavo Noboa, went ahead with dollarisation which was subsequently approved by Congress on 29 February 2000. On 9 September 2000 the dollar became the country's legal currency after the Banco Central bought up sucres at an exchange rate of 25 000 sucres for one dollar.<sup>62</sup>

The dollarisation of the Ecuadorian economy in 2000 did much to reassure international capital markets, restoring capital flows and restoring some measure of confidence in the ability of the government to manage the economy. The GNP grew by 2,3 % in 2000, increasing to a 5,9 % growth by 2001; inflation declined from 96 % in 2000 to 37 % by 2001, and unemployment decreased from 17 % in 1998 to 11 % by 2001. New foreign loans gave the government some manoeuvrability, though the economic crisis is still far from over, of which the closure of the country's largest bank, Filanbanco, in June 2001 due to huge financial problems bears witness, while the country's overdependence on oil export for 45 % of its foreign export earnings continues to expose the economy to highly fluctuating world oil prices. Despite an improvement in the economy since dollarisation, the two biggest challenges facing Lucio Gutierrez's government, which came to power in November 2002, are reducing the country's foreign debt of US \$14 billion to more manageable levels, and alleviating widespread poverty to which about 60 % of the country's thirteen million people are subjected.<sup>63</sup> These economic challenges are almost identical to the economic problems faced by contemporary Nigeria. And, as is the case in Ecuador, the roots of these problems date back to the

<sup>62</sup> McConnel, "Ecuador's centrifugal politics", pp. 76-77; Jameson, "Latin America and the Dollar Bloc in the twenty-first century", p. 26; Beckerman, *Dollarisation and semidollarisation in Ecuador*, pp. 1, 24-35.

<sup>63</sup> Energy Information Administration, "Ecuador", <<http://www.eia.doe.gov/cabs/ecuador2.html>>, 2001; "Ecuador faces battle of outsiders" in *BBC News (World Edition)*, <<http://news.bbc.co.uk/2/hi/americas/2343239.stm>>, 21.10.2002; "Ecuador set for fresh IMF funds" in *BBC News (World Edition)*, <<http://news.bbc.co.uk/2/hi/business/2738791.stm>>, 7.2.2003.

colonial era and the establishment of a national economy based upon natural resource exploitation.

### **3.2.2 THE PARADOX OF PLENTY: AN ECONOMIC HISTORY OF NIGERIA**

The economies of pre-colonial Nigeria were everything but static, tradition-bound and unresponsive to change. Local economies which focused predominantly on agriculture, successfully adopted and diffused new crops imported from Asia and South America and linked up with well-established systems of local markets and long-distance trade routes. The emergence and establishment of the trans-Atlantic slave trade incorporated the western and eastern regions into the world economy while the trans-Saharan trade routes continued to be the main outlet for trading activities in the north until the 1900s.<sup>64</sup>

As has already been pointed out in section 2.2 of chapter 2, British involvement in pre-colonial Nigeria centred round trading activities: firstly as an active participant in the slave trade, followed by Britain's assuming the role of slave police to combat the continuation of the trans-Atlantic slave trade after 1807, which in turn was followed by the era of "legitimate" trade in the nineteenth century, involving mostly palm oil products from the Niger Delta. The importance of the palm oil trade gradually increased in the course of the nineteenth century owing to an increase in the demand for machine lubricants in Britain, British population growth and the improvement of the general standard of living that increased the demand for soap and candles; the discovery in 1870 of the value of palm oil for margarine, and the increased carrying capacity of new steamships that increased the volume of trade between Britain and West Africa. Palm oil exports from the Niger Delta rose from 150 tons in 1806, to 13 600 tons in 1839 and to over 100 000 tons by 1846. Despite the importance of the palm oil trade, British economic involvement in pre-colonial Nigeria was limited since the network of British trade and investment in the nineteenth century tended to be concentrated on the more developed areas of the world such as North and South America. In the tropical and

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<sup>64</sup> L.G. Reynolds, *Economic growth in the Third World, 1850-1980*, pp. 202-203; M.J. Watts, "Agriculture and oil-based accumulation: stagnation or transformation?" in M.J. Watts (ed.), *State, oil, and agriculture in Nigeria*, p. 63.

semi-tropical world the only area in which the British had large-scale economic interests was India.<sup>65</sup>

### 3.2.2.1 The economy in colonial Nigeria

The formal extension of British control over Nigeria in the late nineteenth century coincided with the implementation of a new British colonial policy aimed at regulating British control in Africa. In 1897 Joseph Chamberlain, in his capacity as colonial secretary, redirected British colonial policy towards development and economic gain. It was expected of the colonies to be economically self-sufficient and development plans were implemented mainly with the aim of securing enough revenue to sustain the colonial administration. In Nigeria, these development plans found expression in dredging operations to improve the Lagos harbour, railway developments (the Lagos-Ibadan line was completed in 1900, reached Jebba by 1909 and was extended to Kano by 1911), and the development of established and new urban centres to facilitate regional trade. The main source of colonial revenue in western and eastern Nigeria was import-export duties, especially those levied on imported liquor. Northern Nigeria remained economically isolated from the southern parts until the completion of the Lagos-Kano railway line, which linked the north to the southern coast for the first time and allowed for the establishment of the groundnut export trade. In the absence of liquor duties (the sale of liquor was prohibited in the Muslim north), the main source of colonial revenue in Northern Nigeria was direct taxation.<sup>66</sup>

In order to standardise the monetary system, the British gradually introduced their currency as official legal tender from 1901 onwards to replace pre-colonial currencies such as cowry shells, brass and copper rods, manilla bars and trade by barter. From 1912 onwards, the West African pound (which was on par with the British pound) was issued and controlled by the London-based West African Currency Board. The usage of

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<sup>65</sup> M. Perham, "General introduction: the country. Outline of political and economic development" in D. Forde and R. Scott (eds), *The native economies of Nigeria*, p. 6; Central Office of Information, *Nigeria: the making of a nation*, p. 9; W.G. Hynes, *The economies of empire: Britain, Africa and the new imperialism 1870-95*, pp. 3-4.

<sup>66</sup> T.J.D. Fair, "Nigeria's unbalanced development: urban growth and rural stagnation" in *Africa Insight* 14(4), 1984, p. 238; Perham, "General introduction", pp. 6-7; R. Shenton, "Nigerian agriculture in historical perspective: development and crisis, 1900-60" in Watts (ed.), *State, oil, and agriculture in Nigeria*, p. 45; Central Office of Information, *Nigeria*, pp. 9-10; M. Crowder and G. Abdullahi, *Nigeria: an introduction to its history*, pp. 156, 163-167.

the British currency was initially mainly confined to Europeans and non-Nigerian black Africans, which necessitated the recognition of cowry shells, brass rods and manillas as legal tender in 1902. Despite numerous attempts by the colonial administration to suppress the use and circulation of pre-colonial currencies, parallel currency systems existed within a single economy in many parts of the country until the late 1940s.<sup>67</sup>

### *The agricultural sector*

The agricultural sector was the backbone of the Nigerian economy throughout the colonial era. Up to the 1930s, the colonial agricultural policy focused on the development of agricultural resources through the agency of the various ethnic groups. Initially colonial agriculture was therefore based upon traditional peasant agriculture in terms of its smallholdings, horticultural practices, technology and land tenure. Guided by the belief that in traditional African land tenure, land belonged to the dead, the living and generations yet to be born,<sup>68</sup> the British "nationalised" all land in 1907 in order to block large-scale land acquisitions and the development of plantation agriculture either by Nigerian interests or European settlers. A few exceptions were made to this anti-plantation policy, which included grants to Miller Brothers to establish the small Sapele Rubber Plantation in 1905 and the establishment of the Palmoil rubber estate at Ikot Mbo in 1907. As a result the household, which had the ability to control the volume of agricultural production through its direct control over land and labour, remained the fundamental unit of production throughout the colonial era.<sup>69</sup>

<sup>67</sup> For more details see B. Naanen, "Economy within an economy: the manilla currency, exchange rate instability and social conditions in south-eastern Nigeria, 1900-48" in *Journal of African History* 34(3), 1993, pp. 425-446. See also D. Mou and F. Vivekananda, *New hopes but old seeds: the political economy of capital accumulation, state, national development, agrarian transformation and the Nigerian peasantry*, pp. 162-163; Central Office of Information, *Nigeria*, p. 10; W. Ademoyega, *The Federation of Nigeria: from earliest times to independence*, pp. 159-160; H.T. Gilles, "Nigeria: from the Bight of Benin to Africa's desert sands" in *The National Geographic Magazine* 85(5), May 1944, p. 562.

<sup>68</sup> One of the most quoted statements in the literature on African land tenure is attributed to a Nigerian chief in the early twentieth century and reads as follows: "I conceive that land belongs to a vast family of which many are dead, few are living and countless members are still unborn." E. Colson, "The impact of the colonial period in the definition of land rights" in V. Turner (ed.), *Colonialism in Africa 1870-1960 III. Profiles of change: African society and colonial rule*, p. 203. See also F.C. Okafor, "The 'fill-in' concept in the rural settlement pattern of southeastern Nigeria" in *Tijdschrift voor Economische en Sociale Geografie* 72(3), 1981, pp. 178-180.

<sup>69</sup> Watts, "Agriculture and oil-based accumulation", pp. 61-62; K.M. Buchanan and J.C. Pugh, *Land and people in Nigeria: the human geography of Nigeria and its environmental background*, p. 100; T.O. Adeboye, "A general survey of the economy" in M.O. Kayode and Y.B. Usman (eds), *Nigeria since independence: the first 25 years 2. The economy*, p. 4; Shenton, "Nigerian agriculture in historical perspective", pp. 35-38; R.K. Udo, "Sixty years of plantation agriculture in Southern Nigeria: 1902-1962" in *Economic Geography* 41(4), October 1965, pp. 362-364.

Peasant agricultural production served three important economic purposes, namely production aimed at subsistence, internal trade and export. The cropping patterns along with the systems of cultivation, varied between the regions due to contrasting environmental conditions. Sorghum, rice, groundnuts, cotton, millet and to a lesser extent wheat, dominated production in the northern areas, while tubers and perennial tree crops such as yam, cassava, citrus fruits, palm products, cola nuts and cocoa dominated in the southern areas. The strong regionalisation process that characterised Nigerian politics in the colonial era was intensified by the corresponding regionalisation of the economy in which each region came to be associated with a distinct primary export commodity – cocoa and rubber in the west, palm produce in the east, and cotton and groundnuts in the north.<sup>70</sup> (See map N-8.)

The British non-interventionist agricultural policy came to an end in 1929 with the Wall Street market crash and corresponding world-wide economic recession. This recession negatively affected the agriculture-based colonial economy and falling export crop prices and the corresponding drop in demand for imported goods drastically reduced the colonial administration's import and export duties – its main source of revenue. The Great Depression provided the impetus for direct British intervention in peasant agricultural production in Nigeria through the agency of the Department of Agriculture (created in 1910). In a marked shift away from the early colonial emphasis on sustaining traditional farming methods and practices, the Department of Agriculture set out to modernise (i.e. westernise) agricultural practices and to make improved seedlings available to peasant farmers. Model farms were set up across the country to achieve these aims, while the colonial agricultural services actively started to promote mixed farming as a means of cutting production costs.<sup>71</sup>

The most drastic interventionist policy with the biggest impact on the peasant agricultural sector, involved a renewed focus on co-operative marketing in the course of

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<sup>70</sup> Buchanan and Pugh, *Land and people in Nigeria*, pp. 100-101; H.O. Davies, *Nigeria: the prospects for democracy*, p. 3; Watts, "Agriculture and oil-based accumulation", pp. 61-63; Adeboye, "A general survey of the economy", p. 6.

<sup>71</sup> Reynolds, *Economic growth in the Third World, 1850-1980*, p. 210; Shenton, "Nigerian agriculture in historical perspective", pp. 45-46; Udo, "Sixty years of plantation agriculture in Southern Nigeria", pp. 363-364.

the 1930s that resulted in the establishment of the West African Produce Control Board which took control over the official purchasing, exporting and marketing of British West African agricultural products. Though instituted to address long-standing grievances from peasant farmers concerning the fact that European companies forced them to sell their crops at prices well below their market value, governmental price control within the context of the Second World War ensured the British a constant supply of much-needed agricultural raw materials at minimal cost. This step economically marginalised peasant farmers even further and their terms of trade during the Second World War dropped to levels below those in the worst period of the Great Depression. Co-operative marketing was entrenched after the war when the British set up commodity marketing boards in Nigeria for cocoa (1947), palm produce (1949), groundnuts (1949) and cotton (1949). Four regional all-purpose marketing boards replaced these commodity marketing boards in 1954 and assumed responsibility for all the controlled crops grown in their own regions.<sup>72</sup> (See map N-9.)

### *Mining and minerals*

The exploitation of the natural resources in their colonies formed an integral part of British colonial policy in an effort to make colonies not only economically self-sufficient but preferably also profitable. An essential part of this economic approach to their colonial territories was the mineral and geological surveying work carried out by the various colonial administrations with the aim of discovering commercially viable mineral deposits. Though the geological departments within the colonial administrations were active prior to the First World War, they drastically stepped up their geological and mineral surveys in 1919 following the request of Lord Milner to speed up colonial natural resource exploitation since the British believed that their colonies had to contribute to rebuilding war-torn Britain.<sup>73</sup>

<sup>72</sup> Central Office of Information, *Nigeria*, pp. 17, 44; Crowder and Abdullahi, *Nigeria*, p. 168; Davies, *Nigeria*, p. 3; Reynolds, *Economic growth in the Third World, 1850-1980*, pp. 210-211; Shenton, "Nigerian agriculture in historical perspective", pp. 45-48.

<sup>73</sup> Nigerian National Archives, Enugu Branch (NNAE), CALPROF5/9/457-C534/19: Circular A from Lord Alfred Milner to the Governor of Nigeria, 11.6.1919. The Nigerian response to this request was almost immediate and the first reports on the natural resources in the various districts in Nigeria were received by 1920. See, for example, the pro-indigenous report submitted by Mr M.D.W. Jeffreys on the Opobo and Eket districts, NNAE, CALPROF5/9/457-C534/19: Report on scientific work, Opobo by Mr M.D.W. Jeffreys, 24.4.1920.

In Nigeria, direct British intervention in the mining and mineral sector began in 1900 when all mineral rights were nationalised by vesting them in the British crown. Mineral production, on the other hand, remained in the hands of European companies. Mineral surveying in Nigeria started in the first decade of the twentieth century under the leadership of Mr A.E. Kitson who was appointed the Principal Mineral Surveyor for Southern Nigeria. The most important discovery of the Kitson-led mineral survey, which lasted five years, was the 1909 discovery of black bituminous coal along the Enugu-Udi escarpment.<sup>74</sup> The Enugu coal fields went into production by 1915. Port Harcourt was built in 1912 to provide an outlet for Nigerian coal and was linked with Enugu via a railway line that extended northwards to Kaduna. The quality of Nigerian coal did not live up to early British expectations and its use was therefore limited mainly to domestic use and small exports to the Gold Coast. Despite its poor quality, coal was an important energy source during the colonial period and was used mainly by the railways and for electricity.<sup>75</sup>

The most important mineral resource produced during the colonial era was tin found on the Jos Plateau in Northern Nigeria. Production started in 1903 near Jos, a colonial creation and provincial headquarters, and the tin was utilised for both domestic and export purposes. The tin mining industry was mechanised in the 1920s with the introduction of dredges, steam shovels, electric gravel pumps, and coal and petroleum power. By the 1930s, Nigeria was the world's sixth largest tin producer. The tin industry experienced tremendous growth during the 1930s due to an increase in consumption of tin products in the USA and the resumption of the armaments programme in Britain. After the Japanese conquest of Malaya and Indonesia in 1942, Allied nations were cut off from their Southeast Asian tin resources and they called upon Bolivia, the Belgian Congo and Nigeria to make good the shortages. As a result, Nigerian tin output increased by around 41 % from 1938 to 1942. This increased production was largely the

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<sup>74</sup> R.E. Ubogu, "Mining and quarrying" in F.A. Olaloku *et al.*, *Structure of the Nigerian economy*, pp. 51, 53, 60, 62; Discussion following the presentation of the paper by A.E. Kitson, "Southern Nigeria: some considerations of its structure, people, and natural history" in *The Geographical Journal* 41(1), January 1913, pp. 34-38. For more details of the Kitson-led mineral survey see Kitson, "Southern Nigeria", pp. 16-34; NNAE, CSE8/3/5-CSO29/8: Mineral survey – Fourth progress report by A.E. Kitson; NNAE, CSE8/2/38-CSO186/7: Mineral survey – Fifth progress report by A.E. Kitson.

<sup>75</sup> Discussion following Kitson, "Southern Nigeria", p. 37; Ubogu, "Mining and quarrying", pp. 53-54; Central Office of Information, *Nigeria*, pp. 9-10, 46; Buchanan and Pugh, *Land and people in Nigeria*, pp. 180, 182.

result of the drastic expansion of the tin mining workforce from 44 000 in 1939 to 80 000 by 1943 under the forced labour policies instituted by the British in Nigeria in 1942. After the resumption of tin exports from Southeast Asia in the aftermath of the war, tin exports from Nigeria fell back to their pre-war levels.<sup>76</sup>

The demand for minerals during the Second World War also stimulated the production of tantalum (used in the production of electrodes, tantalum carbide and special steels) and wolfram (a by-product of tin), with a corresponding abrupt drop in demand after the cessation of hostilities in 1945. By contrast, columbite exports increased in the post-war period. Columbite, a by-product of tin ore, had limited commercial value prior to 1950 and as a result it was normally left on the waste dumps of the tin mines. The discovery of the usefulness of columbite in the making of heat resisting alloys for use in the manufacturing process of jet engines created the necessary demand for the mineral to justify its commercial exploitation. In the 1950s, Nigeria was the world's leading columbite producer.<sup>77</sup>

With the exception of oil (see section 3.3.2), of the remaining resources only gold production was of economic significance. The exploitation of gold resources dates back to the pre-colonial era and the British continued with the exploitation of the gold fields around Ilorin, Kabba and Ilesha during the colonial era. Production remained low until 1933 when the gold output suddenly rose to 17 000 ounces and increased further to 37 000 ounces the following year. Production peaked near 44 000 ounces in 1942 after which it declined sharply to around 2 000 ounces by 1950-1952.<sup>78</sup> (See map N-10.)

### *The colonial economy en route to independence*

Under the influence of reform-minded Labour governments, Britain set out from 1945 onwards to implement development plans in its African colonies. In Nigeria this policy

<sup>76</sup> R. Dumett, "Africa's strategic minerals during the Second World War" in *Journal of African History* 26(4), 1985, pp. 402-404; R.A. Cline-Cole, "Wartime forest energy policy and practice in British West Africa: social and economic impact on the labouring classes 1939-45" in *Africa* 63(1), 1993, pp. 66-68; Gilles, "Nigeria", pp. 559, 562.

<sup>77</sup> Ubogu, "Mining and quarrying", pp. 61-62; Buchanan and Pugh, *Land and people in Nigeria*, pp. 186-188; W.R. Moore, "Progress and pageantry in changing Nigeria" in *The National Geographic Magazine* 110(3), September 1956, p. 354.

<sup>78</sup> Buchanan and Pugh, *Land and people in Nigeria*, p. 188; Ubogu, "Mining and quarrying", p. 62.

found expression in the implementation of the Nigerian Ten Year Plan for Development in 1946 which was partially funded by money made available by the Colonial Development and Welfare Act of 1945. Attention was mainly directed at the physical development of the colony in terms of water projects, road building, the development of electricity and telephones, health services and infrastructure.<sup>79</sup> Not all the development efforts proved to be successful, with irrigation developments in the north in Edozghi and Badeggi, for example, being hampered by poor performance from the start in part owing to inadequate planning and traditional political issues.<sup>80</sup> Industrial development, a much-neglected area, also became a focus for the colonial government, and after 1945 industrial activities were expanded into the food processing industry, with the establishment of pioneer oil-palm mills in the east and rice mills in the west; the textile industry, with the establishment of textile weaving mills in Lagos and Kano, and the expansion of the United Africa Company's plywood factory at Sapele. The contribution to the GNP by the manufacturing sector remained small during the colonial era and constituted a mere 0,6 % in 1950, increasing to 1,4 % by 1957.<sup>81</sup> (See map N-10.)

The agricultural sector dominated the Nigerian economy in the decolonisation period. Economic growth in the 1950s resulted mainly from the expansion of commercial crop agriculture through the extensive establishment of plantation agriculture in western and eastern Nigeria (36 plantations were established between 1952 and 1962). Total exports also increased markedly which in turn made the necessary capital available to increase imports. Up to 1955 Nigeria had a constant trade surplus which turned into a trade deficit from 1955 onwards when imports at 12,6 % per annum grew faster than total exports, which registered an 8,2 % per annum growth between 1955 and 1960. By the end of the colonial era, Nigeria was the world's largest exporter of palm kernels (50 % of the world market share, and grown mainly in the east) and of groundnuts (30 % of the world market share, and grown mainly in the north). The country also provided 30 % of the international trade in palm oil and was the world's third largest cocoa exporter

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<sup>79</sup> Shenton, "Nigerian agriculture in historical perspective", p. 48; Central Office of Information, *Nigeria*, pp. 15-16; Reynolds, *Economic growth in the Third World 1850-1980*, p. 212.

<sup>80</sup> For more details on irrigation development in Northern Nigeria see, for example, R. Palmer-Jones, "Irrigation and the politics of agricultural development in Nigeria" in Watts (ed.), *State, oil, and agriculture in Nigeria*, pp. 149-157.

<sup>81</sup> J.O. Abiodun, "Aspects of the spatial impact of development efforts: a case study of Nigeria" in *Tijdschrift voor Economische en Sociale Geografie* 72(2), 1981, p. 115; Central Office of Information, *Nigeria*, pp. 20-21; Reynolds, *Economic growth in the Third World, 1850-1980*, p. 211; Crowder and Abdullahi, *Nigeria*, p. 169.

(grown mainly in the west). Though these exports accounted for only 20% of Nigeria's total agricultural production, they were the main source of foreign export earnings, accounting for 64% of the GNP and providing employment for about 80% of the country's population.<sup>82</sup> (See map N-9.)

By 1960 the Nigerian economy was firmly regionalised which further entrenched the regionalised ethnic-based political processes. An additional two important economic processes, which had far-reaching consequences in the independence era, had emerged in the course of the 1950s, namely indigenisation and centralisation of the economy. Indigenisation found expression in attempts to increase Nigerian personnel in important positions in economic enterprises that operated in the country and through the provision of governmental support to local businesses. Though important, governmental support to local businesses engendered a dependence mentality in which the government came to be viewed as the most important source of financial assistance.<sup>83</sup>

The centralisation of the economy dates back to the establishment of government control and planning of the Nigerian economy during the Second World War. After the war centralisation processes were implemented in a number of areas, namely through the establishment of commodity marketing boards between 1947 and 1949, along with greater governmental participation in development efforts. The 1950s saw the establishment of a host of centrally controlled corporations, such as the statutory Electricity Corporation of Nigeria (1951), the Nigeria Broadcasting Corporation, the statutory Railways Corporation (1955), the Nigerian Airways (1958) and the Nigerian National Line (1959).<sup>84</sup> Though these were logical choices for central governmental control and should also be viewed as part of the process of ridding the country of its colonial past, they further promoted the concept of governmental control from the federal centre of the national economy, which control would drastically increase in scope during the post-colonial era.

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<sup>82</sup> F. Teal, "Domestic policies, external constraints and economic development in Nigeria since 1950" in *African Affairs* 87, 1988, pp. 71-77; F. Teal, "The supply of agricultural output in Nigeria, 1950-1974" in *The Journal of Development Studies* 19(2), January 1983, pp. 194, 196; Central Office of Information, *Nigeria*, p. 43; Reynolds, *Economic growth in the Third World, 1850-1980*, p. 212; Udo, "Sixty years of plantation agriculture in southern Nigeria", pp. 364-365; Joseph, "Affluence and underdevelopment", pp. 224-225.

<sup>83</sup> International Bank for Reconstruction and Development, *The economic development of Nigeria*, p. 10; T.J. Biersteker, *Multinationals, the state, and control of the Nigerian economy*, pp. 52-56.

<sup>84</sup> Central Office of Information, *Nigeria*, pp. 40-49.

### 3.2.2.2 Economic development in independent Nigeria

The Nigerian economy after independence has attracted widespread academic attention as interested and concerned people both inside as well as outside its borders have tried to make sense of the dismal performance of the country's economy and the associated detrimental impact on Nigerian society and the natural environment.<sup>85</sup> The phenomenal expansion of the oil industry did not, as was expected, result in the establishment of a flourishing Nigerian economy. On the contrary, these developments have led to what Karl terms the "paradox of plenty" – instead of economic and associated political and social growth, economic stagnation and decline followed the 1970s oil booms due to the overemphasis of the oil sector in economic planning, policy formulation, state focus and social struggles to the detriment of the other sectors in the national economy.<sup>86</sup> The result? – "The most twisted economy on the planet" according to the financial magazine, *Fortune*.<sup>87</sup>

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Nigeria became independent in the age of development planning characterised by massive development plans that aimed in theory at reducing the development gap between the developed and developing worlds. The Balewa government implemented the First Development Plan (1962-1968) which aimed at an average growth rate of 4% or more, an increase in capital consumption, the achievement of self-sustained growth (envisioned to take place within fifteen to twenty years), and modernisation of the economy to meet the social, economic and political aspirations of Nigerian society. Planning efforts to modernise the economy focused limited attention on the agricultural sector, with governmental attention directed predominantly at the manufacturing and mining sectors as a means of improving the Nigerian economy. In the manufacturing

<sup>85</sup> See, for example, O. Nnoli (ed.), *Dead-end to Nigerian development: an investigation on the social, economic and political crisis in Nigeria*; J.O. Ihonvbere and T.M. Shaw, *Towards a political economy of Nigeria: petroleum and politics in the (semi-)periphery*; Mou and Vivekananda, *New hopes but old seeds*; B. Onimode, *Imperialism and underdevelopment in Nigeria: the dialectics of mass poverty*; M.J. Watts (ed.), *State, oil, and agriculture in Nigeria*; S.A. Khan, *Nigeria: the political economy of oil*; A.A. Ikein, *The impact of oil in a developing country: the case of Nigeria*.

<sup>86</sup> Karl, *The paradox of plenty*, pp. 5-12, 42-43, 242; T. Obadina, "Nigeria's economy at the crossroads: new government faces a legacy of mismanagement and decay" in *Africa Recovery* 13(1), June 1999, pp. 8-14, 17.

<sup>87</sup> C. Murphy, "The most twisted economy on the planet" in *Fortune* 139(5), 15.3.1999, pp. 17-18.

sector, a shift occurred away from the processing of traditional primary products for export towards import-substitution industries that processed imported materials for the domestic market. In the mining sector, oil production gradually increased in importance during the course of the 1960s. By 1966 crude oil exports already accounted for 33 % of total Nigerian exports. New discoveries radically increased proven reserves during this decade which, together with increases in daily production and exports, created the generally held expectation and belief that the oil industry would expand substantially in the near future.<sup>88</sup>

Political instability because of inadequate civilian government, successive military coups d'état in 1966 and the Biafran secession in 1967 (see section 2.3.3 in Chapter 2, *supra*), resulted in the decline of economic growth between 1965 and 1968. The Biafran civil war, fought in part over revenue allocation and the oil resources of Eastern Nigeria, impacted negatively on the federal economy due to the initial loss of 65 % of the producing oil fields, the disruption of transportation and internal trade owing to the Ibo exodus back to the eastern parts, the damage to infrastructure, loss of human life, and military expenditure. Economic growth was resumed from 1968 onwards when multinational oil companies, on the insistence of the federal government, put recaptured oil fields back into production.<sup>89</sup> By 1969 oil production averaged 540 000 barrels per day (b p/d) which was an increase from the 1966 average of 400 000 b p/d.<sup>90</sup>

Important developments in the Nigerian oil industry, along with radical changes in the international oil markets as a result of the activities of OPEC, transformed the Nigerian economy from 1970 onwards from its agriculture-base to one based on the oil sector. Crude oil production increased sharply in the post-war period from 1,084 million b p/d in 1970 to 2,256 million b p/d in 1974. Governmental revenues from the oil sector were

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<sup>88</sup> H. Bienen, *Oil revenues and policy choice in Nigeria* (World Bank Staff Working Papers no 592), pp. 1-3; L.H. Schätzl, *Petroleum in Nigeria*, pp. 26-27, 187-188; Onimode, *Imperialism and underdevelopment in Nigeria*, pp. 177-182; Gelb, *Oil windfalls*, pp. 231-232; S. Tomori and F.O. Fajana, "Development planning" in Olaloku *et al.*, *Structure of the Nigerian economy*, pp. 131-132.

<sup>89</sup> For more information on the economic impact of the Biafran civil war see, for example, E.W. Nafziger, "The economic impact of the Nigerian civil war" in *The Journal of Modern African Studies* 10(2), 1972, pp. 223-245; F.S. O'Brien, "The economic impact of the Nigerian civil war: a comment" in *The Journal of Modern African Studies* 11(3), 1973, pp. 460-463; E.W. Nafziger, "The economic impact of the Nigerian civil war: a reply" in *The Journal of Modern African Studies* 11(3), 1973, pp. 463-465.

<sup>90</sup> D. Rimmer, "Part 2: the economy since 1970" in A. Kirk-Greene and D. Rimmer, *Nigeria since 1970: a political and economic outline*, pp. 83-84.

further increased by direct governmental participation in the oil industry.<sup>91</sup> The gradual growth of the Nigerian economy from 1970 to 1973, owing to expansion of the oil industry, was transformed almost overnight into phenomenal economic growth following the 1973 Oil Crisis and Arab oil embargo, as governmental oil revenues almost quintupled due to the drastic oil price increases. The oil boom created new wealth, rapid expansion, inflation, increased centralisation of the economy and new opportunities for individuals and businesses. It provided much-needed financial resources to hasten economic development with the state assuming the role of entrepreneur, investor and manager of economic activities. As a result public expenditure rose by 32,2% from 1973 to 1974 with the bulk of governmental investment going to the non-trading sectors for roads, ports and investments in the industrial sector. Public expenditure was further increased by state-creation initiatives which increased the dependency of the states on federal revenue allocations, along with drastic increases in the public sector wage bill. Imports of both food-stuffs (especially wheat and rice) and capital goods for the industrial sector also increased radically as a result of the newly found wealth, as did corruption which became a major cause of Gowon's removal from office in 1975.<sup>92</sup> (See also section 2.3.3 in Chapter 2.)

The oil boom resulted in the establishment of the oil sector as the dominant sector in the Nigerian economy and by the end of the 1970s oil revenues accounted for over 90% of the country's foreign export earnings and about 80% of total governmental revenue. The overemphasis of the oil industry by the Nigerian government had far-reaching implications for the agricultural sector whose percentage of the GNP fell from 45% in 1970 to 27% by 1980 due to a succession of droughts and harvest failures in the early 1970s, lack of governmental attention, inadequate transportation facilities, lack of research and development, and lack of credit facilities for peasant farmers. As a result,

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<sup>91</sup> Gelb, *Oil windfalls*, pp. 235-238; G. White and S. Taylor, "Well-oiled regimes: oil and uncertain transitions in Algeria and Nigeria" in *Review of African Political Economy* 28(89), 2001, p. 333. For more information on indigenisation of the Nigerian economy see Biersteker, *Multinationals, the state, and control of the Nigerian economy, passim*; C.S.A. Ogbuagu, "The Nigerian indigenisation policy: nationalism or pragmatism?" in *African Affairs* 82, 1983, pp. 241-266.

<sup>92</sup> R.N. Cooper, *Boom, crisis, and adjustment: the macroeconomic experience of developing countries, 1970-90. A summary*, pp. 4-5; L.P. Frank, "Two responses to the oil boom: Iranian and Nigerian politics after 1973" in *Comparative Politics* 16, April 1984, pp. 295, 299-300, 302-305; Gelb, *Oil windfalls*, pp. 239-247; P. Lewis, "From prebendalism to predation: the political economy of decline in Nigeria" in *The Journal of Modern African Studies* 34(1), 1996, p. 81; Watts, "Agriculture and oil-based accumulation", pp. 64-69; Karl, *The paradox of plenty*, p. 25.

agricultural exports decreased rapidly in the course of the 1970s while the country began to rely heavily on imported food to feed its population.<sup>93</sup>

In 1975 the oil boom made way for an oil glut, which lasted till 1979, owing to a sharp decline in world oil prices. As a result Nigerian oil production decreased by 20 % while the sharp decline in oil revenues had a detrimental impact on the Third Development Plan (1975-1980) which was based on the assumption that oil prices would remain high throughout the period. The lower oil prices reduced income as well as growth rates while governmental spending had to be curtailed and annual budget deficits covered by international loans. The recession lasted until 1979 when the Iranian Revolution created an overnight oil boom as countries scrambled to secure oil resources for fear of a possible world oil shortage.<sup>94</sup>

The 1979 oil boom had a short life-span and made way for another oil glut in 1981. Throughout the 1980s world oil prices remained low, reaching their lowest levels in 1986. The Nigerian economy, also directly dependent on fluctuating world oil prices due to the complete domination of the oil sector, suffered badly during the 1980s. Oil revenue dropped from US \$24 billion in 1980, to US \$17 billion in 1981, to US \$10 billion in 1983, and increased to US \$13 billion in 1985 before reaching an all-time low of US \$6 billion in 1986. By the end of the 1980s, annual oil revenue was still below US \$10 billion. Despite this sharp decline in oil revenue, oil exports continued to account for more than 90 % of total foreign export earnings.<sup>95</sup> The Nigerian economic crisis of the 1980s resulted not only from the oil glut, but also from the mismanagement of the economy by the civilian Shagari government which managed to increase the country's foreign debt from US \$5,1 billion in 1979 to US \$14,7 billion by 1983.

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<sup>93</sup> M.J. Watts, "Introduction" in Watts (ed.), *State, oil, and agriculture in Nigeria*, pp. 18-19; L. van Buren, "Economy" in *Africa south of the Sahara* (31<sup>st</sup> edition), pp. 756-757; J. Akin-George, "Welcome address" in *Oil and the Nigerian Economy: the 1980s. The proceedings of the 1982 AGM symposium of the Lagos Chamber of Commerce and Industry*, p. 3; D. Rimmer, "The overvalued currency and over-administered economy of Nigeria" in *African Affairs* 84, 1985, p. 435.

<sup>94</sup> G. Arnold, *Modern Nigeria*, pp. 57-58; A. von Lazar and A.L. Duersten, "Oil and development planning: implications for Nigeria" in *Energy Policy* 4(4), December 1976, pp. 330-342; Akin-George, "Welcome address", pp. 3-4; N. Grove, "Nigeria struggles with boom times" in *The National Geographic Magazine* 155(3), March 1979, pp. 416-421.

<sup>95</sup> "Oil to the rescue: don't throw it away again" in *The Economist* 317(7679), 3.11.1990, p. 56; T.C.U. Kalu, "Determining the impact of Nigeria's economic crisis on the multinational oil companies: a goal programming approach" in *Journal of the Operational Research Society* 45, February 1994, p. 165; Gelb, *Oil windfalls*, pp. 127-129, 259.

Governmental mismanagement of the economy combined with widespread corruption, the reduction in oil revenues, an overvalued naira and poor harvests translated into a financial crisis characterised by increasing external debt, defaults on external debt payments, import restrictions that created food shortages and led to a sharp decline in industrial activity with industries struggling to function properly without essential imported materials, widespread unemployment, massive worker layoffs and increasing poverty amongst civilians.<sup>96</sup>

Austerity measures, implemented by the Buhari military government between 1984 and 1985, such as a reduction in public expenditure, reduction of the governmental wage bill, and tighter administrative control over trade and foreign exchange, failed to reverse the economic decline while at the same time increasing inflation and unemployment. Austerity measures were continued after Babangida came to power in 1985 until the formal introduction of a structural adjustment programme (SAP) in July 1986.<sup>97</sup> The SAP created, *inter alia*, a dual exchange system, devalued the naira by about 66%, abolished the import licensing scheme, liberalised trade, introduced deregulation measures, abolished agricultural marketing boards, and reduced the government workforce.<sup>98</sup> Initially the SAP succeeded in turning the balance-of-payments slightly and improving the ratio of debt service to imports, both notable achievements in the light of the sharp drop in world oil prices in 1986. This growth, however, mostly resulted from growth within the agricultural sector that was a key focus of the SAP. After the marketing boards were abolished, the rise in agricultural prices stimulated agricultural production and expansion, with cash crop exports in cacao, palm produce and cotton increasing for the first time in many years.<sup>99</sup>

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<sup>96</sup> Lewis, "From prebendalism to predation", pp. 81-82; O. Nnoli, "Nigeria: the failure of a neo-colonial society" in Nnoli (ed.), *Dead-end to Nigerian development*, pp. 4-8; Van Buren, "Economy", p. 756; A.C. Okolie, "Oil rents, international loans and agrarian policies in Nigeria, 1970-1992" in *Review of African Political Economy* 22(64), 1995, p. 202.

<sup>97</sup> J.O. Ihonvbere, "A critical evaluation of the failed 1990 coup in Nigeria" in *The Journal of Modern African Studies* 29(4), 1991, pp. 607, 609, 612-613; Lewis, "From prebendalism to predation", pp. 82-83.

<sup>98</sup> For more details see, for example, P. Mosely, "Policy-making without facts: a note on the assessment of structural adjustment policies in Nigeria, 1985-1990" in *African Affairs* 91, 1992, pp. 227-240; S.N.-A. Mensah, "Structural adjustment programmes in Africa: lessons from Ghana and Nigeria" in *Africa Insight* 23(2), 1993, pp. 72, 74-77; A. Basu and F. Stewart, "Structural adjustment policies and the poor in Africa: an analysis of the 1980s" in F. Stewart (ed.), *Adjustment and poverty: options and choices*, pp. 138-167.

<sup>99</sup> Lewis, "From prebendalism to predation", p. 84; Van Buren, "Economy", pp. 756-757.

Under the SAP agricultural output grew at an annual rate of 3,5 % between 1987 and 1992, while the percentage of the population living in poverty actually declined from 43 % to 34 % from 1985 to 1992. However, this decline in the poverty rate was restricted to the rural areas as the urban poor population increased in the same period from 9,6 million to 11,9 million. The SAP, despite good intentions and backing from international financial institutions and Western economists, increased the hardship of Nigerian society. Widespread privation and discontent resulted from unemployment, retrenchments, wage cuts and food shortages, which found expression from 1987 to 1989 in anti-SAP protests by students, traders and organised labour.<sup>100</sup>

The economic recession continued throughout the 1990s and was exacerbated by governmental inability to manage the economy effectively, widespread corruption that resulted in the loss of billions of US dollars, and political instability and violent state responses to it that came to characterise Nigerian politics and civil society in the course of the decade. The illusion of higher oil prices created by the mini oil boom that followed the crisis in the Persian Gulf in 1990 to 1991, led to increased and unsustainable public spending that increased budget deficits in the early 1990s. A key governmental economic policy in the 1990s was governmental disinvestment in a number of industries, including the oil sector. By 1993, 90 of the 110 enterprises earmarked for privatisation in 1988 had been sold, while incentives to explore for new oil reserves, negotiated with the oil companies in the June 1991 Memorandum of Understanding (MOU), directly contributed to new development projects in the oil sector. This brief period of expansion came to an end in 1994 due to governmental inability to meet its financial obligations towards oil companies in which they had a majority stake, and resulted in widespread oil union strikes in mid-1994 that played havoc with the national economy.<sup>101</sup>

<sup>100</sup> N. van Hear, "Trade union turmoil in Nigeria" in *Multinational Monitor* 9(6), June 1988, <[http://multinationalmonitor.org/hyper/issues/1988/06/mm0688\\_07.html](http://multinationalmonitor.org/hyper/issues/1988/06/mm0688_07.html)>; "Oil to the rescue", p. 56; C.O. Kwarteng, "Nigeria's elusive search for nationhood" in *Africa Insight* 23(1), 1993, p. 33; S. Thomas and S. Canagarajah, *Poverty in a wealthy economy: the case of Nigeria* (IMF Working Paper no WP/02/114), pp. 8, 15.

<sup>101</sup> Van Buren, "Economy", pp. 756, 758; T. Obadina, "Nigeria's economy at the crossroads: new government faces legacy of mismanagement and decay" in *Africa Recovery* 13(1), June 1999, p. 10; US General Accounting Office, *Nigerian oil: issues affecting U.S. investment in the petroleum sector* (report no B250 806, No GAO/GGD-93-16 Nigerian Oil), pp. 2-4; "Oil price slump worsening Nigeria's cash crunch" in *Oil and Gas Journal* 92, 4.4.1994, pp. 80-82; *New York Times (Late New York Edition)*, 17.9.1993, p. A3; M. Ugwu, S. Reed and J. Flynn, "Will chaos in Lagos send oil prices spurting?" in *Business Week*, 22.8.1994, p. 50.

The dismal economic conditions were exacerbated by the imposition of sanctions by the international community following the execution of Ken Saro-Wiwa and his co-accused in November 1995.<sup>102</sup> Foreign debt increased to US \$32,6 billion by the end of 1995 and the percentage of the population in poverty increased from 34 % in 1992 to 80 % by 1998. Despite the economic reforms implemented by Abubakar after he came to power in June 1998, the military continued to mismanage the Nigerian economy. In the last five months of military rule before the civilian transition on 29 May 1999, the military succeeded in almost halving foreign reserves to US \$3,5 billion, while the majority of contracts, worth US \$600 million, awarded by the Abubakar government between February and April 1999, were awarded to top junta members.<sup>103</sup>

The Obasanjo civilian government inherited a mismanaged economy in decay when it came to power in 1999. The civilian transition restored confidence and credibility in the Nigerian government and led to the lifting of sanctions and the gradual resumption of international loans. Several of the notorious contracts awarded by the Abubakar government were cancelled, including oil prospecting licences issued to Nigerians, and privatisation and commercialisation of state enterprises relaunched. With the help of international financial institutions the Nigerian government further succeeded in bringing excessive budgetary spending under control, halted expenditure on large and wasteful projects (with the exception of the Ajaokuta Steel Complex in Kwara State), ordered a management audit of the Nigerian National Petroleum Corporation, started to focus on poverty alleviation and the provision of basic services, and tried to combat institutionalised corruption. However, the Nigerian economy is still far away from recovery after more than forty years of mismanagement. Until such time Nigerian society will continue to struggle against poverty (around 70 % of the population is poor), while the government struggles to raise the GNP per capita to levels where it is at least on a par with the average for sub-Saharan Africa (the GNP per capita was about

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<sup>102</sup> Van Buren, "Economy", p. 756. An exception was the USA which opted not to impose an oil embargo against Nigeria. At that stage the USA imported 9,7 % of its total daily oil consumption from Nigeria thereby constituting the biggest receiver of Nigerian crude exports. US General Accounting Office, *International trade: issues regarding the imposition of an oil embargo against Nigeria* (report no B-258 609, No GAO/GGD-95-25 Nigerian Oil Embargo), pp. 1-3; H. Hino *et al.*, *Nigeria: selected issues and statistical appendix* (IMF country report no 01/132), p. 51.

<sup>103</sup> "Budget to nowhere" in *The Economist* 338(7956), 9.3.1996, p. 50; Mustapha, "The Nigerian transition", p. 281; *Mail and Guardian* (South Africa), 21-27.5.1999, p. 18; *The Star* (South Africa), 1.6.1999, p. 1.

US \$291 in 2000; the average for sub-Saharan Africa in 2000 was US \$500) and to pay back its foreign debt of around US \$30 billion.<sup>104</sup>

### 3.2.3 COMPARATIVE PERSPECTIVE

The economic marginalisation of oil-producing ethnic minority groups in Nigeria and Ecuador is a direct result of the oil dependent economic policies pursued by their respective governments since the 1970s. The dependence of the two countries on natural resource exploitation for their economic survival in turn is the result of a long historical process that started during the colonial era and continued well into the independence era.

While pre-colonial indigenous communities were also dependent on the exploitation of the natural resource bases in Ecuador and Nigeria for their economic survival, the introduction of colonial rule in these two territories greatly increased the rate of natural resource exploitation by incorporating local indigenous economies into the international economy. This process in turn forced indigenous communities not only to re-orient their production towards products popular on the international market, but also to increase production to meet the needs of peoples and monarchs on distant continents. The re-orientation of colonial economies towards exploitative industries was facilitated by legislation that nationalised mineral rights; the introduction of various forms of forced labour to ensure a ready pool of labourers needed to expand the economic interests of the dominant groups; the taxation of indigenous groups in money and goods which forced them to produce goods that the dominant groups and colonial rulers were willing to buy, and by promoting the political and economic interests of the dominant social and ethnic groups, who benefited from the colonial economic system.

The economic legacies of colonial rule in Ecuador and Nigeria are to a large extent similar in that both countries were left with economic systems based on the exploitation of both natural resources and indigenous labour; their economies were organised to the

<sup>104</sup> Obadina, "Nigeria's economy at the crossroads", pp. 8-14, 17; The World Bank, *Project Information. Nigeria: Economic Reconstruction Project (ERP)* (report no PID 9275), pp. 1-2; A. Kolo, "Legal issues arising from the termination of oil prospecting licences by the Nigerian government" in *Journal of Energy and Natural Resources Law* 19(2), 2001, pp. 164-175; Hino *et al.*, *Nigeria*, p. 52; Van Buren, "Economy", p. 756. See also the survey on the Nigerian economy in the *Financial Times* (Britain), 30.3.2000.

benefit of the colonial rulers and the dominant social and ethnic groups, and involved state control over the most important natural resources through the nationalisation of mineral rights in Ecuador and Nigeria, and the nationalisation of land in Nigeria. In addition, British colonial rule left an economic legacy of centralisation in Nigeria which enabled independent Nigerian governments to increase governmental control over the economy to the detriment of local economies and ethnic minority groups. By contrast, white settlement in Ecuador, the regionalisation of the Ecuadorian colonial economy and the emergence of regional economic elites made it impossible for the colonial government to promote a centralised economy in that territory. As a result, lack of governmental control is a persistent theme in Ecuador's economic history until the 1970s, and to a limited extent thereafter, with successive governments failing to take control of the economy due to the power of the business elite in the country who continued to pursue economic development as a means to further their own economic interests and not those of the country as a whole.

The lack of economic diversification and the failure to properly introduce industrialisation after independence ensured that both the Ecuadorian and Nigerian economies remained dependent on natural resource exploitation for economic survival, and that both countries assumed the roles of providers of raw materials and recipients of manufactured goods in the international economy. The emergence of the oil industry in the 1970s as the dominant sector in the economy increased governmental dependence on natural resource exploitation in a number of ways. Firstly, both the Ecuadorian and Nigerian governments became dependent on oil exports and rents for more than 50 % of governmental revenue and foreign export earnings. Secondly, the emergence of the oil sector as the dominant sector in the economy directly contributed to a decline in the agricultural sector, which both Ecuadorian and Nigerian governments neglected to develop and promote amidst the massive oil windfalls that brought unprecedented wealth to the two countries. Despite the lack of proper governmental attention to agriculture, the majority of Nigerians and the majority of Ecuadorian Indian communities continued to rely on agriculture for their economic survival, which became more difficult within the context of agricultural decline, not to mention the regular shortages of food that both countries experienced since the 1970s as a result of neglect of the agricultural sector. Thirdly, while both governments tried to use part of the oil

windfalls to promote industrialisation and economic diversification, most industrial developments took place in capital-intensive industries which did not create many job opportunities for the labour force, thereby ensuring that industrialisation benefited only a small section of society in the two countries. In addition, the import substitution policies pursued by both governments worked best during periods of boom when the necessary finances were available to import goods. However, once bust periods set in, imports decreased due to lack of capital, which in turn resulted in shortages of both goods and materials needed for industrial production.

The dependence on oil production and exports, combined with fluctuating world oil markets, governmental economic mismanagement, corruption, the introduction of SAPs and austerity measures from the 1980s onwards, increasing foreign debt and debt service payments, and drastic increases in poverty levels and societal economic hardship, have left the governments of Ecuador and Nigeria with little choice since the 1980s but to increase national oil exploitation in order to meet financial obligations, both internationally and nationally. This state of affairs, which further increased the dependence of Ecuador and Nigeria on oil, had a detrimental impact on oil-producing ethnic minority groups since their traditional territories became the focus of renewed economic development initiatives. However, these renewed development efforts within oil-producing regions translated into increased oil activities and not much-needed development efforts to improve the economic position of the oil-producing communities. Instead, the windfalls generated by oil production were carried away to other regions and the central government to satisfy the economic needs of those non-oil-producing communities who control political and economic processes in the two countries.

### **3.3 THE OIL INDUSTRIES IN ECUADOR AND NIGERIA**

The structure of the oil industries in Ecuador and Nigeria is the product of prevailing economic, social and political circumstances in the two countries and the structure of and changes to the international oil industry in the course of the twentieth century.<sup>105</sup> On

<sup>105</sup> P.H. Frankel, "The rationale of national oil companies" in United Nations Centre for Natural Resources, Energy and Transport, *State petroleum enterprises in developing countries*, p. 3.

an international level, the conflict between multinational oil companies and oil-producing states, and the emergence of the need and desire amongst the latter to take control of their national oil industries and the international pricing and marketing of their oil, resulted in important changes to the international oil order. The establishment of OPEC in 1960 by Saudi Arabia, Iran, Iraq, Kuwait and Venezuela, and its gradual attempts in the course of the 1960s to increase state control of national oil industries, directly threatened the historical and then prevalent domination of national and international oil industries by multinational oil companies. Their domination came to an abrupt end in October 1973 when OPEC unilaterally increased the posted price of oil, thereby triggering the 1973 Oil Crisis and the implementation of the Arab oil embargo against the USA and other "unfriendly" states. In one swift move OPEC succeeded in establishing itself as the dominant actor in the international oil industry, thereby leaving multinational oil companies exposed to the demands and expectations of national governments.<sup>106</sup>

The activities of OPEC in the 1960s and 1970s had a profound impact on the oil industries in Ecuador and Nigeria at a time when the oil sectors in both countries were undergoing crucial changes. OPEC's victory over multinational oil companies in 1973 enabled Ecuador and Nigeria to greatly increase state participation in their respective national oil industries and to demand direct state participation in multinational oil companies active in their countries. This translated into the creation of state oil companies, the nationalisation of multinational oil companies, the expansion of governmental participation in the downstream oil sector, and higher taxes and oil rents. A nationalistic oil policy, however, could only work as long as oil prices and demand remained high on the international market, which gave oil-producing states the leverage over multinational oil companies. The drastic drop in world oil prices in the 1980s, especially in 1986, levelled the playing field and brought multinational oil companies back into contention as oil-producing states in the developing world actively competed to attract foreign oil investments as a means to stimulate economic growth within the context of the dismal economic conditions of the 1980s. Similar developments took place in Ecuador and Nigeria where their governments started to relax their overly

<sup>106</sup> A. Sampson, *The Seven Sisters: the great oil companies and the world they made*, p. 170 *et seq.*; D. Yergin, *The prize: the epic quest for oil, money and power*, p. 561 *et seq.*

nationalistic oil policies in order to attract much-needed oil investments, especially in Ecuador which faced the prospect of becoming a net oil importer if it did not succeed in increasing its recoverable oil reserves.<sup>107</sup>

This trend continued into the 1990s as the Ecuadorian and Nigerian governments finally came to realise the magnitude of their dependence on multinational oil companies for technology, knowledge and skills, and capital. And, within the context of the post-Cold War and post-Gulf War (1990-1991) world oil order, characterised by diversification away from traditional oil centres, new producers and numerous opportunities for multinational oil companies in various countries, both Ecuador and Nigeria had limited options to make important changes to their oil policies and environment in which oil companies operated nationally in order to attract foreign oil investments. The move away from nationalism in the course of the 1990s was also a global phenomenon and enabled multinational oil companies to greatly increase their power and importance *vis-à-vis* that of OPEC and other oil-producing states. In addition, vast new discoveries in the course of the 1990s gave multinational oil companies a multitude of investment opportunities that included the termination of oil activities in countries with overly harsh nationalistic and restrictive oil policies.<sup>108</sup>

The developments in the international oil industry since the 1960s, combined with their unique political, social and economic circumstances, have had a marked impact on oil developments in Ecuador and Nigeria, and in turn have also directly influenced oil-producing ethnic minority groups who had to bear the immediate and adverse impacts of oil production, exploitation and transportation within their traditional homelands. The oil policy options that the Ecuadorian and Nigerian governments exercised consequently

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<sup>107</sup> For international developments see, for example, Frankel, "The rationale of national oil companies", pp. 3-7; A. Jaidah, "Problems and prospects of state petroleum enterprises in OPEC countries" in United Nations Centre for Natural Resources, Energy and Transport, *State petroleum enterprises in developing countries*, pp. 17-22; H.G. Broadman and E.J. Wilson, "Trials and tribulations of Third World petroleum development: lessons and advice for prospective producers" in Khan (ed.), *Petroleum resources and development*, pp. 262-274; P.R. Odell, "The world petroleum market: the current situation and prospects" in Khan (ed.), *Petroleum resources and development*, pp. 3-17.

<sup>108</sup> For international developments see, for example, J. Stanislaw, *The new world oil order: strategies for the 1990s*, pp. 1-22; P. Aarts, "Democracy, oil and the Gulf War" in *Third World Quarterly* 13(3), 1992, pp. 525-538; C. LaCasse and A. Plourde, "On the renewal of concern for the security of oil supply" in *Energy Journal* 16(2), 1995, pp. 1-23; J.L. Dunlap, "The realities of our Middle East commitments: making our energy future more secure" in *Vital Speeches of the Day* 58(3), 15.11.1991, pp. 72-74; M. Frankel, "The new oil boom" in *Newsweek* 118(17), 21.10.1991, pp. 38-42; K. Breslau, "Exploring Siberia, with a Texas accent" in *Newsweek* 118(17), 21.10.1991, pp. 43-44; R. Vernon, *Oil and politics: the shape of things to come* pp. 1-13.

also impacted on the political, economic and environmental marginalisation of oil-producing ethnic minority groups, and in turn provided an incentive for these minority groups to mobilise against their governments and the oil industry from the late 1980s onwards.

### 3.3.1 THE ECUADORIAN OIL INDUSTRY

The history of oil exploitation and utilisation in Ecuador dates back to the pre-Columbian era where crude oil, obtained from seepages and shallow pits, was utilised by Indian communities as pitch to coat boats and rafts, and for medicinal purposes, while the Cañaris in the Sierra used oil to illuminate their houses. Crude oil exploitation continued during the colonial era with oil being used by the Spanish predominantly as tar for caulking ships. From the onset of Spanish colonial rule, crude oil was legally the property of the Spanish Crown since Charles I claimed the rights to all mineral deposits in the New World on 9 December 1526. The concept of state ownership of all mineral deposits continued into the independence era with the promulgation of the Decree of Quito by Simón Bolívar on 24 October 1829 in terms of which all mineral rights and the profits derived from exploitation were vested in the state.<sup>109</sup> This decree was followed in 1886 by the adoption of the first National Mining Code by Congress that reaffirmed state ownership of "all the mines of gold, silver, copper, mercury, tin, precious stones, coal and other fossil substances, the possession and ownership by corporations or by private persons of the surface of the ground in whose bowels they may happen to find themselves, notwithstanding".<sup>110</sup>

The advent of the modern oil industry in the 1850s also stimulated interest in the oil possibilities of Ecuador and the first oil production concession was granted to M.G. Mier and Company on 13 May 1878. This concession gave them exclusive production rights to petroleum, tar, kerosene and other bituminous substances on the Santa Elena Peninsula in the Costa region. No oil-related activities resulted from this first

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<sup>109</sup> J.D. Martz, *Politics and petroleum in Ecuador*, p. 42; UPPSAE, *Culturas bañadas en petróleo: diagnóstico de salud realizado por promotores*, p. 13; F.B. Notestein, "South America other than Caribbean" in W.E. Pratt and D. Good (eds), *World geography of petroleum*, p. 122; J. Frank, "Texaco in Ecuador's Oriente region: towards a theory of transborder legal disputes" (M.A. thesis, Stanford University, 1998), pp. 16-17.

<sup>110</sup> Republic of Ecuador, *Mining Code of the Republic of Ecuador*, art.1, cl.1.

concession, and interest in the Ecuadorian oil industry was only revived in 1909 when the government granted two separate exploration concessions on Santa Elena to an Italian entrepreneur and to Concepción Ecuador Oil (owned by the Medina Pérez family), and signed a joint venture exploration contract with a British entrepreneur, Carlton Granville Dunne, in terms of which an oil exploration and production company would be established.<sup>111</sup>

None of the early concession holders succeeded in developing the Santa Elena oilfields, which development was eventually realised in the course of the 1910s as a result of the activities of Ecuador Oilfields and Anglo-Ecuadorian Oilfields. Ecuador Oilfields, which was formed in Britain in 1911, produced a limited volume of high quality crude oil that was obtained from shallow wells in their Santa Elena concessions, until the Tigre field was put into production in 1938 producing oil with a gravity of 38°API. Though an important find, Ecuador Oilfields struggled financially for most of its existence, which in turn meant that it changed ownership and names numerous times in the next few decades.<sup>112</sup> By contrast, the Anglo-Ecuadorian Oilfields, established in 1917 by Lobitos Oilfields which had a 35 % majority share, was more successful and started producing oil in 1917 at an average of 156 b p/d, and by 1927 it was the only company that produced oil commercially in the country. In addition, Anglo-Ecuadorian Oilfields controlled the biggest of the three refineries in the country, namely the refinery at Port of La Libertad, which had a daily capacity of only 150 barrels per day.<sup>113</sup>

Though oil production in Ecuador in the 1920s was insignificant in comparison to some other South American producers, very small domestic consumption allowed for most of the oil to be exported, which exports reached a pre-1972 high of 30 % of total exports

<sup>111</sup> Martz, *Politics and petroleum in Ecuador*, pp. 45-46; UPPSAE, *Culturas bañadas en petróleo*, p. 13; Texaco, "History of operations", <<http://www.texaco.com/shared/position/docs/history.html>>, 22.9.1999. This company was probably the Ancon Oil Company of Ecuador Limited that was registered in Britain on 8 December 1910 and that went into voluntary liquidation in 1917. For more details see Public Record Office (PRO, London), BT 31/19764/113120: Ancon Oil Company of Ecuador Ltd (1910).

<sup>112</sup> Ecuador Oilfields was bought by British Controlled Oilfields in 1933, who sold it to Manabí Exploration Company in 1950, with the latter taken over by Tennessee del Ecuador S.A. in 1958. Tennessee was sold to Ecuadorian interests in 1963 and its name was changed to Cautivo, Empresa Petrolera Ecuatoriana, C.A. By 1964 the company produced 465 barrels of the daily total of 7900 barrels. J.H. Sawyer, "Latin America after 1920" in E.W. Owen (ed.), *Trek of the oil finders: a history of exploration for petroleum*, pp. 1136-1142; PRO, FO 371/90680: P.R.W. Leigh – M. Rudd (letter no130 EC 468/RG.4), 21.12.1950.

<sup>113</sup> Sawyer, "Latin America after 1920", p. 1136; M. Wilkins, "Multinational oil companies in South America in the 1920s: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, and Peru" in *Business History Review* 48(3), Autumn 1974, pp. 422, 426-427.

by 1932.<sup>114</sup> By 1950, oil production in the country remained confined to the Santa Elena Peninsula with only Ecuador Oilfields (by now Manabí Exploration Company) and Anglo-Ecuadorian Oilfields actually extracting oil, despite the fact that the D'Arcy Exploration Company, the International Petroleum Company and the Richmond Exploration Company had explored for oil in the Costa at various times between the 1920s and the 1940s.<sup>115</sup> Anglo-Ecuadorian Oilfields remained the main oil producer until production started in the Oriente in 1972, and remained active in oil exploration and development in the 1950s and 1960s, despite the prevailing negative oil environment that was marked by constant shortages of foreign currency; governmental unwillingness to allow increases in petrol prices that would increase the profit margins of the company; the rapid escalation in domestic consumption that turned the country into a net-oil importer in 1958, and the threat of radical union action, especially after the 1948 oil strikes organised by the communist Ecuadorian Federation of Labour.<sup>116</sup>

Spurred on by the discovery of vast oil deposits in the Venezuelan Amazon, attention was also directed at the oil possibilities of the Ecuadorian Oriente, when the Leonard Exploration Company, a subsidiary of Standard Oil of New Jersey, was awarded a 25 000 km<sup>2</sup> concession in 1921. Their work involved mostly surface geology and topographical mapping, and the construction of a road that would eventually make vehicular travel from the Andes to Mera possible. Only one geological exploration party, headed by Joseph Sinclair and Theron Wasson, and sent out in the 1920s, reported the presence of petroliferous Cretaceous limestone and black oil seeps, thereby fuelling belief that vast oil riches might be locked up in the Ecuadorian Amazon.<sup>117</sup> The presence of oil in the Oriente was confirmed soon afterwards by geological surveys

<sup>114</sup> Schodt, *Ecuador*, p. 100; Hurtado, *Political power in Ecuador*, pp. 82-83.

<sup>115</sup> PRO, FO 371/90680: British Embassy, Quito – Secretary of State for Foreign Affairs (letter no 89E/1536), 21.12.1950; *BP* Archives (BPA, Coventry, England), BP 91037: D'Arcy Exploration Company, Ltd list of principal investigations and tests carried out, or in progress at 31.1.1922, p. 2.

<sup>116</sup> See contents of the following archival boxes: PRO, FO 371/132068: Oil industry in Ecuador (1958); PRO, FO 371/90680: Sale of Ecuador Oilfields Ltd (1951); PRO, FO 371/162233: Affairs of the Anglo Ecuadorian Oilfields (1962). See also E. Sierra C., *Ecuador, Ecuador: ¡Tu petróleo!; ¡Tu gente!*, pp. 3031; Sawyer, "Latin America after 1920", pp. 1138-1142.

<sup>117</sup> UPPSAE, *Culturas bañadas en petróleo*, p. 13; H.J. Tschopp, "Oil explorations in the Oriente of Ecuador, 1938-1950" in *Bulletin of the American Association of Petroleum Geologists* 37(10), October 1953, pp. 2304-2305; S.M. Sawyer, "Marching to nation across ethnic terrain: the politics of identity, territory, and resource use in the Ecuadorian Amazon" (D.Phil. dissertation, Stanford University, 1997), pp. 36-39. For the reports of Sinclair and Wasson, see J.H. Sinclair and T. Wasson, "Explorations in eastern Ecuador" in *The Geographical Review* 13(2), April 1923, pp. 190-213; T. Wasson and J.H. Sinclair, "Geological exploration east of the Andes in Ecuador" in *Bulletin of the American Association of Petroleum Geologists* 11(12), December 1927, pp. 1253-1281.

conducted by the D'Arcy Exploration Company whose geologists reported evidence of "large prospective oilfields" in December 1923. Due to transportation difficulties that resulted from a lack of infrastructure and the lack of navigable rivers, D'Arcy opted in 1924 not to pursue oil development in Ecuador.<sup>118</sup> (See map E-4.)

Leonard's original concession, which was granted for 50 years, was renegotiated in 1931 and was followed by the signing of a new concession on 25 March 1931 between the government and Standard Oil of New Jersey. The Ecuadorian government also began to take a greater interest in the oil industry in the 1930s, firstly through the creation of an oil office, the Dirección General de Minas y Petróleo, within the Ministry of Public Works, and secondly through the revision of oil legislation that aimed at increasing governmental royalty income (the 1937 Ley de Petróleos) and that reaffirmed full governmental control over mineral deposits (Decree no 45 of 1938). The government further intervened in the intense rivalry between the major oil companies operating in Latin America in the 1930s, when it abruptly cancelled Standard Oil's concession in 1937, citing unpaid debts and the failure to produce any exploratory findings after six years of explorations. Soon afterwards, on 6 August 1937, the government granted a 100 000 km<sup>2</sup> concession in the Oriente to the Anglo-Saxon Petroleum Company, a subsidiary of Royal Dutch/Shell (hereafter Shell). This concession was reduced to 83 456 km<sup>2</sup> in 1942 following the signing of the Rio de Janeiro Agreement on 29 January 1942 that concluded the Ecuador-Peru frontier war.<sup>119</sup>

From 1938 onwards Shell embarked on extensive geological surveys, along with infrastructural developments, in the form of camp, road and airport and airstrip construction, to facilitate their oil exploration. Owing to transportation difficulties in the Oriente, everything was transported by air from the Shell-Mera base camp to the company's field bases along the Rio Pastaza and the Rio Napo, making Shell's endeavour in Ecuador between 1938 and 1950 the first fully airborne oil exploration in

<sup>118</sup> BPA, BP 37729: D'Arcy geological papers – Ecuador.

<sup>119</sup> Sawyer, "Latin America after 1920", pp. 1143-1144; Tschopp, "Oil explorations in the Oriente of Ecuador, 1938-1950", p. 2304; Martz, *Politics and petroleum in Ecuador*, pp. 47-52; Sawyer, "Marching to nation across ethnic terrain", pp. 36-40. Some authors argue that the 1941-1942 Ecuador-Peru war resulted from the rivalry between Standard Oil and Shell, with Standard Oil reacting to its expulsion in 1937 by arming the Peruvian army, and by encouraging and financing Peru's territorial expansion. See Martz, *Politics and petroleum in Ecuador*, pp. 49-52; Sawyer, "Marching to nation across ethnic terrain", pp. 39-40.

history – as well as one of the most expensive at that stage. Indian male labour provided the manpower needed for construction and forest clearings for airstrips and seismic lines, while also acting as carriers for heavy equipment and as providers of protein through hunting and fishing. Not all Oriente Indian groups welcomed Shell with open arms. On the contrary, Shell's geological expeditions were often attacked by the Huaorani (also called the Aushiri and the Auca) who killed three men in January 1942 and another three in 1943. After spending US \$24,842 million between 1938 and 1948, Shell's exploration found no oil. After redeeming half of its original concession in 1948, Shell entered into a joint venture with Standard Oil of New Jersey in December 1948, in which the latter had one-third interest. After only two years during which about US \$5 million was spent and six wells were drilled (ironically the last, Villano-1 was the most promising) the joint venture was dissolved and all further oil exploration by Shell in Ecuador halted due to a lack of commercially viable oil deposits.<sup>120</sup> (See map E-4.)

Foreign interest in the oil possibilities of the Ecuadorian Oriente was revived again in the 1960s with the granting of a 4,35 million hectare concession on 26 August 1961 to what initially appeared to be an Ecuadorian company, Midas y Petróleos del Ecuador. Midas, however, was a joint venture of Phoenix Canada Oil (Toronto) and Norsul Oil and Mining (Albany, Georgia), both controlled by the same individual, Howard Strouth. Two years later, following the discovery of vast oil reserves in southern Colombia by Texaco-Gulf, the joint venture applied for a 1416 450 hectare concession in north-eastern Ecuador which adjoined their Colombian concession. The concession was granted on 5 March 1964 for a period of 40 years with royalties set at 6-7 %. Texaco-Gulf increased their concession area in December 1965 when it purchased 1,65 million hectares in Pastaza and Aguarico from Midas.<sup>121</sup>

<sup>120</sup> Sawyer, "Marching to nation across ethnic terrain", pp. 40-44; Tschopp, "Oil explorations in the Oriente of Ecuador, 1938-1950", pp. 2344-2347; R. Blomberg, *The naked Aucas: an account of the Indians of Ecuador* (translated by F.H. Lyon), pp. 15-17; PRO, FO 371/68225: J.E.M. Carvell, British Legation, Quito – E. Bevin, Foreign Office (letter no 53 1/51/48), 17.5.1948; Shell Group Archives (SGA, London), WN 162: Historical notes – Ecuador.

<sup>121</sup> Martz, *Politics and petroleum in Ecuador*, pp. 53-55; L.C. Sass and C.H. Neff, "Review of 1963 petroleum developments in South America and the Caribbean area" in *Bulletin of the American Association of Petroleum Geologists* 48(8), August 1964, pp. 1242, 1267-1272, 1277-1279; L.C. Sass and C.H. Neff, "Review of 1964 petroleum developments in South America and Caribbean area" in *Bulletin of the American Association of Petroleum Geologists* 49(8), August 1965, pp. 1151-1153.

In 1965 Texaco-Gulf commenced an all-out exploration programme in the Oriente that included detailed aerial, surface geological and seismic explorations. Like the Shell explorations of the 1940s, Texaco-Gulf's exploration initially relied almost completely on air transportation, with cargo planes responsible for providing base camps with "everything from tractors to nails", while helicopters carried equipment and supplies to the field parties. In contrast to Shell, however, Texaco-Gulf's exploration proved successful when their first wildcat, Lago Agrio-1, spudded in April 1967, thereby confirming the long held belief that the Ecuadorian Oriente did possess black gold. By 1969 twelve of the thirteen wells drilled by Texaco-Gulf had yielded commercially viable petroleum deposits. Spurred on initially by Texaco-Gulf's exploration activities, and after 1967 by the joint venture's successes, other foreign oil companies scrambled to obtain concessions for the Ecuadorian Oriente resulting in considerable concession activity in 1966 and 1968, which brought Yasuni C.A., Cities Services, Roden Oil Company, and Anglo-Ecuadorian Oilfields and others to the Oriente.<sup>122</sup>

By 1968 most of the Oriente had been carved up and allocated for petroleum exploration by successive Ecuadorian governments which had limited experience in handling powerful multinational oil companies, in setting oil policy and in controlling such a mammoth industry that was set to transform both the Ecuadorian economy and society. Governmental inability to handle their own oil industry was made painfully obvious by the controversies that surrounded the Midas concessions as well as the controversial ADA offshore concession in the Gulf of Guayaquil. The first real opportunity for the Ecuadorian government to implement much-needed changes in their oil policy and legislation emerged in 1969, when Texaco-Gulf's contract had to be renegotiated. In terms of the 1969 contract, Texaco-Gulf was allowed to retain only 500 000 hectares of its choice of its original 1964 concession, while royalties were increased to 11,5 %. The joint venture also accepted governmental demands for indigenisation and agreed to employ Ecuadorians in 85 % of administrative, 95 % of labouring and 50 % of technical jobs. Texaco-Gulf further undertook to construct a pipeline from Lago Agrio to a Pacific port, to commence with extensive road

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<sup>122</sup> Sawyer, "Latin America after 1920", pp. 1146-1147; Schodt, *Ecuador*, p. 104; "New era in Ecuador" in *The Texaco Star* 69(1), 1972, pp. 10-12. See also R.W. Canfield, G. Bonilla and R.K. Robbins, "Sacha oil field of Ecuadorian Oriente" in *The American Association of Petroleum Geologists Bulletin* 66(8), August 1982, pp. 1076-1090.

developments that included the Pallacto-Lago Agrio-Coca route, and to provide US \$20 million for further road construction in areas chosen by the government.<sup>123</sup>

The 1969 initiatives were followed in 1971 by the promulgation of a new Ley de Hidrocarburos that allowed for the creation of a state oil company, Corporación Estatal Petrolera Ecuatoriana (CEPE), increases in production royalties, and a sharp reduction in concession areas. The 1971 law, that went into effect in August 1972, reaffirmed state ownership of mineral deposits, and greatly increased royalties and taxes to include the payment of surface and entry rights, royalties, tax contributions for education, transportation fees for pipeline usage, and compulsory public works in concession areas. The law further ended the concessionary system stipulating that all oil companies had to enter into contracts of either association or services rendered with CEPE, while the latter obtained all the rights to both upstream and downstream oil activities in the country. The government also retained the right to set reference prices and to determine the cost of petrochemical products. Though the 1971 law allowed for greater state control over the oil industry, the fact that it initially was not made retroactive and only affected future developments rendered most of its provisions ineffective.<sup>124</sup>

By 1972 Ecuador was set to join the ranks of oil exporting countries again for the first time since 1958. The 503 km long trans-Ecuadorian pipeline (known as Sistema del Oleoducto Trans-Ecuatoriano, SOTE) that linked the Texaco-operated oilfields of Lago Agrio, Sacha and Shushufindi in the Oriente with the port at Esmeraldas (reaching a height of 4 063 m at the crest of the Eastern Cordilla of the Andes), was completed in August 1972 and the first shipment of Oriente crude (with a gravity of 28° API) was loaded on 17 August 1972 and destined for Texaco's refinery at Trinidad. Daily oil production in the Oriente thereafter increased drastically from a mere 717 b p/d in 1971 to 78 466 b p/d by 1972, while construction had also started on a new refinery at

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<sup>123</sup> Bromley, "Agricultural colonisation in the Upper Amazon Basin", pp. 283-285; J. Kimerling, *Amazon crude*, p. 43; Martz, *Politics and petroleum in Ecuador*, pp. 54-59; Sawyer, "Latin America after 1920", pp. 1146-1147; UPPSAE, *Culturas bañadas en petróleo*, pp. 16-17.

<sup>124</sup> For more information see, for example, C.T. Paz, *Ecuadoriano, defiende tu petróleo!*, pp. 41-45; Martz, *Politics and petroleum in Ecuador*, pp. 60-62; Sierra C., *Ecuador, Ecuador*, pp. 34-38.

Esmeraldas to substitute the three existing and ageing refineries.<sup>125</sup> (See map E-15.)

Foreign control over the Ecuadorian oil industry came to an end in the course of 1972 due to the nationalistic oil policies pursued by the nationalistic military government of Gen. Rodríguez Lara. From the start the new military regime set out to take control of the oil industry, which became the responsibility of the oil minister, navy Capt. Gustavo Jarrín Ampudia. Jarrín's strategy to gradually nationalise the oil industry in Ecuador, influenced in particular by oil developments in Brazil, brought him in direct confrontation with multinational oil companies and soon alienated most foreign oil companies active in the country. Jarrín's first step was to make the 1971 Oil Law retroactive (Decree no 430) thereby forcing all companies with existing concessions to renegotiate their contracts in terms of the 1971 law. The decree, which aimed especially at recovering concession areas for CEPE's use, resulted in the reversion to the state of over four million hectares of concession areas in the Oriente, the reduction of concession periods from 40 to twenty years, the nationalisation of all gas exploitation, the re-creation of CEPE, and a further stipulation that CEPE had the right to obtain a 25 % stake in all oil companies. Owing to the fact that Texaco-Gulf was the main oil producer in the country, the joint venture became a special target for Jarrín who refused to meet the joint venture with a view to negotiate a compromise. As a result, Texaco-Gulf was forced to renegotiate their contract in 1973 in terms of which the company obtained exploration and exploitation concession for 491 355 hectares in the Napo and Pastaza provinces for a period of twenty years. The contract further gave CEPE the right to buy a 25 % stake in the joint venture over a period of four years, and committed the joint venture to invest US \$60 million over three years and to bring production up to 400 000 b p/d.<sup>126</sup>

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<sup>125</sup> Sawyer, "Latin America after 1920", p. 1149; R. Cabezas, *Crónica de una política petrolera*, pp. 73-81; Bromley, "Agricultural colonisation in the Upper Amazon Basin", pp. 284-285; C. Grylls, *Environmental hooliganism in Ecuador: a study of the environmental, social and cultural effects of oil-operations in the Ecuadorian Oriente*, p. 9; Martz, *Politics and petroleum in Ecuador*, p. 408.

<sup>126</sup> A. Cueva, *The process of political domination in Ecuador* (translated by D. Salti), pp. 97-98; International Bank for Reconstruction and Development, *Current economic position and prospects of Ecuador*, pp. 39-40; Paz, *Ecuadoriano, defiende tu petróleo!*, p. 45; G. Jarrín, "Anexo documental situación de la política petrolera Ecuatoriana" in G. Drekonja et al., *Ecuador: hoy* (2<sup>nd</sup> edition), pp. 344-347; G. Philip, *Oil and politics in Ecuador 1972-1976* (Institute of Latin American Studies Working Papers 1), pp. 1-7; R. Pineo, "Recent contributions to Ecuadorian political history" in *Latin American Perspectives* 24(3), May 1997, p. 113.

Jarrín's nationalistic oil policy quickly alienated most of the foreign oil companies, who gradually started to withdraw from Ecuador, and further tarnished the country's reputation with multinational oil companies who came to view the country as a negative investment environment. On the other hand, these policies brought the country closer to the powerful oil-producing states of OPEC of which Ecuador became an associate member on 27 July 1973, and a full member on 20 December 1973, despite domestic opposition. Jarrín also sought closer co-operation with Latin American oil producers and actively participated in the launching of the Organización América Latina de Energía in 1973 which aimed at promoting and co-ordinating Latin American energy policies. Jarrín's term in office, however, was brief and shortly after CEPE obtained a 25 % stake in Texaco-Gulf in June 1974, and days after he proposed that this percentage be increased to 51 %, Jarrín was dismissed from his position as oil minister.<sup>127</sup> (See map E-10.)

While a staunch nationalistic oil policy was possible in 1972 and 1973 within the context of world oil politics, by 1974 a drop in world demand for oil once again shifted the balance of bargaining power from host governments to multinational oil companies. Texaco-Gulf made full use of the situation and launched an export and investment boycott shortly after Jarrín's departure from office, thereby in effect prolonging the conflict between the Ecuadorian government and the joint venture. The boycott aimed at forcing the government to reduce the joint venture's tax burden and to increase domestic oil prices in order to increase the profit margins of the oil companies. The boycott resulted in a drastic decline in oil production from 217 703 b p/d in 1973 to 184 611 b p/d by 1974, reaching a low of 167 863 b p/d by 1975. In monetary terms, oil exports dropped to US \$213 million in the first half of 1975 (down from US \$430 million in the same period in 1974), thereby creating both budget and balance-of-payment deficits which the government addressed through foreign loans. The conflict between the government and the joint venture was exacerbated in 1976 by talks of the complete nationalisation of the oil industry, and by CEPE's take-over of the internal distribution of petrol and petrochemical products in June 1976. Ultimately, the Ecuadorian

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<sup>127</sup> Jarrín, "Anexo documental", pp. 346-347; OPEC, *OPEC: official resolutions and press releases 1960-1980*, pp. 134-136, 140-142; Philip, *Oil and politics in Ecuador 1972-1976*, pp. 5-18; A. von Lazar and M. McNabb, "The politics of inter-American energy relations: prospects and pitfalls" in *Journal of Interamerican Studies and World Affairs* 27 (1), February 1985, p. 128; Corkill and Cubitt, *Ecuador*, pp. 26-29.

nationalistic oil policy led to the withdrawal of Gulf from the country which, following the refusal of the government to provide a US \$1,05 per barrel tax relief in 1976, actively started to seek its own nationalisation. In 1977 CEPE took control of Gulf's 37,5 % stake in the joint venture, thereby increasing their share in the Texaco-CEPE joint venture to 62,5 % while Texaco retained its 37,5 % share.<sup>128</sup>

Despite the fact that the prolonged conflict between the oil companies and the government came to a head with Gulf's nationalisation and the renegotiation of Texaco's concession on better terms, all was not well with the Ecuadorian oil industry by 1977. Daily oil production still fell short of the production ceiling, set in May 1974, of 210 000 b p/d, with real daily production averaging 191 297 b p/d. Increased domestic consumption also drastically reduced oil exports in the course of the 1970s. While crude oil exports represented 92,2 % of daily production in 1972, then decreased to 77,5 % in 1973, to 73,1 % in 1975, and to 57,2 % by 1977, thereby directly impacting on state revenues since oil exports represented around 60 % of all foreign currency earnings. In addition, the oil industry was in desperate need of new exploration and discoveries, and for the maintenance and reconditioning of existing wells. Proven reserves of about 1,5 billion barrels were not increased with new discoveries during the investment boycott, resulting in forecasts that the country might have to revert to being an oil importer by 1981. CEPE, on the other hand, lacked the financial, organisational and technical skills to control the country's oil industry, and consequently it struggled to handle all its responsibilities efficiently, while lack of funds severely curtailed the company's ability to meet all its targets and perform all the functions expected of it.<sup>129</sup>

From 1978 onwards successive Ecuadorian governments tried to move away from oil nationalism in order to restore investor confidence and to make the Ecuadorian oil industry competitive within the South American context. Starting with the 1978 Oil Law, the government therefore made a number of concessions to the oil companies that allowed them, *inter alia*, to recover their exploration investments once crude oil had

<sup>128</sup> Philip, *Oil and politics in Ecuador 1972-1976*, pp. 20-29; Martz, *Politics and petroleum in Ecuador*, pp. 134-136; Jarrín, "Anexo documental", pp. 351-357; Cueva, *The process of political domination in Ecuador*, pp. 98-100.

<sup>129</sup> C. Brogan, *The retreat from oil nationalism in Ecuador 1976-1983* (Institute of Latin American Studies Working Papers 13), pp. 7-15; Martz, *Politics and petroleum in Ecuador*, pp. 408, 412; Gelb, *Oil windfalls*, p. 176; Sierra C., *Ecuador, Ecuador*, pp. 38-39; Paz, *Ecuadoriano, defiende tu petróleo!*, pp. 67-68.

been discovered and access to bigger concession areas for exploratory work. These changes, however, failed to convince oil investors who remained wary of the challenges that foreign oil companies had to face in Ecuador. As a result, by 1982 the Ecuadorian oil industry was still limited to the activities of Texaco-CEPE and the City Ecuatoriana Production Company in the Oriente, and CEPE in Santa Elena. Oil production varied slightly from a high of 78,2 million barrels (52,9 million barrels exported) in 1979, to 74,8 million barrels (47,1 million barrels exported) in 1980, to 77,1 million barrels (46,7 million barrels exported) by 1982. Proven reserves also increased slightly, due to the resumption of exploratory work from 1978 onwards, with new discoveries increasing proven reserves to 1,974 billion barrels by the end of 1982, which at that stage translated to almost thirteen years' reserves.<sup>130</sup> (See maps E-10 and E-11.)

By 1982, petroleum exports accounted for 65 % of all export earnings, nearly 10 % of the GNP and around 40 % of all governmental revenue. Governmental dependency on oil revenue as its main source of income became extremely problematic from the end of 1981 onwards when the oil bust started to set in. During this bust-period, the price of Ecuadorian crude gradually dropped from a 1980 high of US \$35,20 per barrel, to US \$27,50 by March 1983, and US \$26,50 by 1985. The sharp drop in world oil prices in 1986 had a devastating impact on the Ecuadorian economy with oil prices for Ecuadorian crude falling from US \$22,99 in January 1986, to US \$19,90 in February 1986, US \$11,28 in March 1986, and bottoming out at US \$11 per barrel by April 1986. With the 1986 budget computed using US \$23 per barrel of oil as a referencing price, the 1986 oil price drop cost the country around US \$900 million (the equivalent of about 8% of the GNP). Ecuador tried to cope with the oil bust by increasing daily production (250 000 b p/d in 1983, about 260 000 b p/d in 1984, and 280 000 b p/d in 1985 and 1986) and oil exports. Increased oil production, however, did not conform to the country's OPEC production quota of around 183 000 b p/d, thereby increasing the

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<sup>130</sup> C.S. Deal, "South America, Central America, the Caribbean, and Mexico" in *The American Association of Petroleum Geologists Bulletin* 65(10), October 1981, p. 1944; C.S. Deal, "Oil and gas developments in South America, Central America, Caribbean area, and Mexico in 1982" in *The American Association of Petroleum Geologists Bulletin* 67(10), October 1983, p. 1851; The World Bank, *Ecuador: an agenda for recovery and sustained growth*, pp. 89-91; Gelb, *Oil windfalls*, p. 176; Brogan, *The retreat from oil nationalism in Ecuador 1976-1983*, pp. 15-23; The World Bank, *Ecuador: development problems and prospects*, pp. 257-266.

existing conflict between the Ecuadorian government and the oil cartel.<sup>131</sup>

The oil bust of the first half of the 1980s coincided with the Latin American debt crisis which in Ecuador translated into vast budget and balance-of-payment deficits, mounting external debt and economic decline. The severe economic crisis of 1986 was exacerbated in 1987 when an earthquake and its aftershocks destroyed over 40 km of the SOTE (trans-Ecuadorian) pipeline while damaging several pump stations and related oil facilities. Oil production, that averaged 218 578 b p/d in the two months that preceded the earthquake, was suspended until the completion of repairs in September 1987 allowed for the resumption of normal production. In the meantime, a 36 km lateral pipeline was laid that linked up with the Columbian Transandean System and allowed for the transportation of between 35 000 b p/d and 50 000 b p/d of Ecuadorian crude that was used to meet domestic needs. Venezuela, Nigeria and Kuwait came to the rescue with oil loans, which enabled the country to supply most of its foreign customers. By September 1987, the SOTE pipeline was back in working order, transporting an average 220 000 b p/d, which increased to 320 000 b p/d by the end of 1987. Ultimately, the earthquake and the resulting infrastructural damage and loss of oil revenues cost the Ecuadorian government about US \$1 billion.<sup>132</sup>

Amidst the dismal economic conditions of the 1980s the government promulgated the 1982 Ley de Hidrocarburos that aimed at revitalising exploration and development activities by allowing foreign oil companies to undertake oil exploration under service/risk contracts. Blocks offered for exploration by CEPE were to be awarded in periodic bidding rounds in terms of which a contractor undertook to risk an agreed minimum capital sum for the four-year exploration period. If commercially viable oil deposits were found, contractors would be allowed to produce oil for a period of twenty years. However, all oil that was produced under the service/risk contracts belonged solely to CEPE, who would reimburse the contracting oil company for investments and

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<sup>131</sup> Schodt, *Ecuador*, pp. 110-111; S. Satyanarayan and E. Somensatto, *Trade-offs from hedging oil price risk in Ecuador* (The World Bank Policy Research Working Paper 1792), p. 1; *Latin American Monitor 3: Andean Group*, 1(3), March 1984, p. 26, 1(8), October 1984, p. 90, 1(9), November 1984, p. 101, 2(2), March 1985, p. 142, 2(6), August 1985, p. 194, 2(9), November 1985, p. 231 and 3(4), May 1986, p. 292.

<sup>132</sup> Martz, "Instability in Ecuador", p. 19; Schodt, "Austerity policies in Ecuador", p. 190; *Latin American Monitor 3: Andean Group* 4(2), March 1987, p. 387, 4(5), June 1987, pp. 424-425 and 4(6), July/August 1987, p. 436; W.D. Wiman, "Oil and gas developments in South America, Central America, Caribbean area, and Mexico in 1987" in *The American Association of Petroleum Geologists Bulletin* 72(10B), October 1988, p. 346.

production either in crude from the concession block or in cash. In the case of successful exploration activities, a contractor received full compensation for exploration and development costs. On the other hand, if no commercially viable oil was found, the contract was terminated without compensation after the four-year exploration period. The 1982 Oil Law also made provision for lower taxes and brought the total tax paid by oil companies down from 87 % to about 75 % (which included a 15 % labour participation fee and a 1 % research tax).<sup>133</sup> (See map E-11.)

The first bidding round took place in 1983 in which CEPE received six bids on only four of the eleven blocks offered in the bidding round. The first service/risk agreements were negotiated in 1984 with Exxon, Hispanoil, Occidental and Belco, and the first such agreement was signed by Occidental Petroleum who started exploratory drilling in the Limon-Cocha region on 28 August 1985. Between 1983 and 1991, the Ecuadorian government held six bidding rounds that resulted in the signing of thirteen exploration contracts, ten of which were situated in the Oriente. Newcomers to the Ecuadorian oil industry included Pecten Ecuador, Oryx Energy, Petro-Canada, Arco, British Gas, Yukon, Elf Aquitaine, and Conoco. These thirteen service/risk contracts represented an investment of US \$400 million in the Ecuadorian oil industry and oil discoveries that resulted from these service/risk contracts along with those of established oil companies increased the country's proven reserves to 1,42 billion barrels in 1991.<sup>134</sup> (See maps E-12 and E-13.)

Despite new oil investments, Texaco-CEPE remained the dominant roleplayer in the Ecuadorian oil industry accounting for about 65 % of all oil production in the 1980s that came from fifteen oil fields, which included Shushufindi, Sacha, Aura and Lago Agrio.

<sup>133</sup> Brogan, *The retreat from oil nationalism in Ecuador 1976-1983*, pp. 32-33; The World Bank, *Ecuador: an agenda for recovery and sustained growth*, pp. 91-92; "Crucial changes ahead for Ecuador's oil, gas sector" in *Oil and Gas Journal* 89, 25.3.1991, p. 23.

<sup>134</sup> The World Bank, *Ecuador: an agenda for recovery and sustained growth*, p. 92; Brogan, *The retreat from oil nationalism in Ecuador 1976-1983*, p. 33; "Crucial changes ahead for Ecuador's oil, gas sector", pp. 21-25; *Latin American Monitor* 3: *Andean Group* 2(7), September 1985, p. 207. For exploration activities see, for example, W.D. Wiman, "Oil and gas developments in South America, Central America, Caribbean area, and Mexico in 1985" in *The American Association of Petroleum Geologists Bulletin* 70(10), October 1986, pp. 1374, 1385-1386, 1389, 1393; W.D. Wiman, "Oil and gas developments in South America, Central America, Caribbean area, and Mexico in 1986" in *The American Association of Petroleum Geologists Bulletin* 71 (10B), October 1987, pp. 340-341, 356, 360; Wiman, "Oil and gas developments in South America, Central America, Caribbean area, and Mexico in 1987", pp. 346, 351, 365-366; W.D. Wiman, "Oil and gas developments in South America, Central America, Caribbean area, and Mexico in 1988" in *The American Association of Petroleum Geologists Bulletin* 73(10B), October 1989, pp. 331, 346-347, 352.

Texaco acted as the operator for the joint venture until July 1990, when Petroamazonas (a Petroecuador subsidiary) took over the operatorship in terms of the original concession that allowed for the rotation of the operatorship between Texaco and CEPE every five years. The Texaco concession was scheduled to expire in 1992 at which time all Texaco's interests reverted to the state. The decision to take over the operatorship two years before the expiry of the concession was therefore motivated by the desire to ensure a successful eventual transition in 1992 since the Texaco-CEPE joint venture accounted for the bulk of daily oil production. CEPE also underwent radical changes by the late 1980s in an attempt to improve governmental management of and participation in the domestic oil industry. In September 1989 CEPE was replaced by a new state oil company, Petroleos del Ecuador (Petroecuador), which was established as an autonomous holding company with six subsidiaries and which would receive 10% of all profits it generated instead of a fixed government allocated annual budget. Shortly after its creation, Petroecuador assumed operatorship of the SOTE pipeline, which had been operated by Texaco since 1972.<sup>135</sup>

In the early 1990s Ecuador once again faced the recurrent problem of dwindling oil reserves that threatened to curtail the oil ambitions of the government. While many of the service/risk contracts resulted in the discovery of oil, many of these discoveries were relatively small, situated far from existing oil infrastructures and yielded heavy crude with gravities ranging from 10-18° API. As a result, the nearly 1 billion barrel reserves discovered between 1985 and 1992 were regarded as commercially non-viable at that stage, which in turn led to the termination of operations in Ecuador by a number of oil companies, including Texaco-Pecten, Esso-Hispanoil, Petro-Canada and Unocal. The greatest challenge to the Ecuadorian oil industry in the 1990s, however, came from the Oriente Indian communities who began to mobilise against oil developments in their traditional territories from the late 1980s onwards.<sup>136</sup>

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<sup>135</sup> *Latin American Monitor* 3: *Andean Group* 5(4), May 1988, p. 532, 5(8), October 1988, p. 580, 6(8), October 1989, p. 700 and 6(9), November 1989, p. 712; "Crucial changes ahead for Ecuador's oil, gas sector", pp. 22, 25; Sierra C., *Ecuador, Ecuador*, p. 39.

<sup>136</sup> "Ecuador steps up pace of oil development activity" in *Oil and Gas Journal* 90(12), 23.3.1992, pp. 23-26; "Exploration and development at crossroads in Ecuador" in *Oil and Gas Journal* 90(27), 6.7.1992, pp. 66-70; *Latin American Monitor* 3: *Andean Group* 7(5), June 1990, p. 784, 9(3), April 1992, p. 1001 and 9(4), May 1992, p. 1012; S. Mendez, J. Parnell and R. Wasserstrom, "Seeking common ground: petroleum and indigenous peoples in Ecuador's Amazon" in *Environment* 40(5), June 1998, pp. 13-20, 36-41.

After several decades of bearing the brunt of the adverse environmental and social impacts of oil developments, Oriente Indian groups started to mobilise against oil companies and the Ecuadorian government with the aim of halting oil developments in those parts of the Oriente inhabited by indigenous Indians. A direct result of their agitation was the withdrawal of Conoco in 1991 from the notorious Block 16 (where their oil plans conflicted with those of the Huarani who had inhabited that section of the Oriente since pre-Columbian times) and the withdrawal of British Gas from Block 12.<sup>137</sup> (See maps E-13 and E-21.) While many of the environmental campaigns launched by Oriente Indians against oil developments in their traditional homelands, failed to bring an end to oil development, these campaigns served three important purposes. Firstly, they served as a wake-up call for the Ecuadorian government to begin taking the historical inhabitants of a particular region into account when planning oil developments and handing out concession blocks. Secondly, it publicised the environmental and social risks that indigenous minority groups around the world face in the name of "modernisation" that goes hand-in-hand with the extractive industries. Thirdly, these campaigns forced oil companies in Ecuador to rethink the environmental and social impacts and risks associated with oil exploration, development and production in the Ecuadorian Oriente.

The aggressive promotion of neoliberal economic policies by international financial institutions in the 1990s also impacted on Ecuadorian governmental perspectives on the role of the state in the domestic oil industry, and further brought with it the realisation that the country depended on foreign oil companies not only for oil technology and developments, but more importantly, for its economic survival. As a result, the 1982 Ley de Hidrocarburos was amended in 1993 to make allowance for production-sharing contracts in terms of which oil companies no longer had to submit to Petroecuador control and monitoring, and received ownership of the oil they produced, while Petroecuador received a set percentage of the oil produced. These new regulations made the country more attractive for oil investors and three additional bidding rounds between

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<sup>137</sup> A. Smith, "British Gas 'under siege' in Ecuador" in *New Scientist* 131(1776), 6.7.1991, p. 14; A. Parlow, "Of oil and exploitation in Ecuador" in *Multinational Monitor* 12(1/2), January/February 1991, <[http://multinationalmonitor.org/hyper/issues/1991/01/m0191\\_07.html](http://multinationalmonitor.org/hyper/issues/1991/01/m0191_07.html)>; *Latin American Monitor* 3: *Andean Group* 7(8), October 1990, p. 826, 8(3), April 1991, p. 880, 8(9), November 1991, p. 952 and 9(5), June 1992, p. 1030; Organisation of American States, *Report on the situation of human rights in Ecuador*, pp. 77-80.

1993 and 2002 ensured that most of the Ecuadorian Oriente became part of oil concession blocks. While the 1993 amendments were important steps away from oil nationalism, the Ecuadorian Congress still rejected wholly-owned foreign joint ventures in 2001, as well as proposals to allow foreign oil companies to assume operational control over the country's top five oil fields.<sup>138</sup>

Despite the environmental and political challenges from the Oriente Indians, oil developments and production proceeded in the Ecuadorian Amazon. The country's withdrawal from OPEC in November 1992 allowed it to expand its daily production without outside regulation,<sup>139</sup> and as a result, daily oil production increased from 321 000 b p/d in 1992, to 392 000 b p/d by 1995, and 412 000 b p/d by 2001. In 2002, daily production dropped to an average of 386 000 b p/d of which Petroecuador produced about 56 %. Foreign oil companies involved in exploration and production by 2002 included Alberta Energy, ARCO, Elf Aquitaine, Occidental Energy, and Oryx Energy.<sup>140</sup> Major new developments included the development of the Amistad gas field in the Gulf of Guayaquil by Noble Affiliates (this gas field was first discovered in 1970 and remained unexploited until 1999)<sup>141</sup> and the commencement of the construction of the new Oleoducto de Crudos Pesados (OCP) heavy crude pipeline in August 2001, despite fierce environmental and indigenous opposition. By 2002, Ecuador still depended heavily on oil exports and rents for its economic survival, with oil exports representing 44 % of all exports in 2001 and more than 50 % of all governmental revenue.<sup>142</sup> (See maps E- 14 and E- 15.)

<sup>138</sup> Sawyer, "Marching to nation across ethnic terrain", pp. 174-179; Energy Information Administration, "Ecuador", <<http://www.eia.doe.gov/cabs/ecuador2.html>>, 2001; Amazon Watch, *The new heavy crude pipeline in Ecuador*, pp. 5, 8.

<sup>139</sup> "Ecuador to withdraw from OPEC; group to maintain present flow" in *Oil and Gas Journal* 90(39), 28.9.1992, p. 34; *Latin American Monitor* 3: *Andean Groups* 9(8), October 1992, p. 1061.

<sup>140</sup> Energy Information Administration, *International Petroleum Monthly: September 2002*, p. 5; Energy Information Administration, "Ecuador"; Fossil Energy International, "An energy overview of Ecuador", <<http://www.fe.doe.gov/international/ecuaover.html>>, 2001.

<sup>141</sup> A. Petzet, "Ecuador's Amistad gas drilling" in *Oil and Gas Journal* 98(41), 9.10.2000, pp. 34-35; Fossil Energy International, "An energy overview of Ecuador".

<sup>142</sup> The OCP pipeline will stretch for 506 km and will connect Lago Agrio with Esmeraldas. Its function will be to transport between 390 000 and 450 000 b p/d of heavy crude oil to the Pacific port. OCP is a joint venture between Alberta Energy (31,4 %), RepsolYPF (25,69 %), Perez Companc (15 %), Occidental Petroleum (12,26 %), Agip (7,51 %), Techint (4,12 %), and the Kerr-McGee Group (4,02 %). For more details see, for example, Amazon Watch, *The new heavy crude pipeline in Ecuador*, pp. 1-13; "Ecuador's solutions" in *Oil and Gas Journal* 98, 4.12.2000, p. 30; *San Francisco Chronicle*, 24.5.2001, p. A.14; I. Yáñez, "Resisting the pipeline in Ecuador", <<http://www.foei.org/publications/link/101/e1011011.html>>, [2002].

By 2003 Ecuador was not the only country to experience minority and environmental agitation against oil developments. Indeed, they share this predicament with Nigeria where opposition from oil-producing ethnic minority groups in recent years has plunged the country's only stable economic sector into a never ending cycle of instability and violence.

### 3.3.2 THE NIGERIAN OIL INDUSTRY

The establishment of British colonial rule in Nigeria ensured that attention was directed at the oil possibilities of the colony in the new wave of oil exploration activities that started at the turn of the twentieth century. The development of the Nigerian oil industry dates back to January 1906 when the Colonial government issued a number of prospecting licences to the British Colonial Petroleum Corporation, covering an area of 100 square miles (256 km<sup>2</sup>) on the Rofutoro and Lafagbo Rivers in the Benin district.<sup>143</sup> Concessions were also granted in 1907 to the better-known Nigerian Bitumen Corporation which, between 1907 and 1914, drilled thirteen wells in the area near Lekki Lagoon. Though some of the wells yielded bitumen-deposits and petroleum, the Corporation never succeeded in exploiting their finds profitably and went into liquidation in 1914. Traces of oil were also discovered by the 1913 Nigerian Mineral Survey group at Abagama (21 km east of Onitsha) and in the Awkwa district.<sup>144</sup> (See map N-1.)

The lengthy process of formulating acceptable legislation to govern the oil industry in colonial Nigeria finally came to an end in 1914 with the implementation of the Mineral Oil Ordinance no 17. The most important provision of this ordinance was the limitation of oil exploration and exploitation in Nigeria to British and British colonial

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<sup>143</sup> NNAE, CSE8/4/59-CSO368/09: Letter, Mr Crewe-Governor of Nigeria, 30.08.1909. The British Colonial Petroleum Corporation had limited success in Nigeria and from 1916 until the company went into liquidation in 1924, it focused all its attention on its interests in Romania. PRO, BT 31/17953/91326: British Colonial Petroleum Corporation.

<sup>144</sup> BPA, BP 44063, Letter from the Petroleum Department, 12.11.1936.

companies.<sup>145</sup> After the First World War two British companies, namely the D'Arcy Exploration Company and the Whitehall Petroleum Corporation, briefly explored for oil from 1919 to 1922. Both companies were unsuccessful in finding oil of any viable commercial quantity, which led to a suspension of all serious investigations into the petroleum potential of Nigeria in the 1920s.<sup>146</sup>

Despite the negative reports of the 1920s, interest in the petroleum prospects of the country was revived in the 1930s with the joint application of Shell International and British Petroleum (BP, hereafter Shell-BP) to explore for oil in the colony. An exploration concession covering the whole of Nigeria was granted to Shell-BP in 1937, which it held till 1951 after which its concession area was gradually reduced to only 64 400 km<sup>2</sup> by 1956. This concession was situated in Eastern Nigeria and centred on the Niger Delta.<sup>147</sup> The gradual reduction of Shell-BP's exploration concession areas in the course of the 1950s made it possible for other oil companies to begin participating in the emerging Nigerian oil industry. As a result, an exploration concession covering the whole Northern region was awarded to the Mobil Exploration Company of Nigeria Ltd (a subsidiary of the Socony-Mobil Oil Company) in 1955. Interest in the possibilities of the Nigerian oil industry by American oil companies increased drastically after the 1956 Suez Canal Crisis, with both Standard Oil (New Jersey) and Gulf Oil showing interest in obtaining exploration concessions in Western Nigeria. Shell-BP's activities were unaffected by the arrival of competitors – up to 1962 they were able to select their concession areas at leisure, thereby ensuring that they obtained optimal concession areas with the best geological indications of crude oil deposits. While their first-mover advantage ensured Shell-BP the dominant position in the Nigerian oil industry, their extensive preliminary work enabled competing oil companies to explore for oil in

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<sup>145</sup> For more details see, for example, NNAE, CSE8/1/41-CSO318/06: Mining for oil: ordinance to regulate; NNAE, CSE1/86/101: Mining Ordinance, rules and appendix, 1912; NNAE, CSE1/86/95: Mining Ordinance, 1912; NNAE, CSE8/4/59-CSO 368/09: Mining regulations (oil) ordinance draft and to enable issue of licences in an area to be proclaimed in future; PRO, CO 520/51: Secretary, Admiralty – Under Secretary of State, Colonial Office, 18.2.1907 (letter no CP 422), and Oil mining legislation – Schedule of Ordinance, 5.4.1907 (Admiralty No 12122), and H.W. Just, Colonial Office – Secretary, Admiralty, 23.5.1907 (letter no 16306).

<sup>146</sup> BPA, BP 44063, Letter from the Petroleum Department, 12.11.1936; NNAE, CSE3/13/6–B706/1921: Letter from the Crown Agents for the Colonies (no Nigeria 830), 8.6.1920; NNAE, ABADIST13/5/87-114/21: Memorandum, Secretary, Southern Provinces – Resident, Owerri Province (no B. 706/1921), 19.10.1921; A.A. Ikein, *The impact of oil on a developing country: the case of Nigeria*, pp. 24-25.

<sup>147</sup> For the exploration and prospecting licences held by Shell-BP in the 1950s see NNAE, ONDIST12/1/1782–OP2662/2: Shell D'Arcy Petroleum Development Company of Nigeria, Limited.

Nigeria at a reduced risk. (See maps N-11, N-12 and N-14.)<sup>148</sup>

The first discovery of commercially viable oil reserves was made in Oloibiri (72 km east of Port Harcourt) in 1956. Two years later, oil had been discovered in twelve areas of which Oloibiri, Afam and Bomu had the most promising deposits. Oil production started at Oloibiri in early 1958 with 3 000 b p/d while the Afam field was also put into production in the same year with roughly the same daily capacity as the Oloibiri field. The first shipment of Nigerian crude oil exports (8 500 tons) arrived in Rotterdam on 8 March 1958.<sup>149</sup> The colonial government, in line with new developments in world oil politics in the 1950s, also passed the Petroleum Profits Tax Ordinance in 1959, in terms of which the Nigerian government obtained 50 % of the profits of the oil companies.<sup>150</sup>

At independence Nigeria had a small oil industry in which Shell-BP produced 20 000 b p/d. Despite a repressed world oil market due to overproduction in the early 1960s, the Nigerian oil industry grew at a tremendous rate in the 1960s for both political and economic reasons. Politically, the proximity of the country to the major industrial markets and its location along the Atlantic seaboard on the "right" side of the Suez Canal made it a valuable oil source, especially in times of political instability in the Middle East that might result in the closure of the Suez Canal. Economically, the low sulphur content of Nigerian crude, in comparison with the relatively high sulphur content of most major oil producers (with the exception of Libya, Algeria and Indonesia) made the country's crude very popular on the Western markets.<sup>151</sup>

By 1966, daily oil production had increased to 420 000 b p/d produced by Shell-BP, Nigerian Gulf and Safrap (now ELF). At the time, only Nigerian Gulf had an offshore field in production on the Nigerian continental shelf, while Tennessee Nigeria, Amoseas and Mobil Nigeria were in the process of preparing their discoveries for production. Agip/Phillips and Phillips were still involved in exploratory work. The country's first

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<sup>148</sup> PRO, CO 1029/255: A.C.F. Armstrong – J.M. Kisch, 25.6.1957 (letter no SMO 1347/7); Schätzl, *Petroleum in Nigeria*, pp. 1-3.

<sup>149</sup> Shell-BP Petroleum Development Company of Nigeria Limited, *The Shell-BP story*, p. 3; PRO, CO 1029/255: Oil prospecting in Nigeria, 1957 (memorandum); SGA, Group History Series (2B/11): *Financial Times*, 10.3.1958 (cutting no DNS no 49/1958); National Economic Council, *Economic survey of Nigeria, 1959*, p. 58.

<sup>150</sup> Central Office of Information, *Nigeria*, p. 47; W. Tims, *Nigeria: options for long-term development*, p. 69.

<sup>151</sup> S.R. Pearson, *Petroleum and the Nigerian economy* pp. 18-20; PRO, FCO 65/807: Oil Department, Oil in West Africa, 2.7.1970 (memorandum).

refinery was opened in 1966 at Alese Eleme, close to Port Harcourt and was managed by the Nigerian Petroleum Refinery Company, which was a joint venture between the Nigerian government (55 %), Shell (22,5 %) and BP (22,5 %).<sup>152</sup>

The outbreak of the Biafran civil war in 1967 greatly affected the Nigerian oil industry with 65 % of oil production situated in the secessionist republic. Oil companies were caught up in the middle of the conflict when Biafra demanded both rents and royalties from the oil companies active within its territory, while the federal government threatened to cancel production leases and licences if companies did not pay the full sum to the federal government. After weeks of unsuccessful negotiations, Shell-BP did end up paying a token sum to Biafra, thereby damaging its close relationship with the federal government. As a "reward" for Shell-BP's token payment, Biafra nationalised all Shell-BP operations on 1 August 1967. Following the recapture of the Biafran oil fields in late 1967 and early 1968, oil production was resumed after structural damages had been repaired in record time. By 1969, daily oil production was at its highest level ever at 540 000 b p/d.<sup>153</sup> (See maps N-13 and N-14.)

Important changes in Nigerian oil policy from 1966 onwards transformed the government's role from mainly collecting taxes, rents and royalties, to active participation in oil activities. The first of these changes altered the government's financial arrangements with the oil companies. In terms of Decree no 65 of 1966, the capital allowance legislation was modified, which greatly reduced the rate at which companies were allowed to depreciate their capitalised investment. More controversial was Decree no 1 of 1967, which imposed slightly altered OPEC terms on companies operating in Nigeria through the amendment of the petroleum tax act to provide for the establishment of posted prices, payment of royalties and tax on these prices, and the expensing of royalties. These new provisions, which greatly increased the oil revenues of the Nigerian government, were implemented after Shell-BP unilaterally offered the better terms to the government in 1966. This step did not carry the support of the other

<sup>152</sup> Khan, *Nigeria*, p. 50; "Darkness and light in Nigeria" in *Petroleum Press Services*, November 1966; Timus, *Nigeria*, p. 69.

<sup>153</sup> PRO, POWE 63/238: Permanent Secretary, Nigerian Federal Ministry of Finance – Shell-BP Petroleum Development Company of Nigeria Ltd, 17.7.1967 (letter); *The Times* (Britain), 1.8.1967; PRO, FCO 65/807: Oil Department, Oil in West Africa, 2.7.1970 (memorandum); S. Webb, "Then the war came" in *Shell Magazine*, February 1969, no pagination.

oil companies active in Nigeria, in particular Nigerian Gulf and Safrap, who along with Shell-BP were the only companies affected by the decree, and resulted in a prolonged period of conflict between the oil companies.<sup>154</sup>

The central aspects of the new oil policy were the indigenisation and partial nationalisation of the multinational oil companies, which had their origins in four important factors. Firstly, this can be viewed as an attempt of the Nigerian government to address longstanding demands from Nigerian society to end foreign domination of the country's economy.<sup>155</sup> Secondly, world oil politics in the 1960s were dominated by conflicting relationships between multinational oil companies and their host governments. OPEC became increasingly vocal about foreign domination of the oil industries of its member states and, after the adoption of the Declaratory Statement of Petroleum Policy in Member Countries in 1968, the cartel set out to obtain complete control over oil production in and oil sales from their countries. OPEC decisions had a direct impact on Nigeria even though the country attended its meetings only as an observer prior to joining the organisation in 1971.<sup>156</sup> Thirdly, the reluctance of multinational oil companies to fully support the federal government in the build-up to and initial months of the Biafran civil war, generated much suspicion and resentment from the federal authorities. It therefore became important for the government to obtain greater control over the industry and the oil companies active in the country. Fourthly, increasing governmental dependence on oil revenues from 1966 onwards focused attention on the financial benefits of indigenisation and nationalisation of the oil sector.<sup>157</sup>

Indigenisation commenced with the 1968 Companies Decree which compelled all foreign companies to register as Nigerian entities. This was followed by the Petroleum Decree of 1969, which vested the ownership and control of all oil resources in the state,

<sup>154</sup> Pearson, *Petroleum and the Nigerian economy*, pp. 24-26; *Financial Times*, 11.1.1967 and 27.1.1967.

<sup>155</sup> According to Nafziger, in 1964 nearly 75 % of the book value of the industrial assets of firms operating in Nigeria was in foreign hands, while foreign interests continued to dominate new registrations of manufacturing companies. Foreign banks also dominated the banking sector and antagonised Nigerian businessmen by their reluctance to grant loans to indigenous firms. E.W. Nafziger, "The political economy of disintegration in Nigeria" in *The Journal of Modern African Studies* 11(4), 1973, p. 517.

<sup>156</sup> N.H. Jacoby, *Multinational oil: a study in industrial dynamics*, pp. 112-114; OPEC, *OPEC: official resolutions and press releases 1960-1980*, pp. 63, 107, 109.

<sup>157</sup> Biersteker, *Multinationals, the state, and control of the Nigerian economy*, p. 73.

stipulated the proportion of Nigerians that had to be employed by multinational oil companies (75 % and higher of all senior and supervisory personnel within ten years from the granting of an oil mining lease) and determined that only companies incorporated in Nigeria could be granted oil licences. The decree further established the state's option to acquire partial ownership in oil companies and expressed governmental interest in participating in the future development of the Nigerian natural gas industry. In order to facilitate and manage governmental involvement in the oil industry, the government created the Nigerian National Oil Corporation (NNOC) in May 1971.<sup>158</sup>

Indigenisation and nationalisation started shortly thereafter when the government obtained a 35 % stake in Elf in April 1971. The choice of Elf as the first target of partial nationalisation was politically motivated and widely regarded as a punitive measure against the French government for its direct support to Biafra during the civil war.<sup>159</sup> Partial nationalisation of the other oil companies followed shortly thereafter and by 1973 the government had an average 35 % share in multinational oil companies active in the country. The government's share in oil companies, in the form of joint ventures, gradually increased in the course of the 1970s from an average of 35 % in 1971-1973, to 55 % in 1975 and 60 % by 1979.<sup>160</sup> Shell-BP was the exception to the rule with the federal government obtaining an 80 % majority stake in Shell Nigeria in 1979 following the nationalisation of BP's 20 % share in the company.<sup>161</sup>

Indigenisation and partial nationalisation, in contrast to governmental expectations, did not result in the government obtaining control over the oil industry. Its average 60 % majority stake in oil companies did translate into higher oil revenues for the government, but it also meant that the government was now responsible for 60 % of all

<sup>158</sup> J.G. Frynas, *Oil in Nigeria: conflict and litigation between oil companies and village communities*, p. 31, note 58; A.S. Mohammed, "Petroleum and energy" in Kayode and Usman (eds), *Nigeria since independence*, pp. 105-106; Kalu, "Determining the impact of Nigeria's economic crisis on multinational oil companies", p. 167; Von Lazar and Duersten, "Oil and development planning", p.331; Ogbueagu, "The Nigerian indigenisation policy", pp. 248-249; Tims, *Nigeria*, p. 70.

<sup>159</sup> Tims, *Nigeria*, p. 70.

<sup>160</sup> Arnold, *Modern Nigeria*, pp. 52-53; Rimmer, "Part 2", pp. 85-88; Frynas, *Oil in Nigeria*, pp. 30, 32.

<sup>161</sup> The official reason provided by the government was that they nationalised BP in retaliation to the latter's provision of oil to South Africa. Rimmer, "Part 2", p. 88; Ihonvbere and Shaw, *Towards a political economy of Nigeria*, pp. 157-158. According to Khan and Frynas it could also be seen as an attempt by Nigeria to influence British foreign policy towards the Ian Smith government in Rhodesia (now Zimbabwe). Khan, *Nigeria*, pp. 70-71; Frynas, *Oil in Nigeria*, p. 32. However, it is highly debatable whether the latter argument is true given the fact that the Smith government in Rhodesia was at that stage busy transferring power to an elected black majority government – a move strongly supported by Britain.

the expenditures of its joint ventures. Multinational oil companies, on the other hand, retained effective control over the day-to-day running of the joint ventures with the government assuming an advisory role at best. The main reason for this lack of direct governmental participation, and therefore also its inability to take control of the industry, was the general lack of skilled personnel amongst educated Nigerians. Effective governmental control was further hampered by conflict between the NNOC and the federal Department of Petroleum. In order to address these difficulties, the Obasanjo military government merged the two competing and conflicting government departments into a single state entity in 1977. The newly established Nigerian National Petroleum Corporation (NNPC) was, like its predecessor, a wholly owned governmental corporation with no fixed capital, which made it dependent on annual governmental budgetary grants.<sup>162</sup>

The rapid expansion of the oil industry and the corresponding rapid increase in national wealth as a result of oil windfalls drastically increased local demands for refined oil products, in particular petrol. The Alese Eleme refinery, with a daily capacity of 35 000 barrels per stream day (bpsd), could not cope with increasing local demands in the 1970s, which necessitated governmental action that focused predominantly on two aspects, namely the importation of refined oil products to satisfy local demands (subsidies on petrol were implemented in 1973) and the development of new refineries in other urban centres. Two refineries, at Warri (with a 100 000 bpsd) and at Kaduna (also 100 000 bpsd) were commissioned in the late 1970s while expansion work also began at the Alese Eleme refinery to increase its capacity to 60 000 bpsd. This was followed by the commissioning of a second refinery at Port Harcourt in the 1980s.<sup>163</sup> Petrol shortages, however, continued and gave rise in the early 1970s to a very peculiar Nigerian social and economic phenomenon, namely the Nigerian petrol queue which still continues to challenge petrol consumers today (2003) in the biggest oil-producing

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<sup>162</sup> Mohammed, "Petroleum and energy", pp. 106-107; D.H.N. Alleyne, "Financial provisions of state petroleum enterprises in developing countries" in United Nations Centre for Natural Resources, Energy and Transport, *State petroleum enterprises in developing countries*, pp. 157-158; Y. Omorogbe, "The legal framework for the production of petroleum in Nigeria" in *Journal of Energy and Natural Resources Law* 5(4), 1987, pp. 276-279; Kalu, "Determining the impact of Nigeria's economic crisis on the multinational oil companies", pp. 166-167; Adeboye, "A general survey of the economy", p. 42.

<sup>163</sup> B.E. Okogu, "Issues in petroleum product pricing in Nigeria" in *Journal of African Economies* 4(3), 1995, pp. 379, 386-389; Von Lazar and Duersten, "Oil and development planning", p. 332.

state in Africa.<sup>164</sup> (See map N-15.)

The rapid changes in the Nigerian oil sector in the course of the 1970s impacted negatively on oil exploration activities in the country, with multinational oil companies unwilling to pursue exploration in what they perceived to be a negative political and economic climate for foreign investors. This state of affairs compelled the government to reconsider its hard-line approach to oil companies and to re-acknowledge its dependency on them for the maintenance and development of the country's oil sector. As a result governmental oil policy increasingly started to focus on the provision of financial incentives to joint venture partners to resume exploratory work and to expand their operations. The development and utilisation of gas resources, both associated and unassociated, also became a prime focus area for the government by the late 1970s in light of the fact that 96% of all gas was flared.<sup>165</sup>

Beginning in 1977, the Nigerian government introduced a whole range of financial incentives to encourage new developments in the oil industry. At first, this involved mostly reductions on the petroleum tax, which included a reduction in the company tax rate from the standard 85% to 65,7% on companies engaged in exploration but not yet producing. The dismal economic conditions of the 1980s compelled the government to introduce additional financial incentives which included the cancellation in 1982 of the requirement that oil companies provide on a pro-rata base 30% of the 250 000 b p/d needed for the domestic market (these supplies were bought at a much-reduced rate) and the introduction of a Memorandum of Understanding (MOU) in 1986. The MOU set out the financial agreements between the government and multinational oil companies and, *inter alia*, guaranteed the latter a minimum fiscal margin of US \$2 per barrel (after royalties and tax payments; in 1977 the rate was US \$0,80 and in 1982 US \$1,60).<sup>166</sup>

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<sup>164</sup> The author was also "privileged" to experience the Nigerian petrol queue during fieldwork for this study in June-July 2001. More interesting than waiting two hours to fill up a car was driving past scores of closed petrol stations in the Niger Delta – the main onshore oil-producing area – due to oil shortages, while oil tankers were parked next to the road in close file in a line stretching more than 3 km in both directions outside the Alese Eleme refinery waiting for petrol. See also J.A. Wiseman, "Aspects of social organisation in a Nigerian petrol queue" in *The Journal of Modern African Studies* 17(2), June 1979, pp. 317-323.

<sup>165</sup> Frynas, *Oil in Nigeria*, pp. 33-34; A.T. Ojo, "Energy planning and investment for increased earnings: the case of Nigeria's oil and gas resources" in *The Energy Policy* 12(1), March 1984, pp. 26-27.

<sup>166</sup> Omorogbe, "The legal framework for the production of petroleum in Nigeria", p. 291, note 73; Frynas, *Oil in Nigeria*, p. 34.

In an attempt to restore confidence in the Nigerian government and the NNPC after widespread accusations of corruption and financial mismanagement, the Shagari government instituted the Irikefe Commission in 1980. A number of NNPC officials were prosecuted as a result of their findings and the NNPC was restructured and split up into nine subsidiaries. Probably the only significant change was the recreation of the Ministry of Petroleum and Energy in 1986. These changes proved inadequate and the NNPC was restructured again in 1992. The inefficiency of the NNPC and corruption were not the only factors that impeded the growth of the Nigerian oil sector in the 1980s. An important restrictive measure emerged in the 1980s oil glut in the form of OPEC's daily production quotas allotted to each member state in an attempt to conserve oil resources and, more importantly, to limit oil supplies on the world market in order to stabilise prices. Faced with decreasing oil revenues, Nigeria regularly outproduced their quota in the 1980s, despite very favourable quota allocations to the country.<sup>167</sup>

The financial incentives for exploratory work did pay off with 72 new discoveries recorded in the Niger Delta alone between 1987 and 1992, while recoverable oil reserves increased from 16 billion barrels in 1989 to 20 billion barrels by 1992. New oil developments and expansion were further encouraged by the June 1991 MOU that increased the minimum fiscal margin to US \$2,50 and promised bonuses to multinational oil companies that increased their recoverable reserves through exploratory work. As a result, all the major oil companies embarked on development projects that came to a standstill in April 1994 due to the failure of the NNPC to meet their financial obligations to the oil companies in terms of their joint venture agreements. By April 1994, according to the NNPC, they had defaulted on their cash call obligations to the amount of US \$350 million. The oil companies, however, claimed that the amount was closer to US \$500 million.<sup>168</sup>

According to Agoro, the origin of this cash call problem dates back to the closure of the National Petroleum Investment Management Services (NAPIMS) escrow account in the

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<sup>167</sup> Khan, *Nigeria*, pp. 24-25; Mohammed, "Petroleum and energy", pp. 108-109; Frynas, *Oil in Nigeria*, p. 41; "OPEC: being nice to Nigeria" in *The Economist* 292(7350), 14.7.1984, pp. 67-68; Kalu, "Determining the impact of Nigeria's economic crisis on the multinational oil companies", pp. 165-167, 176.

<sup>168</sup> D. Thomas, "Niger Delta oil production, reserves, field sizes assessed" in *Oil and Gas Journal* 93, 13.11.1995, p. 102; Van Buren, "Economy", p. 758; "Oil price slump worsening Nigeria's cash crunch" in *Oil and Gas Journal* 92, 4.4.1994, pp. 80-82.

NNPC restructuring process of 1992. The NAPIMS, an investment subsidiary of the NNPC, was responsible for ensuring the payment of all cash calls, and their escrow account was the one from which all these payments were made. From 1992 onwards, all funds were paid directly into the federal account where the money was often diverted for other purposes. Governmental defaulting on their cash calls remained a problem throughout the 1990s, as did inadequate governmental funding to the joint ventures which resulted in losses in excess of US \$2,7 billion per annum for the decade.<sup>169</sup>

In the light of the difficulties of the Nigerian government to meet its financial obligations in its joint ventures, government policy started to shift away from joint ventures to production sharing contracts (PSC) in the 1990s. In terms of a PSC, the NNPC and the oil company involved share the production from the concession in agreed proportions. The first PSC was concluded in 1972 with Ashland Oil, which remained the only PSC until 1992-1993 when PSCs were concluded with a number of oil companies, including Shell Nigeria, Mobil, Agip, Elf, Statoil, Esso and Chevron. With the PSCs the government aimed at encouraging deep-sea exploration by offering the oil companies very favourable royalty rates, which varied from 16,7% of the full royalty rate for explorations at a water depth of 101-200 m to a 0% royalty rate for oil fields located at a water depth of more than 1 000 m.<sup>170</sup> (See map N-16.)

An important new development in Nigerian oil policy in the 1990s was the return to indigenisation. Unlike the previous policies of the 1970s that aimed at expanding governmental participation in the oil sector, indigenisation in the 1990s aimed at increasing Nigerian participation in the oil industry through indigenous oil companies. Following a policy statement by the Babangida government in 1990, oil concessions were granted to Nigerian oil companies whose ownership was truly Nigerian and whose managing director was a Nigerian citizen. Indigenous oil companies were allowed to have foreign technical partners with a maximum share of 40%. This policy was initiated to establish a strategic national production capacity, to increase the Nigerisation of the upstream oil sector and to establish a complementary group of small

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<sup>169</sup> B. Agoro, "Impediments to expansion: why is the upstream sector of Nigeria's petroleum industry not growing?" in *Journal of Energy and Natural Resources Law* 19(1), 2001, p. 17.

<sup>170</sup> For more details see S. Adepetun, "Production Sharing Contracts: the Nigerian experience" in *Journal of Energy and Natural Resources Law* 13(1), 1995, pp. 21-28.

size producers. The indigenisation proved popular with local business interests and seventeen indigenous oil companies were awarded concessions onshore and in the shallower offshore blocks in the first round of concessions in 1992. Indigenisation was further promoted by the Petroleum (Amendment) Decree no 23 of 1996 (also known as the Marginal Fields Decree). In terms of the Decree, the government could recover abandoned and underexploited marginal oil fields from joint venture partners, which would then be reallocated to indigenous oil companies at much-reduced tax and royalty rates. By 2003 this Decree had not been implemented. Despite the laudable merits of the indigenisation policy, only two indigenous oil companies, namely Amni International and Consolidated Oil, managed to make a small impact on the Nigerian oil sector. By April 1997 these two companies accounted for 1,4 % of the country's total oil production. The six majors in the country (Shell Nigeria, Mobil, Chevron, Elf, Agip and Texaco), on the other hand, produced 97 % of Nigeria's total output in 1997.<sup>171</sup> (See maps N-16 and N-17.)

Political instability in Nigeria in the 1990s impacted negatively on oil-related activities. Oil companies were challenged throughout the decade by demands for greater access to the benefits of oil wealth by oil-producing communities and for greater environmental control. These civil actions against the oil industry in general, and oil companies in particular (especially Shell), have managed in a short period to transform the Nigerian oil industry from being the main source, and at times only source, of stability and continuity, to being a major source of political, social and economic instability with far-reaching international repercussions for the Nigerian government. The 1994 oil union strikes, the struggles of the Ogoni, Ijaw and numerous smaller oil-producing communities, and their violent suppression by the government, have disrupted oil production, increased costs and greatly increased the risks of oil production in the country. Consequently, oil companies started to shift their focus away from the volatile onshore production areas towards offshore production – shifts they planned from their new operational headquarters in Port Harcourt after Warri became too unsafe and

<sup>171</sup> Frynas, *Oil in Nigeria*, pp. 35-38; *The Economist* Intelligence Unit, *Business report: Nigeria* (1<sup>st</sup> quarter 1997), pp. 15-16; Agoro, "Impediments to expansion", pp. 20-22.

dangerous in the late 1990s due to both inter-ethnic and anti-oil conflicts.<sup>172</sup> (See maps N-15, N-21, N-25 and N-26.)

The multinational oil companies had conflicting and contradictory relationships with the Nigerian government in the course of the 1990s. On the one hand, the government provided financial incentives for new oil developments, provided security protection for oil companies, divested their share in the joint ventures to 55 % in 1996, and welcomed BP back into the country in 1992. On the other hand, the indigenisation policy was aimed against foreign domination of the oil sector; BP and Shell came under fire for the hard-line approach of the British government towards Nigeria; the Marginal Fields Decree was widely interpreted as a retaliation measure against the international community for implementing sanctions against Nigeria in 1995; the government instituted pre-shipment oil inspection in 1996 after accusing oil companies of misreporting their exports; the levying of a 2 % education tax on the profits of oil companies despite the numerous educational development programmes run by the industry, and the government continued to default on its cash call obligations towards oil companies thereby restricting development. The relationship between oil companies and the Nigerian government did improve after Obasanjo came to power in May 1999. New oil and gas developments, such as the Nigerian Liquefied Natural Gas Project, have made great progress, while Obasanjo placed a greater premium on curtailing corruption within the Nigerian oil industry. A new MOU was signed with the oil companies in August 2000 that raised the production cost margins for multinationals to US \$4 per barrel, up from US \$3,50, and increased the profit margins to between US \$2,50 and US \$2,70 per barrel.<sup>173</sup>

By 2002 Nigeria's daily oil production fluctuated between 1,7 and 2 million barrels per day, depending on their OPEC quota. Joint venture oil production accounted for 95 % of

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<sup>172</sup> Van Buren, "Economy", p. 758; J. Strudsholm, "The oilfields of Nigeria" in *Africa Insight* 29(1/2), 1999, pp. 36-39; G. da Costa, "Tapping Nigeria's most valuable resource: oil companies welcome a new age in oil exploration" in *The Washington Times*, 30.9.1999, <<http://www.internationalspecialreports.com/africa/99/nigeria/42.html>>. See also J.G. Frynas, "Political instability and business: focus on Shell in Nigeria" in *Third World Quarterly* 19(3), 1998, pp. 457-478.

<sup>173</sup> *The Argus* (South Africa), 19.7.1995, p. 9; Agoro, "Impediments to expansion", pp. 16-22; *The Economist Intelligence Unit*, *Business report: Nigeria* (4<sup>th</sup> quarter 1996), pp. 14-19; *The Economist Intelligence Unit*, *Business report: Nigeria* (1<sup>st</sup> quarter 1997), pp. 15-20; Van Buren, "Economy", pp. 758-759; Da Costa, "Tapping Nigeria's most valuable resource"; Energy Information Administration, "Nigeria monthly energy chronology (2000-2001)", <<http://www.eia.doe.gov/emeu/cabs/nigiachron.html>>, 2002.

all oil production in the country, of which Shell produced nearly 50 %. Nigerian crude continued to be exported mainly to the USA and Europe, although Asia was increasingly becoming an important market and Nigeria was also expanding its role as main energy provider in the West African region. Oil accounted for nearly 80 % of all government revenues, 90-95 % of export earnings and over 90 % of foreign exchange earnings. New offshore developments following the awarding of eleven Niger Delta deep and ultra-deep offshore exploration blocks in 2000, started to pay off by 2002 with major discoveries announced by ChevronTexaco in the Agbami field (on Block OPL 216), TotalFinaElf in the Akpo-1 (on Block OPL 246), and Shell in the Bonga field (on Block OPL 212, OML 118). The government also began to address the poor performance of its refineries that had been plagued by poor management and lack of maintenance for most of their existence. A MOU was signed with the Venezuelan state oil firm, PDVSA, in terms of which PDVSA will help Nigeria maintain its refineries.<sup>174</sup>

Probably the most important new developments within the Nigerian oil industry in the past few years have taken place within the gas industry. Nigeria has an estimated 124 trillion cubic feet (Tcf) of proven natural gas reserves, making it the holder of the ninth largest reserves in the world. Up till the 1990s, Nigeria flared around 95 % of all the natural gas it produced. By 2002 this percentage had decreased to 75 % while 12 % of natural gas was re-injected to enhance oil recovery. Gas flaring in Nigeria is mainly the result of a lack of utilisation infrastructure, and a lack of governmental incentives to develop the gas industry to its fullest. Since the mid-1990s gas developments have received renewed attention from the oil industry, starting with the development of the ambitious US \$3,8 billion liquefied natural gas (LNG) facility on Bonny Island which was completed by 1999. The Escravos Gas Project has also expanded to increase its gas processing capacity, while feasibility studies are underway to develop the second LNG facility, the West Niger Delta LNG (expected to be onstream by 2005, the world's first offshore LNG), the Brass River LNG plant (expected to be operational by 2007) and the Nnwa LNG facility to utilise gas discoveries on the offshore block OPL 218.<sup>175</sup> (See map N-21.)

<sup>174</sup> Energy Information Administration, "Nigeria", <<http://www.eia.doe.gov/emeu/cabs/nigeria2.html>>, January 2002.

<sup>175</sup> Energy Information Administration, "Nigeria"; Energy Information Administration, "Nigeria monthly energy chronology (2000-2001)".

### 3.3.3 COMPARATIVE PERSPECTIVE

The Ecuadorian and Nigerian oil industries differ greatly in terms of size and the quality of their oil. Nigeria has a massive oil industry based upon vast oil reserves both onshore and offshore in the Gulf of Guinea, and which produce around two million b p/d, making the country one of the major oil exporting countries in the international market. In addition to its vast oil reserves, Nigerian crude, especially Bonny Light, is in high demand on the international market due to its gravity of 37° API, which makes it a light (35° API and higher) and "sweet" (low sulphur content) crude oil. In contrast to Nigeria, Ecuador is one of the smallest oil exporters in the international oil industry, with limited oil reserves found mostly in the Oriente and on the Santa Elena peninsular, and a daily oil production of just under 400 000 b p/d. Ecuadorian crude is of a lower quality than that of Nigeria, with Oriente crude averaging a gravity of around 29° API. New discoveries since the introduction of risk/service contracts in the 1980s were mostly of heavy crude with high sulphur contents and gravities ranging from 10-18° API, which in turn are sold at much lower prices than the lighter Oriente crude on the international market.<sup>176</sup>

Despite the overwhelming differences in size of their oil industries and the quality of their crude, the development of the oil industries in Ecuador and Nigeria share many common traits. Of particular importance is the fact that mineral rights in both countries are nationalised with the final decision to exploit mineral resources and the ownership of these resources vested in their respective governments. Consequently, oil-producing communities cannot claim ownership of the subsurface minerals that lie below their traditional territories, do not own the crude oil that is produced within their territory, cannot demand from the government a share of the windfalls generated by oil production in their territories, and have no say in the development of the oil reserves underneath their land.

Both countries have also pursued nationalistic oil policies that resulted in the

<sup>176</sup> Energy Information Administration, "Nigeria"; Fossil Energy International, "An energy overview of Ecuador"; Sawyer, "Marching to nation across ethnic terrain", pp. 58-59.

establishment of national oil companies (the NNCP and CEPE/Petroecuador), in direct state participation in multinational oil companies (through joint ventures and other contracts), in increased governmental activities in and control over oil refining, transportation and marketing, and in increased taxes and rents to increase the already high oil windfalls. Increased governmental participation in the oil industries in both countries, however, has not always been very successful, due to a lack of expertise, mismanagement, corruption and a lack of capital. Consequently the NNPC and CEPE/Petroecuador have not been able to fulfil their mandates, let alone exercise proper management over the most important sector of the Ecuadorian and Nigerian economies. The general failure of these state oil companies in turn ensured that both countries remained dependent on multinational oil companies for technology, expertise and for the necessary capital to maintain and expand their national oil industries.

Direct state participation in national oil industries complicates oil-related environmental struggles in that the state, through the national oil company, actively participates in the exploitation of oil in minority regions, thereby contributing to the direct economic and environmental marginalisation of oil-producing ethnic minority groups. Direct state participation makes it very difficult to monitor and manage the activities of the oil industries in Ecuador and Nigeria, especially when the state is both an active participant in an industry with marked adverse environmental impacts, and responsible for safeguarding the environment from these very industries in terms of the country's environmental laws. Consequently, the oil-related environmental ethnic minority struggles that confronted the oil industries of both countries since the late 1980s, are as much struggles against the Ecuadorian and Nigerian governments as they are struggles against the activities of particular oil companies and the oil industry as a whole.

### **3.4 OIL AND ETHNIC MINORITY GROUPS**

The Ecuadorian and Nigerian oil industries in general, and oil companies in particular, were challenged from the late 1980s onwards by an unexpected sector of both societies – the oil-producing communities of the Ecuadorian Oriente and of the Nigerian Niger Delta. Tired of their political, economic, social and environmental neglect over time, and fuelled in particular by increased civil action against the Ecuadorian civilian and the

Nigerian military governments, and a new post-Cold War world order with its emphasis on human and environmental rights, oil-producing ethnic minority groups emerged in the course of the 1990s as a real political threat to the established economic order.

Oil-producing ethnic minority agitation against the state and the oil industry in the 1980s and 1990s took place within the context of greater political recognition on an international level, of the rights of indigenous and minority groups in countries; greater recognition of the adverse environmental impacts of the extractive industries on the local environment and inhabitants; a demand for governmental recognition of the environmental and human rights of minority groups indigenous to their countries, and demands for greater environmental stewardship from multinational companies active in the developing world. In addition, on both the South American and African continents this period was marked by increased civil actions against the lack of democratic governance and the dismal economic conditions that prevailed in most countries on the two continents.

All these factors, along with a few case specific factors, combined by the late 1980s to empower the oil-producing minority groups in the Ecuadorian Oriente and those in the Nigerian Niger Delta to take action against their respective governments and the oil industries in their countries. Though the oil-producing minorities in these two countries share a similar marginalisation experience, the nature of their marginalisation and their perceptions of marginalisation differ because of political, social and economic circumstances that are unique to the two regions. Consequently, their marginalisation histories differ, as do their perceptions of modern economic developments.

### **3.4.1 OIL AND THE ORIENTE INDIANS IN ECUADOR**

In July 1987 a helicopter crew from the Elf-CEPE joint venture in concession Block 14, which is situated in Huaorani territory, returned to pick up Monsignor Alejandro Labaca (Bishop of Aguarico) and Sister Inés Arango Velásquez who had been dropped off a few days earlier to seek agreement from the Tagaeri (a group of 30-40 Indians belonging to the Huaorani nation and one of the few Amazonian Indian communities with no prior record of outside contact), to explore for and extract oil from their

traditional territory.<sup>177</sup> The helicopter crew found both killed and Labaca "pinned to the ground, spread-eagled, by seventeen palm-wood spears, each of them about ten feet long, which jutted like porcupine quills from his throat, chest, arms, and thighs. His corpse was punctured in eighty-nine places".<sup>178</sup> (See maps E-6 and E-12.)

The murder of Labaca and Velásquez was but the latest in a long history of Oriente Indian resistance to outside penetration and exploitation of their traditional territories of which the oil industry effort, along with its associated internal colonisation, was but the latest wave. However, the method of their killing was cruel enough to force the Ecuadorian government and oil companies active in Oriente concessions to acknowledge publicly for the first time the gravity of the conflicts that existed in the Oriente between the eight Indian nations indigenous to the Ecuadorian Amazon, on the one hand,<sup>179</sup> and the oil industry, colonists and the Ecuadorian government on the other.<sup>180</sup>

The advent of the contemporary Ecuadorian oil industry in the 1960s brought with it a new wave of oil exploration, development and production that evoked different responses from Oriente Indian communities. Some simply retreated deeper into the rainforest, while other communities opted to take direct action against the oil companies through frequent attacks, the occupation of work sites, the blocking of roads and raiding oil camps.<sup>181</sup> By 1987, however, almost two decades of political and social mobilisation of Oriente Indian nations, that started with the founding of the Shuar Foundation in January 1964 and culminated in 1980 in the founding of the Confederación de Nacionalidades Indígenas de la Amazonía Ecuatoriana (CONFENIAE), impacted radically on the nature of Oriente Indian opposition to oil developments in the traditional territories. Indian political and social mobilisation in the Oriente took place

<sup>177</sup> Americas Watch and the Andean Commission of Jurists, *Human rights in Ecuador*, p. 75; J. Kane, *Savages*, p. 16; *Latin American Monitor* 3: *Andean Group* 7(8), October 1990, p. 826.

<sup>178</sup> Kane, *Savages*, p. 16.

<sup>179</sup> The Oriente Quichua, Shuar, Cofan, Huaorani, Secoya, Siona, Achuar and Shiwiari. For a description of these groups, see L. Benítez and A. Garcés, *Culturas Ecuatorianas: ayer y hoy*, pp. 110-113, 158-180.

<sup>180</sup> Americas Watch and the Andean Commission of Jurists, *Human rights in Ecuador*, p. 75.

<sup>181</sup> J. Kimerling, "Oil, lawlessness and indigenous struggles in Ecuador's Oriente" in H. Collinson (ed.), *Green guerrillas: environmental conflicts and initiatives in Latin America and the Caribbean*, pp. 68-69; Organisation of American States, *Report on the situation of human rights in Ecuador*, pp. 77-80; J. Kimerling, "Disregarding environmental law: petroleum development in protected natural areas and indigenous homelands in the Ecuadorian Amazon" in *Hastings International and Comparative Law Review* 14(4), 1991, pp. 854-857.

within a specific context, namely as a reaction to the lack of governmental recognition and respect for their cultures, the colonisation of their traditional territories since the 1960s, and the adverse social, economic, cultural and environmental impacts of the oil industry in the Oriente. Their political awakening was further strengthened in the course of the 1980s by the implementation of bilingual education, the mobilisation of indigenous organisations across the Americas, the internationalisation of the indigenous movement due to the activities of the UN Working Group on Indigenous Populations (established in 1982), and the "discovery" of Indians by environmental and human rights organisations operating on local, national, continental and international levels.<sup>182</sup> (See maps E-4, E-5 and E-6.)

The political and social mobilisation of the Oriente Indians impacted radically on their relationship with oil companies active in oil exploration, development and production in their traditional territories. Their highly publicised environmental campaigns against oil developments initially resulted in few victories (for example in 1988 the Cofan successfully blocked planned road development by Texaco-CEPE), but more importantly they did succeed in making the plight of the Oriente Indians internationally known, thereby embarrassing a number of oil companies, such as British Gas and Conoco, who claimed to be environmentally responsible, on the international platform. Despite strong opposition from indigenous communities, oil development and production continued in the Oriente – at its most basic level because the Ecuadorian state cannot survive economically without the windfalls generated by oil rents and exports.<sup>183</sup> The realisation by Oriente Indians that oil development will most likely continue into the future despite their agitation, along with the realisation by the oil

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<sup>182</sup> M.H. Selverston, "The politics of culture: indigenous peoples and the state in Ecuador" in D.L. van Cott (ed.), *Indigenous peoples and democracy in Latin America*, pp. 135-140; S. Rubenstein, "Colonialism, the Shuar Federation and the Ecuadorian state" in *Environment and Planning D: Society and Space* 19, 2001, pp. 263-293; A. Brysk, "Turning weakness into strength: the internationalisation of Indian rights" in *Latin American Perspectives* 23(2), Spring 1996, pp. 40-41; K. Egan, "Forging new alliances in Ecuador's Amazon" in *School of Advanced International Studies Review* 16, Summer/Fall 1996, p. 130; D.L. van Cott, "Indigenous peoples and democracy issues for policy makers" in Van Cott (ed.), *Indigenous peoples and democracy in Latin America*, pp. 6-10.

<sup>183</sup> K. Treacle, "Ecuador: structural adjustment and indigenous and environmentalist resistance" in J.A. Fox and L.D. Brown (eds), *The struggle for accountability: the World Bank, NGOs, and grassroots movements*, pp. 225-226; D. Southgate and M. Whitaker, *Economic progress and the environment: one developing country's policy crisis*, pp. 83-89; Grylls, *Environmental hooliganism in Ecuador*, pp. 28-58; A.B. Rosenfeld, D.L. Gordon and M. Guerin-McManus, "Approaches to minimizing the environmental and social impacts of oil development in the tropics" in Z. Gao (ed.), *Environmental regulation of oil and gas*, pp. 282-283, 296-297, 322-328; Kimerling, "Oil, lawlessness and indigenous struggles in Ecuador's Oriente", pp. 68-71; Mendez, Parnell and Wasserstrom, "Seeking common ground", pp. 13-20, 36-41; Smith, "British Gas 'un der siege' in Ecuador", p. 14.

industry that the Oriente Indian communities have valid complaints and concerns, impacted markedly on the nature of Indian opposition to oil developments in the course of the 1990s. Whereas opposition between 1987 and the first half of the 1990s centred around the halting of all oil activities and the placing of a moratorium on future oil developments, the discourse of the second half of the 1990s was dominated by the desire to change the nature of oil exploitation in order to limit the adverse impacts, and to participate in and influence economic developments in their territories according to their own visions and needs.<sup>184</sup>

The protest actions of the Oriente Indians in the 1980s and 1990s are mainly the result of four interrelated processes, namely their political, cultural,<sup>185</sup> spatial and environmental marginalisation<sup>186</sup> in the modern Ecuadorian state. Historically Indians occupied the lowest strata of Ecuadorian society and were afforded few privileges by the dominant white and mestizo groups. Due to the fact that few Indians could read and write, the vast majority of Indians were not eligible to vote until the 1978 constitution revoked the literacy requirement. Active political participation therefore only became an option for Oriente Indians from the 1983 elections onwards, though it did not remove the institutionalised racism that exists in contemporary Ecuadorian society regarding Indians from all three regions. Indian political marginalisation is closely linked to their cultural marginalisation in modern Ecuador. Successive governments in the course of the twentieth century not only denied the existence of cultural diversity, but further actively sought to integrate Indians into mainstream Ecuadorian society and culture. This dominant culture, based upon the values, customs, traditions, beliefs and language of mestizos and whites, however, leaves no room for cultural diversity and promotes the prevailing concept of Ecuador as an ethnic homogeneous state with only one culture.<sup>187</sup>

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<sup>184</sup> P. Sabin, "Searching for middle ground: native communities and oil extraction in the northern and central Ecuadorian Amazon, 1967-1993" in *Environmental History* 3(2), April 1998, pp. 144-162.

<sup>185</sup> Culture, for the purpose of this section, is used as an inclusive term and refers to traditional beliefs, customs, habits, lifestyles, religion, language, identity *and* modes of production. As a result, economic marginalisation is included in and implied by cultural marginalisation.

<sup>186</sup> The environmental impact of oil developments will be dealt with in the next chapter. This discussion will therefore focus only on the political, cultural and spatial marginalisation of the Oriente Indians.

<sup>187</sup> Selverston, "The politics of culture", pp. 136-139; J.B. Casagrande, "Strategies for survival: the Indians of highland Ecuador" in D.B. Heath (ed.), *Contemporary cultures and societies of Latin America: a reader in the social anthropology of Middle and South America* (2<sup>nd</sup> edition), pp. 94-95; Hanratty (ed.), *Ecuador*, Chapter 4, Section 1; Kimerling, *Amazon crude*, pp. 34-40.

In contrast to official claims, almost 40 % of Ecuadorian society never did conform to the dominant mestizo culture, and Oriente Indians, despite centuries of sporadic contact, had not been "conquered" and incorporated into mainstream Ecuadorian society. Lack of governmental and societal respect for Indian cultures, along with their lack of political power, enabled the Ecuadorian government to comfortably ignore Indians in mainstream political, economic and culture processes for most of the independence era. However, the Indian *levantamientos* of the 1990s (in particular the 1990 *levantamiento*, see also section 2.2.2.8 in chapter 2) challenged prevailing beliefs that depicted Indians as poor humble and uneducated. Instead, Ecuadorian society was now confronted with proud Indian nations who demanded state and societal recognition of their traditional cultural, political and economic heritage, and thereby also acknowledgement of the pluralistic nature of Ecuadorian society. By mobilising politically *and* culturally, Indians not only created a political space for themselves within mainstream politics, but also directly threatened established political power-relations in the country, and by implication thereby also posed the first real threat to mestizo and white political control in the independence era.<sup>188</sup>

The political and cultural mobilisation of the Oriente Indians are inextricably bound to their spatial marginalisation due to internal colonisation<sup>189</sup> and oil developments from the 1960s onwards. Colonisation of the Ecuadorian Oriente occurred from the inception of colonial rule,<sup>190</sup> but remained limited due to environmental limitations and challenges, along with opposition from Oriente Indian communities. Lack of large-scale

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<sup>188</sup> Kimerling, "Disregarding environmental law", pp. 854-855; Egan, "Forging new alliances in Ecuador's Amazon", pp. 131-134; M.W. Hilario, "Cultural politics of indigenous peoples of Ecuador: the role of identity in the *levantamiento* of 1990" (M.A. thesis, Stanford University, 2001), p. 1; S. Varese, "The ethnopolitics of Indian resistance in Latin America" in *Latin American Perspectives* 23(2), Spring 1996, pp. 67-69.

<sup>189</sup> It is important to note that internal colonisation of the Oriente is not unique to Ecuadorian history. Governments of all the Amazonian countries have implemented colonisation plans for their Amazonian territories from the 1960s onwards. For more information see, for example, N.R. Stewart, "Some problems in the development of agricultural colonisation in the Andean Oriente" in *The Professional Geographer* 20(1), January 1968, pp. 33-38; N.J.H. Smith, "Colonisation lessons from a tropical forest" in *Science* 214(4522), 13.11.1981, pp. 755-761; E.F. Moran, *Developing the Amazon*, pp. 68-84; J.M.G. Kleinpenning, "Road building and agricultural colonisation in the Amazon basin" in *Tijdschrift voor Economische en Sociale Geografie* 62, September/October 1971, pp. 285-289.

<sup>190</sup> Historically, colonisation of the Oriente was limited to missionary activities and to infrequent boom periods such as small-scale gold rushes, the Amazon rubber boom and the cinchona bark boom of the Second World War. Agricultural colonisation also took place on a limited scale between 1900 and 1960, but due to the lack of roads only limited success could be achieved which in turn placed limitations on the number of colonists who moved into the region. R. Bromley, "The colonisation of humid tropical areas in Ecuador" in *Singapore Journal of Tropical Geography* 2(1), 1981, pp. 21-22; Bromley, "Agricultural colonisation in the Upper Amazon basin", pp. 279-283.

colonist settlement and limited road developments ensured that the Oriente remained isolated from the rest of the country, despite attempts by the armed forces to increase their military presence in the region after the disastrous 1941 war with Peru and numerous failed attempts to link the region to the Sierra through road and rail networks. By 1960, only two penetrating roads from the Sierra had been completed, namely the 107 km Ambato-Puyo road (completed in 1947 by Shell) and the 50 km Loja-Zamora road (completed in 1960 for security purposes).<sup>191</sup>

The renewal of oil exploration in the Oriente and the development of an oil infrastructure in the north-east following the discovery of oil in 1967, led to new access roads which were built to address the needs of the oil industry, which in turn opened up the Oriente for the first time and facilitated large-scale colonisation of the region, to the detriment of the eight indigenous Indian nations. Road construction began in earnest in 1970, and by 1971 Lago Agrio was connected by a 280 km road to Quito. By 1973, the road network totalled about 740 km which gave about 7% of the Oriente access to a road within a distance of 5 km. Road building continued throughout the 1980s and 1990s as oil companies moved into previously unexplored concession blocks in the region, resulting in the creation of access roads that attracted colonists in search of a better future in the Amazon.<sup>192</sup> (See maps E-4 and N-5.)

While the development of roads to serve the needs of the oil industry facilitated the settlement of colonists in the Oriente, the internal colonisation of the region was a governmental policy that aimed at relieving land-pressure and over-population in the Sierra through population transfers to the Oriente, the assertion of Ecuadorian authority over the Oriente through the creation of living borders, and the integration of Oriente Indians into mainstream Ecuadorian society. As a result, agrarian reform measures of 1964 (Decree no 1480 of 11 July 1964) and 1973 (the Agrarian Reform Law of 1973) had a greater impact on the Oriente than on the other two regions where limited land transfers took place. In terms of the colonisation legislation, colonists from other parts

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<sup>191</sup> Hiraoka and Yamamoto, "Agricultural development in the upper Amazon of Ecuador", pp. 425-426; Bromley, "The colonisation of humid tropical areas in Ecuador", p. 22; Bromley, "Agricultural colonisation in the Upper Amazon basin", pp. 281-282.

<sup>192</sup> Bromley, "The colonisation of humid tropical areas in Ecuador," pp. 22-23; Hiraoka and Yamamoto, "Agricultural development in the upper Amazon of Ecuador", p. 427; T.K. Rudel, "Roads, speculators, and colonisation in the Ecuadorian Amazon" in *Human Ecology* 11(4), 1983, pp. 386-402.

of the country were granted land titles to land in the Oriente once the land was cleared and agricultural production had started. Between 1964 and 1977, for example, the colonisation of the Oriente expropriated 527 886 hectares of land from Oriente Indians, which was settled by approximately 37 500 colonists. As a result of the internal colonisation of the Oriente, the region's population increased from about 50 000 in 1960 to about 400 000 by 1990.<sup>193</sup>

The settlement of colonists impacted greatly on society, the environment and the economy of the Oriente region. Boom towns such as Lago Agrio and Puyo emerged with a proliferation of commercial establishments; the environment was affected negatively by colonisation, and farming and exploitation patterns that showed little regard for the limitations of the immediate environment; land ownership changed with the introduction of land titles; inter-group relations changed as conflict increased between Oriente Indians and the colonists; the population composition in the Oriente changed when land speculators, loggers, ranchers, colonists, agro-industrialists and the military followed in the wake of the oil boom, and new diseases were introduced to which Oriente Indians had little resistance.<sup>194</sup>

Though the various Oriente Indian nations have tried to counter their spatial marginalisation by obtaining legal title to parts of their traditional lands, the fact that all mineral rights remain vested in the Ecuadorian government in turn means that they have little say over oil developments in their traditional *and* protected territories (for example oil developments in the Haurani sector of the Yasuní National Park in the 1980s and

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<sup>193</sup> Handelman, *Ecuadorian agrarian reform*, pp. 2-17; Selverston, "The politics of culture", pp. 133-139; J.E. Uquillas, "Social impacts of modernisation and public policy, and prospects for indigenous development in Ecuador's Amazonia" in D.A. Schumann and W.L. Partridge (eds), *The human ecology of tropical land settlement in Latin America*, pp. 407-410; R.S. Lerner and T.M. Meldrum, "Debt, oil and indigenous peoples: the effect of United States development policies in Ecuador's Amazon basin" in *Harvard Human Rights Journal* 5, Spring 1992, p. 180; L.L. Murphy, "Colonist farm income, off-farm work, cattle, and differentiation in Ecuador's northern Amazon" in *Human Organisation* 60(1), Spring 2001, pp. 67-68; J.A. Brea, "Migration and circulation in Ecuador" in *Tijdschrift voor Economische en Sociale Geografie* 82(3), 1991, pp. 206-207.

<sup>194</sup> For more information see, for example, R. Ryder and L.A. Brown, "Urban-system evolution on the frontier of the Ecuadorian Amazon" in *The Geographical Review* 90(4), October 2000, pp. 511-535; Murphy, "Colonist farm income, off-farm work, cattle, and differentiation in Ecuador's northern Amazon", pp. 67-78; F.J. Pichón, "Land-use strategies in the Amazon frontier: farm-level evidence from Ecuador" in *Human Organization* 55(4), 1996, pp. 416-424; C.M. Marquette, "Land use patterns among small farmer settlers in the northeastern Ecuadorian Amazon" in *Human Ecology* 26(4), 1998, pp. 573-596; T. Miller, *The Panama hat trail: a journey from South America*, pp. 210-221.

1990s).<sup>195</sup> Attempts at limiting colonial settlement in these areas have also been fraught with problems since the Oriente remains relatively isolated and difficult to police given the vast distances. Despite their political and social mobilisation, Oriente Indian communities continue to be the losers in the numerous land-related conflicts that colonisation and oil developments created – and it seems likely that this will continue to be the case until the last dregs of commercially viable oil deposits in the Oriente have been exploited.<sup>196</sup> (See maps E-16 and E-21.)

### 3.4.2 OIL, MINORITY GROUPS AND REVENUE ALLOCATION IN NIGERIA

Local opposition to the Nigerian oil industry dates back to the colonial era when communities in the Owerri and Okigwi divisions in the Niger Delta tried to resist oil exploration activities by Shell-BP in the 1940s and 1950s by barring them from occupying their land and on occasion sabotaging company equipment.<sup>197</sup> After oil production commenced in 1958, oil-producing communities in general followed the legal route and sued oil companies for compensation when they were not properly compensated for loss of land, damage to property and/or oil-related pollution that occurred and impacted on their economic activities. The only real exception was the oil-related rebellion of Isaac Adaka Boro, Sam Owonaro and Nottingham Dick who proclaimed a short-lived Niger Delta Republic in 1967.<sup>198</sup> (See maps N-11, N-13 and N-14.)

<sup>195</sup> The struggle of the Huaorani against oil developments is well documented. See, for example, Kane, *Savages, passim*; J. Kimerling, *El derecho del tambor: derechos humanos y ambientales en los campos petroleros de la Amazonía Ecuatoriana*, pp. 169-215; A.R. Toledo and R.L. Ponce, *Conservación y petróleo en la Amazonia Ecuatoriana: un acercamiento al caso huaorani, passim*; R. Smith, *Crisis under the canopy: tourism and other problems facing the present day Huaorani, passim*.

<sup>196</sup> S.S. Robinson, "Some aspects of the spontaneous colonisation of the selva communities of Ecuador" in W. Dostal (ed.), *The situation of the Indian in South America: contributions to the study of inter-ethnic conflict in the non-Andean regions of South America*, pp. 108-113; Parlow, "Of oil and exploitation in Ecuador"; Uquillas, "Social impacts of modernisation and public policy, and prospects for indigenous development in Ecuador's Amazonia", pp. 410-419; N.E. Whitten, *Ecuadorian ethnocide and indigenous ethnogenesis* (IWGIA document no 23), pp. 18-28; Bromley, "The colonisation of humid tropical areas in Ecuador", p. 23.

<sup>197</sup> For more details see NNAE, OKIDIST9/1/268-OW 7915: Mbama Clan Council – District Officer, Okigwi, 29.8.1949 (petition); NNAE, ONDIST12/1/1782-OP2662/2: Shell D'Arcy Petroleum Coy – lease of land at Esene, Opobo division; PRO, CO 852/982/5: W.L.F. Nuttal – R.H. Burt, 13.7.1949 (letter), Nigerian Secretariat – L.H. Gorsuch, 18.7.1949 (letter no 31766/VolVI/160), Note of meeting held in S.718 on Nigerian oil, 12.8.1949 (draft minute).

<sup>198</sup> J.G. Frynas, "Corporate and state responses to anti-oil protests in the Niger Delta" in *African Affairs* 100, 2001, pp. 31-32; Frynas, *Oil in Nigeria*, p. 46 *et seq.*; C. Obi, *Oil, environmental conflict and national security in Nigeria: ramifications of the ecology-security nexus for sub-regional peace* (ACDIS Occasional Paper), pp. 11-12.

The legal route remained the preferred course of action to address oil-related grievances until the 1980s when widespread civil discontent with the political incompetence of successive Nigerian governments and worsening economic conditions spurred some oil-producing communities into action. Starting in 1984 with the Ogharefe women who demanded reliable water, electricity, land and environmental compensation from the USA oil company, Pan Ocean, a number of protests by oil-producing communities followed, in which women played the central role and teamed up with youths and men when necessary. This was followed in March 1986 by protests against Shell on Bonny Island which forced the company to shut down operations for two days; in April 1986 by a large group of Egbema women and men holding 40 Shell staff members hostage in protest of the company's neglect of their community, and in August 1986 by a massive protest by 10 000 Ekpan women against the NNPC which halted oil production, delivery and refinery in the region. The protests of the 1990s soon proved that these protest actions of the 1980s were not isolated affairs and were merely the tip of the iceberg.<sup>199</sup>

Popular discontent with oil companies from oil-producing communities reached new heights in the course of the 1990s as these communities followed the example of the Ogoni people (see Chapter 6) by becoming more militant in their activities and their demands. As a result, protest action spread to numerous oil-producing communities throughout the Niger Delta, which seriously threatened oil developments in the main onshore production area of the country. These protests took on various forms, including the occupation of flow stations and production sites, taking oil company employees hostage, the boarding of rigs in shallow offshore oilfields, the occupation of refineries, and the blocking of roads.<sup>200</sup> (See maps N-6, N-21, N-24 and N-25.)

The protest actions of oil-producing communities from the 1980s onwards are mainly the product of three interrelated processes, namely their political, economic and

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<sup>199</sup> H. Turcotte, "Beneath the oily surface: women's political movements against the state and oil in Nigeria", paper presented at the annual conference of the African Studies Association, Houston, 15-18.11.2001, pp. 16-21.

<sup>200</sup> For more details see, for example, A. Ikelegbe, "Civil society, oil and conflict in the Niger Delta region in Nigeria: ramifications of civil society for regional resource struggle" in *The Journal of Modern African Studies* 39(3), 2001, pp.437-469; Strudsholm, "The oil fields of Nigeria", pp. 36-39; B. Manby, "The role and responsibility of oil multinationals in Nigeria" in *Journal of International Affairs* 53(1), Fall 1999, pp. 281-301; Human Rights Watch, *The price of oil: corporate responsibility and human rights violations in Nigeria's oil-producing communities*, <<http://www.hrw.org/hrw/reports/1999/nigeria/Nigew991.htm>>, 1999.

environmental marginalisation in the independence era.<sup>201</sup> These marginalisation processes occurred because the oil-producing areas in Nigeria are mostly inhabited by ethnic minority groups such as the Abribas, Andonis, Effiks, Ibibios, Ijaws, Isekiris, Kalabaris, Ogonis and Urhobos, who have had little opportunity in the independence era to influence political and economic processes on a federal level despite the fact that the wealth of the nation is situated below their traditional territories.<sup>202</sup> Despite changes to the federal structure, national politics in independent Nigeria have continued to be dominated by only three ethnic groups, namely the Ibo, Yoruba and the Hausa-Fulani. Of the three groups, the Hausa-Fulani have found themselves in a favourable position since most of the Nigerian governments have pursued pro-northern policies to the detriment of the other main regions of the country. As a result, the northern regions became the main beneficiaries of the oil windfalls from the 1970s onwards, which transformed northern urban centres into prosperous trading and industrial centres.<sup>203</sup> (See maps N-5, N-7 and N-24.)

Conscious of the need to address the political and developmental aspirations of minority groups within the country, successive governments embarked on state creation exercises that resulted in the increase of the number of federal states from three in 1960 to 36 by 2003. While the creation of more states has addressed some minority problems, it has created new minorities and a new set of minority complaints about majority domination – just as the Willink Commission warned would happen back in 1958.<sup>204</sup> The implementation and strengthening of local governments in 1987 as a third tier of government and the allocation of funds to these local governmental structures directly from the federal centre from 1992 onwards, was the first real attempt to address the political aspirations of ethnic minority groups throughout the country. As a result, local governments became very popular, as did attempts to convince the federal government to create more local governments within minority areas since that would mean that more federal revenue would be allocated to a specific ethnic group. While local government

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<sup>201</sup> The environmental toll of oil production will be dealt with in the next section and the discussion that follows will therefore only focus on the political and economic dimensions of oil-related minority struggles.

<sup>202</sup> Ikein, *The impact of oil on a developing country*, pp. 28-29.

<sup>203</sup> Frynas, "Political instability and business", p. 461; M. Watts, "The shock of modernity: petroleum, protest, and fast capitalism in an industrialising society" in S. Daniels and R. Lee (eds), *Exploring human geography: a reader*, pp. 124-125; Frynas, *Oil in Nigeria*, pp. 42-44.

<sup>204</sup> Obi, *Oil, environmental conflict and national security in Nigeria*, pp. 11-12.

creation was an important mechanism to empower minority groups on a local level, it did not radically alter the position of minority groups on a state level, and had an almost negligible impact on political processes on a federal level. At the same time it greatly increased the public sector wage bill and public expenditure, which reduced the amount of money available for other much-needed projects, services and development efforts.<sup>205</sup>

The political marginalisation of oil-producing ethnic minority groups is closely related to their economic marginalisation in the independence era. A central economic and political issue in the post-colonial era, especially since the 1970s, is the allocation of oil revenue from the federal centre to the state governments. The basis of revenue allocation has always been a major source of tension with two principles, namely *derivation* (i.e. revenue allocated on the basis on how much is derived from a particular state) and *need* (i.e. allocation on the basis of the responsibilities of each tier of government and the relative population size and development needs of the various states) involved in a constant struggle for primacy. Revenue allocation on the basis of derivation has specific advantages for oil-producing states in that a set percentage of oil revenue is returned to the state of origin. Revenue allocation on the basis of need, on the other hand, results in the spreading of oil wealth to non-oil-producing areas throughout the whole country. The usage of relative population size as a criteria to determine the needs of states, in turn resulted in more revenue being allocated to the northern states whose combined population was (and still is) much greater than that of all the other regions.<sup>206</sup>

In the first fifteen years of independence, derivation was the main principle on which the federal government allocated revenue between the various states. Oil revenue in 1967, in the form of mining rents and royalties, was distributed to the federal government (15 %), to the oil-producing states (50 %) and to the Distributive Pool Account (DPA, 35 %). The latter was shared between the states on a fixed percentage. In 1970, Decree no 13 altered oil revenue allocation which reduced the share of each

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<sup>205</sup> I.M. Aprioku, "Collective response to oil spill hazards in the eastern Niger Delta of Nigeria" in *Journal of Environmental Planning and Management* 42(3), 1999, p. 395.

<sup>206</sup> I. Oguine, "Nigeria's oil revenues and the oil-producing areas" in *Journal of Energy and Natural Resources Law* 17(2), 1999, pp. 111-112; S.E. Oyovbaire, "The politics of revenue allocation" in K. Panter-Brick (ed.), *Soldiers and oil: the political transformation of Nigeria*, pp. 225-229.

oil-producing state to 45 % and that of the federal government to 5%, while increasing the share of oil revenue allocated to the DPA to 50 %. In 1971, the federal government introduced new measures in which a distinction was made between onshore and offshore oil revenues. In terms of these measures, the federal government took over all royalties, rents and other revenues from offshore production, thereby denying oil-producing states their offshore derivation share.<sup>207</sup>

From 1975 onwards oil revenue allocations were made on the basis of need as opposed to derivation. This was a direct result of the establishment of the oil sector as the dominant sector of the Nigerian economy and the enormous wealth generated by the first oil boom of the 1970s. The government, conscious of the need to distribute oil revenues to non-oil-producing states, therefore implemented new revenue allocation formulas which over time denied oil-producing states their fair share in wealth generated by the oil industry. This was harsh, especially in the light of the fact that these states had to bear the brunt of the adverse environmental impacts of oil activities that threatened non-oil economic activities of oil-producing communities. In 1975, the states of derivation had their share of onshore oil revenues reduced to 20 %, while the remainder was allocated to the DPA. The DPA also received 100 % of offshore oil revenues in terms of the 1975 changes.<sup>208</sup>

In 1979, the derivation principle was replaced by a special account for oil-producing areas in which only 2% of all oil revenue was placed. The federal government was allocated 55 % of all oil revenue, states obtained 35 % (30 % direct to states, 2% to states of derivation, 1,5 % for the development of oil-producing areas, and 1,5 % for ecological areas), and 10 % went to local governments.<sup>209</sup> According to Frynas the basis of revenue allocation was the states and not minority groups, and since the majority ethnic groups controlled the states and local government spending up to 1992, minorities were at risk of being marginalised when it came to the allocation of revenue within states.<sup>210</sup>

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<sup>207</sup> Oyovbaire, "The politics of revenue allocation", pp. 226-229.

<sup>208</sup> *Ibid.*, pp. 231-232; Ikein, *The impact of oil on a developing country*, pp. 29-39.

<sup>209</sup> Khan, *Nigeria*, p. 198, note 1.

<sup>210</sup> Frynas, *Oil in Nigeria*, pp. 43-44.

In response to agitation in the oil-producing areas in the 1980s and early 1990s, the federal government altered its revenue allocation formula in 1992 in terms of which 3% of oil revenue was allocated to oil-producing states and 2% to an ecological fund. The allocation to oil-producing states was not distributed directly to these states, but was channelled through the newly established Oil Mineral Producing Areas Development Commission (OMPADEC), which was tasked with undertaking development in oil-producing communities. Though this was an important step, since it was the first time that a Nigerian government acknowledged that oil-producing areas had been neglected in terms of development efforts and revenue allocation, it soon became evident that 3% of the revenue was not enough. Consequently the 1995 Constitutional Conference increased this amount to 13% of oil revenues, which was taken up in the 1999 civilian constitution and signed into law by Obasanjo in April 2000.<sup>211</sup> However, this new oil revenue allocation formula has not managed to satisfy local oil-producing communities who have continued with their civil actions against the oil industry thereby threatening *the only* stable sector in the whole Nigerian economy in the Fourth Republic, and no mutually expectable solution is in sight.<sup>212</sup>

### 3.4.3 COMPARATIVE PERSPECTIVE

Though the oil-producing ethnic minority groups in Ecuador and Nigeria have a process of marginalisation in common, the nature of their marginalisation differs due to the historical development of these ethnic minority groups, the nature of ethnic relations in their countries, and their historical integration – or lack thereof – within the broader Ecuadorian and Nigerian societies. The ethnic minority groups who inhabit the oil-producing Niger Delta in Nigeria, live in a densely populated area which throughout history has been characterised by great ethnic and cultural diversity, high levels of inter-group interaction and exchanges with neighbouring and more distant ethnic groups, and constant struggles over land and water resources which constitute the economic basis of Niger Delta agricultural communities.

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<sup>211</sup> Sygne, *Nigeria*, p. 33; Oguine, "Nigeria's oil revenues and the oil-producing areas", pp. 114-119; Frynas, *Oil in Nigeria*, pp. 49-50.

<sup>212</sup> Energy Information Administration, "Nigeria monthly energy chronology (2000-2001)".

British colonial rule incorporated these communities into a territorial economy and political system that was organised to the benefit of the majority ethnic groups and the British colonial rulers. After independence, the Niger Delta oil-producing communities found themselves within a wider Nigerian federation in which both political and economic power and control was exercised from the federal centre. The economic structure of the independent Nigerian state rested on the principle that wealth should be distributed to the whole of Nigerian society, and in this process oil-producing communities lost access to the wealth generated by oil production in their territories, which wealth was in effect carried away to non-oil-producing communities and the federal centre, where it was used to initiate economic developments associated with modernisation. However, economic developments in general were not forthcoming in the oil-producing communities of the Niger Delta, and as a result one of their main motivations for mobilising against the Nigerian state and the oil industry was the fact that these communities also wanted to share in the financial and developmental benefits of modernisation. Consequently, the division of oil windfalls within the Nigerian state is a central issue for these communities and a key aspect of their economic marginalisation.

The Ecuadorean Oriente Indians, by contrast, resisted outside penetration of their vast traditional territories until the 1960s, have never been fully assimilated into Ecuadorean society, and have existed in isolation from each other apart from occasional trade exchanges and warfare. As a result, Ecuadorean Indians were more concerned with the dangers that oil developments and the corresponding colonisation posed to their culture than were the Niger Delta communities. In contrast to the Niger Delta, the Ecuadorean Oriente was not highly populated prior to the advent of the contemporary Ecuadorean oil industry, therefore the colonisation processes that went hand-in-hand with oil developments, along with the state controlled colonisation programmes, resulted in an influx of colonists into the Oriente. These colonists and the oil industry, removed land and access to resources from the indigenous Indian nations making their traditional modes of production and lifestyles difficult to maintain in a much smaller area. In addition, the traditional cultures of these Indian communities came under attack as the Ecuadorean government sought to fully incorporate and integrate these communities into

mainstream Ecuadorian society, thereby setting in motion processes that gradually undermined traditional cultures in the Oriente.

Oriente Indian resistance against the state, the oil industry and the colonists was motivated initially by their desire not to be incorporated into modern society and therefore also by their opposition to economic modernisation. By the mid-1990s, however, changes in the nature of the Oriente Indian struggle against oil developments led to their abandonment of their fierce anti-modernisation position, which was replaced by a perspective in which they sought to get involved in economic modernisation in an attempt to influence these developments to their own advantage. Economic gain, however, was still not part of their agenda, as it was among the Niger Delta communities who incorporated the need to benefit economically from oil production in their territories with their demands to their state and the oil industry. On the contrary, the economic marginalisation of the Oriente Indian nations resulted from the fact that oil developments and economic modernisation in the Oriente, directly threatened traditional modes of production and the ability of the Oriente Indians to continue to practise their unique cultures separately within the wider Ecuadorian society.

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The economic marginalisation of oil-producing ethnic minority groups is very closely related to their environmental marginalisation since extractivism rarely takes the environmental limitations of the local environment into account. Consequently the impacts of the oil industries on the human and natural environments of oil-producing communities have been far-reaching and in general very negative, and it is therefore important to address the environmental context of oil-related ethnic minority struggles before focusing on the case studies.

## CHAPTER 4

### THE ENVIRONMENTAL CONTEXT OF OIL-RELATED ETHNIC MINORITY STRUGGLES IN ECUADOR AND NIGERIA

#### 4.1 INTRODUCTION

The gist of oil-related ethnic minority struggles in Ecuador and Nigeria revolve around their environmental marginalisation due to oil developments in their traditional territories which they have inhabited for centuries. Because these communities live on top of the wealth that has sustained their countries economically, oil-producing ethnic minorities have had to bear the direct brunt of the adverse environmental impacts that are present at every stage of oil exploration, exploitation, and the eventual decommissioning and abandonment of oil wells and structures once the crude oil deposits have been exhausted.<sup>1</sup>

The environmental marginalisation of oil-producing ethnic minority groups is closely related to their political and economic marginalisation within present-day Ecuador and Nigeria. Due to their historical lack of political power, their lack of control over local and national economic development, and the nature of Ecuadorian and Nigerian political and economic processes, ethnic minority groups in the Oriente and the Niger Delta were relatively powerless, until the 1990s, to take the necessary precautionary measures to lessen the intensity and spread of environmental degradation that is an inherent part of oil developments, let alone stop all oil-related activities within their homelands.

The political mobilisation of these minority groups from the late 1980s onwards, and their agitation against their national governments and the multinational oil companies active in their territories, however, changed the parameters of what constituted acceptable environmental practices in minority oil-producing regions in Ecuador and Nigeria. The mobilisation of these groups occurred within a specific international

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<sup>1</sup> For a short discussion of the environmental impacts of the oil industry see Z. Gao, "Environmental regulation of oil and gas in the twentieth century and beyond: an introduction and overview" in Z. Gao (ed.), *Environmental regulation of oil and gas* pp. 4-8.

context that firstly gave greater recognition to indigenous and minority groups within international politics and law from the 1980s onwards, while recognition in turn provided the necessary incentive for ethnic minority groups to start demanding political economic and environmental justice on the basis of their rights as minorities.<sup>2</sup> The post-Cold War world order, with its emphasis on environmental and human rights, added the necessary focus on an international level to the right of all humans to a clean and safe environment which, coupled with minority rights, became powerful tools through which oil-producing ethnic minority groups could make their environmental marginalisation known, both internationally and nationally, and through which they could demand changes from their national governments and their oil industries.<sup>3</sup>

Though oil-related environmental struggles by ethnic minority groups in Ecuador and Nigeria are a relatively recent phenomenon that dates back to the late 1980s, the environmental marginalisation of these communities dates back to the beginning of oil developments in their regions. In addition, their environmental marginalisation also resulted from a general lack of proper governmental environmental management and stewardship in the independence era, which in turn was influenced by colonial environmental practices, perspectives and policies. In order to provide the proper environmental context in which oil developments took place in Ecuador and Nigeria, this chapter will give attention to governmental environmental management in the colonial and independence eras, before turning attention to the Oriente and the Niger Delta and the oil-related environmental problems that oil-producing communities in these two regions experienced in the past, and still experience.

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<sup>2</sup> T. Bose, "Definition and delimitation of the indigenous peoples of Asia", <[http://www.iwgia.org/pop\\_up.phtml?id=309](http://www.iwgia.org/pop_up.phtml?id=309)>, 1996; J.M. Cobo, "Who are the indigenous peoples? A working definition", <[http://www.iwgia.org/pop\\_up.phtml?id=390](http://www.iwgia.org/pop_up.phtml?id=390)>, *s.a.*

<sup>3</sup> For more details see, for example, United Nations Commission on Sustainable Development, "Preparations for the special session of the General Assembly for the purpose of an overall review and appraisal of the implementation of Agenda 21: dialogue sessions with major groups – summary report of the dialogue session with indigenous people" (report no E/CN.17/1997/L.6), <<http://www.un.org/documents/ecosoc/cn17/1997/ecn171997-16.htm>>, 1997; B.R. Johnston, "Human rights and the environment" in *Human Ecology* 23(2), 1995, pp. 111-123; K. Bosselmann, "Human rights and the environment: redefining fundamental principles?" in B. Gleeson and N. Low (eds), *Governing for the environment: global principles, ethics and democracy*, pp. 118-134; W. Achterberg, "Environmental justice and global democracy" in Gleeson and Low (eds), *Governing for the environment*, pp. 183-195.

## 4.2 GOVERNMENTAL ENVIRONMENTAL MANAGEMENT

The modern environmental movement is a global phenomenon in which developments on an international level set the standards of acceptable practices and policies of governmental environmental management. Consequently the development of governmental environmental management in Ecuador and Nigeria should be viewed against the development of global environmental initiatives, especially since the 1960s when the current preoccupation with the state and the future of the natural environment emerged as a political factor. It is therefore necessary to provide a short overview of the historical development of the global environmental movement before addressing governmental environmental management in Ecuador and Nigeria.

The immediate roots of the modern environmental movement date back to the conservation movement of the second half of the nineteenth century, which focused mainly on air pollution (a direct result of the Industrial Revolution), and the conservation of particular areas and fauna and flora species. The conservation agenda dominated environment-related activities for almost a century and resulted, *inter alia*, in the implementation of air pollution abatement measures and the official protection of the natural environment in specific areas and of specific species of fauna and flora. However, by the 1950s the conservation agenda proved unable to address the multitude of so-called second-generation environmental problems that had emerged since 1945. These second-generation environmental problems that directly threatened the amenities and quality of life of humans around the globe included widespread air and water pollution, the proliferation of chemical waste, the possible threat of nuclear weapons, and the widespread use of pesticides.<sup>4</sup>

The establishment of a modern environmental agenda based on second-generation environmental issues, was a direct result of prevailing perceptions in the 1960s that environmental capitulation was imminent and that the blame for all environmental ills

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<sup>4</sup> J. McCormick, *The global environmental movement: reclaiming paradise*, pp. viii-ix, 12; B.G. Norton, *Towards unity among environmentalists*, p. 62; S.P. Hays, "Three decades of environmental politics: the historical context" in M.J. Lacey (ed.), *Governmental and environmental politics: essays on historical developments since World War Two*, p. 22.

should be placed on humankind which over-exploited and over-polluted the natural environment. The environmental crisis and corresponding environmental revolution of the 1960s and early 1970s not only led to the founding of numerous environmental non-governmental organisations (NGOs), but more importantly within the context of this chapter, led to the institutionalisation of environmental affairs on national and international political levels. On a national level, many governments responded by implementing wide-ranging environmental legislation, by strengthening existing environment-related legislation, and by institutionalising environmental affairs within governmental structures through the creation of specialised governmental departments for environmental affairs. On an international level, the United Nations (UN) convened the first political conference on the environment, namely the UN Conference on the Human Environment (UNCHE) in Stockholm in June 1972. UNCHE was very important in that it established for good the direct link between human activities and environmental degradation, and further succeeded in placing the environment on national and international political agendas.<sup>5</sup>

The enthusiasm generated by UNCHE for environmental issues was short-lived with the environment relegated to the periphery of international relations following the 1973 Oil Crisis and Arab oil embargo. However, environmental initiatives did continue during the 1970s and 1980s, mostly in the form of international environmental conventions, the development of national environmental management structures, through initiatives such as the World Conservation Strategy (1980), and the activities of the UN Commission of Environment and Development (Brundtland Commission, 1983-1987). This was followed in 1992 by the convening of the UN Conference on Environment and Development (UNCED, also known as the Earth Summit), held in Rio de Janeiro, in which the course of global and national environmental management was redirected

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<sup>5</sup> R.J. Dalton, *The green rainbow: environmental groups in Western Europe*, pp. 37-38; McCormick, *The global environmental movement*, pp. 127, 134; United Nations, *Human settlements: the environmental challenge*, p. xi; W. Beinart and P. Coates, *Environment and history: the taming of nature in the USA and South Africa*, pp. 93-98; S.P. Hays, *Explorations in environmental history*, pp. 315-399. See United Nations, "Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972", <[gopher://unephq.unep.org/00/un/unep/govcoun/decision/1972stoc/gc1972.txt](http://gopher://unephq.unep.org/00/un/unep/govcoun/decision/1972stoc/gc1972.txt)>, 1973 for the full UN report on UNCHE.

towards the goal of sustainable development.<sup>6</sup>

With the aid of the UN the implementation of sustainable development on local, national and international levels became a major governmental concern in the course of the 1990s, which policies consisted of three components, namely economic, social and environmental issues. Important new developments also took place in global environmental management in which international co-operation was mobilised to address transboundary environmental issues such as biodiversity protection, climate change and desertification. Despite laudable attempts by various role-players to promote better environmental management throughout the world, global economic and social changes in the 1990s impacted negatively on sustainable development programmes, of which the increase in the global poverty rate, globalisation and the inequalities of international development and trade were probably the most important. The acknowledgement that poverty needs to be addressed within the context of sustainable societies was affirmed by the UN in the late 1990s and poverty reduction was consequently included on the sustainable development agenda.<sup>7</sup> As a result, poverty reduction, along with global economic inequalities, the ever growing North-South divide in environmental issues, and sustainable development, became the major focus areas of the World Summit on Sustainable Development (WSSD) that was held in Johannesburg in September 2002 to evaluate the progress made since the 1992 Earth Summit in the implementation of sustainable development.<sup>8</sup>

Against the background of global environmental developments over time, both the Ecuadorian and Nigerian governments made particular environment-related choices at particular periods within the history of the global environmental movement. These choices were further influenced by colonial environmental legacies, or the lack thereof,

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<sup>6</sup> J. Rees, *Natural resources: allocation, economics and policy* (2<sup>nd</sup> edition), p. 175; IUCN, UNEP and WWF, *World Conservation Strategy: living resource conservation for sustainable development*, *passim*; World Commission on Environment and Development, *Our common future*, *passim*; T. Princen and M. Finger, *Environmental NGOs in world politics: linking the local and the global*, pp. 192-197; J. Quarry (ed.), *Earth Summit 1992*, *passim*; D. Korten, "The Earth Summit, Brazil 1992" in *Indicator South Africa* 9(2), Autumn 1992, p. 10.

<sup>7</sup> B. Stigson, "Outside the fence line: the new business connection" in *Earthyear* 25(2), 2002, pp. 32-35; R.L. Rosenberg, "Trade and the environment: economic development versus sustainable development" in *Journal of Interamerican Studies and World Affairs* 29(1), Spring 1994, pp. 129-156; Y. Kakabadse, "Welcome to a decade of doing" in *Earthyear* 25(2), 2002, p. 1.

<sup>8</sup> For a discussion of the WSSD see P. Steyn, "Global environmental management: an exploration of the World Summit on Sustainable Development" in *Journal for Contemporary History* 27(3), December 2002, pp. 6-13.

and the state of the national economy at particular periods, which greatly affected natural resource exploitation in both countries. All three factors, combined with the state of the Ecuadorian and Nigerian environments, have presented the governments of both countries with unique sets of environmental challenges over time, to which both reacted differently and with different levels of success.

#### 4.2.1 MANAGING THE ECUADORIAN ENVIRONMENT

Indian communities in pre-Columbian Ecuador do not conform to contemporary perceptions of the "ecological Indian" that lived in complete harmony with nature and whose traditional lifestyles had negligible or no impact on the natural environment.<sup>9</sup> By contrast, pre-Columbian Indian communities exploited the Ecuadorian environment through widespread hunting and food-gathering and the clearing of forested lands to facilitate agriculture in sedentary settlements. Far from being static, and perpetually unchanging, pre-Columbian Ecuadorian Indian communities showed high levels of environmental mastery and cultural-ecological adaptation that enabled early societies to transform from hunting/fishing/gathering societies to agricultural societies that domesticated plant and animal species (most notably cotton, maize, cassava and dogs), cleared land for planting, and practised contour farming and irrigation across wide areas.<sup>10</sup> In addition to providing food and shelter, the lowland rainforests were also actively exploited for medicinal, recreational (for example coca leaves and other

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<sup>9</sup> The "ecological Indian" is a modern creation dating back to the environmental crisis and corresponding revolution of the 1960s. For modernised industrial societies, the mythical ecological Indian prompted nostalgia for the pre-industrial era when humankind was perceived to have lived in greater harmony with its natural environment. Since then, scores of environmental organisations have advocated the return to the simple, environmentally-oriented lifestyles of American Indians as an alternative to the consumption and exploitation-driven lifestyles of modernised, industrial communities. In the 1960s, the image of the "ecological Indian" replaced the then prevailing image of the "noble savage". For more details see, for example, S. Krech, *The ecological Indian: myth and history, passim*; C. Slater, "Justice for whom? Contemporary images of Amazonia" in C. Zerner (ed.), *People, plants, and justice: the politics of nature conservation*, pp. 67-82; R. White, "Environmentalism and Indian peoples" in J.K. Conway, K. Keniston and L. Marx (eds), *Earth, air, fire, water: humanistic studies of the environment*, pp. 125-144.

<sup>10</sup> R.A. Feldman and M.E. Moseley, "The northern Andes" in J.D. Jennings (ed.), *Ancient South Americans*, pp. 142-243; J.E. Damp and D.M. Pearsall, "Early cotton from coastal Ecuador" in *Economic Botany* 48(2), 1994, pp. 163-165; J.H. Cock, "Cassava: a basic energy source in the tropics" in *Science* 218(4574), 19.11.1982, p. 755; M.B. Bush, D.R. Piperno and P.A. Colinvaux, "A 6,000 year history of Amazonian maize cultivation" in *Nature* 340, 27.7.1989, pp. 303-305; J.H. Steward and L.C. Faron, *Native peoples of South America*, pp. 49-51; M. Schmidt, "Comments on cultivated plants and agricultural methods of South American Indians" in P.J. Lyon (ed.), *Native South Americans: ethnology of the least known continent*, pp. 61-67.

hallucinogens) and cooking (for example spices) purposes.<sup>11</sup>

The fragmentation of the Ecuadorian environment into numerous small ecological zones, not only resulted in regional political, linguistic and economic diversification and specialisation, but also in physiological diversification as Indian communities adapted to the specific environmental conditions in their immediate area. As a result, Sierra Indians rarely ventured into the lowlands of the Costa and the Oriente where varieties of viral, bacterial, fungal, protozoal and metazoal pathogens existed to which the highlanders had no immunity. In addition, their physiological shortcomings hampered their adaptation to lower attitudes and the hot, humid climate of the tropical rainforests.<sup>12</sup> (See map E-3.) While pre-Columbian Indian communities in Ecuador altered their natural environment to suit their economic, political and cultural needs, they did so within the limitations posed by their immediate natural environment, which necessitated their physiological and cultural-ecological adaptation as a survival mechanism. An important consequence of the cultural-ecological adaptation of Indian communities to specific environmental conditions, was the emergence and establishment of trade networks that linked the inhabitants of the various fragmented ecological zones with one another, and ensured the distribution of various environmentally-specific products to areas outside their natural habitat.<sup>13</sup>

The adaptability of Ecuadorian Indians, along with their environmental mastery, ensured that the indigenous communities of the Sierra quickly took to the new crops the Incas brought with them in their conquest of Ecuador in the fifteenth century.

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<sup>11</sup> U. Oberem, "Trade and trade goods in the Ecuadorian montaña" in Lyon (ed.), *Native South Americans*, pp. 346-356; Steward and Faron, *Native peoples of South America*, pp. 47-48; J.M. Cooper, "Stimulants and narcotics" in J.H. Steward (ed.), *Handbook of South American Indians 5: the comparative ethnology of South American Indians* pp. 525-558; H. Sioli, "Former and recent utilisations of Amazonia and their impact on the environment" in H. Sioli (ed.), *The Amazon: limnology and landscape ecology of a mighty tropical river and its basin*, pp. 675-678, 688-689; F. Salomon, *Native lords of Quito in the age of the Incas: the political economy of north Andean chiefdoms* pp. 88-96.

<sup>12</sup> Feldman and Moseley, "The northern Andes" pp. 142-155; 158-167; A.C. Paulsen, "Environment and empire: climatic factors in prehistoric Andean cultural change" in *World Archaeology* 8(2), October 1976, pp. 121-130; D.W. Gade, "Inca and colonial settlement, coca cultivation and endemic disease in the tropical forest" in *Journal of Historical Geography* 5(3), 1979, pp. 263-279; M. Mörner, *The Andean past: land, societies, and conflicts*, p. 17.

<sup>13</sup> D.W. Lathrap, "The antiquity and importance of long distance trade relationships in the moist tropics of pre-Columbian South America" in *World Archaeology* 5(2), October 1973, pp. 170-176; Salomon, *Native lords of Quito in the age of the Incas*, pp. 97-115; Steward and Faron, *Native peoples of South America*, pp. 449-455; Oberem, "Trade and trade goods in the Ecuadorian montaña", pp. 346-356; Schmidt, "Comments on cultivated plants and agricultural methods of South American Indians", pp. 60-68; P.J. Lyon "Relationship to natural resources" in Lyon (ed.), *Native South Americans*, pp. 69-72.

Widespread cultivation of yucca, sweet potatoes and peanuts followed, which greatly increased the variety of food available for local consumption, while the introduction of the llama by the Incas provided Ecuadorian Indians with their first proper "beast of burden". The Inca conquest had far-reaching environmental implications which included the drastic decline of the Sierra population through warfare during the initial conquest; the extension of the royal highway (built from hardened soil) to Quito; the settlement of *mitimae* colonists from other parts of *Tahuantinsuyo* who had little understanding of the Ecuadorian environment, and the introduction of the llama and the establishment of a wool industry in the territory.<sup>14</sup> (See map E -7.)

The complex nature of the Ecuadorian environment provided a suitable habitat for numerous diseases, such as protozoan infections (for example leishmaniasis, Chagas' disease, toxoplasmosis, amebiasis and giardiasis), spirochetal infections (for example pinta, yaws, syphilis, leptospirosis and relapsing fever) and helminthic infections (for example pinworms, whipworms and hookworms). In addition, Sierra Indians regularly suffered from acute respiratory infections such as pneumonia, blastomycosis and tuberculosis, because of the nature of the Andes environment. Most of these infections in the pre-Columbian Ecuadorian environment were chronic and endemic due to environmental limitations and the fact that many areas were not densely populated. However, the arrival of the Spanish conquistadors in the sixteenth century brought significant changes to the disease environment that prevailed in pre-Columbian Ecuador through the introduction of acute and epidemic Old World diseases to which the indigenous Ecuadorian Indians had no resistance.<sup>15</sup>

#### **4.2.1.1 The environment and Spanish colonial rule**

The arrival of acute and pandemic Old World diseases that went hand-in-hand with the

<sup>14</sup> D.M. Hanratty (ed.), *Ecuador: a country study*, <<http://lcweb2.loc.gov/frd/cs/ectoc.html>>, Chapter 1, Section 1; Mörner, *The Andean past*, pp. 17-29; F. Salomon, "Vertical politics on the Inka frontier" in J.V. Murra, N. Wachtel and J. Revel (eds), *Anthropological history of Andean politics*, pp. 100-106; Salomon, *Native lords of Quito in the age of the Incas*, pp. 151-167; W.C. Bennett, "The Andean highlands: an introduction" in Steward (ed.), *Handbook of South American Indians 2: the Andean civilisations*, p. 49.

<sup>15</sup> S.A. Alchon, *Native society and disease in colonial Ecuador*, pp. 19-25; Gade, "Inca and colonial settlement, coca cultivation and endemic disease in the tropical forest", pp. 269-273; C.E.A. Coimbra, "Human settlements, demographic pattern, and epidemiology in lowland Amazonia: the case of Chagas's disease" in *American Anthropologist* 90(1), March 1988, pp. 82-97.

Spanish conquest of Latin America and that wreaked havoc amongst indigenous communities throughout the region, preceded the actual arrival of the Spanish in Ecuador. (See also Chapter 2, section 2.2.1) Two Old World epidemics struck in 1524 (most probably smallpox) and between 1531 and 1533 (measles and possibly plague), which probably resulted from Spanish explorations of the Ecuadorian and Peruvian coastline prior to the actual conquest. These two epidemics, along with the deaths that resulted from the initial Inca conquest of Ecuador and that from the Inca civil war of the late 1520s, resulted in major demographic disruptions which collectively claimed the lives of about half of Ecuador's estimated one million people prior to the arrival of the Spanish. After the Spanish conquest of the early 1530s, Old World diseases such as smallpox, measles and influenza continued to wreak havoc amongst indigenous communities as recurrent epidemics (for example 1544-1548 – possibly plague; 1546 – pneumonic plague or typhus; 1558-1559 – smallpox, measles and influenza, and 1585-1591 – smallpox, measles, typhus and influenza) continued to impact on Indian population numbers, reducing the indigenous population to about 250 000 by the end of the sixteenth century.<sup>16</sup>

Old World diseases were not the only new additions to the Ecuadorian environment introduced by the Spanish conquistadors. In their attempts to transform as much of the Ecuadorian environment and society into one that mirrored the familiar Spanish environment, many European crops and animals were introduced into the region shortly after the conquest. The most notable Old World plants introduced in Ecuador were wheat and barley, with wheat constituting the main carbohydrate of the traditional Spanish diet and therefore the most basic foodstuff of the Spanish colonial settlement. The Spanish further greatly increased the number of domesticated animals available to Ecuadorian society through the introduction of horses, mules, cattle, hogs, chickens and sheep. Sheep in particular adapted well in the Sierra environment, and sheep flocks soon filled the vacant spaces on the highlands. Though the widespread distribution of sheep in the Sierra increased economic and food security among the Sierra Indians (through the provision of easily accessible meat and wool for the textile industry), their impact on

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<sup>16</sup> Alchon, *Native society and disease in colonial Ecuador*, pp. 13-18; 32-56; A.W. Crosby, "Conquistador y pestilencia: the first New World pandemic and the fall of the great Indian empires" in *The Hispanic American Historical Review* 47(3), August 1967, pp. 321-337; A.W. Crosby, *The Columbian exchange: biological and cultural consequences of 1492*, pp. 35-58.

the Sierra environment was largely negative and resulted in widespread soil erosion owing to their split hoofs that disturbed soil in the sensitive Andean environment.<sup>17</sup>

Despite the lasting environmental impacts of newly-introduced diseases, plants and animals, these aspects do not constitute the main environmental legacy of Spanish colonial rule in Ecuador. Of greater environmental importance in the long run was the introduction and "institutionalisation" of an environmental ethic driven by extractivism.<sup>18</sup> The Spanish conquistadors and colonists that settled in Ecuador and elsewhere in the Americas brought with them a prevailing European environmental perspective in which nature existed only as an object to be exploited as humans saw fit. In contrast to indigenous Indian perspectives in which the natural environment played a central role in inter-human and human-nature relationships, the Spanish viewed humans as the dominant species on earth with the right and the ability to exploit the resources of the New World to the advantage of Spain in the Old World.<sup>19</sup>

Extractivism in colonial Ecuador was further fuelled by the need of conquistadors to recover and increase their initial investments in the conquest since the Spanish crown did not finance the Ecuadorian conquest. As a result, the conquistadors set out to discover all possible sources of wealth, including the mythical El Dorado and the Land of Cinnamon that took Gonçalo Pizarro and Francisco de Orellana into the heart of the Oriente in 1541, and De Orellana on his epic journey of the Amazon. Unfortunately for the Spanish, Ecuador did not possess vast deposits of minerals, hence land, along with the Indians that provided the labour, became more important in colonial Ecuador than in

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<sup>17</sup> J. Murra, "The historic tribes of Ecuador" in Steward (ed.), *Handbook of South American Indians* 2, p. 812; Crosby, *The Columbian exchange*, pp. 64-113.

<sup>18</sup> Extractivism, for the purpose of this study, refers to all economic activities aimed at exploiting the natural environment in order to generate financial gain for humans. It moves beyond merely mineral and forest resource exploitation to incorporate soil, water and Indian exploitation that went hand in hand with Spanish colonial agriculture and economy in Ecuador. Spanish extractivism was not unique to Ecuador, and prevailed in the whole Spanish Americas as it did in Portuguese Brazil. For more details see, for example, E.F. Moran, *Developing the Amazon*, pp. 58-67; J.O. Browder, "The limits of extractivism: tropical forest strategies beyond extractive reserves" in *BioScience* 42(3), March 1992, pp. 174-181; E. Gudynas, "The search for an ethic of sustainable development in Latin America" in J.R. Engel and J.G. Engel (eds), *Ethics of environment and development: global challenge, international response*, pp. 139-140.

<sup>19</sup> H. Sioli, "Introduction: history of the discovery of the Amazon and of research of Amazonian waters and landscapes" in Sioli (ed.), *The Amazon*, p. 4; T. Macdonald, D. Irvine and L.E. Aranda, "The Quichua of eastern Ecuador" in S.H. Davis, *Indigenous views of land and the environment* (The World Bank Discussion paper no 188), pp. 12-14; B.J. Meggers, "The indigenous peoples of Amazonia, their cultures, land use patterns and effects on the landscape and biota" in Sioli (ed.), *The Amazon*, pp. 627-645; Moran, *Developing the Amazon*, pp. 41-57; L. Rival, "Domestication as a historical and symbolic process: wild gardens and cultivated forests in the Ecuadorian Amazon" in W. Balée (ed.), *Advances in historical ecology*, pp. 232-245.

most parts of Spanish America, and consequently both land *and* Indians became overexploited commodities during the colonial era.<sup>20</sup>

Spanish colonial settlement also brought with it two conflicting views of natural resource ownership that replaced traditional indigenous Indian ownership and customs. On the one hand, land along with all the natural resources on it, such as water, trees *and* the human resources in the form of Indians that lived on it, became the property of the Spanish conquistadors and colonists who over time came to own the land. Private ownership of natural resources, however, did not extend to mineral deposits after Charles I claimed the rights to all mineral deposits for the Spanish crown in 1526. Both perspectives remained dominant in Ecuadorian society until the twentieth century when changes were made to the ownership of land, water and Indian labour. However, mineral deposits, including oil, still remained vested in the Ecuadorian state.<sup>21</sup>

Despite the richness and diversity of the Ecuadorian environment, the Spanish took little interest in the natural environment beyond those elements and resources that could be exploited for financial gain. As a result, limited information was gathered on the Ecuadorian environment prior to Alexander von Humboldt's visit in 1802. In a short period of time, Von Humboldt and his co-traveller, the French botanist Aimé Bonpland, climbed all the volcanoes that surrounded Quito, noting the striking diversity of resources, the abrupt micro-climatic variations, and the cultural-ecological adaptations of local Indian communities. After these experiences, Von Humboldt became the first person to link mountain sickness with the lack of oxygen in the high altitudes of the Andes. He also studied the sea currents along the Pacific coastline of Ecuador, collected extensive meteorological data on the Costa region and mapped parts of the Amazon. Von Humboldt's descriptions of the Ecuadorian environment complemented data collected earlier by the Portuguese Gen. Pedro Teixeira during his famous Amazonian journey in 1637-1638 that took him from Belém to Quito and back along the Amazon and its main tributaries, and by a French scientific mission from 1736 to 1745, whose

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<sup>20</sup> Sioli, "Introduction", pp. 1-2; E. Allen, "Amazonia 1990: the burning question" in *Third World Quarterly* 12(1), January 1990, p. 230; O. Hurtado, *Political power in Ecuador* (translated by N.D. Mills), pp. 6-7, 26-27; D.W. Schodt, *Ecuador: an Andean enigma*, pp. 22-23.

<sup>21</sup> J. Frank, "Texaco in Ecuador's Oriente region: towards a theory of transborder legal disputes" (M.A. thesis, Stanford University, 1998), pp. 16-17.

main mission was the measuring of the earth's circumference at the equator. Though impressive for their times, these studies represented but the beginning of human understanding of the complex structure of the Ecuadorian environment.<sup>22</sup> (See maps E-1 and E-4.)

#### **4.2.1.2 Environmental management in independent Ecuador**

While Von Humboldt's publications and the expeditions of Charles Darwin generated a great deal of interest in the Ecuadorian environment amongst European and American scientists, in the course of the nineteenth century mainstream Ecuadorian society and the government paid little attention to environmental matters. Of more importance in the initial decades was the independence struggle against Spain and, after 1830, the political consolidation of the Ecuadorian state. The inherent instability that characterised Ecuadorian politics for most of its independent era, further ensured that the environment did not become an issue for the government until the placing of the environment on international political agendas in the late 1960s and early 1970s made it impossible for the government to continue to ignore environmental issues. In addition, the country's historical lack of economic wealth ensured that successive governments in the independence era pursued economic policies that aimed at increasing both the rate and the extent of natural resource exploitation, thereby ensuring the continuation of extractivism not only as an economic policy, but more importantly, as an environmental policy.

Governmental neglect in exploring the Ecuadorian natural environment beyond merely exploiting its resources, did not lessen European and American scientific interest in Ecuador. Their scientific explorations, as well as those conducted by governmental geologists in the mapping of the Oriente, in the country from the second half of the nineteenth century onwards, greatly increased human understanding of the geographical and geological structure of the Ecuadorian environment, as did knowledge of the

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<sup>22</sup> *The New Encyclopaedia Britannica Micropaedia* 8 (15<sup>th</sup> edition), pp. 1189-1191; F.O. Sarmiento, "The mountains of Ecuador as a birth place of ecology and endangered landscape" in *Environmental Conservation* 24(1), 1997, pp.3-4; E. Jordan and S.L. Hastenrath, "Glaciers of South America: glaciers of Ecuador", <<http://pubs.usgs.gov/prof/p1386i/ecuador/intro.html>>, 1998; Hanratty (ed.), *Ecuador*, Chapter 1, Section 3; Sioli, "Introduction", pp. 2-6.

traditional cultures, lifestyles and customs of isolated indigenous Indian nations.<sup>23</sup> Geological expeditions by foreign oil companies during oil exploration, in particular in the Oriente, further added to the understanding of the Ecuadorian environment.<sup>24</sup> Though foreign scientific explorations were not unique to Ecuador, the lack of governmental participation did mean that both the foreign scientists and their financial backers, such as oil companies, knew more about the possibilities and limitations of the Ecuadorian environment than did the government which was ultimately responsible for its protection and development.<sup>25</sup>

While the conservation movement slowly took hold in many parts of the world in the second half of the nineteenth century, the Ecuadorian government set out to increase its exploitation of natural resources with cocoa, coffee and bananas providing the main export commodities. Timber, palm nuts for vegetable ivory (*Phytelephas aequatorialis*), palm fibres (*Astrocarym standleyanum*) and cascarilla bark were also actively exploited in the Costa region, while the rubber and quinine booms of the late nineteenth and early twentieth century briefly opened up some areas of the Oriente. However, a general lack of infrastructure in the Oriente frustrated governmental efforts to increase the exploitation of the vast resources of Amazonia – a region the government viewed not as a natural wonder, but as bounty that could relieve both population pressure in the other

<sup>23</sup> See, for example, J. Orton, "Physical observations on the Andes and the Amazon" in *American Journal of Science* 46, 1868, pp. 203-213; T. Wolf, *Geografía y geología del Ecuador* (1892); T. Wolf, "The western lowland of Ecuador" in *The Geographic Journal* 2(1), February 1893, pp. 154-157; A.H. Rice, "From Quito to the Amazon via the River Napo" in *The Geographical Journal* 21(4), April 1903, pp. 401-418; J.H. Stabler, "Travels in Ecuador" in *The Geographical Journal* 50(4), October 1917, pp. 241-253; J.L. Hermessen, "A journey on the Rio Zamora, Ecuador" in *The Geographical Review* 4(6), December 1917, pp. 434-449; C.M. Larrea, "Geographical notes on Esmeraldas, northwestern Ecuador" in *The Geographical Review* 14(3), July 1924, pp. 373-387; C.F. Marbut and C.B. Manifold, "The soils of the Amazon basin in relation to agricultural possibilities" in *The Geographical Review* 16(3), July 1926, pp. 414-442; R.C. Murphy, "The littoral of Pacific Colombia and Ecuador" in *The Geographical Review* 29(1), January 1939, pp. 1-33.

<sup>24</sup> See, for example, J.H. Sinclair and T. Wasson, "Explorations in eastern Ecuador" in *The Geographical Review* 13(2), April 1923, pp. 190-213; R.J. Colony and J.H. Sinclair, "The lavas of the Volcano Sumaco, eastern Ecuador, South America" in *American Journal of Science* 16(94), October 1928, pp. 299-312; J.H. Sinclair, "In the land of cinnamon: a journey in eastern Ecuador" in *The Geographical Review* 19(2), April 1929, pp. 201-217; G. Sheppard, "Notes on the climate and physiography of southwestern Ecuador" in *The Geographical Review* 20(3), July 1930, pp. 445-453; G. Sheppard, "The rainy season of 1932 in southwestern Ecuador" in *The Geographical Review* 23(2), April 1933, pp. 210-216; E.C. Higbee, "Of man and Amazon" in *The Geographical Review* 41(3), July 1951, pp. 401-420.

<sup>25</sup> Accusations were frequently lodged against oil companies, in particular Royal Dutch/Shell, that they did not disclose all their geological findings to the government and that they did find oil in the 1940s but opted to lie about it. Texaco-Gulf's oil discovery in 1967 simply fuelled this generally held belief.

regions and the economic difficulties of the country through resource exploitation.<sup>26</sup>

Rather than initiating policies and programmes aimed at conserving certain elements of the Ecuadorian environment, the government in fact implemented policies aimed at their most basic level to alter the Ecuadorian environment in order to facilitate human control and exploitation thereof. Though extremely necessary from a political and economic perspective, the massive infrastructural development programmes launched from the mid-nineteenth century onwards impacted greatly on the natural environment and human perspectives of environmental control. The trans-Andean railway that was completed in 1908, for example, represents one of the major engineering achievements of the day from an anthropocentric perspective. From a biocentric perspective, however, it signalled the conquering of the Andes mountains by humans through the utilisation of technology, thereby stimulating similar attempts to conquer nature in other parts of Ecuador, where the environmental challenges historically had proved too great to overcome (for example development initiatives in the Costa and Oriente regions). Though it had taken a very long time, by the first decades of the twentieth century a few successes in human mastery of the complex nature of the Ecuadorian environment, through transportation developments and improved health care in the Costa, for example, ensured that mainstream Ecuadorian society largely neglected to respond positively to the demands of environmental respect propagated by the conservation movement.<sup>27</sup>

The lack of respect for the environment prevailed not only among the government, but more importantly among the business elite who controlled the country's economy until the 1970s. The cocoa boom that lasted from the 1860s until 1922 is a good case in point.

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<sup>26</sup> H.B. Pedersen, "Mocora palm-fibers: use and management of *Astrocaryum standleyanum* (Arecaceae) in Ecuador" in *Economic Botany* 48(3), 1994, pp. 310-325; A.S. Barford, B. Bergmann and H.B. Pedersen, "The vegetable ivory industry: surviving and doing well in Ecuador" in *Economic Botany* 44(3), 1990, pp. 293-300; R. Zon, "South American timber resources and their relation to the world's timber supply" in *The Geographical Review* 2(4), October 1916, pp. 256-266; B. Barham and O. Coomes, "Wild rubber: industrial organisation and the microeconomics of extraction during the Amazon Rubber Boom (1860-1920)" in *Journal of Latin American Studies* 26, 1994, pp. 37-46; S. Hvalkof, "Outrage in rubber and oil: extractivism, indigenous peoples, and justice in the upper Amazon" in Zerner (ed.), *People, plants, and justice*, pp. 83-101; Schodt, *Ecuador*, pp. 32-33.

<sup>27</sup> Schodt, *Ecuador*, pp. 28-33; F.B. Pike, *The United States and the Andean Republics: Peru, Bolivia and Ecuador*, pp. 114-115; M. Hiraoka and S. Yamamoto, "Agricultural development in the upper Amazon of Ecuador" in *The Geographical Review* 70(4), October 1980, pp. 425-427; R.F. Pineo, "Misery and death in the Pearl of the Pacific: health care in Guayaquil, Ecuador, 1870-1925" in *The Hispanic American Historical Review* 70(4), 1990, pp. 607-637.

In the initial decades of the boom, annual increases in world demand for Ecuadorian arriba cocoa outstripped the Ecuadorian industry's annual expansion of cocoa cultivation and production. Consequently the business elite opted from 1880 onwards, to expand cocoa cultivation and production by planting non-native cocoa varieties from Venezuela and Trinidad, which could be planted at higher altitudes and drier climates than could arriba. The non-native varieties, however, were more vulnerable to plant diseases than the native arriba, and consequently had no resistance to Monilla Pot Rot when it struck in 1916, thereby initiating the cocoa bust period. The native arriba plantations also fell victim to plant disease (Witchbroom) six years later, but this time round the main causes were lack of agricultural improvements and lack of proper care of the cocoa trees by the business elite who were more prone to send their profits abroad than reinvest them in the cocoa industry. Witchbroom in 1922 killed 30 million arriba trees (at the height of the cocoa boom Ecuador had a total of 85 million cocoa trees), thereby effectively bringing the cocoa boom in the country to an end.<sup>28</sup>

Despite the extraordinary political instability that prevailed in Ecuador from 1925 to 1948, the government did find time to take its first tentative steps towards implementing environmental management initiatives when it declared the Galápagos Islands a protected area in 1936. This first act in nature conservation was followed in the same year by legislative changes that legalised the historical practice of private ownership of water resources for the first time, and by the 1937 Law of Communas which legally recognised existing Indian communities and gave some of these communities, such as the Comuna of Loma Alta, legal title to their land. Ecuador further became a signatory to the Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere in 1940, which was ratified on 20 November 1944.<sup>29</sup>

This brief spell of environment-related initiatives did not survive the development

<sup>28</sup> Schodt, *Ecuador*, pp. 36-42; L. Linke, *Ecuador: country of contrasts* (3<sup>rd</sup> edition), pp. 135-137; P. Henderson, "Cocoa, finance and the state in Ecuador, 1895-1925" in *Bulletin of Latin American Research* 16(2), 1997, pp. 169-186.

<sup>29</sup> D. Southgate and M. Whitaker, *Economic progress and the environment: one developing country's policy crisis*, p. 59; Schodt, *Ecuador*, p. 70; C.D. Becker, "Protecting a garúa forest in Ecuador: the role of institutions and ecosystem valuation" in *Ambio* 28(2), March 1999, p. 157; UNEP and WCMC, "1992 protected areas of the world: a review of national systems – Ecuador", <[http://www.unep-wcmc.org/protected\\_areas/data/nat2.htm](http://www.unep-wcmc.org/protected_areas/data/nat2.htm)>, 1993; Ecolex, "Treaty status matrix for Ecuador", <<http://www.ecolex.org/TR/state/comply/adopt/EN/ECUA.htm>>, 2002.

climate that dominated in Latin America after 1945. Spurred on by development policies that were politically and ideologically aligned with the US and the West in the Cold War, and economically based upon extractivism in the belief that economic growth itself would bring about development to all sectors in society, the Ecuadorian government actively pursued the large-scale exploitation of natural resources. The creation of a Forestry Service in 1952 within the Ministry of Agriculture and Livestock also had very little to do with forestry conservation. Much rather it was established to assist the Asociación Nacional de Bananeiras Ecuatorianos in its efforts to combat Panama Disease and Sigatoka Leaf Blight that wreaked havoc in banana plantations throughout the Costa region, thereby threatening the banana export industry on which the country had come to rely on for more than 50 % of its export earnings.<sup>30</sup>

Ecuador entered the 1960s not as a country that was acutely aware of its impending environmental crisis, but one that actively sought to promote national development and physical integration, especially in the Oriente region. For centuries the Ecuadorian Amazon held the promise of unparalleled wealth in the form of natural resources, and by the 1960s the government was for the first time properly geared towards developing the region thereby starting a process that over time would result in widespread environmental destruction. Limited attention was also paid to environmental conservation in the period of which the establishment of the Galápagos National Park in 1959 was the most important. Managing the Galápagos, as well as the Cotacachi-Cayapas ecological reserve (1968) and the Cordillera de Molleturo protected forest (1968), became the responsibility of the Forestry Service until the passing of the first environmental legislation in 1971, namely the National Parks and Reserves Law (decree no 1306 of 1971).<sup>31</sup>

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<sup>30</sup> J. Suárez-Torres and D. López-Paredes, "Development, environment, and health in crisis: the case of Ecuador" in *Latin American Perspectives* 24(3), May 1997, p. 84; Gudynas, "The search for an ethic of sustainable development in Latin America", p. 140; UNEP and WCMC, "1992 protected areas of the world"; J.J. Parsons, "Bananas in Ecuador: a new chapter in the history of tropical agriculture" in *Economic Geography* 33(3), July 1957, pp. 208-211.

<sup>31</sup> R.J. Bromley, "Agricultural colonisation in the Upper Amazon Basin: the impact of oil discoveries" in *Tijdschrift voor Economische en Sociale Geografie* 63, July/August 1972, pp. 278-294; J.E. Uquillas, "Social impacts of modernisation and public policy, and prospects for indigenous development in Ecuador's Amazonia" in D.A. Schumann and W.L. Partridge (eds), *The human ecology of tropical land settlement in Latin America*, pp. 407-409, 424-426; E.F. Moran, "Growth without development: past and present development efforts in Amazonia" in E.F. Moran (ed.), *The dilemma of Amazonian development*, pp. 3-19; UNEP and WCMC, "1992 protected areas of the world"; IUCN, "1997 United Nations list of protected areas: Ecuador/Equateur", <[http://www.unep-wcmc.org/protected\\_areas/data/un\\_97\\_list.html](http://www.unep-wcmc.org/protected_areas/data/un_97_list.html)>, 1998.

Though the Ecuadorian government was slow to come to grips with the new environmental agenda pursued on an international level from the 1960s onwards, it was not totally ignorant of the important changes in global environmental management. The country actively participated in the seminar hosted by the Economic Commission for Latin America (ECLAC) in Mexico, 6-11 September 1971 in preparation for UNCHE. The ECLAC meeting, like the others hosted in the developing world, identified the lack of development in the region as a major cause of environmental degradation, and identified sea and air pollution as environmental problems and concerns of the developed world. Like its Latin American counterparts, Ecuador attended UNCHE in 1972, but the country contributed very little to the debates and policy formulation at Stockholm.<sup>32</sup>

It is difficult to ascertain the true impact of UNCHE on governmental environmental management in Ecuador, since most of the environmental initiatives that followed in the wake of UNCHE concerned conservation issues and not second generation environmental concerns. Pollution received legislative attention with the passing of the Law for the Protection and Control of Environmental Pollution in 1976, but as was the case with too many Ecuadorian laws, it was rarely, if ever, enforced. The government further assumed that the state was much better at regulating natural resource usage, which became evident when it nationalised all water resources in 1972 and all wild fauna resources in 1981. Development also continued to play a central role in environmental management and included initiatives aimed at increasing and regulating irrigated agriculture in the Sierra, and the continuation of development initiatives in the Oriente. With the exception of Venezuela, Ecuador was not alone in its active pursuit of development, modernisation and integration in their part of Amazonia. The collective need amongst the Amazonian states to develop the region culminated on 3 July 1978 in the signing of the Treaty of Amazon Cooperation in terms of which Brazil, Bolivia, Colombia, Ecuador, Peru, Venezuela, Suriname en Guyana undertook to cooperate in the economic and social development of the region. Preserving the environment and the

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<sup>32</sup> P. Stone, *Did we save the earth at Stockholm?*, p. 111; Economic Commission for Latin America and the Caribbean, *Sustainable development: changing production patterns, social equity and the environment*, p. 17; United Nations, "Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972", Part 3: Proceedings of the conference.

promotion of the rational exploitation of Amazonian resources also featured in the Amazon's Treaty's main objectives.<sup>33</sup>

After UNCHE, environmental management was equated with nature conservation in Ecuador, with the government for the first time giving proper attention to the development of legislative and institutional frameworks for nature conservation. With the help of the United Nations Development Programme and the Food and Agriculture Organisation, a Preliminary Strategy for the Conservation of Outstanding Natural Areas in Ecuador was developed in the course of the 1970s, resulting in the adoption of the Law of Forestry and the Conservation of Natural Areas and Wildlife (no 74) in 1981. In terms of this Act and its 1983 Amendments, all forested lands fell under the jurisdiction of the law which prohibited encroachment on state-owned land, damage to ecosystems and the commercial exploitation of natural resources in forested areas. Though laudable, the Ecuadorian government failed to implement this law properly, and within the context of the dismal economic conditions of the 1980s, had little choice but to allow the continuation of the commercial exploitation of natural resources, including oil, in forested land. The 1981 Forestry Law was rendered ineffective in 1988 when the Ministry of Agriculture and Livestock entered into an interministerial agreement (for example the Ley de Hidrocarburos no 1743 of 1988) with the Ministry of Energy and Mines in terms of which the latter assumed control over the exploitation of natural resources in national parks and other protected areas, as well as over environmental rehabilitation during oil and gas exploration and production in the Oriente and the Costa. At most, the Forestry Law enabled the government to create numerous protected areas (a total of 53 in the 1980s) across the country. However, official protected status did not translate into protecting these areas from the adverse environmental impacts of

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<sup>33</sup> Southgate and Whitaker, *Economic progress and the environment*, pp.59-71; Aquastat, "Ecuador", <<http://www.fao.org/waicent/faoinfo/agricult/AGL/AGLW/aquastat/countries/ec.../main1.htm>>, 2000; M.F. Valls, *Water legislation in South American countries*, pp. 82-95; R. Boelens and B. Doornbos, "The battlefield of water rights: rule making amidst conflicting normative frameworks in the Ecuadorian highlands" in *Human Organization* 60(4), Winter 2001, pp. 343-353; E.G. Ferris, "The Andean Pact and the Amazon Treaty: reflections of changing Latin American relations" in *Journal of Interamerican Studies and World Affairs* 23(2), May 1981, pp. 155-157, 164-167; UNEP and WCMC, "1992 protected areas of the world"; Sustainable Rural Development Information System, "Community-based water management in irrigated Andean agriculture: from research to diagnosis, from negotiation to renovation of the irrigation system of the town of Uruquí, Ecuador", <<http://www.iucn.org/themes/pmns/regions/sdrisequad.html>>, 1998.

the extractive industries.<sup>34</sup> (See maps E-16 and E-21.)

The failure of the Ecuadorian government to address pressing environmental problems such as widespread pollution, the urban environmental crisis and the adverse impacts of development on the Oriente and its people, along with the adverse environmental impacts of the foreign debt crisis and structural adjustment policies, resulted in the course of the 1980s in the establishment of numerous ENGOs. Starting with the founding of Fundación Natura in 1978, about 24 vocal ENGOs were established in the course of the 1980s to advance environmental protection and to oppose governmental policies and actions that posed a threat to the natural environment. Apart from their obvious activistic task, these ENGOs, along with their international partners, also assumed administrative, regulatory and policy developmental roles due to the inability of the government to address environmental problems in the country properly and timely.<sup>35</sup>

Amidst growing international and local ENGO and Indian opposition to widespread rainforest destruction and the adverse environmental impact of oil developments in the Oriente, and important changes in global environmental management in the 1990s, the Ecuadorian government was slow to react to demands for proper environmental stewardship. The government did participate actively in global environmental initiatives such as the 1992 Earth Summit, the 1997 follow-up meeting, and the 2002 WSSD. In addition, Ecuador was the first country to ratify the Convention on Biological Diversity, one of the first to ratify the Kyoto Protocol to the United Nations Framework Convention on Climate Change, and is a signatory to a number of other environment-

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<sup>34</sup> UNEP and WCMC, "1992 protected areas of the World"; IUCN, "1997 United Nations list of protected areas". The Cuyabeno Wildlife Production Reserve is a good example of governmental failure to protect its protected areas from outside exploitation. For more details see J.D. Nations and F.C. Hinojosa, "Cuyabeno Wildlife Production Reserve" in J.O. Browder (ed.), *Fragile lands of Latin America: strategies for sustainable development*, pp. 139-148.

<sup>35</sup> For more details see, for example, D. Kaimowitz, "The political economy of environmental policy reform in Latin America" in *Development and Change* 27(3), 1996, pp. 433-452; G. da Ros, *La contaminación de aguas en Ecuador: una aproximación económica*, pp. 67-69; E. Dore, "Capitalism and ecological crisis: legacy of the 1980s" in H. Collinson (ed.), *Green guerrillas: environmental conflicts and initiatives in Latin America and the Caribbean*, pp. 8-18; J.D. Dávila, "Enlightened cities: the urban environment in Latin America" in Collinson (ed.), *Green guerrillas*, pp. 196-208; M. Price, "Ecopolitics and environmental nongovernmental organisations in Latin America" in *The Geographical Review* 84(1), January 1994, pp. 42-57; C. Christen *et al.*, "Latin American environmentalism: comparative views" in *Studies in Comparative International Development* 33(2), Summer 1998, pp. 59-60, 77-83; C.A. Meyer, "Environmental NGOs in Ecuador: an economic analysis of institutional change" in *The Journal of Developing Areas* 27(2), January 1993, pp. 191-210.

related international conventions, some of which have been ratified.<sup>36</sup>

Domestically, however, institutionalising environmental management within governmental structures was a slow process. A National Environmental Plan that established seventeen basic environmental policies and principles was only published in June 1994, to be followed in 1996 by the creation of a Ministry of Environment that assumed full control over environmental management. The Law of Environmental Management, however, was only passed in 1999 and represents the first legislative attempt to incorporate the principles of sustainable development into Ecuadorian law.<sup>37</sup> Attempts to improve the institutional and legal framework of protected areas, environmental management, and biodiversity conservation and protection, launched in co-operation with the World Bank in the 1990s, also proved to be challenging and were judged unlikely to be sustainable in the long run since they "largely failed to build the institutional support, stakeholder ownership, and support necessary to ensure sustainability" of the projects.<sup>38</sup> Ironically, the only real and proper piece of environmental legislation passed since the 1992 Earth Summit, was amendments made to the existing Forestry Law in April 2000 and the issuing of the Standards for Sustainable Forest Management in Ecuador in June 2000. In terms of these legislative changes, the commercial exploitation of natural resources is prohibited in a substantial part of the Oriente, including the Cuyabeno-Imuya and the Huaorani territory in the Yasuní National Park which were declared "intangible" zones.<sup>39</sup> (See maps E-16 and E-21.)

<sup>36</sup> Embassy of Ecuador (USA), "Ecuador: environment", <[http://www.ecuador.org/ingles/About\\_Ecuador/climate/environment.htm](http://www.ecuador.org/ingles/About_Ecuador/climate/environment.htm)>, *s.a.*; *Ecolex*, "Treaty status matrix for Ecuador". See also Republic of Ecuador, *Aplicación del Programa 21: examen de los adelantos realizados desde la Conferencia de Naciones Unidas sobre Medio Ambiente y Desarrollo, 1992, passim*; United Nations, *Johannesburg Summit 2002: Ecuador – country profile, passim*.

<sup>37</sup> Embassy of Ecuador (USA), "Ecuador"; F. Flores, "Ecuador's environmental policies" in *Earth Island Journal* 16(1), Spring 2001, <[http://www.earthisland.org/ejournal/new\\_articles.cfm?articleID=97&journalID=44](http://www.earthisland.org/ejournal/new_articles.cfm?articleID=97&journalID=44)>; The World Bank, *Technical annex: Ecuador – Environmental Management Technical Assistance Project* (report no T-6716-EC), pp. 1-4; M.C.J. Cruz and S.H. Davis, *Social assessment in World Bank and GEF-funded biodiversity conservation projects: case studies from India, Ecuador, and Ghana* (Social Assessment Series paper no 43), pp. 15-19.

<sup>38</sup> For more information on World Bank environmental projects in Ecuador, see The World Bank, *Technical annex, passim*; The World Bank, *Project performance assessment report: Ecuador – Biodiversity Protection Project (GEF TF 028700-EC)* (report no 24605), *passim*; The World Bank, *Ecuador: National System of Protected Areas* (project report no PID 11496), *passim*.

<sup>39</sup> "Zonas intangibles" refers to areas that are protected due to their cultural and biological diversity and prohibit any human and exploitative activities that can threaten aforementioned diversity. "Ecuador's new approach to enforce forest law" in *ITTO Newsletter* 12(1), January 2002, <<http://www.itto.org.jp/newsletter/v12n1/6html>>; Both ENDS, "Intangible zones, Ecuador" in *Encyclopedia of Sustainability*, <[http://www.bothends.org/encycl/cases/viewcase.php?cat=5&id=15&id\\_language=1](http://www.bothends.org/encycl/cases/viewcase.php?cat=5&id=15&id_language=1)>, *s.a.*

Despite recent attempts to strengthen environmental management on institutional and legislative levels, the Ecuadorian government is still far removed from providing adequate protection for the country's natural and human diversity. Deforestation continues at alarming levels, with an average of 2,3 % of indigenous forest being lost annually. By 1996, 56 % of the country's vegetation had already been radically altered, with the highest levels of deforestation and biodiversity loss in the world occurring in the forested lowlands of the northwest Costa.<sup>40</sup> In addition, small-scale gold mining continues to pollute water courses in southern Ecuador with cyanide, lead, cadmium and copper;<sup>41</sup> the ever-growing cut flower industry has no intention to scale down its usage of dangerous and highly toxic fungicides, insecticides and nematicides; shrimp producers continue to clear mangrove forests to increase shrimp mariculture with no regard for the adverse effects of disturbing the ecosystem on the coastline,<sup>42</sup> and the long struggle between conservationists and fishermen in Galápagos seems to have no end in sight,<sup>43</sup> not to mention the environmental and social impacts of oil developments on the environment and indigenous Indian nations in the Oriente. Ironically, the most successful conservation efforts have not been those launched by the government, but those initiated by individuals and ENGOS, many of which are funded by international donors.<sup>44</sup>

<sup>40</sup> For more information see, for example, The World Bank, *Ecuador: National System of Protected Areas*, pp. 1-2; S. Wunder, *From Dutch Disease to deforestation: a macroeconomic link? A case study from Ecuador* (CDR Working Paper no 97.6), pp. 18-25; N. Myers, "Threatened biotas: 'hot spots' in tropical forests" in *The Environmentalist* 8(3), 1988, pp. 187-196; R. Sierra, "Traditional resource-use systems and tropical deforestation in a multi-ethnic region in north-west Ecuador" in *Environmental Conservation* 26(2), 1999, pp. 136-145; C.H. Dodson and A.H. Gentry, "Biological extinction in western Ecuador" in *Annals of the Missouri Botanical Garden* 78(2), 1991, pp. 273-295; R. Sierra and J. Stallings, "The dynamics and social organisation of tropical deforestation in northwest Ecuador, 1983-1995" in *Human Ecology* 26(1), 1998, pp. 135-158.

<sup>41</sup> N.H. Tarras-Wahlberg *et al.*, "Environmental impact of small-scale and artisanal gold mining in southern Ecuador: implications for the setting of environmental standards and for the management of small-scale mining operations" in *Ambio* 29(8), December 2000, pp. 484-491. See also World Bank reactions to claims that the mining industry caused widespread pollution in The World Bank, *Management report and recommendations in response to the inspection panel investigation report: Ecuador Mining Development and Environmental Control Technical Assistance Project (loan number 3655-EC)* (report no 21870), *passim*.

<sup>42</sup> L. Holt, "The Ecuadorian rose trade" in *TED Case Studies* 10(1), January 2000, <<http://www.american.edu/projects/mandala/TED/rose1.html>>; C. Saam, "Aqua-culture: Ecuador", <<http://www.colby.edu/personal/t/thtieten/aqua-ecua.html>>, 1996; Southgate and Whitaker, *Economic progress and the environment*, pp. 90-100.

<sup>43</sup> F. Pearce, "On the origin of revolution" in *New Scientist* 147 (1997), 30.9.1995, pp. 28-29; A. Abbott, "Conservationists seek compromise over new threat to Galapagos" in *Nature* 383, 5.9.1996, p. 3; A. Abbott, "Fishermen fight rangers in conservation battle for Galápagos fishermen are winning the struggle for supremacy" in *New Scientist* 168 (2266), 25.11.2000, p. 6; M. Schroppe, "Galapagos ecologists under threat from violent protests" in *Nature* 408, 14.12.2000, p. 761.

<sup>44</sup> Numerous examples for private conservation initiatives exist in Ecuador. See, for example, J. Fair, "Can ecotourism save Ecuador's threatened cloud forests?" in Collinson (ed.), *Green guerrillas*, pp. 115-120; R.M. Peck, "The secrets of the cloud forest" in *Audubon*, September/October 1999, pp. 86-96.

Meeting the challenge of proper environmental management in Ecuador not only entails strengthening institutional and legal capacity and the allocation of more funds for environmental projects, but more importantly it entails leaving behind economic and environmental policies driven by extractivism and uncontrolled exploitation. Before this happens, the government will continue to promote environmental protection on paper, and economic developments in protected areas in practice, to the detriment of the Ecuadorian environment and its inhabitants.

#### 4.2.2 MANAGING THE NIGERIAN ENVIRONMENT

The pre-colonial Nigerian environment did not conform to prevalent nineteenth-century European concepts of the African environment as a static perpetual Eden that was truly wild and unspoilt by human activities. Centuries of human habitation of the Nigerian territory established a dynamic relationship between humans and nature with the environment providing the economic, and at times political, means of survival, while humans altered the natural landscape to suit their economic modes of production. The slave trade, along with political factors such as conquest and subjugation, also impacted on the natural environment through the processes of settlement, depopulation and abandonment that allowed forested areas to reclaim cleared and formerly cultivated lands.<sup>45</sup>

Interaction between the Nigerian societies and the early European seafarers, most notably the Portuguese, led to the introduction of New World crops such as maize, cassava, groundnuts, sweet potatoes, tomatoes and various fruits. Through widespread cultivation, especially of maize, these crops increased the variety of food, while improved crop rotations and combinations increased food production, thereby enabling Nigerian societies to support larger populations. The trans-Atlantic slave trade, on the other hand, resulted in both the concentration of more people along the coastline which increased the rate of deforestation in these areas, while at the same time depopulating

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<sup>45</sup> D. Anderson and R. Grove, "The scramble for Eden: past, present and future in African conservation" in D. Anderson and R. Grove (eds), *Conservation in Africa: people, policies and practice*, pp. 4-5; W.B. Morgan, "The influence of European contacts on the landscape of Southern Nigeria" in R.M. Prothero (ed.), *People and land in Africa south of the Sahara: readings in social geography*, pp. 196-197.

areas immediately inland for the slave markets and close to powerful states such as Oyo in Yorubaland. This in turn allowed the forests in these areas to reclaim cleared lands. The slave trade further introduced European steel machetes, replacing the locally produced soft iron implements, thereby enabling communities to clear forest areas more easily, more effectively and with greater environmental disturbance.<sup>46</sup>

European political and environmental impact on Nigeria and its people remained limited until the late nineteenth century when technological and scientific innovations facilitated European penetration and the establishment of British political control. According to Crosby, the "African ecosystem was simply too lush, too fecund, too untamed and untameable for the [European] invaders until they added more science and technology to their armaments".<sup>47</sup> Of particular importance was the development of cheap and plentiful quinine, which enabled the Europeans to deal more effectively with the diversity of diseases present in tropical West Africa. Prior to the widespread usage of quinine the mortality rate amongst Europeans was exceptionally high. In the Gold Coast in the early nineteenth century, for example, more than half of the stationed British troops died each year as a result of disease. For most of its history disease formed an integral element of the Nigerian society and was an important factor in determining settlement and agricultural patterns in the pre-colonial era. Prevalent diseases included truly tropical diseases such as malaria, yaws, sleeping sickness, the filarial diseases, bilharzia, guinea worm and yellow fever. Along with these there were diseases that resulted from bad hygiene, such as typhus fevers, relapsing fever, leprosy and some intestinal worms, as well as Old World diseases introduced via contact with Europeans that included measles, mumps and chicken-pox.<sup>48</sup>

#### 4.2.2.1 The environment in colonial Nigeria

British environmental concern in Nigeria in the early colonial phase was mostly driven by medical and economic concerns. Health measures were implemented to combat disease in urban settlements, such as swamp drainage, the development of water works

<sup>46</sup> Morgan, "The influence of European contacts on the landscape of Southern Nigeria", pp. 197-198.

<sup>47</sup> A.W. Crosby, *Ecological imperialism: the biological expansion of Europe, 900-1900*, p. 137.

<sup>48</sup> *Ibid.*, pp. 137-138, 197-198; K.M. Buchanan and J.C. Pugh, *Land and people in Nigeria: the human geography of Nigeria and its environmental background*, pp. 41-55.

to provide piped water, the provision of sanitation services and the re-organising of agricultural production on the peripheries of urban areas. Measures to protect water resources were legalised in 1915 with the implementation of the Water Works Ordinance that prohibited the polluting of water works, while the 1917 Public Health Ordinance prohibited both water and air pollution.<sup>49</sup>

The ecological differences between Northern and Southern Nigeria meant that the main focus of colonial environmental concern differed in the two regions. In the south, attention was mainly directed at the conservation and utilisation of the widespread forest resources that formed the key element in the regional economy. For centuries, forests have played a key role in the development and sustaining of Nigerian societies, providing both habitat for settlement as well as economic modes of production in the form of food, meat, fuel and medicine. After the abolition of slaves in the nineteenth century, perennial tree crops such as palm produce, rubber and, from the 1890s onwards, cocoa in the forested belt of Southern Nigeria, gained extreme importance and provided communities in these regions with their major export crops. It was their over-exploitation, in particular rubber resources from the tree *Funtumia (Kicksia) elastica* and the vines *Landolphia* and *Clitandra*, after the creation of a world demand for "Lagos rubber" from 1893 onwards, that provided the impetus for colonial forestry conservation.<sup>50</sup>

Early colonial forestry conservation in Nigeria was motivated mainly by economic concerns and sought to safeguard the rubber export industry in Southern Nigeria. However, these early efforts proved ineffective, which greatly contributed to colonial governmental consent, despite a strong anti-plantation policy, for the establishment of two rubber plantations by the Miller Brothers in 1905 and Palmoil Limited in 1907 respectively. Legislative control was also extended to include other forest export

<sup>49</sup> Morgan, "The influence of European contacts on the landscape of Southern Nigeria", pp.204-205; Central Office of Information, *Nigeria: the making of a nation*, pp. 24-25; The World Bank, *Towards the development of an environmental action plan for Nigeria* (report no 9002-UN1), p. 88.

<sup>50</sup> J.O. Ahazuem and T. Falola, "Production for the metropolis: agriculture and forest products" in T. Falola (ed.), *Britain and Nigeria: exploitation or development?*, p. 86; Buchanan and Pugh, *Land and people in Nigeria*, p. 101; Morgan, "The influence of European contacts on the landscape of Southern Nigeria", p. 200; Public Record Office (PRO, London), Colonial Office Southern Nigeria Correspondence 1901 (CO 520/10/418): High Commissioner, Southern Nigeria – Secretary of State for the Colonies, 13.12.1901 (letter no 418); PRO, CO 520/10/422: Proclamation No 28 of 1901, Southern Nigeria, 13.2.1901.

products such as cocoa, palm produce and timber, since the colony's main source of revenue was the duties levied on imports and exports. Governmental control of forests found expression in the establishment of forest reserves, the implementation of protective and regulating legislation, and the establishment of a Forestry Department to facilitate governmental actions in the forestry sector. The importance of this sector to the colonial economy was further underscored by the inclusion of an economic botanist in the geological and mineral survey teams from 1904 onwards.<sup>51</sup>

The Nigerian colonies did not exist in isolation from the other British colonial territories, which was particularly evident in forestry conservation efforts. Influenced in particular by forestry conservation developments in India in the course of the nineteenth century, the Nigerian colonial government established forest reserves throughout the colony, with the first established at Ibadan in 1899, to preserve timber and improve rubber yields. By the end of colonial rule in 1960, officially demarcated forest reserves totalled 7 % of Nigerian territory, located mainly in the west (15 % of the surface area), while the heavily populated Eastern region (10,5 % of the total surface area) and the forest-poor savannahs of the Northern region (5,5 % of the total surface area) provided more challenging environments to establish forest reserves on a wide scale. (See maps N-18 and N-19.) The Indian connection in forestry was strengthened in 1902 with the establishment of a Forestry Department, staffed by India-trained officials and headed by H.N. Thompson who was the former Deputy Conservator of Forests in Burma.<sup>52</sup>

From its initial economic-driven focus, the Forestry Department, under the influence of conservation practices in India, expanded its activities to include land, soil, water and forest conservation. Forest reserves were viewed as key environmental conservation measures since forests conserved and regulated water supply, increased rainfall and

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<sup>51</sup> Morgan, "The influence of European contacts on the landscape of Southern Nigeria", pp. 200-202; Buchanan and Pugh, *Land and people in Nigeria*, pp. 171-173; R.K. Udo, "Sixty years of plantation agriculture in Southern Nigeria: 1902-1962" in *Economic Geography* 41(4), October 1965, p. 362; PRO, CO 520/21/528: Acting High Commissioner, Southern Nigeria – Secretary of State for the Colonies, 17.11.1903 (letter no 528).

<sup>52</sup> PRO, CO 520/10/418: High Commissioner, Southern Nigeria – Secretary of State for the Colonies, 13.12.1902 (letter no 418); PRO, CO 520/17/10166: Secretary of the Revenue and Statistics Department, India Office – Undersecretary of State, Colonial Office, 12.3.1902 (letter no R&S.801); PRO, CO 520/17/(415<sup>U</sup>/<sub>U</sub>): Telegram from the Government of India, 4.10.1902. For more information on the development of colonial forestry in India see R.H. Grove, *Green imperialism: colonial expansion, tropical island Edens and the origins of environmentalism, 1600-1860*, pp. 380-473; R. Grove, "Conserving Eden: the (European) East India Companies and their environmental policies on St Helena, Mauritius and in Western India, 1660-1854" in *Comparative Studies in Society and History* 35, 1993, pp. 339-350.

humidity in the immediate vicinity, and prevented landslides, soil erosion, the movement of shifting sands and the silting of rivers.<sup>53</sup> Improved seedlings were distributed to farmers, training was provided at model forests run by the Forestry Department,<sup>54</sup> and research into Nigerian forests actively promoted to increase the effectiveness of colonial conservation efforts.<sup>55</sup> The indispensable contribution of forest products to the internal and external economies of colonial Nigeria ensured that forest reserves did not become large unutilised protected areas. On the contrary, the aim of forest reserves was the rational use and development of forested lands to ensure the maintenance of their sustained yields. As a result, forest reserves were used for a number of purposes, including lumbering, plantation forestry, and wildlife management.<sup>56</sup>

In Northern Nigeria the major environmental concerns throughout the colonial period (continuing to the present) were desertification, drought and, to a lesser extent, erosion. The northern parts of the country are characterised by low rainfall (under 750 mm per annum) which is highly variable in amount and incidence. The wet season is relatively short, ranging from two to five months, followed by almost complete dryness for the rest of the year that results in seasonal aridity in many parts of the region. European concern with the more arid nature of the Northern Nigerian environment was present from the establishment of official colonial rule in 1900 – concern that was dominated by dismal images of prevalent water shortages in the area.<sup>57</sup>

Lack of European understanding of the climatic cycle of the Northern region in the early colonial phase had a disastrous effect on local communities during times of drought and harvest failure. Between 1900 and 1919 the colonial administration was reluctant to

<sup>53</sup> O. Areola, "The political reality of conservation in Nigeria" in Anderson and Grove (eds), *Conservation in Africa*, p. 281; Nigerian National Archives, Enugu (NNAE), ONPROF7/4/39-OP385/17: H.N. Thompson, Memorandum on the importance of forests to the native communities and on some matters connected with the acquisition of forest reserves in the southern provinces, 13.8.1917.

<sup>54</sup> Morgan, "The influence of European contacts on the landscape of Southern Nigeria", pp. 200-201.

<sup>55</sup> See, for example, P.W. Richards, "Ecological studies on the rain forest of Southern Nigeria 1: the structure and floristic composition of the primary forest" in *Journal of Ecology* 27, 1939, pp. 1-61; G.C. Evans, "Ecological studies on the rain forest of Southern Nigeria 2: the atmospheric environmental conditions" in *Journal of Ecology* 27, 1939, pp. 436-482.

<sup>56</sup> Areola, "The political reality of conservation in Nigeria", p. 281.

<sup>57</sup> R.M. Prothero, "Some observations on desiccation in north-western Nigeria" in Prothero (ed.), *People and land in Africa south of the Sahara*, pp. 38-39. For early European views see, for example, G.H. Grosvenor, "The new English province of Northern Nigeria" in *The National Geographic Magazine* 15(11), November 1904, pp. 441-442.

intervene during difficult times, especially when harvest failures resulted in famine, mainly due to ignorance and the fear that peasant farmers would become dependent on governmental support. As a result, the colonial administration failed to formulate a famine policy and to establish a famine prevention scheme despite widespread famine in the region following the droughts in the 1900s and 1910s. By 1919, however, a form of unofficial famine relief policy had been implemented which consisted of three elements, namely "food-for-work" programmes, free distribution of grain to those unable to work, and tax exemptions.<sup>58</sup>

These famine prevention initiatives of the late 1910s formed part of a broader British administrative interest in and awareness of the environmental challenges of the Northern region. Despite an acknowledgement that inter-annual variations in rainfall existed, by 1918 the Resident at Sokoto came to believe that progressive desertification was the main cause of low rainfall and poor river flooding. Because fadama cultivation (i.e. dry season flood retreat cultivation) was widely practised, crop production and food availability were therefore also negatively affected. To address this situation the colonial administration endorsed irrigation developments aimed mainly at refilling floodplain depressions, which commenced in the 1917-1918 dry season in the Sokoto Valley under the direction of Harold Edwards, a district officer. Despite good intentions these developments failed to satisfy peasant farmers and, as a result of bad planning, bad construction and politics, they were allowed to disintegrate after Edwards left the province in a web of controversy in 1921. Apart from the development of much smaller irrigation schemes, starting with Kware in 1925, British colonial interest in irrigation development was only revived again in the 1940s.<sup>59</sup>

The debate amongst geographers in the 1920s and 1930s on the possible expansion of the Sahara also impacted on Northern Nigeria and fuelled established administrative concerns with desertification in this region. One of the most influential participants of the debate, E.P. Stebbing (a former colonial forester), predicted that the Sahara would

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<sup>58</sup> H. Weiss, "Relieving but not preventing: public famine relief in some British colonies in Africa up to 1930" in *Nordic Journal of African Studies* 7(1), 1998, pp. 15-19.

<sup>59</sup> W.M. Adams, "Approaches to water resource development, Sokoto Valley, Nigeria: the problem of sustainability" in Anderson and Grove (eds), *Conservation in Africa*, pp. 314-320; P. Richards, "Ecological change and the politics of African land use" in *African Studies Review* 26(2), June 1983, p. 29.

expand southwards at an alarming rate due to desiccation resulting from human misuse of the natural resource base.<sup>60</sup> In Northern Nigeria, an area he toured during the dry season, he attributed desertification to high population pressure, shifting cultivation, deforestation and overgrazing, noting that "the people are living on the edge, not of a volcano, but of a desert whose power is incalculable and whose silent and almost invisible approach must be difficult to estimate. But the end is obvious: total annihilation of vegetation and the disappearance of man and beast from the overwhelmed locality."<sup>61</sup> Most of Stebbing's findings were refuted by the Anglo-French Forestry Commission who did extensive fieldwork in the 1936-1937 dry season on both sides of the Nigeria-Niger border from Niamey to Lake Chad. The Commission found no large-scale sand movements, abundant forest regeneration and acknowledged that annual rainfall variation impacted on vegetation regeneration in the region with regeneration taking place faster during wetter years and more slowly during drier years. In contrast to Stebbing, the Commission concluded that the main environmental problem of Northern Nigeria was not the encroachment of the Sahara desert, but rather human-induced soil erosion that would necessitate modifications to the traditional bush fallowing and burning practices.<sup>62</sup>

The desertification debate of the 1920s and 1930s underscored the lack of European knowledge of the finely tuned balance and relationship between communities and their environment along the periphery of the Sahara.<sup>63</sup> As McCann points out, the Sahel had for centuries been "the stage for struggles between climate, water resources, and human strategies of political, social and economic organisation".<sup>64</sup> The British, ignorant of the important role slaves played in pre-colonial Northern Nigerian society in terms of the maintenance of water wells, were quick to attribute water shortages, that began to occur shortly after slavery was banned by the British, to increasing desertification. However,

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<sup>60</sup> J.C. McCann, *Green land, brown land, black land: an environmental history of Africa, 1800-1990*, p. 57; J.M. MacKenzie, "Empire and the ecological apocalypse: the historiography of the imperial environment" in T. Griffiths and L. Robin (eds), *Ecology and empire: environmental history of settler societies*, p. 218; Richards, "Ecological change and the politics of African land use", pp. 41-42.

<sup>61</sup> E.P. Stebbing, "The encroaching Sahara: the threat to the West African colonies" in *The Geographical Journal* 85(6), June 1935, p. 510. See also "Discussion" following R.J.H. Church, "Problems and development of the dry zone of West Africa" in *The Geographical Journal* 127(2), June 1961, pp. 200-201 for a late colonial perspective.

<sup>62</sup> J. Swift, "Desertification: narratives, winners and losers" in M. Leach and R. Mearns (eds), *The lie of the land: challenging received wisdom on the African environment*, pp. 74-77.

<sup>63</sup> Prothero, "Some observations on desiccation in north-western Nigeria", pp. 44-45.

<sup>64</sup> McCann, *Green land, brown land, black land*, p. 58.

once the Geological Survey parties started to construct permanent concrete-lined wells from 1929 onwards in this region, it was proved that ample water supplies did exist.<sup>65</sup>

Apart from forestry and desertification and their associated problems, the colonial government also gave attention to soil erosion in the southern parts, especially in Eastern Nigeria with its high population density,<sup>66</sup> and to wildlife conservation. Despite European descriptions of Nigerian wildlife that included the more exotic big game like elephants, giraffes, lions and leopards, wildlife in this colony failed to capture the popular imagination of Europeans in the way East and Southern Africa did. As a result, wildlife conservation was not an environmental priority for the Nigerian colonial administration. Early conservation legislation such as the Wild Animals, Birds and Fish Preservation Proclamation of 1901 and the Wild Animals Preservation Ordinance of 1916, focused more on regulating hunting activities than on the actual protection of wildlife within the colony.<sup>67</sup> Hunting was also regulated within forest reserves as well as in the three game reserves that the colonial administration established in the course of colonial rule.<sup>68</sup> (See map N-18.)

A much-neglected environmental issue during the colonial phase was the impact of mining activities on the immediate environment. From the commencement of organised mining in 1902, mining activity remained unregulated until the passing of the Minerals Act in 1946. Though this Act did include limited environmental provisions, such as limited reclamation and the prohibition of water pollution, it aimed mainly at regulating

<sup>65</sup> A total of 9514 wells were constructed in Northern Nigeria from 1929 to 1956. Prothero, "Some observations on desiccation in north-western Nigeria", p. 43.

<sup>66</sup> See, for example, W.B. Morgan, "Farming practice, settlement pattern and population density in south-eastern Nigeria" in Prothero, *People and land in Africa south of the Sahara*, pp. 71-84.

<sup>67</sup> Anderson and Grove, "The scramble for Eden", p. 4; PRO, CO 520/10/366: Acting High Commissioner, Southern Nigeria – Secretary of State for the Colonies, 2.11.1901 (letter no 366), and The Wild Animals, Birds and Fish Preservation Proclamation, 1901, 5.12.1901 (Order report); NNAE, CALPROF16/2/251-EP523/7: Petition – Proclamation 1907. For early descriptions of Nigerian fauna and flora see, for example, E.A. Steel, "Exploration in Southern Nigeria" in *The Geographic Journal* 32(1), July 1908, pp. 6-21; A.E. Kitson, "Southern Nigeria: some considerations of its structure, people, and natural history" in *The Geographic Journal* 41(1), January 1913, pp. 16-34.

<sup>68</sup> Allowing hunting within forest reserves and later in game reservations was an expression of both Victorian attitudes towards hunting and the important role wildlife played in Nigerian societies as a source of food, healing and preventative medicine, and products for trade. With no large-scale white settlement who tried to prevent black communities from exploiting wildlife resources, as was the case in East and Southern Africa, no colour-bar was placed on hunting in Nigeria. W. Beinart, "Conservation ideologies in Africa: introduction" in Anderson and Grove (eds), *Conservation in Africa*, pp. 16-17; M.S. Steyn, "Environmentalism in South Africa, 1972-1992: an historical perspective" (M.A. dissertation), pp. 55, 56-57, 60-61; Buchanan and Pugh, *Land and people in Nigeria*, p. 172 (fig. 131); Y. Ntiamoa-Baidu, "Wildlife and food security in Africa", <<http://www.fao.org/docrep/w7540e/w7540e00.htm>>, 1997, Chapter 2.

mining in the post-World War Two era. The lack of environmental concern within the mining industry in turn meant that open-pit mining of coal and tin deposits transformed landscapes around Enugu and Jos respectively into "mountainous red earth dumps and yawning holes".<sup>69</sup> Over-exploitation of wood resources around Jos prior to electrification in 1919, further left the area practically treeless, creating fuel shortages for local communities dependent on wood as their main source of energy.<sup>70</sup> In terms of oil exploration activities, the main consideration of both the colonial administration and the oil companies involved in exploration work, concerned the payment of compensation to local communities for crops damaged during the course of their work. Concern for the environmental impact of their activities did not enter the debate, despite the fact that early oil legislation did make provision for environmental safeguards during exploration.<sup>71</sup>

#### **4.2.2.2 Environmental management in independent Nigeria**

At independence the Nigerian government inherited a colonial environmental management system that focused on health, water, town planning, forestry and wildlife conservation through a reserve system, aridity, desertification and soil erosion in the north. Control of the Nigerian environment was vested in a number of governmental structures, most notably the Department of Forestry, the Geological Survey of Nigeria, and the soil survey units of the regional Institutes for Agricultural Research. The Balewa government also took control of the extensive forest reserve system and the established three game reserves in the country.<sup>72</sup>

While these environmental management structures and policies had a limited focus, they did constitute an important foundation from which the newly independent Nigerian government could start addressing the need for a wider range of environment-related

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<sup>69</sup> W.R. Moore, "Progress and pageantry in changing Nigeria" in *The National Geographic Magazine* 110(3), September 1956, p. 354; N.L. Usman, "Environmental regulation of the Nigerian mining industry: past, present and future" in *Journal of Energy and Natural Resources Law* 19(3), 2001, pp. 230-231, 235-236.

<sup>70</sup> H.T. Gilles, "Nigeria: from the Bight of Benin to Africa's desert sands" in *The National Geographic Magazine* 85(5), May 1944, pp. 559; R.A. Cline-Cole, "Wartime forest energy policy and practice in British West Africa: social and economic impact on the labouring classes 1939-45" in *Africa* 63(1), 1993, pp. 66-73.

<sup>71</sup> See, for example, NNAE, ONDIST12/1/1782-OP2662/2: Shell D'Arcy Petroleum Development Company of Nigeria, Limited.

<sup>72</sup> O. Areola, "Comparative environmental issues and policies in Nigeria" in U. Desai (ed.), *Ecological policy and politics in developing countries: economic growth, democracy, and environment*, pp. 254-255; Areola, "The political reality of conservation in Nigeria", p. 279; Buchanan and Pugh, *Land and people in Nigeria*, p. 172.

governmental initiatives. However, the unstable nature of Nigerian politics, coupled with the limited focus of international development planning in the 1960s, ensured that the environment did not make it onto the list of political priorities in the first decade of independence. The First Development Plan (1962-1968) made no specific reference to the environment, making provision only for sanitation and the development of forest and game reserves. Health services and sanitation, however, became victims of the ethnic-based political processes and rivalry in the independence era when the government was forced to phase out the health inspector system because it had become a tool for politicians to victimise their political opponents. Similarly, the colonial environmental management structures, with the exception of the Department of Forestry, were allowed to disintegrate due to a lack of funding and expertise. While the government allowed most of the colonial environmental initiatives to lapse in the initial years of independence, they did continue the British tradition of establishing reserves, with five new game reserves being added in the course of the 1960s.<sup>73</sup>

Nigeria's first decade of independence coincided with the perceived environmental crisis and corresponding environmental revolution of the 1960s that forced both the United Nations (UN) and national governments to start giving constructive attention to environmental issues. On the African continent, the Organisation of African Unity (OAU) played an important role in promoting a greater environmental awareness and conservation ethic amongst its member states. At its fifth annual meeting, held in Algiers in 1968, the OAU adopted the African Convention on the Conservation of Nature and Natural Resources that aimed at promoting the sustained conservation, utilisation and development of soil, water, and flora and fauna resources on the African continent. Though Nigeria signed the Algiers Convention in 1968, it had a limited impact on political processes in the country at the time, due to the ongoing Biafran civil war. Lack of governmental awareness of the need to address environmental issues was underscored by the Oil in Navigable Waters decree of 1968. This Decree, based on the 1954 International Convention for the Prevention of Pollution of the Sea by Oil, that Nigeria ratified in 1968, made limited provision for the protection of the Niger Delta

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<sup>73</sup> Areola, "Comparative environmental issues and policies in Nigeria", p. 240; Areola, "The political reality of conservation in Nigeria", pp. 279-280; UNEP and WCMC, "Nigeria", <<http://www.unep-wcmc.org/cgi-bin/padb.p>>, *s.a.*

environment from the adverse effects of oil production. It further identified the Niger Delta as a special development area and not a conservation area that had to be protected against the adverse environmental impacts of oil development.<sup>74</sup>

On an international level, Nigeria was involved in the preparatory process for the historical UNCHE through its inclusion in the Preparatory Committee. Its contributions at UNCHE in 1972, however, were limited, as was the impact of the conference on environmental management in the country. The Second Development Plan (1970-1974) made no specific reference to the environment and the government did not institutionalise environmental affairs within governmental structures, as was the case in many parts of the world. This state of affairs resulted mainly from the negative attitude towards the newly established international environmental agenda of the country's military and political elite. In line with many other developing countries, the Nigerian elite perceived the international environmental initiatives as an attempt by the developed world to curb development and economic growth in the developing world. They were therefore very sceptical about the motives of international environmental initiatives and regarded the lack of development as their main environmental constraint in the country.<sup>75</sup>

This, however, does not mean that the Nigerian natural resource base was exceptionally healthy by 1972. On the contrary, the northern parts of the country were at this time in the midst of the devastating Sahelian droughts that lasted from 1968 to 1974, while the eastern and western parts experienced major gully erosion and the eastern parts were subjected to the adverse environmental impacts of oil production in the form of oil well blow-outs and oil spills polluting the sensitive Niger Delta ecosystem. These and other environmental problems were exacerbated by the fact that by the 1970s environmental politics in the country basically amounted to the politics of oil revenue allocation, in which the various ethnic-based interest groups sought to obtain a bigger slice of the federal "cake". The environment therefore became a social resource that had to be

<sup>74</sup> UNEP, *Africa environment outlook: past, present and future perspectives*, <<http://www.unep.org/aeo/index.htm>>, Chapter 1; Ecolex, "Treaty status matrix for Nigeria", <<http://www.ecolex.org/TR/state/comply/adopt/EN/NIG2.htm>>, 28.5.2002; Federal Republic of Nigeria, *Oil in Navigable Waters Act no 34 of 1968*, <<http://www.law.pace.edu/env/nigerianlaw/oilwater/oilwater2.html>>, 1968.

<sup>75</sup> United Nations, "Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972", Chapter 4; Areola, "Comparative environmental issues and policies in Nigeria", pp. 240-241.

shared amongst a diversity of communities and *not* a resource that had to be protected from human abuse. And, if nature did capitulate due to mismanagement and unsustainable exploitation, the wealth created by the oil windfalls of the 1970s ensured that there was enough money to temporarily "solve" the problem at hand. This relief fund approach to environmental management followed by the government had three important consequences. Firstly, it created the generally held belief that environmental problems were the responsibility of the federal government and that local inhabitants had a limited role to play in protecting and conserving their local natural resource bases. Secondly, relief funds were used mainly to rehabilitate environmental disaster victims and not to fund research into long-term and lasting solutions for environment-related problems. As a result, the government depended on edicts, decrees and legislation to address environmental problems that constituted national emergencies, which alleviated the problems in the short-term, but failed to find lasting solutions for the multiple environmental problems in the country. Thirdly, governmental actions following natural disasters created the perception that money could solve all environmental problems, and that prevention was therefore unnecessary.<sup>76</sup>

The only exception to this haphazard approach to environmental management was the attempts to address aridity, desertification and soil erosion in the northern parts of the country through irrigation and dam developments. Fuelled in particular by the promise of the Green Revolution of the 1960s and international aid and development organisations such as the Food and Agriculture Organisation, the UN Development Programme, the World Bank and USAID, the Nigerian government embarked on a number of grandiose irrigation developments in the north from the late 1960s onwards. Irrigation schemes such as the Bakolori Project, the Kano River Project and the South Chad Irrigation Project were developed in the hope that this would stimulate agricultural development and counter aridity, desertification and soil erosion in the region. However, the majority of large-scale irrigation developments in Nigeria failed to live up to expectations due to a combination of factors, including high costs, lack of technological expertise, poor planning and management, poor operation and maintenance, and lack of research into the impacts of these developments. Not only did

<sup>76</sup> Areola, "Comparative environmental issues and policies in Nigeria", pp.234-235, 239-241; Areola, "The political reality of conservation in Nigeria", p. 279; Swift, "Desertification", p. 77.

these irrigation schemes fail to deliver projected crop yields and farmer occupation, but they also impacted negatively on downstream economic activities, *inter alia*, by changing river flow regimes, which in turn disrupted flood-plain agriculture.<sup>77</sup>

For most of the 1970s and early 1980s, successive Nigerian governments pursued conflicting environmental management policies. On the one hand, the government began to include environmental considerations into economic development planning and considered the implementation of environmental impact assessments for new developments. It further created a Ministry of Urban Development and Housing, rallied Cameroon, Niger and Chad to sign an agreement on the Joint Regulation of Fauna and Flora on Lake Chad in 1977, established new game reserves and actively participated in UN-led desertification initiatives. On the other hand, environmental considerations were never implemented in development planning, the 1979 civilian constitution focused more on the exploitation and supply of natural resources than on their protection and conservation, and the government opted to attempt to join the nuclear club in 1976 when it created an Atomic Energy Commission to explore the country's nuclear possibilities, both in terms of energy and nuclear bombs.<sup>78</sup>

Decades of governmental neglect of the Nigerian natural resource base culminated in the 1980s in a series of environmental disasters such as recurrent severe droughts, extensive gully erosion in the east, desertification in the north, the Koko Port toxic waste incident of 1988 and the Bagauda Lake Dam burst in 1988, which provided the much-needed wake-up call for the government and Nigerian society to start giving constructive attention to environmental problems. The Koko Port toxic waste incident, in particular, in which an Italian ship covertly brought in toxic and radioactive chemical waste for disposal in Nigeria, spurred the Nigerian government into action. This incident led directly to the promulgation of the Harmful Waste (Special Criminal

<sup>77</sup> For more details see, for example, W.M. Adams, "Large scale irrigation in northern Nigeria: performance and ideology" in *Transactions of the Institute of British Geographers* N.S. 16(3), 1991, pp. 287-300; W.M. Adams, "The downstream impacts of dam construction: a case study from Nigeria" in *Transactions of the Institute of British Geographers* N.S. 10(3), 1985, pp. 292-302; D.H.L. Thomas and W.M. Adams, "Space, time and sustainability in the Hadejia-Jama'are wetlands and the Komodugu Yobe basin, Nigeria" in *Transactions of the Institute of British Geographers* N.S. 22(4), 1997, pp. 430-449; Adams, "Approaches to water resources development, Sokoto Valley, Nigeria", pp. 310-314, 320-322.

<sup>78</sup> C. Quaker-Dokubo, "Nuclear issues and Nigeria" in *African Journal of International Affairs and Development* 5(1), 2000, pp. 83-103; Areola, "Comparative environmental issues and policies in Nigeria", pp. 240, 255-256.

Provisions, Etc.) decree no 42 of 1988 and the establishment of the Federal Environmental Protection Agency (FEPA, decree no 58 of 1988) as the main environmental regulatory agency in the country. In reaction to reports that Nigerian entrepreneurs were continuing to offer Nigeria as a toxic waste haven for Europe in contravention of the ban on toxic waste imports, the Nigerian government increased the penalty for importing toxic waste from life imprisonment to the death penalty.<sup>79</sup>

Shortly after the establishment of the FEPA a new round of environmental disasters followed that included the polluting of the Romi River and Valley by effluents from the Kaduna oil refinery, and the invasion of the lagoons, creeks and canals of Lagos by water hyacinths. These disasters ensured that governmental attention remained on the environment and in response the government opted to expand its newly-created environmental management structures through the establishment of the Natural Resources Conservation Council (NARESCON, decree no 50 of 1989), which was tasked with policy formulation and the co-ordination of conservation activities for habitats, species and natural resources. A National Policy on the Environment was also issued by the Babangida government which focused mainly on forestry and soil conservation and the need to maintain genetic biodiversity. A National Conservation Strategy for Nigeria, along the lines of the 1980 World Conservation Strategy, was also implemented.<sup>80</sup>

In co-operation with the World Bank, the government set out in 1989 to address the major environmental problems facing the country and to develop measures to address prevailing environmental degradation. The World Bank report identified soil degradation, water contamination and deforestation as the country's major environmental problems, while gully erosion, fisheries loss, coastal erosion and water hyacinth were afforded a moderate priority status. Federal environmental management structures, in particular the jurisdictional overlap of responsibilities between FEPA and NARESCON, as well as inadequate environment-related legislation and lack of

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<sup>79</sup> Areola, "Comparative environmental issues and policies in Nigeria", p. 229; Federal Republic of Nigeria, *Harmful Waste (Special Criminal Provisions, Etc.) Act no 42 of 1988*, <<http://www.law.pace.edu/env/nigerianlaw/waste/waste.html>>; Federal Republic of Nigeria, *Federal Environmental Protection Agency Decree no 58 of 1988*, <<http://www.law.pace.edu/env/nigerianlaw/epadec/epadec1.html>>; D. MacKenzie, "Would-be waste smugglers face execution" in *New Scientist* 136(1848), 21.11.1992, p. 8.

<sup>80</sup> Areola, "Comparative environmental issues and policies in Nigeria", pp. 236-237, 246, 257-258.

institutional structures to implement existing environmental legislation and policy, were identified as major constraints to environmental management in the country. In line with World Bank and International Monetary Fund policies, the report further strongly opposed petrol and kerosene subsidies which were blamed for high and inefficient energy use amongst Nigerian society, thereby contributing to air pollution problems in the country.<sup>81</sup>

In response to the World Bank report, the Nigerian government restructured its environmental management structures and strengthened environmental legislation. NARESCON was merged with FEPA on the assurance that NARESCON programmes would be continued within the new structure. Environmental impact assessments were also introduced for all developments on government land whether they be on federal, state or local governmental level, and legislation was implemented to limit effluent and promote pollution abatement in the industrial sector.<sup>82</sup>

Environmental management initiatives in Nigeria since the 1990s were characterised by greater participation in global environmental management programmes, co-operation with international development and financial institutions to address environmental problems, and national programmes to implement sustainable development. Major international environmental treaties ratified by the country includes the conventions on biological diversity (1994), climate change (1994), desertification (1997) and wetlands (2001), while the country also actively participated in the 1992 Earth Summit and the WSSD (Johannesburg, 2002). International co-operation to address environmental problems, on the other hand, include numerous development programmes in the arid north and the National Poverty Eradication Programme. Indigenous knowledge systems were also recognised as an integral part of sustaining Nigerian society in the long run with the integration of traditional healers into the state controlled national health services in 1995. At the turn of the twenty-first century, the government further adopted an environmental strategy, Vision 2010, that sets definite targets to be reached by the

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<sup>81</sup> World Bank, *Towards the development of an environmental action plan for Nigeria* (report no 9002-UNI), pp. ii-xxiv.

<sup>82</sup> Federal Republic of Nigeria, *Federal Environmental Protection Agency (Amendment) Decree no 59 of 1992*, <<http://www.law.pace.edu/env/nigerianlaw/epaamddec92/epaamd.html>>; Federal Republic of Nigeria, *Environmental Impact Assessment Decree no 86 of 1992*, <<http://www.law.pace.edu/env/nigerianlaw/eia/eia1.html>>; Areola, "Comparative environmental issues and policies in Nigeria", pp. 248-249.

year 2010 for a number of sectors. These include the stopping of all gas flaring, enforcing maximum industrial waste segregation, recycling and re-use, and the promotion and compulsory introduction of eco-labelling of all industrial products by 2010.<sup>83</sup>

Despite positive changes in government attitudes to environmental management, Nigeria is still far removed from providing proper protection to both the human and natural environments. Biodiversity continues to be threatened by human settlement, economic activities and misuse, with a total of 158 fauna and flora species currently under direct threat of extinction; deforestation is projected to continue which will leave the country with less than 1% forest cover by 2025, and industrial pollution of air, water and soil resources, will continue to play havoc with local economies and the health of affected communities. Global warming and the projected future sea level rises, on the other hand, will have a devastating impact on the Niger Delta, its inhabitants and the oil industry. A projected sea level rise of 1 m per 100 years, for example, will inundate 18 000 km<sup>2</sup> of the Delta, forcing about 80% of its population to migrate to higher land and directly threatening around 80% of oil production in the country. Even if sea levels rise by only 0,2 m, an area of over 2 700 km<sup>2</sup> will be at risk due to the low elevation of most of the Niger Delta.<sup>84</sup>

In order to address these and other environmental problems, the government will need to start giving constructive attention to all matters pertaining to the management of the environment: constructive attention that should initially focus on strengthening institutional capacity, especially on state and local government levels, and the proper enforcement of existing environmental legislation. The key indicator of the Nigerian government's commitment to proper environmental management, however, will depend

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<sup>83</sup> United Nations, *Johannesburg Summit 2002: Nigeria - country profile*, pp. 1-8; Ecolex, "Treaty status matrix for Nigeria"; Ramsar Convention Bureau, "Nigeria joins the Ramsar as its 123<sup>rd</sup> party", <<http://www.iucn.org/themes/wetlands/ramsarnguru.html>>, 24.10.2000; K. Morgan, "Health: indigenous knowledge, equitable benefits" in *IK Notes* 15, December 1999, pp. 2-3. See also Federal Republic of Nigeria, "Nigeria: country profile. Implementation of Agenda 21: review of progress made since the United Nations Conference on Environment and Development, 1992", <<http://www.un.org/esa/earthsum/mit/nigeriac.htm>>, 1997.

<sup>84</sup> L. Fagbohun, "Foul fuel in Nigeria's air: Nigerian environmental law" in *Journal of Energy and Natural Resources Law* 17(3), 1999, pp. 251-264; IUCN Species Survival Commission, *African elephant database 1998*, pp. 207-211; Population Action International, "Nigeria", <[http://www.populationaction.org/resources/publications/peopleinthebalance/pb\\_data.php](http://www.populationaction.org/resources/publications/peopleinthebalance/pb_data.php)>, 2002; UNEP, *Africa environment outlook*, Chapter 2; World Bank, *Defining an environmental development strategy for the Niger Delta I*, p. 15.

on whether or not it is willing to act against the environmental practices of the predominant industry in the country, namely oil.

#### **4.2.3 COMPARATIVE PERSPECTIVE**

Governmental management of the Ecuadorian and Nigerian environments since the colonial era was influenced by a number of factors, including the prevalent environmental concerns in Spain and Britain during their respective colonial eras, the level of economic dependence on natural resource exploitation and developments in the global environmental movement. Of particular importance was the environmental legacy of colonial rule, which provided the basis for environmental management in the independence era.

When Spain colonised Ecuador in the sixteenth century, global pre-occupation with environmental issues was but a distant dream for those concerned with the rate of natural resource exploitation and the quality of clean air in urban environments. The Spanish took with them a perception of the natural environment in which natural resources were seen as unlimited and human control over the environment both necessary and possible through the utilisation of technology. Consequently their main environmental legacy in Ecuador was the institutionalisation of extractivism as the dominant environmental perspective. When Ecuador became independent in 1830 there were no environmental management structures in place and no room for any environmental concern amidst the prevalent political chaos and economic difficulties of the nineteenth century. In addition, the country had limited traditions of and experience in interacting on an international level with other countries and colonies due to the fact that Spain was very successful in keeping its Ecuadorian colonial territory in isolation from the rest of the world. Consequently successive Ecuadorian governments in the first hundred years of independence had a limited understanding of the need to protect aspects of the environment during a period when the conservation movement was taking root in many parts of the world. Of more importance to them was human mastery of the environmental challenges of the Ecuadorian environment, of which infrastructural developments became the prime examples.

Nigeria, by contrast, was colonised by Britain at the end of the nineteenth century when the conservation movement had already led to the implementation of some environmental management measures in Britain, and this ensured that the British government was more sensitive to the need to conserve and protect aspects of the Nigerian environment. In addition, European scientific interest in the African environment in the second half of the nineteenth century, as well as in the twentieth century, also impacted on colonial environmental management in Nigeria, with the British actively promoting a European interpretation of and solutions for the various environmental challenges of the Nigerian environment. Colonial environmental management in Nigeria was strongly influenced by both economic and scientific factors, with forest reserves, for example, being established to ensure the sustained utilisation of forest resources and not just simply the protection of such resources. European scientific interpretations of the African environment and what constituted the best environmental practices, on the other hand, also impacted on colonial environmental management in particular in terms of soil erosion and desertification, and water conservation. Like elsewhere in Africa, Britain actively promoted and implemented European scientific environmental solutions with no regard for the traditional environmental management practices of indigenous communities who had lived in the Nigerian environment for centuries. The belief that traditional African environment-related practices are inferior to those of the scientifically-based European solutions, has had a lasting influence on Nigerian environmental management in the independence era as successive governments have opted to pursue environmental policies, especially in terms of desertification, that are dictated to them by an international community dominated by Western scientific studies that often have little to do with the realities on the ground in Africa.

When Nigeria became independent in 1960, governmental environmental management strongly reflected the then prevailing environmental concerns amongst governments, in that it addressed pollution and focused on fauna and flora conservation. The country also had the basic governmental environmental structures in place. By contrast, environmental management for the Ecuadorian government by the 1960s simply meant combating plant diseases in the banana industry and managing the Galápagos Islands, which was controlled by the international Charles Darwin Institute and not the

Ecuadorian government. During the independence era environmental management in the country continued to be driven by extractivism, with the country's economy ultimately tied to the exploitation of its natural resources. It was therefore almost impossible for the Ecuadorian government to give constructive attention to environmental issues when the environmental crisis and corresponding environmental revolution of the 1960s made the environment a political issue on international and national political levels.

Nigeria, on the other hand, was subjected to development models after independence that equated economic growth and the massive expansion of irrigated agriculture with development. And, like so many other African countries, Nigeria became a testing ground for development initiatives that originated in the developed world and which in turn showed little understanding of the complex nature of the Nigerian environment, especially in the arid regions. This state of affairs impacted severely on governmental environmental management, as did the massive oil windfalls of the 1970s that gave the government the necessary finances to address environmental disasters without instilling the need to develop precautionary measures. The oil boom did not have a similar impact on the Ecuadorian government, mainly owing to the relatively small size of the Ecuadorian oil industry when compared to that of Nigeria. In Ecuador the 1970s were pretty much the same with extractivism dominating environmental concerns, while the government in the wake of UNCHE opted to start giving attention to the development of conservation measures to offer some protection to its unique biodiversity.

Due to the fact that the Ecuadorian government decided to focus on conservation management as opposed to environmental management after UNCHE, the development of proper environmental management structures within the government and the implementation of environmental management plans took much longer in Ecuador than what they did in Nigeria. In the latter country, the process of developing environmental management measures was greatly aided by nature's capitulation in the course of the 1980s, that signalled the need to implement greater and proper environmental protection measures. And, in true British tradition, the Nigerians set up a vast bureaucratic structure for environmental management in the course of the 1990s that instituted few actual activities. This state of affairs resulted mainly from the lack of political support

for environmental management and the dependence of the country on oil for its economic survival. With the oil industry being one of the main causes of environmental degradation in the country, the government showed little enthusiasm and support for measures that could possibly reduce and limit oil production amidst the continued dismal economic circumstances that prevailed in the country since the 1980s.

However, while the government did not do much to improve the state of the Nigerian environment, it did at least create governmental structures much earlier than did the Ecuadorian government, which only created a proper ministry for environmental management in 1996. Furthermore, the Nigerian government also adopted wide-ranging environmental legislation that incorporated sustainable development policies and environmental impact assessments for oil developments much earlier than did the Ecuadorian government which only gave sustainable development legislative expression in 1999. But, at the end of day, both governments have similar environmental track records that are marked by a lack of enforcement of environmental legislation that rendered even limited legislation useless; a general lack of understanding that the natural resource bases in Ecuador and Nigeria need protection and conservation if the countries are to have a future; lack of political support for environmental management, and a lack of governmental initiative and courage to implement environmental measures that would be beneficial to their countries in the long term, but painful in the short term.

#### **4.3 OIL AND THE ENVIRONMENT IN ECUADOR AND NIGERIA**

Oil exploration and production have impacted negatively on the Ecuadorian and Nigerian environments and have resulted in widespread environmental destruction over time. Oil in Ecuador is produced onshore on the Santa Elena peninsula and in the Oriente, with Oriente production constituting more than 95 % of all oil production in the country. Offshore oil-related activities in the Gulf of Guayaquil, on the other hand, are focused mainly on the exploitation of natural gas in the Amistad gas field. Oil developments in the Oriente are concentrated in the provinces of Succumbíos, Orrellana

and Pastaza, which collectively produce the bulk of Ecuadorian oil that generates more than 50 % of all governmental revenue.<sup>85</sup> (See maps E-15 and E-21.)

By contrast, oil in Nigeria is produced both onshore and offshore in the Gulf of Guinea. Offshore production in particular has increased tremendously in the past decade due to the escalation of oil-related conflict in the onshore production areas, which has greatly increased the political and economic risks of onshore production for multinational oil companies, and governmental incentives to expand the exploitation of the extensive offshore crude oil deposits that were implemented in the course of the 1990s. Despite the rapid expansion of offshore oil production, the bulk of Nigerian oil still flows from its onshore oilfields situated in nine states within the Niger Delta. However, only two states, namely the Rivers and Delta states, together produce 75 % of all Nigerian oil which constitutes over 50 % of all governmental revenue.<sup>86</sup> (See maps N-6, N-20 and N-21.)

#### **4.3.1 PHYSICAL AND SOCIAL GEOGRAPHY OF THE ORIENTE AND THE NIGER DELTA**

The Ecuadorian Oriente covers about 130 000 km<sup>2</sup>, which constitutes about 50 % of the total surface area of Ecuador. The region consists of Andean Piedmont and the Amazon River Basin, and is crossed by the eastern and least important cordillera of the central Andes. Beyond the eastern cordillera lies the Amazon River Basin that consists of extensive tropical rain forests intersected by Amazon tributaries flowing eastward from the Andes. The most important river is the Napo into which the Coca and Aguarico

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<sup>85</sup> Instituto Geografico Militar, *República de Ecuador: mapa físico* (2000); Fossil Energy International, "An energy overview of Ecuador", <<http://www.fe.doe.gov/international/ecuaover.html>>, 2001; Energy Information Administration, "Ecuador", <<http://www.eia.doe.gov/cabs/ecuador2.html>>, 2001; A. Petzet, "Ecuador's Amistad gas drilling" in *Oil and Gas Journal* 98, 9.10.2000, pp. 34-35. The evolution of political administration in the Oriente is closely related to the region's economic development. Prior to 1920 the region was administered as a single unit. In 1920 it was divided by decree into two provinces, namely Napo-Pastaza (headquarters in Tena) and Santiago-Zamora (headquarters in Zamora). Developments in the region since the 1960s facilitated greater political administration over the region and therefore also led to the division of the region into four provinces by the 1980s, increasing to five by the early 1990s, and by 1999 the region consisted of six provinces. These provinces are, from south to north, Zamora-Chinchipec (Zamora), Morona-Santiago (Macas), Pastaza (Puyo), Napo (Tena), Orellana (Puerto Francisco de Orellana/El Coca) and Sucumbíos (Nueva Lajo/Lago Agrio). Lonely Planet, *Ecuador and the Galápagos Islands* (5<sup>th</sup> edition), p. 37; Schodt, *Ecuador*, p. xvii, A.M. Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, p. xviii; K.G. Grubb, *The lowland Indians of Amazonia: a survey of the location and religious condition of the Indians of Colombia, Venezuela, the Guianas, Ecuador, Peru, Brazil and Bolivia*, p. 75.

<sup>86</sup> Energy Information Administration, "Nigeria", <<http://www.eia.doe.gov/emeu/cabs/nigeria2.html>>, 2002; The World Bank, *Defining an environmental development strategy for the Niger Delta I*, p. vi.

Rivers flow, as do other large tributaries on its course southward towards Peru, where it joins up with the Amazon River. (See maps E-4 and E-5.) Average annual rainfall varies between 2000 mm and 4000 mm, with the highest annual rainfall registered at Tena (6315 mm) and the lowest at Papallacta (1240 mm). Rainfall generally increases from north to south towards the upper centre and decreases from west to east. Rainfall occurs throughout the year, though in varying degrees, with December regarded as the driest and July as the wettest months. Climatically, most of the Oriente lies within the humid tropics with temperatures ranging between 23° and 27° C, and with a humidity of over 90% that is present in most parts for several months of the year.<sup>87</sup>

Ecologically, the Oriente is divided into two distinct regions, namely Andean Piedmont (located between 600 m and 1500 m above sea level) and the Amazon river basin (located below 600 m in elevation), with the latter constituting the main focus of oil developments in the country. The superstructure of the Amazon basin is an enormous depression that lies between the pre-Cambrian formations of the Brazilian Shield in the south and the Guiana Shield in the north, which is filled by vast sedimentary deposits of alluvia brought down from the Andean highlands and which constitutes the geological basin of Amazonia.<sup>88</sup> The soils of the Amazon are divided into two broad categories, namely those of the uplands or *terra firme* (about 98% of the region) and those of the floodplains of the *várzea* (2% of the region). *Terra firme* soils in general are red acidic soils with poor internal drainage and a low nitrogen and phosphorus content, which makes these soils poorly suited for organised agriculture. The soils of the *várzea*, on the other hand, are slightly acidic with a high organic content and good fertility. Throughout history the brown-grey *várzea* soils have provided numerous Oriente Indian nations with suitable soils to sustain agricultural production and human settlements. It is important to note that despite the broad classification of the Oriente soils into only two categories, the soils of Amazonia vary greatly in quality and consequently the agricultural potential of the soils are locale-specific and should therefore not be

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<sup>87</sup> *The New Encyclopaedia Britannica Macropaedia* 17 (15<sup>th</sup> edition), p. 1037; C.R. Enock, "Ecuador: Andean wonderland of varying climes" in J.A. Hammerton (ed.), *Countries of the world* 3, pp. 1707, 1712; Hanratty (ed.), *Ecuador*; Country profile; The World Bank, *Ecuador: development problems and prospects*, pp. 187-188.

<sup>88</sup> H. Putzer, "The geological evolution of the Amazon basin and its mineral resources" in Sioli (ed.), *The Amazon*, p. 15; A. Gross, "Amazonia in the nineties: sustainable development or another decade of destruction?" in *Third World Quarterly* 12(3), July 1990, p. 4; The World Bank, *Ecuador: development problems and prospects*, p. 187.

determined on a regional scale.<sup>89</sup> (See maps E-17, E-18, E-19 and E-20.) Despite the absence of natural barriers which would explain the great fauna, flora and linguistic diversity in the region, the Ecuadorian Oriente is characterised by extraordinary biodiversity. It is estimated that between 20 000 and 25 000 flora species and 2436 terrestrial vertebrate species have a home in the Ecuadorian Oriente, with the Oriente biodiversity accounting for 55 % of all species of the tropical Andes region and 25 % of all known fauna and flora species found in the whole of Latin America and the Caribbean.<sup>90</sup>

Like the Oriente in Ecuador, the Nigerian Niger Delta is a unique ecosystem, and the Delta is one of the world's largest wetlands, encompassing nearly 26 000 km<sup>2</sup>, which receives inputs from a total catchment area of 2,23 million km<sup>2</sup> and has an annual discharge of 180 billion m<sup>3</sup>. The Delta was formed by the accumulation of sedimentary deposits transported by the Niger and Benue rivers. The defining characteristic of the Niger Delta ecosystem is the dynamic equilibrium between flooding, erosion and sediment deposition that has shaped and reshaped the Delta throughout its existence, and which has ensured fertile soil for agricultural production through the ages. The Delta has a tropical hot monsoon climate with annual precipitation varying between 2 000 mm and 4 000 mm that falls from February to November. Humidity remains high throughout the year, staying at around 80 %.<sup>91</sup>

The Niger Delta is composed of four ecological zones, namely coastal barrier islands, mangroves, freshwater swamp forests and lowland rainforests. The hydrological boundaries between the zones are fluid and depend on seasonal river flows. Three distinct types of water characterise the hydrology of the Delta, namely freshwater "white water" (i.e. water flowing into the Delta from the Niger-Benue river system which is clouded by the sediment it carries), freshwater "black water" (i.e. water from

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<sup>89</sup> Gross, "Amazonia in the nineties", p. 4; B.J. Meggers and C. Evans, "Lowland South America and the Antilles" in J.D. Jennings (ed.), *Ancient South Americans* p. 292; E.F. Moran, "Disaggregating Amazonia: a strategy for understanding biological and cultural diversity" in L.E. Sponsel (ed.), *Indigenous peoples and the future of Amazonia: an ecological anthropology of an endangered world*, pp. 71-95; E.F. Moran, "Ecological, anthropological, and agronomic research in the Amazon basin" in *Latin American Research Review* 17(1), 1982, pp. 6-9.

<sup>90</sup> J.F. Hicks, *Ecuador's Amazon region: development issues and options* (World Bank discussion paper no 75), p. 5; B.J. Meggers, "Vegetational fluctuation and prehistoric cultural adaptation in Amazonia: some tentative correlations" in *World Archaeology* 8(3), February 1977, p. 287.

<sup>91</sup> The World Bank, *Defining an environmental development strategy for the Niger Delta I*, pp. vi, 1; N. Ashton-Jones, *The human ecosystems of the Niger Delta: an ERA handbook*, pp. 51-53.

the river systems within the Delta that rises during the rainy season discharging "black water" due to the organic acids it carries in solution), and brackish water (i.e. slightly salty water that results from seawater intrusion into the Delta). Extensive flooding and erosion occurs during the rainy season when high rainfall and river discharge seasonally flood around 80 % of the Delta because of its low elevation, even surface and poor drainage. During most years only select elevated areas remain dry, while swamps and pools drain poorly during the dry season owing to sedimentary deposition that blocks the few draining outlets.<sup>92</sup> (See map N-20.)

Although the Ecuadorian Oriente accounts for 50 % of Ecuador's national territory, less than 3 % of the country's estimated thirteen million people reside in the region. The population of the region numbers more than 400 000 and consists of the eight Indian nations indigenous to the Oriente (they number about 100 000-250 000 people), and the colonists who arrived at various development phases in the course of the twentieth century.<sup>93</sup> (See maps E-3 and E-6.) Economically, the Indian communities rely on a mixture of hunting, fishing, food gathering and shifting slash-and-burn/mulch agriculture<sup>94</sup> that show high levels of environmental mastery and sensitivity.<sup>95</sup> The overwhelming majority of the colonists are sedentary farmers who practise polyculture agriculture that incorporates both cash and subsistence crops, and is based on slash-and-burn/mulch agriculture. A variety of crops are grown, including corn, rice, plantains, bananas, manioc, coffee, cocoa and citrus.<sup>96</sup> Despite the fact that oil production

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<sup>92</sup> World Bank, *Defining an environmental development strategy for the Niger Delta* I, pp. 1-2; Ashton-Jones, *The human ecosystems of the Niger Delta*, pp. 53, 56-57.

<sup>93</sup> K. Egan, "Forging new alliances in Ecuador's Amazon" in *School for Advanced International Studies Review* 16, Summer/Fall 1996, p. 124; J. Kimerling, *Amazon crude*, p. 34; Bromley, "Agricultural colonisation in the Upper Amazon Basin", pp. 278-283, 287-291.

<sup>94</sup> During wet periods the plants do not burn and consequently they are then mulched and used as compost; agricultural production is both for trade and subsistence.

<sup>95</sup> For more details on indigenous Indian utilisation of the Oriente see, for example, B.C. Bennett, "Plants and people of the Amazonian rainforests: the role of ethnobotany in sustainable development" in *BioScience* 42(8), September 1992, pp. 599-607; L. Rival, "Domestication as a historical and symbolic process: wild gardens and cultivated forests in the Ecuadorian Amazon" in W. Balée (ed.), *Advances in historical ecology*, pp. 232-250; W.T. Vickers, "Tropical forest mimicry in swiddens: a reassessment of Geertz's model with Amazonian data" in *Human Ecology* 11(1), 1983, pp. 35-45; Moran, *Developing the Amazon*, pp. 41-57; T.E. Lovejoy, "Amazonia, people and today" in G.T. Prance and T.E. Lovejoy (eds), *Key environments: Amazonia*, pp. 328-338; B.J. Meggers, "The indigenous peoples of Amazonia, their cultures, land use patterns and effects on the landscape and biota" in Sioli (ed.), *The Amazon*, pp. 628-648.

<sup>96</sup> For more details on colonist agriculture in the Oriente see, for example, F.J. Pichón, "Land use strategies in the Amazon frontier: farm-level evidence from Ecuador" in *Human Organization* 55(4), 1996, pp. 416-424; C.M. Marquette, "Land use patterns among small farmer settlers in the northeastern Ecuadorian Amazon" in *Human Ecology* 26(4), 1998, pp. 573-598; L.L. Murphy, "Colonist farm income, off-farm work, cattle, and differentiation in Ecuador's northern Amazon" in *Human Organization* 60(1), 2001, pp. 67-79.

constitutes the wealth of the Ecuadorian nation, successive governments have failed to implement proper development in the Oriente whose people in general lack access to safe water, sanitation services, health care, infrastructure and employment opportunities. In addition, education and literacy levels in the region are well below the national average, while high levels of poverty occur throughout the whole region.<sup>97</sup>

Socially the Nigerian Niger Delta comprises a diversity of ethnic groups who account for nearly 25 % of the total Nigerian population of about 114 million people. About 70% of the population live in rural communities, making a living from fishing or subsistence farming, supplementing both their diet and income with a variety of forest products. Land, especially arable land, is very scarce in the densely populated Delta with land scarcity exacerbated by declining crop yields and soil pollution that renders vast tracts of land unusable. The oil-producing regions of the Niger Delta are mostly inhabited by ethnic minority groups such as the Abriba, Andoni, Effiks, Isekiri, Kalabari and Ogoni, and these and other oil-producing communities have largely been excluded from the benefits of oil production in their traditional territories where poor infrastructure, poor housing, and lack of water supply, electricity and sanitation prevail. Poverty levels in the Niger Delta are exacerbated by high levels of unemployment and high rates of male out-migration to the urban areas. As a result, women play a key role in Niger Delta communities. In addition to infant and child care, women are responsible for at least 50 % of agricultural labour, operate most of the retail sector and process nearly all fish catches, while also providing the much-needed continuity within the community and social structures.<sup>98</sup> (See maps N-7, N-21, N-22 and N-24.)

#### **4.3.2 THE ENVIRONMENTAL IMPACT OF THE OIL INDUSTRIES IN THE ORIENTE AND THE NIGER DELTA**

The environmental impact of the oil industries in the Oriente and the Niger Delta and

<sup>97</sup> Pichón, "Land-use strategies in the Amazon frontier", pp. 418-419; Hicks, *Ecuador's Amazon region*, pp. 3-5, 19-20; The World Bank, *Ecuador: development problems and prospects*, p. 191.

<sup>98</sup> A.A. Ikein, *The impact of oil on a developing country: the case of Nigeria*, pp. 23, 28-29; E. Okoko, "Women and environmental change in the Niger Delta, Nigeria: evidence from Ibeno" in *Gender, Place and Culture* 6(4), 1999, pp. 373-375; E. Robson, "Commentaries on Eno Okoko's article, 'Women and environmental change in the Niger Delta, Nigeria: evidence from Ibeno' " in *Gender, Place and Culture* 6(4), 1999, pp. 379-381; The World Bank, *Defining an environmental development strategy for the Niger Delta I*, pp. 2-4.

their inhabitants has been far-reaching in all the phases of oil development. Oil exploration has resulted in the clearing of vast tracts of land for surveying, receiver cables, exploration base camps, heliports (in the Oriente) and seismogelite explosive shots in which explosives are detonated in holes that are generally 20 m deep in the Oriente and 3-6 m deep in the Niger Delta. The clearing of land results in deforestation in the immediate environment, the destruction of crops if communities reside close to the exploration area, soil erosion due to soil disturbance that alters drainage in the affected area, and negatively affects fauna across migration routes. Seismic explosions in both regions, and surveying aircraft and helicopters in the Oriente, further lead to high levels of noise pollution and scare both the indigenous communities and fauna in the region, with Oriente communities in particular complaining that animals flee exploration areas thereby making it more difficult for them to hunt successfully.<sup>99</sup>

Oil exploration has also opened up vast areas in the Oriente and the Niger Delta by the building of access roads and bridges that connect previously isolated areas with the rural transportation network, thereby also attracting civilians and colonists in search of land for both settlement and cultivation. In the Niger Delta, which has throughout history been a densely populated region with high levels of linguistic and ethnic diversity, oil exploration did attract a sizeable number of outsiders which increased land scarcity in the affected areas. The problem, however, is much greater in the Oriente that was only properly opened up for the first time by oil exploitation and production activities that started in the 1960s. Prior to that, the Oriente supported a small population that was spread over a very large and diverse territory. The influx of colonists that followed in the wake of oil developments has over time resulted in the displacement of indigenous Indian communities whose land and forest resources were expropriated by colonists, making it very difficult for the indigenous Oriente Indians to practise their traditional lifestyles, cultures and modes of production.

Drilling operations, on the other hand, immediately deny local inhabitants access to a specific piece of land as well as access to watercourses in the vicinity. While the

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<sup>99</sup> A.B. Rosenfeld, D.L. Gordon and M. Guerin-McManus, "Approaches to minimising environmental and social impacts of oil developments in the tropics" in Gao (ed.), *Environmental regulation of oil and gas* pp. 289-290; Ashton-Jones, *The human ecosystems of the Niger Delta*, pp. 143-151, 154-155; Kimerling, *Amazon crude*, pp. 55-56; Da Ros, *La contaminacion de aguas en Ecuador*, p. 68.

inhabitants of both the Oriente and the Niger Delta experience this type of land alienation, its impact on the Niger Delta communities is greater because of the high levels of land scarcity that prevail throughout the region due the Delta's large population. Drilling also generates loud noise well above safety standards and industrial waste that includes drilling muds, industrial cleaning solvents, cuttings from the hole, crude oil, natural gas and formation water. The content of drilling muds, that serves as lubricant, coolant and pressuriser during drilling, varies from well to well, but in general is made up of clays, barite and chemical additives which can be very toxic. Formation water, on the other hand, is highly toxic and very hot, and contains high levels of chlorides and heavy metals. In general each exploratory well generates about 157 920 litres of industrial waste that used to be discharged either into local waterways or into open, unlined waste pits (reserve pits). Either way, these industrial wastes eventually find their way into watercourses, soil and groundwater resources which are contaminated to the detriment of the people, fauna and flora in the region. Air pollution also occurs through the flaring of associated gas and the burning of waste oil that is produced by the testing process and which pollutes the air with carbon dioxide, methane, sulphur dioxide and other airborne pollutants.<sup>100</sup>

If commercially viable crude oil deposits are found the next step in the oil development process entails the establishment of permanent production sites and the commencement of oil production. The establishment of permanent oil production sites entails further land alienation when production sites are permanently demarcated and declared off-limits to local communities, oil pipelines built across agricultural lands to connect flow stations with the main oil terminals and roads built to construct and maintain flow stations. This land alienation again has a tremendous impact on the densely populated Niger Delta, while in the Oriente it opens up new settlement areas for colonists. Oil production, on the other hand, causes a new set of environmental problems, mainly owing to the separation of oil from formation water at separation facilities, and through the flaring of gas, either at production sites (especially in Nigeria) or at the separation facilities (in both Ecuador and Nigeria). The separation process generates about 16,168

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<sup>100</sup> Rosenfeld, Gordon and Guerin-McManus, "Approaches to minimising the environmental and social impacts of oil developments in the tropics", pp. 298-299; Ashton-Jones, *The human ecosystems of the Niger Delta*, pp. 143-151, 155-157; Kimerling, *Amazon crude*, pp. 59-61; UPPSAE, *Culturas banadas en petroleo: diagnóstico de salud realizado por promotores*, pp. 34-35.

million litres of liquid waste every day in the Oriente, which is discharged untreated into unlined production pits. In the Niger Delta the heavy hazardous sludge created during the separation process has in the past generally been disposed of directly into watercourses in the immediate environment without proper treatment of the effluent prior to discharge. Both processes result in major water and soil pollution of the immediate environment and pose major health risks to communities who make use of these resources, especially water resources in the absence of piped water.<sup>101</sup>

Gas flaring during production and separation also poses a major health risk and source of air pollution in the Oriente and the Niger Delta. Ecuador flares between 82 % and 85 % of all its natural gas (the remainder is refined at the Shushufindi gas plant), while Nigeria flared 95 % of all associated gas during production up till the 1990s, when the percentage of gas flared dropped to around 75 %. Both Ecuador and Nigeria flare more gas than most other oil-producing countries, with Saudi Arabia, for example, flaring 20 % of gas, Iran 19 %, Mexico 5 %, Britain 4,3 %, Algeria 4 % and Russia 1,5 %. Nigeria, with its estimated 124 Tcf of proven gas reserves, has much higher concentrations than the 3,7 Tcf of natural gas reserves of Ecuador, of which a significant percentage is found in the Amistad gas field in the Gulf of Guayaquil.<sup>102</sup>

Nigeria's high levels of gas concentrations in production fields, coupled with the densely populated characteristic of human settlement in the Niger Delta and the nature of the Delta environment, in turn means that the immediate detrimental impact of gas flaring on oil-producing communities affects a greater number of people and communities than it does in the Oriente, where gas flaring is mostly confined to separation facilities and to areas that are surrounded by dense rainforests. The environmental impact of gas flaring, however, is the same and includes thermal air,

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<sup>101</sup> Ashton-Jones, *The human ecosystems of the Niger Delta*, pp. 143-151, 157-162; Kimerling, *Amazon crude*, pp. 61-65; Southgate and Whitaker, *Economic progress and the environment*, p. 80; The World Bank, *Defining an environmental development strategy for the Niger Delta I*, pp. 48-49; Fagbohun, "Foul fuel in Nigeria's air", pp. 252-258; Centre for Economic and Social Rights, *Rights violations in the Ecuadorian Amazon: the human consequences of oil development*, pp. 6-9, 12-20.

<sup>102</sup> According to Kimerling an estimated 16 158 537 m<sup>3</sup> (53 million cubic feet) of gas is flared daily in the Oriente. If gas flaring is taken at 85 %, then the total associated gas produced by daily oil production in the Oriente would be around 18 582 318 m<sup>3</sup>. If one takes an average of 320 000 b p/d of oil produced in Ecuador in 1990 (when Kimerling did her research), this translated into about 58 m<sup>3</sup> of associated gas that each barrel of oil produces. But in Nigeria, with much higher concentrations of associated gas than Ecuador, each barrel of oil produces an average of only 24 m<sup>3</sup> of associated natural gas. Kimerling, *Amazon crude*, p. 63; Okoko, "Women and environmental change in the Niger Delta, Nigeria", p. 375.

water and soil pollution, destruction of vegetation and wildlife, damage to infrastructures by acid rain, and damage to soil, crops and vegetation by the severe heat and the deposition of contaminants. In addition, oil-producing communities subjected to continuous gas flaring are exposed to severe heat, noise and fumes which constitute serious health risks, and the discomfort of 24 hours of synthetic, bright, orange light.<sup>103</sup>

In both Ecuador and Nigeria a lack of environmental standards, poor regulation of their oil industries, substandard equipment and operation practices by oil companies, and a general lack of regard for both the natural and human environments by the oil industry and the Ecuadorian and Nigerian governments, have resulted in detrimental environmental impacts. Over time the Ecuadorian and Nigerian oil industries have become synonymous with widespread water, air and soil pollution which result from oil spills, gas flaring and the discharge of industrial effluents into water courses, which has caused serious damage to the Oriente and Niger Delta ecosystems and the health of local oil-producing communities.<sup>104</sup>

Oil spills, in particular, are one of the major environmental problems of the Ecuadorian and Nigerian oil industries and result from a variety of causes, including oil well blowouts, oil pipeline leakages, human error, equipment failure and accidents during the loading of tankers. In Ecuador the vast majority of oil spills result from oil pipeline leakages, equipment failure, human error and environmental factors along the 503 km long Sistema de Oleoducto Trans-Ecuadoriano (SOTE) pipeline and smaller secondary pipelines that connect up with SOTE. Between 1972 and 1990 the Ecuadorian government recorded 30 major oil spills from the SOTE pipeline, which spilled an estimated 397 283 barrels of crude oil (16,8 million gallons) into the sensitive Amazon environment. In addition, secondary pipeline oil spills and leakages dump an estimated

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<sup>103</sup> J.G. Frynas, *Oil in Nigeria: conflict and litigation between oil companies and village communities*, pp. 164-165; Okoko, "Women and environmental change in the Niger Delta, Nigeria", p. 375; Ashton-Jones, *The human ecosystems of the Niger Delta*, p. 144; A.O. Isichei and W.W. Sanford, "The effects of waste gas flares on the surrounding vegetation in south-eastern Nigeria" in *Journal of Applied Ecology* 13, 1976, pp. 177-187; The World Bank, *Defining an environmental development strategy for the Niger Delta II*, pp. 40-44; Kimerling, *Amazon crude*, p. 63; Southgate and Whitaker, *Economic progress and the environment*, p. 80; Fossil Energy International, "An energy overview of Ecuador"; Energy Information Administration, "Nigeria".

<sup>104</sup> L. Esparza and M. Wilson (eds), *Oil for nothing: multinational corporations, environmental destruction, death and impunity in the Niger Delta*, pp. 3-8; O.R. Ogri, "A review of the Nigerian petroleum industry and the associated environmental problems" in *The Environmentalist* 21(1), March 2001, pp. 14-15; Egan "Forging new alliances in Ecuador's Amazon", pp. 126-128; Suárez-Torres and López-Paredes, "Development, environment, and health in crisis", p. 93.

37 600 litres of crude oil into the Oriente environment each week. A major cause of oil spills are environmental factors such as earthquakes and landslides, with the 1987 earthquake, for example, resulting in the spilling of about 50 000 barrels of oil into the watersheds of the Quijos, Coca, Aguarico and Napo rivers, while the May 1989 landslide at Papallacta destroyed 40 m of the SOTE pipeline and spilled some 5 000 barrels of oil into the Papallacta River. Because the river was in flood, crude oil was carried into the Napo River which in turn carried the crude oil into Peru.<sup>105</sup> (See maps E-15 and E-21.)

In Nigeria, on the other hand, the World Bank estimates that there have been more than 4 000 oil spills since production started in 1958. Between 1976 and 1996, for example, there were a total of 2768 reported oil spills in which about 3,8 million barrels of oil were spilled into the sensitive Niger Delta ecosystem. These include major oil spills such as the Faniwa oil well blowout (January 1980, 146 000-200 000 barrels of oil spilled), the Oyakama oil spill (1981, about 120 000 barrels of oil spilled), the Fantua oil spill (1984, about 200 000 barrels of oil spilled), and the Shell pipeline burst at Bagg-Jumbo (1995, 250 000 barrels of oil spilled).<sup>106</sup>

The Nigerian oil industry makes a distinction between three types of oil spills, namely equipment failure, human error and sabotage oil spills. Equipment failure accounts for the majority of oil spills in Nigeria and results from a variety of factors including overflow at loading terminals, valve failure that leads to pressure problems, and ruptured and/or corroded pipes. Oil spills at Shell operations, in particular, result from equipment failure mainly because the company set up its oil infrastructure in the 1960s and 1970s, and has failed to maintain and replace aged equipment and pipelines properly, thereby making it more prone to rupture and corrosion. Human error oil spills, on the other hand, result mainly from negligence and personnel failure to perform tasks properly. By contrast, sabotage oil spills are regarded as deliberate and malicious

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<sup>105</sup> Kimerling, *Amazon crude*, pp. 69-73; Suárez-Torres and López-Paredes, "Development, environment, and health in crisis", p.93; Southgate and Whitaker, *Economic progress and the environment*, pp. 80-81; A. Almeida A., "Impactos globales y locales: la deuda ecológica en el Ecuador" in CENSAT and Friends of the Earth, *Ruiría: el grito del petróleo*, pp. 66-67; Da Ros, *La contaminación de aguas en Ecuador*, pp. 61-63.

<sup>106</sup> I.M. Aprioku, "Collective response to oil spill hazards in the eastern Niger Delta of Nigeria" in *Journal of Environmental Planning and Management* 42(3), 1999, pp. 391-396; Okoko, "Women and environmental change in the Niger Delta, Nigeria", p. 375.

damage to oil pipelines and equipment by disgruntled people who either regard compensation paid for damage as inadequate or who want to increase compensation for damage already inflicted, or oil-producing communities who want to force oil companies to provide amenities for them. Despite the fact that equipment failure and human error constitute the majority of oil spills, oil companies are quick to attribute oil spills to sabotage since oil companies do not pay for damages caused by sabotage oil spills. On the contrary, the government compensates them for the damages caused in these oil spills to their oil pipelines and equipment.<sup>107</sup> In contrast to Nigeria, the Ecuadorian oil industry makes no definite distinction between various types of oil spills, mainly because sabotage oil spills are not common in the country. This is remarkable given the fact that the overwhelming majority of oil pipelines are not buried and run very visibly along the side of the roads in the Oriente like spaghetti pipes. Sabotage oil spills only began to emerge in the Oriente from 2000 onwards, with the most common forms involving the bombing and cutting of sections of the SOTE pipeline.<sup>108</sup>

The environmental impact of oil spills is the most visible environmental damage of the oil industry when compared with that of, for example, seismic surveys and gas flaring. Oil spills damage crops, pollute water and soil and kill marine resources within the immediate vicinity of the spill, while flooding during the rainy season can and does transport the oil to other locations, thereby enlarging the geographical impact of the oil spill. A major problem in assessing the real environmental impact of oil spills is the lack of scientific data and the general lack of independent and timely research into oil spills. In the absence of proper scientific data it has become a standard practice for the Ecuadorian and Nigerian governments and the oil companies to downplay the adverse environmental impact of oil spills by focusing attention on the ability of tropical zones, through weathering and microbial processes, to rapidly degrade acutely toxic substances

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<sup>107</sup> Ogrí, "A review of the Nigerian petroleum industry and the associated environmental problems", pp. 17-18; Ashton-Jones, *The human ecosystems of the Niger Delta*, pp. 151-153, 160; Energy Information Administration, "Nigeria monthly energy chronology (2000-2001)", <<http://www.eia.doe.gov/emeu/cabs/nigiachron.html>>, 2002; Aprioku, "Collective response to oil spill hazards in the eastern Niger Delta of Nigeria", pp. 392-395; Human Rights Watch, "The price of oil: corporate responsibility and human rights violations in Nigeria's oil-producing communities", <<http://www.hrw.org/hrw/reports/1999/nigeria/Nigew991.htm>>, Chapter 5.

<sup>108</sup> Reuters, "Ecuador oil pipeline bursts, spills oil into river", <<http://forests.org/archive/samerica/ecoilpip.htm>>, 28.1.2001; Weekly News Update on the Americas, "Pipeline blast kills 8 on bus", <[http://www.americas.org/news/nir/20001217\\_pipeline\\_blast\\_kills\\_8\\_on\\_bus.asp](http://www.americas.org/news/nir/20001217_pipeline_blast_kills_8_on_bus.asp)>, 17.12.2000; Information supplied by Patricia Grandes from Acción Ecológica during field research in Lago Agrio, Shushufindi and Coca in November 2001.

in crude oil which therefore limits the impacts and accelerates the recovering period of the affected area. Despite this natural rehabilitation ability of tropical climates, it still takes a long time for the natural environment to recover fully after an oil spill. Soil polluted in a major oil spill, for example, takes about ten years to recover to such a level where peasant farmers can consider cultivation again – and this is with human-assisted rehabilitation.<sup>109</sup>

#### **4.3.3 LEGISLATIVE AND GOVERNMENTAL REGULATION OF THE ENVIRONMENTAL IMPACTS OF OIL DEVELOPMENTS IN ECUADOR AND NIGERIA**

The Ecuadorian and Nigerian governments have given scant attention to the adverse environmental impacts of their oil industries and have been slow to develop proper legislative and structural measures to protect the natural environment from oil developments. In both countries, limited legislative protection existed prior to the 1980s, which in Ecuador was confined to the 1971 Hydrocarbons Law that required oil companies to implement appropriate measures to protect fauna, flora and other natural resources from oil developments, and to avoid the polluting of water, soil and air resources, and the 1976 Law for the Prevention and Control of Environmental Pollution, which provided regulations to prevent and mitigate air, water and soil pollution.<sup>110</sup> In Nigeria limited environmental protection was provided for in the Oil in Navigable Waters Act (no 34) of 1968, Petroleum Act (no 51) of 1969, and the Associated Gas Re-injection Act of 1979. In terms of article 25 of the Petroleum Act, for example, oil companies were expected to use modern equipment and to continually replace ageing equipment in order to prevent oil spills. The Associated Gas Re-injection Act, on the other hand, banned all gas flaring and required that all oil companies develop plans for gas re-injection projects by 1 April 1979. However, oil companies ignored the Act and lobbied government for its amendment. The result was the Associated Gas Re-injection (Amendment) Act of 1985 that also aimed at reducing wasteful gas flaring, but allowed

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<sup>109</sup> Frynas, *Oil in Nigeria*, pp. 165-166; Human Rights Watch, "The price of oil", Chapter 5; The World Bank, *Defining an environmental development strategy for the Niger Delta I*, pp. xi, 47-48; Frank, "Texaco in Ecuador's Oriente region", pp. 24-26; J. Kimerling, "Disregarding environmental law: petroleum development in protected natural areas and indigenous homelands in the Ecuadorian Amazon" in *Hastings International and Comparative Law Review* 14(4), 1991, pp. 871-875; N. Bassey, *Oilwatching in South America: a pollution tour of Venezuela, Caracao, Peru and Ecuador*, pp. 73-87.

<sup>110</sup> Egan, "Forging new alliances in Ecuador's Amazon", pp. 127-128; Embassy of Ecuador (USA), "Ecuador".

for exemptions and insignificant fines. The Act was basically rendered useless when the government granted exemption to most of the operating oil wells in the country, while the 2 kobo fine per 28,317 m<sup>3</sup> gas flared proved an insignificant fee when compared to the cost of compliance with the gas re-injection act.<sup>111</sup>

Similar processes of undermining environmental legislation took place within the Ecuadorian oil industry in the 1980s. While the 1981 Law of Forestry and the Conservation of Natural Areas and Wildlife and its 1983 Amendments prohibited the commercial exploitation of natural resources in protected areas and any damage to the ecosystems in these areas, the government not only allowed oil developments to continue in protected areas but also gave the Ministry of Energy and Mines the right to exploit natural resources in protected areas and made them responsible for the regulation and rehabilitation of the adverse environmental impacts of the oil industry in protected areas (1988 Hydrocarbons Law). The Ministry of Energy and Mines did take the important step of creating an environmental bureau, the Dirección General de Medio Ambiente (DIGEMA) in 1984 with the mandate to enforce environmental regulations onto oil companies and all oil developments. However, lack of financial and political support for DIGEMA seriously impacted on its ability to fulfil its mandate, let alone force oil companies to comply with environmental laws. Attempts by DIGEMA to implement compulsory environmental impact assessments in 1988 failed completely, with no oil company complying with this demand, as did its attempts in 1990 (through its renamed and reorganised successor directorate, Dirección Nacional de Medio Ambiente, DINAMA) to implement environmental regulations for the oil industry. These regulations were replaced by a "gentleman's agreement" signed by the newly created Subsecretario de Medio Ambiente within the Ministry of Energy and Mines, the oil companies and Fundación Natura in which the oil industry agreed to observe a set of vaguely defined environmental guidelines for two years.<sup>112</sup>

In both Ecuador and Nigeria the lack of regard for environmental standards by their oil industries is the result of numerous factors, including a general lack of environmental

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<sup>111</sup> Ashton-Jones, *The human ecosystems of the Niger Delta*, p. 144; Frynas, *Oil in Nigeria*, pp. 87-89; Ikein, *The impact of oil on a developing country*, pp. 42-43.

<sup>112</sup> Southgate and Whitaker, *Economic progress and the environment*, pp. 82-83; Kimerling, "Disregarding environmental law", pp. 894-897; UNEP and WCMC, "1992 protected areas of the world".

concern by the oil companies; lack of regulation within their oil industries; substandard environmental standards and practices of oil companies in the two countries when compared with those followed in other countries; governmental failure to address environment-related problems within the oil industry, and conflicting environmental legislation. The problem is exacerbated by the fact that the governments, through joint venture partnerships, are active participants in the Ecuadorian and Nigerian oil industries and therefore also share in the costs of preventing adverse environmental impacts of oil production – costs which the two governments did not want to or could not contribute to in the past. Conflict also arises when the main regulatory agencies are also main participants in activities that result in environmental damage. Within both the Ecuadorian and Nigerian contexts, their governments failed dismally in their environmental regulatory roles, thereby directly contributing to the degradation of the Ecuadorian and Nigerian natural resource bases.<sup>113</sup>

In Nigeria the government has attempted since the late 1980s to introduce environmental regulations for the oil industry. The 1988 National Policy on the Environment aimed, *inter alia*, at promoting the sustained utilisation of the country's oil and gas resources, the implementation of strict environmental standards for the oil industry, and encouraging research into alternative energy sources. This was followed by the creation of FEPA as the main pollution regulatory agency in the country, the establishment of environmental protection structures on state and local government levels, the implementation of standards for industrial effluent, and the formulation of the first comprehensive Oil Spill Contingency Plan in 1996. While these are important legislative and structural initiatives to address decades of environmental neglect within the oil industry, major constraints to environmental management within the industry remain essentially the same, namely lack of community participation in oil planning and development, corruption, inadequate compensation for damage to property, and the lack of enforcement of environmental regulations. Most federal and state environmental structures are ineffective due to overlapping responsibilities, lack of expertise and lack of funds, which in turn means that most of the existing environmental legislation is not

<sup>113</sup> The World Bank, *Defining an environmental development strategy for the Niger Delta II*, p. 45; Ikein, *The impact of oil on a developing country*, p. 38.

properly enforced.<sup>114</sup>

In Ecuador, on the other hand, the development of environmental management structures and environmental regulations for the oil industry was a slow process, with natural resources exploitation receiving some attention in the seventeen basic environmental policies and principles published in 1994 and the 1999 Law of Environmental Management. Ironically, lack of governmental regulation of the oil industry coupled with local, national and international reaction to the adverse environmental impacts of oil developments on the Oriente and its indigenous inhabitants, have forced oil companies to implement much publicised self-regulatory measures in the course of the 1990s to save face internationally. Despite the development of some environmental regulations for the Ecuadorian oil industry in the course of the 1990s, governmental management of the adverse environmental impacts of the industry remains problematic and controversial. Like Nigeria, Ecuadorian environmental management of oil developments is hampered by a lack of community participation in oil planning and development, lack of enforcement of environmental regulations, ineffective governmental environmental structures, and lack of expertise and funds for environmental regulatory agencies.<sup>115</sup> In addition, the Oriente and its inhabitants have been subjected to a new phase of environmental assault commencing in the late 1990s when the government approved the building of the Oleoducto de Crudos Pesados (OCP) pipeline. This 480 km long pipeline will carry heavy crude from the Oriente to Esmeraldas and will run through pristine and protected areas, including the Mindo-Nambillo Cloudforest Reserve. Given the historical record of oil spills from the SOTE pipeline, coupled with the unstable geology of the Andes, it is projected that major oil spills will likely occur along the OCP route once it is up and running. Despite fierce opposition from local, national and international groups, the Ecuadorian

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<sup>114</sup> *The Economist* Intelligence Unit, *Business report: Nigeria* (4<sup>th</sup> quarter 1996), p. 31; Frynas, *Oil in Nigeria*, pp. 84-92; M. Kassim-Momodu, "Current developments: Nigeria" in *Journal of Energy and Natural Resources Law* 8(4), 1990, pp. 311-313; Energy Information Administration, "Nigeria monthly energy chronology (2000-2001)"; World Bank, *Defining an environmental development strategy for the Niger Delta II*, pp. 45-65.

<sup>115</sup> Embassy of Ecuador (USA), "Ecuador"; Kimerling, "Disregarding environmental law", pp. 893-903; A. Smith, "British Gas 'under siege' in Ecuador" in *New Scientist* 131(1776), 6.7.1991, p. 14; S. Mendez, J. Parmell and R. Wasserstrom, "Seeking common ground: petroleum and indigenous peoples in Ecuador's Amazon" in *Environment* 40(5), June 1998, pp. 12-20, 36-41; Occidental Petroleum, "Environmental initiatives: Ecuador", <[http://www.oogc.com/world\\_oper/latin\\_america/envir\\_ecu.htm](http://www.oogc.com/world_oper/latin_america/envir_ecu.htm)>, 2003; "Drilled full of holes" in *The Economist* 320(7714), 6.7.1991, p. 54. See also J. Kane, "Letter from the Amazon: with spears from all sides" in *The New Yorker*, 27.9.1993, pp. 54-79; M. Tidwell, *Amazon stranger, passim*.

government opted to continue with this project, on which construction started in August 2001 and is scheduled to be completed by the end of 2003.<sup>116</sup>

Due to continued governmental resistance to subject the Ecuadorian and Nigerian oil industries to proper environmental regulation, since the 1980s limited progress has been made in both countries to address the adverse environmental impacts of their oil industries. The most promising environmental development in Ecuador in recent years was the designation of the Cuyabeno-Imuya National Park and the Huaorani section of the Yasuní National Park as "intangible zones" in 2000 in terms of which the commercial exploitation of natural resources in these areas is prohibited. In Nigeria, on the other hand, the government made the formal decision in October 2001 to end all gas flaring by 2008. However, whether or not Ecuador's protected areas and the indigenous Oriente Indians will receive proper protection from oil development in the future, and whether oil-producing communities in the Niger Delta will no longer be subjected to gas flaring by 2008, remain to be seen.<sup>117</sup>

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Against the background of the historical political, economic and environmental marginalisation of oil-producing ethnic minority groups it is now possible to focus attention on the oil-related environmental struggles waged by the Cofan and the Siona-Secoya Indians in Ecuador and the Ogoni in Nigeria against their national governments and the multinational oil companies active in their traditional territory.

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<sup>116</sup> For more details see, for example, Amazon Watch, *The new heavy crude pipeline in Ecuador passim*; *San Francisco Chronicle*, 24.5.2001, p. A-14; J. Lobe, "Activists claim win on Ecuador pipeline", <<http://www.ran.org/news/newsitem.php?id=481&area=finance>>, 20.10.2001; Amazon Watch, Acción Ecológica and Rainforest Action Network, "Ecuador: environmentalists continue forest occupation in Mindo to bloc pipeline construction", <<http://www.ran.org/news/newsitem.php?id=474&area=finance>>, 9.1.2002; Reuters, "Ecuador Amazon protests end; army control lifted", <<http://www.ran.org/news/newsitem.php?id=495&area=finance>>, 4.3.2002; Just Earth!, "Ecuador: indigenous communities and activists struggle to protect the Amazon from oil interests", <<http://www.amnestyusa.org/justearth/ecuador.html>>, 2002.

<sup>117</sup> Energy Information Administration, "Nigeria monthly energy chronology (2000-2001)"; "Ecuador's new approach to enforce forest law"; Both ENDS, "Intangible zones, Ecuador".

## **SECTION 2**

**CASE STUDIES OF OIL-RELATED ETHNIC MINORITY**

**STRUGGLES IN ECUADOR AND NIGERIA**

## CHAPTER 5

### THE COFAN AND SIONA-SECOYA VERSUS TEXACO AND THE ECUADORIAN GOVERNMENT

#### 5.1 INTRODUCTION

On 3 November 1993 Maria Aguinda and 75 other residents of the northern Ecuadorian Oriente filed a class action suit against the multinational oil company, Texaco, Inc., in the Southern District of New York. The suit was filed by the plaintiffs on behalf of a putative class of 30 000 Ecuadorians residing in an area bounded in the north by the country's border with Colombia, in the south by the Parallel at 1°5' south, on the west by 77°5' west and on the east by 76° west. (See maps E-4 and E-5.) This suit sought punitive damages from Texaco under the provisions of the once obscure Alien Torts Claims Act for twenty years of environmental destruction in the northern Oriente caused by the company's oil developments between 1964 and 1992.<sup>1</sup>

The specified area in the Aguinda versus Texaco, Inc. case encompasses the traditional territories of the Cofan and the Siona-Secoya Indians, who are indigenous to the northern Ecuadorian Oriente, and who had to bear the brunt of the first phase of oil developments that took place from 1964 to 1992 under the direction of Texaco's subsidiary in Ecuador, Texaco Petroleum Company (TexPet). Consequently, numerous plaintiffs and class action members are Cofan and Siona-Secoya Indians. In addition, Oriente Quichua Indians and colonists who migrated to the northern Oriente from the 1960s onwards, when oil exploration and development opened-up the region for the first time to outsiders, also form an integral part of the Aguinda suit and the struggle against the adverse environmental impacts of the Ecuadorian oil industry.<sup>2</sup> In particular, the colonist non-governmental organisation (NGO), Frente de Defensa de la Amazonia,

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<sup>1</sup> Aguinda v. Texaco, Inc.: *Plaintiffs' original complaint*, 3.11.1993, pp. 1-18; Aguinda v. Texaco, Inc.: *Texaco brief to the Second Circuit Court of Appeals*, 7.1.1998, p. 10.

<sup>2</sup> Aguinda v. Texaco, Inc.: *Plaintiffs' original complaint*, 3.11.1993, pp. 6-18; ACOINCO and CEDIME, *Los Cofanes: nuestra historia y tradiciones*, pp. 47, 109-111; J. Kimerling, *Amazon crude*, p. 36.

organised by Lago Agrio-based colonists involved in the struggle, has been very active in the struggle against Texaco, and is responsible for a vast body of information on the suit made available to the public.<sup>3</sup>

Despite the fact that Oriente Quichua Indians and colonists form an integral part of the Aguinda versus Texaco, Inc. suit, within the context of this study with its focus on oil-related ethnic minority struggles against multinational oil companies and national governments operating in traditional territory, this case study will be confined to the two indigenous Oriente Indian nations who can claim ownership to the territory by virtue of historical occupation; who were directly affected by Texaco's oil activities, and who actively participated in the Aguinda suit. However, where appropriate, mention will be made of the contributions of the Oriente Quichua Indians and colonists to the anti-Texaco struggle. The case study will be presented as follows: attention will firstly be directed at the Indians of the northern Ecuadorian Oriente in general, and the Cofan and the Siona-Secoya Indians in particular. This will be followed by a brief history of Texaco, Inc., and a discussion of the environmental and development impacts of oil developments on the two relevant Oriente Indian nations. Attention will thereafter be directed at the Aguinda versus Texaco, Inc. suit. Please note that owing to the fact that the history of the first phase of modern oil developments in Ecuador (1964-c.1992) is to a large extent the history of Texaco's involvement in the country, this chapter will not repeat the information already provided in Section 3.3.1. It is further important that this chapter be read against the information provided in Section 1 of this thesis, which not only formed the background to their struggle but more importantly provided the reasons and the context within which the case against Texaco, Inc. was launched in the 1990s.

## **5.2 THE INDIGENOUS ORIENTE INDIANS AFFECTED BY TEXACO OPERATIONS**

The Cofan and the Siona-Secoya Indians share the vast territory that constitutes the Ecuadorian Oriente with the Shuar, the Oriente Quichua, the Achuar, the Shiwiar and the Huaorani.<sup>4</sup> (See map E-6.) Though historical knowledge on the pre-Columbian

<sup>3</sup> See, for example, Frente de Defensa de la Amazonia, "Frente de Defensa de la Amazonia: FDA", <<http://www.ecuanex.net.ec/fda/fda.htm>>, s.a. The extensive homepage of the plaintiffs and class members is also run and organised by FDA and can be accessed at <<http://www.texacorainforest.org>>.

<sup>4</sup> D. Rosenburg, *Indigenous peoples of the Andean countries: cultural and political aspects*, p. 28; L. Benítez and A. Garcés, *Culturas Ecuatorianas: ayer y hoy*, pp. 110-113.

history of the Indian nations of the Ecuadorian Oriente is still limited, linguistic and archaeological evidence suggest that the first inhabitants of the region came in successive migratory waves from the west. The Andes blocked further travels eastwards, thereby forcing the migrants to make a home in the Oriente where they withdrew into relative isolation that facilitated divergent cultural and linguistic developments amongst indigenous Indian communities. An important consequence was the development of a vast linguistic diversity in the Ecuadorian Oriente that surpasses all other areas in South America.<sup>5</sup>

Despite linguistic diversity, the Oriente Indian nations that developed over time shared (and many still do) a basic montaña culture in terms of subsistence activities and warfare, while variations occur in clothing, housing, transportation, their social and political organisation, manufactured goods and technology, religion and recreational activities.<sup>6</sup> An important aspect was the cultural-ecological adaptations of the montaña Indians to survive in an extremely warm, humid and densely forested region with generally poor and acidic soils. (See maps E-17, E-18 and E-19.) Most of the Oriente Indians relied on an economy based on hunting, fishing and shifting slash-and-burn agriculture (also known as swidden agriculture). Agriculture was the basis of Indian economies in the Oriente throughout the ages and involved the clearing of patches of forest for cultivation. After harvesting crops for a number of years (two to five years depending on the Indian nation), the clearings are abandoned for as many as twenty years to allow for soil regeneration. Most swidden plots are polycultural and at times polyvarietal, containing different tropical root crops (for example bitter and sweet cassava, sweet potato and arrowroot), seed crops such as maize, indigenous American fruits, and a variety of dyes, fish drugs, coca, tobacco, cotton and arrow canes. These crops were interplanted where micro-environmental conditions were deemed most suitable, which displayed high levels of Indian adaptation to and knowledge of the restrictions and possibilities of the Oriente environment on micro and macro levels.

<sup>5</sup> N.E. Whitten, *Amazonian Ecuador: an ethnic interface in ecological, social and ideological perspective* (IWGIA document no 34), pp. 15-17. See also B.J. Meggers and C. Evans, "Lowland South America and the Antilles" in J.D. Jennings (ed.), *Ancient South Americans* pp. 287-335; B.J. Meggers, "The indigenous peoples of Amazonia, their cultures, land use patterns and effects on the landscape and biota" in H. Sioli (ed.), *The Amazon: limnology and landscape ecology of a mighty tropical river and its basin*, pp. 627-632; J.H. Steward, "Tribes of the montaña: an introduction" in J.H. Steward (ed.), *Handbook of South American Indians 3: The tropical forest tribes*, pp. 507-509; E.F. Moran, *Developing the Amazon*, pp. 44-45.

<sup>6</sup> R.H. Lowe, "The tropical forests: an introduction" in Steward (ed.), *Handbook of South American Indians 3*, pp. 1-56.

Cassava dominated swidden plots as well as the diets of indigenous Indian communities in the Ecuadorian Oriente.<sup>7</sup>

Hunting and fishing, on the other hand, were both important sources of protein in the pre-Columbian era, which importance has continued into the present era. Many taboos on the hunting of specific species and indigenous/cultural restrictions placed on a number of other species ordered both the hunting and fishing regimes in the Ecuadorian Oriente, with these prohibitions and restrictions being dependent on specific cultural and religious practices of the various Oriente Indian communities. In addition to hunting, fishing and agriculture, Oriente Indians also exploited the numerous edible wild species of flora in the rainforest for fruits and nuts that varied in importance to the indigenous diets of the different communities.<sup>8</sup>

The environmental limitations of the Ecuadorian Oriente restricted the development of densely populated sedentary communities based on intensive agriculture, as was the case in the Sierra. Instead, Oriente Indian society was characterised by small migrant communities whose mobility was restricted to a specific territorial unit. Consequently not only did low population densities prevail throughout the Oriente, but more importantly, the territory itself became the most important entity within Indian political, economic and social organisation. Within the contemporary context, ancestral lands of the Oriente Indians enable them to continue with their traditional cultural practices, while the extensive loss of land since the 1960s threatened the very basis of their existence.<sup>9</sup>

### 5.2.1 GENERAL HISTORY OF THE ECUADORIAN ORIENTE

According to Steward and Fanon the history of the Oriente can be roughly divided into

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<sup>7</sup> *Ibid.*, pp. 2-6; Steward, "Tribes of the montaña", pp. 507-510; D.L. Dufour, "Use of tropical rainforests by native Amazonians" in *BioScience* 40(9), October 1990, pp. 652-656; Moran, *Developing the Amazon*, pp. 53-56; Meggers, "The indigenous peoples of Amazonia, their cultures, land use patterns and effects on the landscape and biota", pp. 631-643; M. Schmidt, "Comments on cultivated plants and agricultural methods of South American Indians" in P.J. Lyon (ed.), *Native South Americans: ethnology of the least known continent*, pp. 60-68.

<sup>8</sup> Dufour, "The use of tropical rainforests by native Amazonians", pp. 656-657; Moran, *Developing the Amazon*, pp. 51-53; Steward, "Tribes of the montaña", pp. 517-518; J.H. Steward and L.C. Faron, *Native peoples of South America*, pp. 291-298; Lowe, "The tropical forests", pp. 6-14.

<sup>9</sup> Rosenburg, *Indigenous peoples of the Andean countries*, pp. 6-7; Kimerling, *Amazon crude*, p. 39.

four periods, namely the pre-Columbian period; the period of Spanish exploration between 1532 and about 1643; the period of missionary influence that lasted from about 1643 to 1830, and the independent era that started in 1830.<sup>10</sup> After the establishment of colonial rule in Ecuador in the 1530s, Gonzalo Pizarro and Francisco de Orellana led an exploration party into the Oriente in February 1541 in search of El Dorado and the Land of Cinnamon. Most of the 210 Spaniards and 4 000 Indians in the expedition never made it back, neither did De Orellana after he parted with Pizarro to sail downstream in search of food and "friendly" Indians. De Orellana did not rejoin Pizarro as originally planned. Instead he travelled the length of the Amazon River, reaching the mouth of the Amazon and the Atlantic Ocean by August 1542. De Orellana's epic journey of the Amazon was followed by a number of Spanish expeditions and settlement attempts in the Ecuadorian Oriente, which led to the establishment of Baeza (1559), Archidona (1560) and Avila (1560). However, the Oriente Indians did not take kindly to Spanish intrusion into their traditional territories, and sporadically rebelled against the intruders. These rebellions were more often than not violent and left Avila and Archidona in ashes in 1578, and destroyed Logroño and Sevilla de Oro in 1599.<sup>11</sup>

The establishment of missionary settlements by the Jesuits and the Franciscans from the late sixteenth century onwards led to the third period in Oriente history, during which some Oriente Indian communities were subjected to white domination and attempts at forced conversion and cultural change. The missions affected Oriente Indians in several ways, in particular it organised Indians into larger, sedentary communities; served as places of exchange in which Oriente Indians were able to obtain steel tools that replaced their traditional stone, wood and bone tools, and new crops were introduced such as bananas, plantains and sugar, with plantain over time becoming a staple food for the Cofan and the Siona-Secoya Indians; served as contact centres between various Oriente Indian nations that facilitated technology transfer between the groups, especially in terms of blowguns and the dugout canoe; promoted the usage of the Quechua language in the Oriente, which over time resulted in numerous indigenous Oriente Indian languages becoming extinct; forced Oriente Indians to adopt Western clothing and

<sup>10</sup> Steward and Fanon, *Native peoples of South America*, pp. 341-346.

<sup>11</sup> D.M. Hanratty (ed.), *Ecuador: a country study*, <<http://lcweb2.loc.gov/frd/cs/ectoc.html>>, Chapter 1, Section 2; Steward, "Tribes of the montaña", pp. 510-511; A.M. Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, pp. 3-5; O. Hurtado, *Political power in Ecuador* (translated by N.D. Mills), pp. 32-33;

cultural practices, and to adopt Christianity and Christian burials. Missionary settlements further introduced New World diseases, new forms of warfare, initiated hostilities between Indian nations brought together for the first time by the larger settlements, and created intense conflict and resentment amongst Oriente Indians. Consequently missionary settlements were subjected to a succession of revolts in the late seventeenth and eighteenth centuries in which white settlers were killed and missionaries either expelled or killed.<sup>12</sup>

The establishment of an independent Republic of Ecuador in 1830 introduced the fourth period in the history of the Oriente Indians. Within the northern Oriente that constitutes the study area, the republican period can be roughly divided into five phases, the first of which lasted until the 1890s, in which the Oriente Indians were largely left alone while successive Ecuadorian governments tried to establish political and economic stability in the country. The second phase started in 1894 when the South American rubber boom began, which boom wreaked havoc on Amazonian Indians in Brazil, Bolivia, Peru, Venezuela and Colombia. In Ecuador, the rubber boom was confined mainly to the Putumayo River where some of the Cofan and the Siona-Secoya Indians became victims of the atrocities of the rubber barons and the Peruvian Amazon Company, until an international investigation, headed by Roger Casement of Britain, in 1910 exposed the atrocities of the Peruvian Amazon Company and brought the rubber boom to an end on the Putumayo River.<sup>13</sup>

Following the brief opening-up of the northern Oriente during the rubber boom, the Indian communities in the area again receded into isolation. By 1917 the only proper route into this area was via the town Papallacta and the Rio Napo, with the journey from Quito to the heart of the Oriente lasting anything from three to six weeks. White settlement was still very limited and included the small settlements of Napo, Tena,

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<sup>12</sup> E.S. Miller, "The Christian missionary, agent of secularisation" in Lyon (ed.), *Native South Americans*, pp. 391-396; Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, pp. 3-5; Hurtado, *Political power in Ecuador*, pp. 32-33; M. Hiraoka and S. Yamamoto, "Agricultural development in the upper Amazon of Ecuador" in *The Geographical Review* 70(4), October 1980, p. 425; Steward and Fanon, *Native peoples of South America*, pp. 343-344; J.M. Vargas, *La economía política del Ecuador durante la colonia*, pp. 284-288; L. García, *Historia de la misiones en la Amazonia Ecuatoriana*, pp. 55-67.

<sup>13</sup> J.S. Olson, *The Indians of Central and South America: an ethnohistorical dictionary*, pp. 446-447; S. Hvalkof, "Outrage in rubber and oil: extractivism, indigenous peoples, and justice in the upper Amazon" in C. Zerner (ed.), *People, plants, and justice: the politics of nature conservation*, pp. 92-101; H. Rice, "From Quito to the Amazon via the River Napo" in *The Geographical Journal* 21(4), April 1903, pp. 412-414.

Archidona and Coca. The region was largely bypassed by the early phase of oil exploration in the Oriente that lasted from the 1920s until 1948, in which oil exploration activities focused on the southern and middle Ecuadorian Oriente.<sup>14</sup>

The fourth phase in the history of the northern Oriente Indians in the independent era started in 1952 when the fundamentalist United States (US)-based Protestant group, the Summer Institute of Linguistics (SIL) began their work in the Ecuadorian Oriente. SIL concerned itself with three basic aims, namely linguistic research into unrecorded indigenous languages, the translation of the Bible into all languages of the world, and the teaching of Christianity in indigenous languages. They established missionary reservations amongst the Cofan, the Siona-Secoya and the Huaorani, as well as a strategic base at Limoncocha. Also important was the radio station, Voice of the Andes (also known as HCJB - Heralding Christ Jesus' Blessings), founded in 1931 by the World Radio Missionary Fellowship and the Christian and Missionary Alliance. The Voice of the Andes had an important impact on the Oriente Indians in that it reached people in isolated regions of the Oriente and connected them via radio receivers with the wider Ecuador. It further promoted the usage of Quechua after it decided in 1941 to broadcast programmes and religious services in this language. By the 1990s, the Voice of the Andes reached an audience of more than fourteen million listeners living in southern Colombia, Ecuador, Peru, Bolivia and northern Argentina. SIL, on the other hand, was not so fortunate and was expelled by President Jaime Roldos in 1981 following years of intense criticism of SIL and their activities, which included their role as facilitators in the expropriation of traditional Huaorani land by the government and the oil companies.<sup>15</sup>

The fifth phase in the history of the Oriente Indians in independent Ecuador started in the 1960s when oil developments opened up the northern Oriente to outsiders for the first time in the region's history. Following in the wake of oil companies came successive waves of colonists lured by governmental policies of free land and the

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<sup>14</sup> J.H. Stabler, "Travels in Ecuador" in *The Geographical Journal* 50(4), October 1917, pp. 249-250; J.H. Sinclair and T. Wasson, "Explorations in eastern Ecuador" in *The Geographical Review* 13(2), April 1923, pp. 190-200; J.H. Sinclair, "In the land of cinnamon: a journey in eastern Ecuador" in *The Geographical Review* 19(2), April 1929, pp. 207-217; J.H. Sawyer, "Latin America after 1920" in E.W. Owen (ed.), *Trek of the oil finders: a history of exploration for petroleum*, pp. 1143-1145.

<sup>15</sup> M. Handelsman, *Culture and customs of Ecuador*, pp. 30-32; Goffin, *The rise of Protestant evangelism in Ecuador, 1895-1990*, pp. 35-75; D. Corkill and D. Cubitt, *Ecuador: fragile democracy*, pp. 109-110.

prospect of a general search for a better future. This movement of oil companies and colonists into the traditional territories of the indigenous Oriente Indian nations, along with aggressive attempts to assimilate these Indians into mainstream Ecuadorian society, affected the Cofan and the Siona-Secoya and other indigenous Oriente Indians deeply, and in general negatively, and ensured that their lives became struggles to preserve their cultures, languages and ways of life amidst modernising influences.<sup>16</sup> (See also section 3.3.1.)

### 5.2.2 A HISTORY OF THE COFAN INDIANS

The Cofan is a very small Indian nation which had inhabited the Aguarico river basin in the northern Ecuadorian Oriente and southern Colombia for centuries. Very little is known of their origin, which is generally attributed to proto-Chibchan hunters who resettled in the Aguarico river basin after leaving the Colombian highlands at some point during the pre-Columbian era. The assumption is based on the fact that the Cofan language is remotely related to the largely Andean Chibchan linguistic family.<sup>17</sup> The identification and labelling of these people as the "Cofan" was a Spanish creation since the Cofan referred to themselves simply as "a'i" (i.e. people), with their main source of identity based on the river near which they lived. The first Cofan group encountered by the Spanish in the 1530s lived on the Río Aguarico which is called "Cofa Na'e" in the Cofan language. Upon the request by the Spanish to identify themselves this group called themselves "Cofa Na'esu A'i", and the name Cofan struck with the Spanish.<sup>18</sup>

<sup>16</sup> Corkill and Cubitt, *Ecuador*, pp. 110-112; Hiraoka and Yamamoto, "Agricultural development in the upper Amazon of Ecuador", pp. 425-427; C. Grylls, *Environmental hooliganism in Ecuador: a study of the environmental, social and cultural effects of oil-operations in the Ecuadorian Oriente*, pp. 11-13.

<sup>17</sup> Fundación Sobrevivencia Cofan, "Cofan culture", <<http://www.cofan.org/history.htm>>, 2001. According to the Summer Institute of Linguistics, which researched and recorded the Cofan language, their language is classified as Chibchan with Western features. SIL International, "Cofan: a language of Ecuador", <[http://www.ethnologue.com/show\\_language.asp?code=CON](http://www.ethnologue.com/show_language.asp?code=CON)>, 2002. Mason also identified the Cofan language as "probably" of Chibchan origin (Chibchan languages feature prominently in debates on the relationships between North and South America since it is the only South American language family that extends into North America), while Pinkley and Vickers propose on linguistic grounds that their language is unrelated to any other indigenous South American language. J.A. Mason, "The languages of South American Indians" in Steward (ed.), *Handbook of South American Indians 6: Physical anthropology, linguistics and cultural geography of South American Indians*, pp. 157, 175, 186; H.V. Pinkley, "The ethno-ecology of the Kofán Indians" (D.Phil. dissertation, Harvard University, 1973), pp. 247-249; Whitten, *Amazonian Ecuador*, p. 39.

<sup>18</sup> R. Borman, "Survival in a hostile world: culture change and missionary influence among the Cofan people of Ecuador, 1954-1994", <<http://www.cofan.org/survival.htm>>, 1996; S.S. Robinson, "Toward an understanding of Kofan shamanism" (D.Phil. dissertation, Cornell University, 1979), p. 22.

The region historically inhabited by the Cofan stretched from the Río Aguarico in the south to the Río Putumayo in the north that forms the present-day boundary between Ecuador and Colombia. In Ecuador some Cofan communities also lived on the Río Coca, south of the Río Aguarico, and on the Río San Miguel, while in Colombia Cofan settlements were also found along the Río Guamuez, Río San Miguel and the Río Putumayo.<sup>19</sup> (See maps E-5 and E-22.) The Cofan lived in the high *selva* and by 1492 had an estimated population of 15 000 that was dispersed over an area of about 10 146 km<sup>2</sup>, with a population density of 1/48 km<sup>2</sup>.<sup>20</sup>

Historically, Cofan settlements were confined to the river banks and they moved around their vast territory almost always by dugout canoe. The rivers also provided their main means of transportation and communication, and facilitated inter-village contact as well as contact with other Indian communities. Overland travel was limited and sleeping alone in the forest at night avoided as far as humanly possible. Economically, traditional Cofan society practised the basic montaña culture and subsisted on a combination of hunting, gathering, fishing and swidden agriculture. In the pre-Columbian period, both bitter and sweet cassava were the most important cultivated crops and dominated swidden plots. Other crops included maize, tobacco and cultivated fruits which were randomly planted in the swidden plots. These plots were located up- and downstream from the settlements, and were cultivated for three years only before being abandoned, in most cases for good, since there was plenty of land left for clearing prior to the second half of the twentieth century.<sup>21</sup>

Politically, the Cofan lacked true chieftainships and villages existed independently from one another except when an outside threat forced the various Cofan communities to unite for brief periods. The centre of political authority in traditional Cofan culture were the *kuraka* or shamans who inherited their status and learned their techniques, rituals and skills from their fathers. Their traditional political and social culture revolved

<sup>19</sup> W.T. Vickers, "Development and Amazonian Indians: the Aguarico case and some general principles" in E.F. Moran (ed.), *The dilemma of Amazonian development*, p. 28; Benítez and Garcés, *Culturas Ecuatorianas*, p. 112; J.H. Parra R. and S.V. Bello, *Los cuentos de los abuelos: tradición de los indígenas Siona y Kofán del Putumayo / Our grandparents' stories: oral tradition of the Siona and Kofán Indians of Putumayo*, p. 9.

<sup>20</sup> L.A. Newson, "The population of the Amazon basin in 1492: a view from the Ecuadorian headwaters" in *Transactions of the Institute of British Geographers* N.S. 21(1), 1996, p. 10.

<sup>21</sup> Parra R. and Bello, *Los cuentos de los abuelos*, p. 9; Pinkley, "The ethno-ecology of the Kofán Indians", pp. 6-9; Robinson, "Toward an understanding of Kofan shamanism", pp. 24, 37-42; Vickers, "Development and Amazonian Indians", pp. 28-30.

around the ritual of *yagé* drinking. *Yagé*, a brownish-green drink made from the stem of the plant *Banisteriopsis caapi*, induces hallucinations and visions and is regarded as the source of all knowledge. *Yagé* rituals are also the basis of the shamans' power since it enables them to connect with the spiritual world and heal the sick. While *Yagé* is a powerful drug on its own, the Cofan also regularly used a variety of stimulants and narcotic drugs readily available in the Oriente in combination with *yagé*, such as coca, tobacco and yoco.<sup>22</sup>

Little is known of the pre-Columbian history of the Cofan apart from various legends that depict these people as warriors who used weapons such as spears, hardwood swords and bows and arrows, and as traders who traded items such as stone axes, adzes and knives for cloth, salt and sea shell beads along the tributaries of the Amazon. These pre-Columbian legends also make reference to neighbouring Indian communities, most notably the Siona-Secoya and the Quichua speaking Indians. Historical information on the Cofan during the Inca conquest and occupation of Ecuador is also limited, with only a few references being made in passing to Inca Huayna Capac's wars with the Cofan.<sup>23</sup>

The written history of the Cofan began in 1536 when a Spanish expedition headed by Díaz de Pinedo first made contact with this particular Indian nation. Consequently the Cofan were incorporated into the Gobernación de Quijos. Even though the Cofan were difficult to reach along the Ecuadorian waterways, the gold bearing sands of the upper Río Aguarico and the Río San Miguel attracted the Spanish and led to the founding of Archidona, San Pedro Alacalá de Río and Ecija de los Sucumbios. The establishment of Spanish settlements in Cofan territory in the second half of the sixteenth century had a far-reaching impact on the Cofan since the Spanish enslaved numerous Cofan and other indigenous Oriente Indians to work in the mining settlements. The Cofan reacted to these enslavement practices by launching a series of attacks against the Spanish settlements which the Spanish proved unable to defend. Ecija de los Sucumbios was abandoned by the Spanish in the 1560s as a result of these attacks, while Achindona was

<sup>22</sup> Pinkley, "The ethno-ecology of the Kofán Indians", pp. 164-194; Robinson, "Toward an understanding of Kofan shamanism", pp. 11-12, 42-44, 152-221; J.M. Cooper, "Stimulants and narcotics" in Steward (ed.), *Handbook of South American Indians 5: The comparative ethnology of South American Indians* pp. 525-526, 547-549, 553-557; Parra R. and Bello, *Los cuentos de los abuelos*, pp. 9-10.

<sup>23</sup> M.B. Borman, "The old people told us: twenty six Cofan legends as related by Enrique Criollo", <<http://www.cofan.org/stories.html>>, *s.a.*; Fundación Sobrevivencia Cofan, "Cofan culture"; Robinson, "Toward an understanding of Kofan shamanism", p. 24.

left in ashes after a Cofan attack in 1578. Shortly afterwards the Cofan succeeded in destroying Mocoa, which resulted in the withdrawal of the Spanish from Cofan territory.<sup>24</sup>

The second wave of Spanish intrusion into Cofan territory was led by the missionaries and lasted from 1602, when the first Jesuit priest settled amongst them, until 1767 when the Jesuits were expelled from Ecuador. Rafael Ferrer, the first Jesuit priest to settle in Cofan territory, established a successful missionary station in 1602 amongst the Cofan in which about 3000 people were baptized out of an estimated population of 15 000 Cofan. The normalisation of relations between the Cofan and the Spanish, through the efforts of Ferrer, once again attracted Spaniards to the area in search of gold and again led to the exploitation of Cofan labour, this time mostly as alluvial gold washers. Ferrer, who left Cofan territory after a few years of missionary work amongst these people, returned to the territory in 1608, only to be killed by the Cofan in 1611 for his alleged collaboration with the Spanish miners and authorities. In the decades that followed Ferrer's death, numerous Catholic missionaries, including the Franciscans and Jesuits, established a number of scattered missionary stations in the territory, incorporating communities close to these stations into *reducciones* which aimed at both converting the Cofan to Christianity and exploiting their labour for financial gain. An important consequence of the Christian missionary activities was the gradual acculturation of the Cofan Indians and the incorporation of steel tools and non-indigenous crops into their culture. The introduction of bananas and plantains, in particular, affected traditional food consumption amongst the Cofan, with plantains over time becoming the staple food of these people.<sup>25</sup>

The expulsion of the Jesuits from Ecuador in 1769 resulted in the closing of missionary stations in Cofan territory, thereby removing their only constant source of interaction with the Spanish. Limited interaction in the following 100 years was provided by merchants who visited the Cofan sporadically. This state of affairs enabled the Cofan to revert their own culture and practices with the priests and other Spanish speakers

<sup>24</sup> J.H. Steward and A. Métraux, "Tribes of the Peruvian and Ecuadorian montaña" in Steward (ed.), *Handbook of South American Indians* 3, p. 651; Robinson, "Toward an understanding of Kofan shamanism", p. 25; Borman, "Survival in a hostile world".

<sup>25</sup> M. Califona and J.A. Gonzalo, *Los A'i (Cofan) del Río Aguarico*, pp. 7-8; García, *Historia de las misiones en la Amazonia Ecuatoriana*, pp. 58-67; Borman, "The old people told us".

featuring in their oral tradition but not in their daily lives. The prolonged contact between the Cofan and the outside world via the missionaries had a devastating impact over time on the size of the Cofan population, which was reduced from about 15 000 people in 1492 to around 1800 by 1862, despite almost a century of limited contact between the Cofan and the outside world. The greatest cause of population decline amongst the Cofan, as was the case with too many indigenous American Indian communities, was Old World diseases such as smallpox, measles, polio, whooping cough and cholera, to which the Cofan had limited resistance. In addition to the Old World diseases, malaria and tuberculosis also took their toll amongst the Cofan as well as did several other diseases indigenous to the northern Oriente.<sup>26</sup>

The Cofan's century of relative isolation came to an end in the 1860s when they were visited by geologists and explorers in the employ of the Ecuadorian government and involved in the mapping of the Ecuadorian Oriente and the Columbian Amazonia. These exploration parties situated the Cofan along the Río Aguarico and the Río San Miguel and estimated the total population at about 1 800 people. Despite these mapping excursions, the exact border between Ecuador and Columbia remained uncertain until the Río Aguarico officially became Ecuadorian territory following the publication of the survey results of the 1929 Colombo-Ecuadorian Boundary Commission. Consequently the Ecuadorian government showed limited interest in the northern Oriente prior to the 1930s, which enabled the Cofan to continue with their traditional lifestyle relatively unhindered until the arrival of Capuchin friars in Cofan territory in 1896.<sup>27</sup>

The arrival of the Capuchin friars and their work amongst the Cofan started the modern acculturation process of this group through the introduction of Spanish-based education and intervention in the traditional lifestyle and settlement patterns of the Cofan. Their arrival coincided with the Amazon rubber boom and the corresponding massive abusive and inhuman exploitation of Amazonian Indians by the *caucheros* (rubber gatherers). Due to their isolation, and along with the generally poor quality of Ecuadorian latex, the Cofan as a group largely escaped the atrocities that characterised the activities of the

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<sup>26</sup> L.R. Mantilla, *Situaciones específicas pueblos indígenas de la Amazonia Ecuatoriano: estudio de case – el pueblo Cofan*, p. 77; Robinson, "Toward an understanding of Kofan shamanism", pp. 28-30; Borman, "Survival in a hostile world".

<sup>27</sup> Robinson, "Toward an understanding of Kofan shamanism", pp. 28-30.

Peruvian Amazon Company. A few individual Cofan, however, were exploited by the *caucheros*, though information on these abuses is sketchy at best.<sup>28</sup>

Of greater impact were the activities of the Capuchin friars, especially their promotion of a unified, single Cofan settlement at San Miguel al Nuevo near Tutuyé Quebrade in contemporary Colombia. This settlement scheme proved disastrous for the Cofan when a visitor to the mission station introduced measles in 1923, which disease wreaked havoc amongst this group, reducing their population to between 300 and 350 within a few years. Apart from the settlement of a single *cauchero* family in Cofan territory in 1832, the Cofan were left alone following the establishment of the exact Colombian-Ecuadorian border in 1929, which resulted in the Capuchin friars devoting their time to the Colombian Cofan on the other side of the Río Putumayo. In 1945, the Cofan were visited by the anthropologist Juan Friede who estimated that the total Cofan population amounted to about 300 people. Friede's visit coincided with the oil exploration activities of Shell International in the Ecuadorian Oriente, which activities brought aeroplanes, outboard motorboats and other technological innovations to the region, along with a large group of workers. Though the Cofan had been contacted by the Leonard Exploration parties in the 1920s, Shell International's geological surveys were their first direct interaction in their own territory with oil exploration activities, which they seemed to have admired from a distance. The exposure of the Cofan to modern technology, however, was short-lived, and once Shell International pulled out in 1949 the forest became quiet again.<sup>29</sup>

The next phase of Cofan interaction with the outside world started in 1954 when the group was contacted by missionary-linguists from SIL. By that time the Cofan had an estimated population of just over 500 individuals, of whom about 300 lived in Ecuador

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<sup>28</sup> Mantilla, *Situaciones específicas pueblos indígenas de la Amazonia Ecuatoriano*, pp. 77-78; Califano and Gonzalo, *Los A'i (Cofan) de Río Aguarico*, p. 9. Similarly the earlier quinine boom affected only a few Cofan individuals and not the group as a whole. For a conflicting view, see Hvalkof, "Outrage in rubber and oil", pp. 83-116.

<sup>29</sup> Robinson, "Toward an understanding of Kofan shamanism", pp. 30-35; Mantilla, *Situaciones específicas pueblos indígenas de la Amazonia Ecuatoriano*, pp. 79-80; Borman, "Survival in a hostile world"; Fundación Sobrevivencia Cogan, "Cofan Culture"; E. Queta, "My story: a Cofán autobiography", <<http://www.cofan.org/autobio.html>>, [1975].

in three communities along the Río Aguarico.<sup>30</sup> The initial contact between the Cofan and SIL was followed-up in 1955 by the permanent settlement of SIL members, Bub and Bobbie Borman in the largest Cofan village, Dureno, to study the Cofan language in order to analyse it linguistically; to develop an alphabet and basic materials to teach reading and writing in Cofan, and to translate the Bible into this language. The Borman family was a welcome new addition to the Dureno community whose chief, Guillermo Quenama, argued that the float-plane which brought the Bormans would secure for the village better access to trade goods than the occasional merchant who visited the area.<sup>31</sup>

The Bormans not only focused on linguistics and education, but also introduced western medicine, regular inoculations, and basic community development programmes. One of their aims was to establish alternatives to the forest-based subsistence economy of the Cofan, of which attempts to establish cattle farming became an important aspect. However, the Cofan did not take to many of the new introductions, especially cattle ranching, and after their cows ended up running wild through the villages, cattle ranching was abandoned for good. Over time, and especially within the context of oil developments that began to challenge the basic fabric of the Cofan way of living from the 1960s, the Bormans became key role players in helping this group to adapt and survive in a world that changed radically in a very short time.<sup>32</sup>

The contemporary history of the Cofan begins in 1964 when Geodetic Survey, Inc. began geological surveys for Texaco-Gulf in Cofan territory. From the onset of the modern oil industry in Ecuador, the Cofan found themselves trapped in the middle of oil

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<sup>30</sup> The size of the Cofan population is very important since many anti-Texaco publications claim that the Cofan boasted a population of between 15 000 and 20 000 people immediately prior to the start of the modern Ecuadorian oil industry in the 1960s. See, for example, Frente Para La Defensa de la Amazonia, "The people", <<http://www.texacorainforest.org/thepeople.html>>, s.a.; C. Jochnick, "Amazon oil offensive" in *Multinational Monitor* 17(1/2), January/February 1995, <[http://multinationalmonitor.org/hyper/issues/1995/01/mm0195\\_07.html](http://multinationalmonitor.org/hyper/issues/1995/01/mm0195_07.html)>; K. Egan, "Forging new alliances in Ecuador's Amazon" in *School of Advanced International Studies Review* 16, Summer/Fall, 1996, p. 124; M.H. Selverston, "The politics of culture: indigenous peoples and the state in Ecuador" in D.L. van Cott (ed.), *Indigenous peoples and democracy in Latin America*, p. 136. Their estimates are, however, greatly overstated. The pre-Columbian population of the Cofan was about 15 000 people, which was reduced to 1800 by the 1860s, to about 350 people by the 1930s, and to 300 by the 1950s. By 1970, their population was estimated to be between 250 and 300 people. See, for example, S.S. Robinson, "Numbers, distribution and present state of the indigenous groups of the coastal and Amazonian regions of Ecuador" in W. Dostal (ed.), *The situation of the Indian in South America: contributions to the study of inter-ethnic conflict in the non-Andean regions of South America*, pp. 397, 399; M. Tidwell, *Amazon stranger*, pp. 24-25; Newson, "The population of the Amazon basin in 1492", p. 10.

<sup>31</sup> Borman, "Survival in a hostile world"; Robinson, "Toward an understanding of Kofan shamanism", pp. 34-35.

<sup>32</sup> Fundación Sobrevivencia Cofan, "Cofan culture"; Borman, "Survival in a hostile world".

exploration and development activities. An old Cofan village site, Santa Cecilia,<sup>33</sup> became the first base for the oil industry in the northern Oriente and was developed to facilitate the growing air traffic between the region and Quito. The immediate impact of the influx of outsiders into Cofan territory was far-reaching in terms of the spreading of diseases, with whooping cough taking its toll amongst this group until an emergency vaccination programme launched by SIL in 1965 brought an end to the high number of deaths. More change followed shortly thereafter, including the death of Dureno Chief Guillermo Quenama under suspicious circumstances in an oil camp in Lago Agrio; the development of towns and oil camps in what constituted Cofan territory; the influx of colonists and other indigenous Oriente Indians, most notably the Oriente Quichua, and the completion of the Lago Agrio-Quito road in 1972 that ended for good the region's isolation within the broader Ecuador.<sup>34</sup> (See maps E-5, E-10 and E-22.)

Oil developments, along with the influx of outsiders, had a devastating impact on the Cofan: regular oil spills polluted their rivers; oil roads disturbed wildlife and vegetation; oil production sites close to villages polluted the immediate environment and denied the villagers access to those areas; deforestation occurred on a regular and large scale, and the colonists quickly settled on land that traditionally belonged to the Cofan. Dureno, in particular, became almost completely surrounded by oil developments and colonist farms, and played host to a number of Texaco-Gulf oil wells, while the villages of Amisacho and Cascales were eventually abandoned by the Cofan.<sup>35</sup>

The Cofan reacted to these and other challenges posed by modern society in a variety of ways. Villages and land could only be abandoned up to a certain point, after which

<sup>33</sup> Dureno was established in the 1940s as an offshoot of the Santa Cecilia community prior to its abandonment by the Cofan. Fundación Sobrevivencia Cofan, "Overview of communities", <<http://www.cofan.org/communities.html>>, *s.a.*

<sup>34</sup> Borman, "Survival in a hostile world"; Fundación Sobrevivencia Cofan, "Cofan culture"; Mantilla, *Situaciones específicas pueblos indígena de la Amazonia Ecuatoriana*, pp. 83-86; L. Ruiz M., "Pueblos indígenas y etnicidad en la Amazonia" in I. Almeida *et al.*, *Indios: una reflexión sobre el levantamiento indígena de 1990*, pp. 464-465; Robinson, "Numbers, distribution and present state of the indigenous groups of the coastal and Amazonian regions of Ecuador", p. 399; R.J. Bromley, "Agricultural colonization in the upper Amazon basin: the impact of oil discoveries" in *Tijdschrift voor Economische en Sociale Geografie* 63, July/August 1972, pp. 278, 280-285, 287-291.

<sup>35</sup> For detailed information on the impact of oil developments on Dureno and its inhabitants, and their reaction to it see, for example, Mantilla, *Situaciones específicas pueblos indígena de la Amazonia Ecuatoriana*, pp. 95-119; Comuna Cofan Dureno and OINCE, *El mejor lugar de la selva propuesta para la recuperación del territorio Cofan*, pp. 23-33; Comuna Cofan Dureno, "The best place in the forest: oil production in Cofan territory" in E.B. Valasquez (ed.), *The oil flows, the earth bleeds*, pp. 13-26; R.S. Lerner and T.M. Meldrum, "Debt, oil and indigenous peoples" in *Harvard Human Rights Journal* 5, Spring, 1992, pp. 177-180.

available land became simply too small for them to sustain their traditional lifestyle. Consequently, with the help of SIL and one of the Borman's sons, Randy, the Cofan started to fight back in the 1970s by making use of the same land settlement laws that aimed at easing land acquisitions for colonist settlers. In 1971 the Dureno Cofans began clearing a boundary to mark their territory, and together with the Dovuno community, applied for title to their traditional territory from the Instituto Ecuatoriano de Reforma Agraria y Colonizacion (IERAC). After many years of negotiation, IERAC finally granted the Doreno and Dovuno communities titles to 6000 hectares and 9400 hectares of land respectively. By oversight, one of Texaco-Petroecuador's producing wells, Dureno-1, was situated on the Doreno communal land. While most of the Cofan in Doreno and Dovuno opted to remain settled in their traditional homes, a number of Cofan chose to move away from the oil-producing region in the course of the 1970s and early 1980s, and went on to found three additional Cofan communities called Centro Cofan (the Handia Nae Ca collection of three upriver communities, respectively called Chandia Nae, Bermejo and Tayosu Cangque), Centro Cofan Sinangoe (situated upriver on the boundary line of the Cayambe-Coca Ecological Reserve) and Centro Cofan Zabalo (established upriver in 1984 in what became the Cuyabeno Wildlife Reserve).<sup>36</sup> (See map E-22.)

Equipping the Cofan with the necessary skills and knowledge to deal with the challenges of modern Ecuadorian society, and to ward off, if at all possible, the inherent dangers of the oil industry, has been a slow process, mainly owing to the fact that this group was relatively unacculturated at the start of the oil boom in the Ecuadorian Oriente, and because their cosmology did not make provision for a life in which the forest, land and resources were not plentiful.<sup>37</sup> Through SIL and their dealings with the oil industry, the Ecuadorian government and colonist farmers, however, the Cofan gradually adapted to these changing circumstances by making adjustments to their economic mode of production, and their social and political organisation. While many of the Cofan still practise their traditional subsistence agriculture and hunting and fishing, most Cofan also grow coffee and other crops for sale in nearby towns. A more important economic conversion was the successful launching of ecotourism initiatives

<sup>36</sup> ACOINCO and CEDIME, *Los Cofanes*, pp. 17-46, 53-58; Fundación Sobrevivencia Cofan, "Overview of communities"; Borman, "Survival in a hostile world".

<sup>37</sup> Borman, "Survival in a hostile world".

in Cofan communities and their ability to compete favourably with other tourism activities in the region, thereby ensuring a constant income on their own terms. Along with ecotourism, the Cofan have also become involved in conservation projects such as the successful turtle and macaw conservation projects of the Zabalo Cofan.<sup>38</sup>

Despite looming predictions, their language has not died out, but remains strong and is strengthened by an education system geared towards Cofan speakers. The promotion of education on all levels has also paid off with most Cofan communities being able to boast health workers, teachers and scientists involved in research into the Oriente environment. Socially the Cofan have adopted many aspects of Western culture, including dress and mannerisms, but the social basis of Cofan society still revolves around the shaman and the *yagé* ritual. Improved health care also impacted on their population numbers which increased gradually in the 1970s and 1980s to about 800 people by the mid-1990s. Dureno is the biggest village, with a population of about 450 people, and Chandía Na'en the smallest with just 34 people.<sup>39</sup>

Politically, the Cofan have had to learn to deal with Ecuadorian society on the latter's terms and within the laws of the Republic. This entailed organising themselves politically into legally recognised communities (*comunas*) upon which indigenous land title transfers depend, negotiating title transfers with IERAC and making sure that all communities and villages are informed about the correct processes to follow;<sup>40</sup> organising themselves into a pan-Cofan organisation, the Asociación de

<sup>38</sup> Fundación Sobrevivencia Cofan, "Overview of communities"; Vickers, "Development and Amazonian Indians", pp. 28-31; Fundación Sobrevivencia Cofan, "Cofan culture"; Fundación Sobrevivencia Cofan, "Cofan Zabalo: a conservation community", <<http://www.cofan.org/conservation.html>>, 13.12.2001; R. Ruf, "Is ecotourism in Latin America a sustainable option?" in *The HVS International Journal* November 2000, <<http://www.hvsinternational.com/emails/Journals/LatinAmerica/Ruf.html>>.

<sup>39</sup> Borman, "Survival in a hostile world"; ACOINCO and CEDIME, *Los Cofanes*, pp. 19-48.

<sup>40</sup> An integral part of the political mobilisation of the Cofan in the 1980s and 1990s, was the dissemination of information on how to legally establish a "comuna" upon which title transfers depend, how to apply for "territorio comunal" and what their rights and responsibilities are within the forest and conservation legislation in the country. These information packs are drawn up in such a manner that even less educated Cofan can comprehend their contents and are in general published in both Cofan and Spanish. See, for example, M.M. Freijóo, *Aindeccu toyacaen na'su mandacho/Los Cofanes y las leyes*, pp. 29-41. By 1984, the Cofan had received title to 13 435 hectares of land, which increased to about 15 700 hectares by the end of the 1990s. In addition to the land titles the Cofan hold, they also manage 135 000 hectares in the Cuyabeno Wildlife Reserve under agreement with the Ministry of the Environment, and were negotiating land titles for an additional 120 000 hectares in three different locations. Fundación Sobrevivencia Cofan, "Overview of communities"; T.E. Uquillas, "Social impacts of modernization and public policy, and prospects for indigenous development in Ecuador's Amazonra" in D.A. Schumann and W.L. Partridge (eds.), *The human ecology of tropical land settlement in Latin America*, p. 416; J.C. Tresierra, *Rights of indigenous groups over natural resources in tropical forests* (Environment Division Working Paper), p. 21.

Comunidades de la Nacionalidad Cofán which was founded in 1988; participating in pan-Oriente politics through their involvement in the Confederación de Nacionalidades Indígenas de la Amazonía Ecuatoriana (CONFENIAE), and mobilising local, national and international support for their campaigns aimed at conserving both their land and their culture.<sup>41</sup>

The political mobilisation of the Cofan from the 1980s onwards was an important aspect of the cultural survival strategy of this small Indian nation. Not only did it enable individual villages and communities to stand up for their rights such as the blocking of an oil road in 1988, but more importantly empowered these communities to oppose large-scale oil developments that followed in the 1990s and to participate in a class action suit against Texaco filed for the first time in 1993. The withdrawal of Texaco from the Ecuadorian Oriente, and by implication from Cofan territory in 1992, however, did not end this nation's confrontation with the oil industry. The Zabalo Cofan, in particular, became subjected to a new round of oil developments in the course of the 1990s, this time pursued by Petroecuador in the Cuyabeno Reserve despite environmental legislation prohibiting oil exploration and developments in protected areas. The Zabalo Cofan, led by Randy Borman, organised numerous protest actions against Petroecuador and their work crews, both in the Cuyabeno and in Quito, and eventually succeeded in halting oil-related work in their territory. In addition, they secured the important concession that they will be consulted regarding future oil developments in their territory and that Petroecuador will commission an environmental impact assessment prior to the renewal of oil activities. To a large extent these arrangements merely bought the Zabalo Cofan time, since they acknowledge that Petroecuador will most probably return in the long run. In the short term, however, they are using the precious time they have to develop their ecotourism and conservation programmes which they hope will act, in future, as effective deterrents and income generators that might result in the abandonment of all future oil developments in their

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<sup>41</sup> Mantilla, *Situaciones específicas pueblos indígena de la Amazonia Ecuatoriana*, p. 122; Freijóo, *Aindeccu toyacaen na'su mandacho*, p. 47; J. Kimerling, "Oil, lawlessness and indigenous struggles in Ecuador's Oriente" in H. Collinson (ed.), *Green guerrillas: environmental conflicts and initiatives in Latin America and the Caribbean*, p. 70.

territory.<sup>42</sup>

The Dureno Cofan, on the other hand, decided in the late 1990s that they had had enough of oil developments in what was left of their traditional territory. Consequently they invited the Ecuadorian government to attend a public audience on 12 December 1998 on the site of the Dureno-1 oil well, which is situated within their legal territory, in order to present a proposal to address the adverse impacts of oil developments within their legal territory. Their proposals included the permanent closure of the Dureno-1 oil well; the removal of all oil infrastructures on their land; environmental rehabilitation of affected areas, and the declaration of a state of emergency in the Río Pisurie and Río Aguas Blancas, which had been subjected to heavy oil and toxic pollution since the late 1960s. Following the refusal of the government to attend the public audience, the Dureno Cofan unilaterally proceeded with the permanent closure of the Dureno-1 oil well, much to the surprise of the Ecuadorian government and the country's oil industry.<sup>43</sup>

Oil developments changed the Cofan more than had any other outside intrusion in their people's long history, and came at a time when the Cofan could not compete on equal terms with the oil industry, the Ecuadorian government and the waves of colonists that followed on the heels of the oil developments. But, over time and after many setbacks, the Cofan still exist today, they still practise the key elements of their culture, speak their own language and have grown in numbers, strength, wisdom and economic ally, which is more than many other American Indians in similar situations can say.<sup>44</sup>

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<sup>42</sup> For a detailed discussion see M. Tidwell, *Amazon stranger*. See also M. Tidwell, "Randy Borman: Cofan chief" in *Earth Island Journal* 9(3), Summer 1994, <<http://www.earthisland.org/journal/nativer.html>>; Fundación Sobrevivencia Cofan, "Cofan culture"; Fundación Sobrevivencia Cofan, "Cofan Zabalo"; P. Sabin, "Searching for middle ground: native communities and oil extraction in the northern and central Ecuadorian Amazon, 1967-1993" in *Environmental History* 3(2), April 1998, pp. 153-155.

<sup>43</sup> Comuna Cofan Dureno, *A future for the Cofan people* (pamphlet); World Rainforest Movement, "The high cost of cheap oil", <<http://www.wrm.org.uy/publications/oil2.html>>, s.a.; Interview with a Cofan leader, Lago Agrio, 27.11.2001 (interview conducted with the assistance of Patricia Grandes of Acción Ecológica, who acted as interpreter).

<sup>44</sup> "Searching for middle ground", pp. 153-155; Borman, "Survival in a hostile world".

### 5.2.3 A HISTORY OF THE SIONA-SECOYA INDIANS

The Siona-Secoya, like the Cofan, is a very small Indian nation which historically shared the Aguarico river basin with the Cofan, with whom they have had very close social and cultural ties throughout their history. However, in contrast to the Cofan, the Siona-Secoya Indians form part of the Western Tucanoan linguistic family and are closely related, both linguistically and culturally, to the Siona, Makaguaje and Coreguaje Indians in Colombia, and the Secoya and Angotero Indians of Peru. The nomenclature of the Western Tucanoan Indians is characterised by inconsistency throughout the colonial era, thereby complicating identification of the numerous Indian communities who historically fell into this linguistic group. However, it is generally accepted that the Siona-Secoya are descendants of the once numerous Encabellado Indians (later known as the Poijé).<sup>45</sup>

The names Siona and Secoya only came into general use in the early twentieth century and are currently used to refer to members of the two nations living in Colombia, Peru and Ecuador. The Siona of Colombia is a distinct Indian nation, with few links with the Siona in Ecuador, and its very high levels of acculturation have made it almost impossible for this nation to continue practising its traditional lifestyle.<sup>46</sup> The Secoya Indians in Ecuador, on the other hand, consist of both Siona and Secoya, hence the reference to them as Siona-Secoya, who have intermarried freely and who have very close historical ties with each other. The Secoya in Peru, by contrast, consist of only Secoya Indians, and are identical to the Secoya in Ecuador with whom they have close relationships, and who were former Ecuadorian citizens who became Peruvian subjects following the 1941 Rio Protocol in which Ecuador ceded vast territories in the Oriente

<sup>45</sup> J.H. Steward, "Western Tucanoan tribes" in J.H. Steward (ed.), *Handbook of South American Indians* 3: *The tropical forest tribes*, pp. 737-739; W.T. Vickers, "Ideation as adaptation: traditional belief and modern intervention in Siona-Secoya religion" in N.E. Whitten (ed.), *Cultural transformations and ethnicity in modern Ecuador*, p. 706.

<sup>46</sup> During the course of the twentieth century, the Colombian Siona have lost many elements of their traditional culture and were incorporated into mainstream Colombian society. Their last shaman died in the 1960s thereby forcing the Siona to hire shamans from neighbouring Indian communities to perform the all-important *yagé* ceremony which forms the basis of their culture. For more details on the Colombian Siona see, for example, E.J. Langdon, "Yagé among the Siona: culture patterns in visions" in D.L. Browman and R.A. Schwarz, *Spirits, shamans, and stars: perspectives from South America*, pp. 63-80; E.J. Langdon, "La historia de la conquista de acuerdo a los indios Siona del Putumayo" in R. Pineda-Camacho and B. Alzate-Angel (eds), *Los meandros de la historia en Amazonia*, pp. 13-41. Please note that this study focuses attention only on the Siona-Secoya of Ecuador.

to Peru.<sup>47</sup> (See also section 2.2.2.4.)

In the absence of consistency in their nomenclature, it is impossible to provide an estimated pre-Columbian population size for the Siona-Secoya alone. Therefore the pre-Columbian estimates of the Western Tucanoans and the Encabellado will have to suffice. Steward estimated that the Western Tucanoans had a pre-contact population of 16 000 people, while Newson estimated that the Encabellado numbered between 6 000 and 8 000 people in 1492 spread over territory that encompassed about 28 749 km<sup>2</sup>. The Franciscans who visited the Encabellado in 1635, on the other hand, estimated that the Encabellado had a population of 8000. The estimated current population size of the Siona-Secoya is about 1 000 individuals.<sup>48</sup>

Historically the Siona -Secoya shared the Aguarico basin with the Cofan, moving within a vast area between the Río Napo in the south and the Río Putumayo and Río Caquetó in the north. According to Whitten, the Siona settled in the Aguarico basin before the Secoya, who migrated from the Río Santa Maria and Río Angussilla in Peru to their present location in Ecuador. Currently, the Siona-Secoya live on the Río Eno, Río Cuyabeno, Río Shushufindl, Río Aguarico; Río Lagarto Cocha and the Río Zancudococha. (See maps E-5 and E-23.) In contrast to the Cofan, however, the Siona-Secoya occupied the low *selva* which supported population densities of between 0,41 and 0,51 persons per km<sup>2</sup>.<sup>49</sup>

Traditionally, the Siona-Secoya was organised in nucleated riverine communities who built their houses well away from the main waterways, preferring the smaller tributaries instead. Communities were organised along patrilineal lines, consisted of 50-60 individuals and formed the most important political unit for these people. At the head of

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<sup>47</sup> SIL International, "Secoya: a language of Ecuador", <http://www.ethnologue.com/show\_language.asp?code=SEY>, 2003; SIL International, "Siona: a language of Colombia", <http://www.ethnologue.com/show\_language.asp?code=SIN>, 2003; Robinson, "Numbers, distribution and present state of the indigenous groups of the coastal and Amazonian regions of Ecuador", p. 398.

<sup>48</sup> J.H. Steward, "The native population of South America" in Steward (ed.), *Handbook of South American Indians* 5, p. 663; Steward, "Western Tucanoan tribes", p. 739; Tresierra, *Rights of indigenous groups over natural resources in tropical areas* p. 21; Newson, "The population of the Amazon basin in 1492", p. 10.

<sup>49</sup> N.E. Whitten, "Amazonia today at the base of the Andes: an ethnic interface in ecological, social and ideological perspectives" in Whitten (ed.), *Cultural transformations and ethnicity in modern Ecuador*, p. 135; Vickers, "Ideation as adaptation", p. 707; Hvalkof, "Outrage in rubber and oil", p 87; Mantilla, *Situaciones específicas pueblos indígenas de la Amazonia Ecuatoriana*, p. 62; Newson, "The population of the Amazon basin in 1492", p. 13.

each Siona-Secoya community was the shaman, who obtained his influence and power through his control of the *yagé* ceremony. As was the case with the Cofan, the *yagé* ceremony also formed the basis of Siona-Secoya society, and provided answers regarding all problems, crises and major decisions that had to be taken. But, unlike the Cofan, Siona-Secoya communities rarely cooperated with one another with tension characterising historic (and current) relations between them, which tension was fed and exacerbated by accusations of sorcery made by the various shamans in explaining illness and hard times in their own communities. Within this context, bad times were caused by the sorcery of neighbouring shamans, which effectively limited cooperation between the various Siona -Secoya communities.<sup>50</sup>

Traditional Siona-Secoya culture conforms to the main characteristics of the montaña culture, with subsistence based on swidden cultivation, hunting, fishing and gathering. Their major agricultural crops included sweet and bitter cassava, maize, papaya, yams and sweet potato. Their gardens consisted of three basic types, namely house gardens characterised by high-diversity intercropping, larger outlying garden plots (normally two to three) characterised by lower-diversity intercropping and dominated by staple foods, and single crop gardens. House gardens were adjacent or close to their houses and were used to cultivate a diversity of crops, including staple foods, condiments, medicinal and ritual plants, resources for crafts, plants for cosmetic purposes, ornamental plants, and experimental and seed plants. House gardens were normally abandoned only when the Siona-Secoya abandoned settlements, which occurred every ten to twenty years.<sup>51</sup>

The outlying garden plots, on the other hand, were abandoned every two to three years since the Siona -Secoya traditionally prepared a new garden during the dry season (November-January) to replace one old garden that was phased out annually. Outlying garden plots were dominated by staple foods, though snack foods, condiments, and medicinal plants were also found. Mono crop plots, by contrast, had only one crop,

<sup>50</sup> Vickers, "Ideation as adaptation", pp. 706-709; Parra R. and Bello, *Los cuentos de los abuelos*, pp. 9-12; Langdon, "Yagé among the Siona", pp. 64-68.

<sup>51</sup> W.T. Vickers, "Tropical forest mimicry in swiddens: a reassessment of Geertz's model with Amazonian data" in *Human Ecology* 11(1), 1983, pp. 36-40; Dufour, "Use of tropical rainforests by native Amazonians", pp. 653-656; B.C. Bennett, "Plants and people of the Amazonian Rainforests: the role of ethnobotany in sustainable development" in *BioScience* 42(8), September 1992, pp. 602-603.

which tended to be the staple food of the community. These plots traditionally served subsistence purposes only, but after the introduction of chickens and pigs in the course of the twentieth century, they also served as sources of animal feed for domesticated animals. Since the advent of the modern oil industry in Ecuador, mono crop plots (especially those planted with maize) serve as cash generators since part of the harvest in general tends to be offered for sale to the river merchants.<sup>52</sup>

Subsistence agriculture was supplemented by hunting, fishing and gathering, with the latter assuming great importance when the Siona-Secoya went on extended journeys or had immature gardens following the relocation of villages. Hunting served as an important protein source with popular prey including tapir, peccaries, capivaras, monkeys and sloths. Traditionally, hunting was generally restricted to an area of about 15 km from the settlements (a half-day's journey), and the blowgun and bow and poisoned arrow constituted the main hunting weapons. The main source of protein, however, was obtained through fishing, with the most popular fishing technique being the poisoning of fish with plant-based poison derived from cultivated *Tephrosia* and wild *Leguminosae* and *Clibadium*.<sup>53</sup>

The history of the Siona-Secoya is difficult to reconstruct due to the lack of nomenclature and their relative isolation within Ecuador for most of their history. Written reference to the Encabellado starts only in 1599 when the Jesuit fathers, Rafael Ferrer and Fernando Arnulfi, paid the Encabellado and their neighbours a brief visit before returning to their work amongst the Cofan. Major missionary activity among the Encabellado only followed in 1635 when the Franciscan priest, Father Pedro Pecedor, and the Spanish military officer, Capt. Juan de Palacios, settled among the Encabellado near the mouth of the Río Aguarico. Pecedor and De Palacios reported an estimated Encabellado population of 8 000 people, and went on to found San Diego de los Encabellados shortly thereafter. Franciscan missionary work among these people,

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<sup>52</sup> Vickers, "Tropical forest mimicry in swiddens", pp. 38-40.

<sup>53</sup> K.H. Redford and J.G. Robinson, "The game of choice: patterns in Indian and colonist hunting in the neotropics" in *American Anthropologist* 89(3), September 1987, pp. 652-654; Steward, "Western Tucanoan tribes", pp. 741-742; Dufour, "Use of tropical rainforests by native Amazonians", pp. 656-658; J. Ojasti, *Wildlife utilisation in Latin America: current situation and prospects for sustainable management*, <<http://www.fao.org/docrep/T07SOE/t0750e00.htm>>, Section 2.2; IUCN Species Survival Commission (Tapir Specialist Group), "Status and action plan of the lowland tapir (*Tapirus terrestris*)", <<http://www.tapirback.com/tapirgal/iucn-ssc/tsg/action97/ap97-22.htm>>, 1997.

however, was short-lived, and after a revolt in 1638 which left De Palacios dead and the mission in ruins, the Franciscans withdrew from the area.<sup>54</sup>

The next wave of missionary activities among the Encabellado only began in 1709, this time under the direction of Jesuits who were assigned the Aguarico and Napo region in a *cedula real* issued in 1683. The initial centre of Jesuit missionary activity was Archidona from where the Jesuits directed their missionary activities to the Cofan and neighbouring Indian communities. Between 1709 and 1769, the Jesuits established seventeen missionary stations among the Encabellado, nine of which were established in 1738. The Jesuits had mixed success amongst these people, in part because of the historical animosity between the individual and independent communities which the Jesuits struggled to bring together in larger settlements. In addition, the Jesuits were relatively few in number and struggled to establish a hold on the Encabellado who were prone to leave the larger settlements regularly for hunting and gathering expeditions. Though the lasting influence of the missionaries on the Encabellado is open to debate, these stations did serve important functions through the introduction of iron tools and new plant species in particular plantain that became a staple food for the Siona-Secoya, and in reorganising Siona-Secoya settlements on the riverbanks of the major waterways as opposed to their traditional hidden settlements. In addition, they brought previously hostile Encabellado communities together in larger settlements which made for trying circumstances under the best of conditions.<sup>55</sup>

The Jesuits' work among the Encabellado was severely curtailed after the 1744 uprisings which resulted from rumours spread by Chief Curazaba. Curazaba convinced the Indians at the San Miguel mission station that they were destined to be sold as slaves, in response to which the Indians rebelled and killed Father Francisco Real. The uprising spread quickly to the other mission stations, resulting in the abandonment of eight stations. Only five remained until the Jesuits were expelled from Ecuador in 1769. With the missionaries once again absent from Encabellado territory, the Siona-Secoya were able to return to their traditional life. Though the lasting impact of the missionaries seems doubtful, especially in light of the fact that Siona-Secoya oral history does not

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<sup>54</sup> Steward, "Western Tucanoan tribes", p. 739; Steward, "Tribes of the montaña", p. 511; J.R. González, *La region Amazonica del Ecuador en el siglo XVI*, p. 256.

<sup>55</sup> Vickers, "Ideation as adaptation", pp. 714-715; Vickers, "Development and Amazonian Indians", p. 35.

include references to this period, they did have an impact on their population numbers which were reduced from approximately 16 000 in the pre-Columbian era, to 8000 by 1634, to just a few hundred by 1858, who reportedly survived on turtle and manatee on the lower Río Aguarico.<sup>56</sup>

Owing to their isolated position in the north-eastern Ecuadorian Oriente, the Siona-Secoya received limited attention from the exploration parties who visited the Oriente in the second half of the nineteenth century. They also did not become the primary objects of the Capuchin friars' missionary activities amongst the Cofan from the 1890s onwards, and there is little information and proof to link the Siona-Secoya directly with the atrocities of the rubber boom, though it is possible that individual Siona and Secoya Indians fell victim to the *caucheros*, especially the Secoya that lived in Peru. Sketchy information exists on the Siona-Secoya prior to the 1950s, with references made to the adverse impacts of the 1923 measles epidemic, that severely depleted the Cofan population, on the Siona-Secoya population. As a result of this epidemic, the Encabellado only numbered about 200 people by 1923. There is no reference to the Siona-Secoya in the descriptions of the various Indian communities visited by the oil exploration parties in the 1930s and 1940s, even though Siona-Secoya communities lived in the Shushufindi area which would eventually become a major oil development area in the 1960s and 1970s. Though not directly involved in the struggle, the Peruvian invasion of Ecuador in July 1941, and the eventual signing of the Río Protocol (see section 2.2.2.4) in January 1942, resulted in the permanent separation of the Siona-Secoya in Ecuador from their closely related Secoya communities in what became north-western Peru.<sup>57</sup>

As was the case with the Cofan, the modern history of the Siona-Secoya and their real acculturation process started with the settlement of linguist-missionaries from SIL among these people in the 1950s. By that time, the occasional trader that ventured into the Aguarico river basin had already introduced rice, steel machetes, fish-hooks and firearms into Siona-Secoya society, though their subsistence was still based on their

<sup>56</sup> Steward, "Western Tucanoan tribes", pp. 738-739; Vickers, "Ideation as adaptation", p. 715; Mantilla, *Situaciones específicas pueblos indígena de la Amazonia*, p. 63.

<sup>57</sup> Vickers, "Development and Amazonian Indians", p. 35; Vickers, "Ideation as adaptation", p. 715; Robinson, "Numbers, distribution and present state of the indigenous groups of the coastal and Amazonian regions of Ecuador", p. 400.

traditional modes of production. However, the settlement of the SIL missionary-linguist, Orville Johnson, and his family among the Siona-Secoya, and the establishment of a permanent missionary outpost at San Pablo on the Río Cuyabeno in the mid-1950s, began to transform the traditional Siona-Secoya society into one more acceptable to the Ecuadorian government.<sup>58</sup>

Johnson, like the Bormans, was tasked with creating a written language for the Siona-Secoya and with translating the Bible into their language. In addition, Johnson's close co-operation with the Ecuadorian government further ensured that bilingual education, the promotion of nucleated settlements, the introduction of a "rational" economic system (i.e. the promotion of the use of the national currency, the concepts of cash payments for goods and services, and of debt and credit), and the strong promotion of the Ecuadorian national symbols, became key aspects of SIL's activities among the Siona-Secoya. Like the Bormans, Johnson also participated in agricultural extension work in an attempt to wean the Siona-Secoya off their subsistence economy. Work in this field included the introduction of pigs, cattle, goats and chickens, of which pigs and chickens proved to be a great success.<sup>59</sup>

The mutual respect that developed over time between the Cofan and the Bormans, was to a large extent absent from the relationship between SIL and the Siona-Secoya. Amongst the latter, SIL missionary-linguists actively set out to transform Siona-Secoya social, religious, economic and political practices. In their bilingual school, the nationally prescribed curriculum of reading, writing, arithmetic, history and geography was strictly adhered to and showed little regard for the traditional educational needs of Siona-Secoya children. In SIL's Protestant church, religion quickly became associated with a list of taboos, including the prohibition of the consumption of hallucines and other narcotic substances, participation in the *yagé* ceremony, the consumption of all alcohol, the sucking of tobacco and extramarital sexual affairs. In addition, SIL enthusiastically participated in the promotion of mainstream Ecuadorian culture amongst the Siona-Secoya, through the introduction of the Ecuadorian flag and anthem,

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<sup>58</sup> Mantilla, *Situaciones específicas pueblos indígena de la Amazonia Ecuatoriana*, pp. 80-81; Sabin, "Searching for middle ground", p. 148.

<sup>59</sup> Vickers, "Ideation as adaptation", pp. 715-718.

and the teaching of citizenship classes.<sup>60</sup> As Vickers remarks, "the SIL and Ministry of Public Education programs among the Siona-Secoya represent a comprehensive effort to shift their ideology, alter their settlement pattern, restructure their subsistence activities, and modify their social organisation within the context of an expansionist, development-oriented national society".<sup>61</sup>

The success of the process through which SIL attempted to "civilise" the Siona-Secoya in order for them to withstand the challenges of modern Ecuadorian society, was challenged by oil developments in the northern Ecuadorian Oriente from the 1960s onwards. As was the case with the Cofan, the Siona-Secoya's survival became threatened as oil developments opened up their traditional territory to both Texaco-Gulf and the colonists and other Oriente Indians that followed shortly thereafter. With the oil industry came all the associated industrial pollution that polluted their waterways and land, and oil-related activities, which scared away wildlife and limited the movement of the Siona-Secoya to specific areas. Particularly hard-hit were the Siona-Secoya settlements on the Río Shushufindi and the Río Eno following the development of Shushufindi as a major oil-producing region and the establishment of a 9900 hectare African palm plantation by Palmeras del Ecuador. The latter merely used different chemicals (namely pesticides and insecticides) than did Texaco-Gulf to pollute the environment in their immediate vicinity, but the end result was to a large extent the same, namely environmental degradation over a widespread area.<sup>62</sup>

While SIL's activities among the Siona-Secoya are open to much criticism, they did work towards securing land titles from IERAC for this nation in the course of the 1970s. After numerous failed attempts between 1974 and 1976, IERAC finally awarded the Siona-Secoya title in 1977 to a 7 043 hectare area between the Eno, Aguarico and Shushufindi rivers. In 1979 the two remaining Siona-Secoya communities also received relative protection from the invading colonist farmers and the oil industry when the government created the Cuyabeno Wildlife Production Reserve in 1979 in response to the rapid rate of deforestation that prevailed in most of the northern Oriente. One Siona-

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<sup>60</sup> *Ibid.*, p. 717-724.

<sup>61</sup> *Ibid.*, p. 722.

<sup>62</sup> Vickers, "Development and Amazonian Indians", pp. 34-37; Ruiz, M., "Pueblos indigenas y etnicidad en la Amazonia", pp. 464-465; Selverston, "The politics of culture", pp. 135-136.

Secoya community received title to 744 hectares in the Cuyabeno Reserve (which initially encompassed an area of about 2550 km<sup>2</sup>), located right in the middle of the reserve, while the other Siona-Secoya community was reconstituted into a legal reserve that shares a border with the Cuyabeno.<sup>63</sup> (See maps E-6, E-16 and E-23.)

In the course of the 1980s, the Cuyabeno Reserve became symbolic of the low status the Ecuadorian government afforded legally protected natural spaces in the country when they allowed oil developments to commence in the Reserve. Unfortunately oil exploration activities proved very successful in the Cuyabeno, and consequently led to the development of six oil-producing wells by Texaco-Petroecuador in the course of the 1980s. Following in the wake of the oil companies, were colonist farmers who quickly began clearing 50 hectare plots to cultivate maize, coffee, cocoa and plantain. As a result, far from being secluded and protected, the Siona-Secoya were forced to share the Cuyabeno Reserve with Texaco-Petroecuador, over 1 000 colonists and the Zabalo Cofan who resettled on the Río Cuyabeno in 1984 to escape oil developments in their traditional territory.<sup>64</sup>

The Siona-Secoya's adaptation to a changing living and physical environment since the 1960s has been slow, but not necessarily unsuccessful. The introduction of vaccines, antibiotics and other western medicines by SIL had a great impact on the general health of their communities, and enabled this nation to increase its population size from an estimated 350 people in 1980, to 600 by 1992 and to about 1000 by the end of the 1990s. While an increase in population size is crucial to the survival of the Siona-Secoya, it also meant an increase in the size of its communities and consequently also an increase in the demand for access to and ownership of natural resources by these communities; natural resources that were at the same time being sought after by the ever-expanding oil industry and the never-ending flow of colonists.<sup>65</sup>

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<sup>63</sup> Vickers, "Development and Amazonian Indians", pp. 30-31; J.D. Nations and F.C. Hinojosa, "Cuyabeno Wildlife Production Reserve" in J.O. Browder (e.d.), *Fragile lands of Latin America: strategies for sustainable development*, pp. 140-142.

<sup>64</sup> Nations and Hinojosa, "Cuyabeno Wildlife Production Reserve", pp. 140-142, 146; Sabin, "Searching for middle ground", p. 155.

<sup>65</sup> Tresierra, *Rights of indigenous groups over natural resources in tropical forests*, p. 21; Rosengren, *Indigenous peoples of the Andean countries*, p. 28; Vickers, "Development and Amazonian Indians", pp. 35-36.

The development of an oil infrastructure since the 1970s and the corresponding expropriation of land by colonists in traditional Siona-Secoya territory, necessitated the development of political co-operation between the various Siona-Secoya communities in order to present a united front in the face of these outside threats to the very basis of their existence. To this end, and for the first time in its history, the Siona-Secoya united politically in a single organisation, the Organización de Indígenas Siona-Secoyas (OISE) in 1986, and have co-operated with other indigenous Indian communities and organisations in the Oriente. While the political mobilisation of the Siona-Secoya came too late for these communities to withstand the first wave of oil developments by Texaco and their joint venture partners at various stages, it did become a crucial aspect of their survival strategy in the course of the 1990s as new oil developments in the Cuyabeno again threatened to displace and marginalise their communities in the name of national development and modernisation.<sup>66</sup>

While many Siona-Secoya still practise their traditional subsistence economy, they have incorporated elements of the economy advocated by SIL and elements of the wider Oriente economy introduced by the development of the Ecuadorian oil industry. Most significant has been their adoption of chickens and pigs which are used as a commodity to generate cash through sales to river merchants. This cash, in turn, enables them to buy foodstuffs such as rice, noodles, sugar and coffee. In addition, the Siona-Secoya have also started to participate in selling crafts to tourists, though not on the same scale as the Cofan.<sup>67</sup>

The development of ecotourism as a world-wide attraction and the Siona-Secoya's habitation of one of the places in the world that succeeds best in capturing the imagination of tourists, have also enabled these communities to exploit the ecotourism market, thereby generating much-needed hard currency. In the Cuyabeno Reserve, for example, tourism ensures the Siona-Secoya communities more than US \$30 000 per year through park and guide fees, while some Siona-Secoya also benefit from employment as park guards. In addition, the Siona-Secoya have become involved in research into the Oriente environment through their employment by the numerous

<sup>66</sup> Mantilla, *Situaciones específicas pueblos indígena de la Amazonia Ecuatoriana*, p. 122.

<sup>67</sup> Vickers, "Development and Amazonian Indians", pp. 39-40.

scientists and academics who visit the Cuyabeno and other parts of the northern Ecuadorian Oriente on a regular basis.<sup>68</sup>

The adaptation of the Siona-Secoya to a changing Oriente physical and human environment, and their ability to negotiate with the government and the oil industry on better terms than before, were severely tested in the course of the 1990s as renewed interest in the oil possibilities of the Ecuadorian Oriente subjected the Siona-Secoya in the Cuyabeno to what was to become the second period in the modern Ecuadorian oil industry. The first wave consisted of the petroleum development and production activities of Texaco and its joint venture partners which continue to this day through the activities of Petroecuador, which became the sole operator of the dissolved joint venture after Texaco's concession expired in 1992. Texaco might no longer be active in Ecuador, but the lingering effects of their mismanagement of the natural and human environment in the traditional territory of the Siona-Secoya was motivation enough for members of this Indian nation to become involved in the class action suit filed against Texaco, Inc. in 1993.

The second wave of oil developments, spurred on by improved oil legislation, from the oil industry's perspective, brought the California-based oil company Occidental Petroleum (popularly known as Oxy) into the lives of the Siona-Secoya. Occidental Petroleum obtained a 200 000 hectare concession, known as Block 15, in 1985, with the right to extract oil for twenty years. Block 15 is situated in the protected Limoncocha Reserve and is part and parcel of traditional Siona-Secoya territory. In 1985 it was inhabited by the Siona-Secoya and the Oriente Quichua, with the latter settling in the area in the 1960s and 1970s. Five oil fields were developed near the town of Limoncocha by 1992 and they were connected via a 30 km pipeline to the Transecuadorian pipeline. Better terms for the oil industry, implemented by the Ecuadorian government in the course of the 1990s, ensured that Occidental Petroleum remained interested in the unexplored oil possibilities of Block 15. This interest, however, now needed to be explored within the context of a highly mobilised and politicised Ecuadorian Indian population, and of international support for indigenous

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<sup>68</sup> Nations and Hinojosa, "Cuyabeno Wildlife Production Reserve", pp. 143-147.

communities living within oil-producing regions.<sup>69</sup>

At first Occidental Petroleum opted to negotiate with single Siona-Secoya communities, for whom chainsaws, medicines and raincoats were provided in return for unhindered oil exploration within sections of Block 15. The discovery of these secret arrangements between Occidental Petroleum and some Siona-Secoya communities in 1996 became a source of great discontent amongst the remaining Siona-Secoya communities in the Limoncocha Reserve, who immediately rallied local, national and international support for the renegotiation of the agreement with Occidental Petroleum. Ultimately, the oil company was forced to conclude a new contract with the whole Siona-Secoya community living in Limoncocha, in terms of which Occidental Petroleum had to adhere to a code of conduct which includes the banning of bribes to indigenous communities, and which necessitates full approval of oil exploration and development plans by all the Siona-Secoya.<sup>70</sup>

This code of conduct was a landmark agreement within the Ecuadorian oil industry and represented the first regulatory agreement that will govern dialogue between an oil company and the indigenous communities living within a concession block. However, the internal conflict which the Occidental Petroleum incident created within the Siona-Secoya, also highlighted the genuine lack of political co-operation within this group, and the continuation of the nation's identification with village communities, as opposed to the wider Siona-Secoya nation. More important was the rift that occurred between the Siona and the Secoya with the Siona, after 1998, increasingly attempting to establish an identity separate from the Secoya, thereby threatening the close historical ties between the two independent, yet inseparable Indian nations. Whether this will continue and whether or not the Siona will eventually separate from the Secoya, still remains to be

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<sup>69</sup> D. Knight, "Indigenous group takes on U.S. oil grant" in *PS Terra Viva* 7(134), 16.7.1999, pp. 1-2; C.S.F. Tautz, "Ecuador: fraud negotiations with indigenous communities", <<http://nativenet.uthscsa.edu/archive/nl/9608/0001.html>>, 31.7.1996; S. Kretzman and A. Freeman, "Oily trinkets and beads" in *Multinational Monitor* 17(10), October 1996, <<http://multinationalmonitor.org/hyper/mm1906.03.html>>.

<sup>70</sup> Knight, "Indigenous group takes on U.S. oil grant", pp. 1-2; Tautz, "Ecuador"; Kretzman and Freeman, "Oily trinkets and beads"; "Occidental signs agreement with the Secoya people of Ecuador", <<http://www.rainforestjuk.ebox.org/projects1/ecunews.htm>>, 1999.

seen.<sup>71</sup>

### 5.3 A BRIEF REVIEW OF TEXACO, INC.'S HISTORY

The multinational oil company, Texaco, Inc., that became the primary focus of the Aguida class action suit, was established in March 1901 by Joseph ("Buckskin Joe") Cullinan and Arnold Schlaet as the Texas Fuel Company, and headquartered in Beaumont, Texas. With the financial backing organised by Schlaet in New York, Cullinan was able to exploit the oil opportunities that dramatically emerged with the 1901 Spindletop oil discovery, by selling cheap Spindletop oil to the sugar plantations along the Mississippi River and to Standard Oil of New Jersey (now Exxon).<sup>72</sup>

A need for greater capital to expand the operations of the company, led in 1902 to the creation of the Texas Company, headquartered first in Corsicana, Texas and moved a few years later to Houston, which quickly absorbed the Texas Fuel Company and continued with its expansion into other branches of the oil industry. An important development was the acquisition of property at Sour Lake, 36 km from Spindletop, in 1902 which enabled the young company to continue with its activities when oil reserves at Spindletop were exhausted. The Sour Lake concession became the platform from which the Texas Company diversified into the upstream oil activities, and by 1904 the company was already producing almost 5% of all oil in the United States. Their downstream oil activities also expanded rapidly in the course of the 1900s as Schlaet succeeded in setting up a nationwide network of outlets for Texaco oil and associated products.<sup>73</sup>

By the 1910s Texaco was already a fully integrated oil company whose main activities focused on the American oil industry. Diversification away from the American market

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<sup>71</sup> P. Lippman, "Defending the Amazon: strategies for resistance – negotiation versus opposition", <[http://www.advocacy.net.org/cpage\\_view/amazonoil\\_strategies\\_17\\_64.html](http://www.advocacy.net.org/cpage_view/amazonoil_strategies_17_64.html)>, 2001; "Occidental signs agreement with the Secoya people of Ecuador", 1999. See also Occidental Petroleum, "Occidental in Ecuador", <[http://www.oogc.com/world\\_oper/latin\\_america/envir\\_ecu.htm](http://www.oogc.com/world_oper/latin_america/envir_ecu.htm)>, 2003.

<sup>72</sup> J. Hinds, "Indian Refining Company, incorporated Havoline Motor Oil (through 1962). The Texas Company / Texaco Inc. (through 1985): informal history notes", <<http://www.texacollector.com/history.htm>>, 2001; Texaco Inc., "Our history", <<http://www.texaco.com/sitelets/history>>, Founders, 1901-1909. For more information on the Spindletop oil strike see, for example, C.C. Rister, *Oil! Titan of the southwest*, pp. 50-65.

<sup>73</sup> A. Sampson, *The Seven Sisters: the great oil companies and the world they made*, pp. 56-57; Texaco Inc., "Our history", 1901-1909.

was initially a slow process and focused on the marketing of petro-chemical products in Latin America and involvement in the Iraqi oil industry at the invitation of the British following negotiations with Washington in 1922.<sup>74</sup> The major expansion period, however, followed in the 1930s when Texaco acquired exploration and production rights in the Barco concession in the Colombian Amazon in 1936, which proved profitable enough for the company to build a 420 km pipeline in 1939 from the Barco concession to Covenas, a Colombian port on the Gulf of Mexico. More importantly though was their involvement in the Middle Eastern oil industry at the invitation of Standard Oil of California (Socal). In 1936 Texaco acquired a 50 % share in Socal's Bahrain and Saudi Arabian concessions, which effectively gave them 50 % ownership of the California Arabian Standard Oil Company (later changed to Arabian American Oil Company or Armaco). Their cooperation with Socal increased when they set up CALTEX, in which both companies had a 50-50 % share, to market their Middle Eastern oil world-wide. Texaco and Socal soon became known as "the terrible twins" and were known for their ruthless behaviour and negotiations that proved very unpopular with most other role players in the oil industry.<sup>75</sup>

Texaco's direct participation in the Saudi Arabian oil industry, along with new developments in other parts of the globe, enabled the company to become a serious player in the international oil industry. However, their activities, were not without controversy and in the 1930s the company actively supported Gen. Franco in the Spanish Civil War by providing him with oil to the value of US \$6 million, thereby violating the American neutrality law. This was followed by close cooperation with Nazi Germany during the early part of the Second World War in which Texaco supplied oil to the Nazis in return for three oil-tankers. They also worked with Nazi agents in the United States of America (USA) in their attempts to convince US industry not to support the Allied war effort. Texaco's involvement with the Nazis were only publicly exposed in 1940, which in turn resulted in a sharp drop in Texaco share prices and the resignation of the President of the company, Torkild Rieber. After the Nazi scandal

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<sup>74</sup> M. Wilkins, "Multinational oil companies in South America in the 1920s: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador and Peru" in *Business History Review* 48(3), Autumn 1974, pp. 414-446; Sampson, *The Seven Sisters*, p. 83.

<sup>75</sup> J.M. Blair, *The control of oil*, pp. 31, 34-42; Texaco Inc., "Our history", 1930-1939; British Petroleum, *Our industry* (3<sup>rd</sup> edition), pp. 387, 393-394.

Texaco made sure that it supported the USA war effort in cooperation with ten other major American oil companies.<sup>76</sup>

Texaco's history after World War Two parallels that of the other major oil companies, and the company set out after the war to increase its oil exploration and production on a worldwide scale that took it into Africa and Southeast Asia. An important development was the official change of its corporate name from the Texas Company to Texaco, Inc. on 1 May 1959, with the latter representing the name with which the public most commonly identified the company. By 1972 Texaco's expansion paid off and they were ranked fourth on the list of the world's largest manufacturing companies. This made Texaco the third largest oil company in the world besides Exxon and Shell, which were the largest and second largest manufacturing companies respectively on the 1972 listing.<sup>77</sup>

Like most of the major oil companies, Texaco was ultimately not only to deal with the 1973 Oil Crisis, but more importantly managed to reap fast profits from the sharp increase in the oil price, with record profits posted for 1973 and 1974. The company's real crisis came in the 1980s with its attempt to undermine the agreed sale of 43 % of Getty Oil to Pennzoil, by offering Getty US \$10,2 billion (as opposed to the US \$5,4 billion offered by Pennzoil) for the 43 % of Getty that was up for sale. The Getty board of directors accepted Texaco's offer on 6 January 1984, a mere five days after they had shaken hands with Pennzoil on the merger. Pennzoil reacted to this news by filing a suit against Texaco alleging that the company had tortiously interfered with a bidding contract. A Houston jury concurred in 1985, and awarded Pennzoil US \$10,5 billion in damages; a ruling that was upheld in the Texas Court of Appeals which awarded Pennzoil US \$7,53 billion in contract damages and US \$3 billion in punitive damages. Eventually, in 1988 Texaco and Pennzoil settled on a cash payment of US \$3 billion.<sup>78</sup>

While many believed that the Pennzoil debacle would be the end of Texaco, the

<sup>76</sup> Sampson, *The Seven Sisters*, pp. 96-99; D. Yergin, *The prize: the epic quest for oil, money and power*; pp. 371-388; Texaco Inc., "Our history", 1940-1949.

<sup>77</sup> Texaco Inc., "Our history", 1950-1959, 1960-1969; Sampson, *The Seven Sister*, p. 202.

<sup>78</sup> P. Nulty, "Pennzoil: how a foxy deal became a dog" in *Fortune* 126(10), 2.11.1992, pp. 82-83; G.M. Henry, "The Texaco star strikes out in Houston" in *Time* 126(25), 23.12.1985. For a detailed discussion, see S. Coll, *The taking of Getty Oil: the full story of the most spectacular and catastrophic takeover of all time*

company managed to pull through after 1988 and even succeeded in expanding its activities in the Middle East, Africa and Latin America, and began to participate in the lucrative oil industries within the former Soviet Union and China following the collapse of communism in the former and the relaxing of communism in the latter. However, the company soon discovered that the 1990s was not to be the decade in which they could conduct business as usual, and some of their activities became problematic within the focus on human rights, equality, political correctness and environmental stewardship that prevailed for most of the decade.<sup>79</sup>

In this decade Texaco also emerged as an extremely racist company in which people of colour were victimised and ridiculed, and black people called names such as "porch monkeys" and "black jelly beans". Bari-Ellen Roberts, the lead plaintiff in a class action suit against Texaco, succeeded in 1997 in bringing the company to acknowledge its racist nature and forcing them to pay US \$176,1 million to Roberts and 1400 other black co-workers in damages. Ironically, Texaco's refusal to acknowledge any wrongdoings until incriminating evidence was made public in November 1996, meant that the company had to pay US \$146,1 million more than the original US \$30 million demanded by Roberts at the start of the suit.<sup>80</sup> Revelations of racial discrimination were followed soon afterwards by accusations of sexual discrimination in which Texaco was accused of systematically underpaying female workers relative to their male counterparts in the same positions. After the US Department of Labor ruled in favour of the female Texaco employees, Texaco agreed in January 1999 to pay US \$3,1 million to 186 of its female staff in back pay for the period 1993 to 1996.<sup>81</sup>

In addition to its problems with racism and sexual discrimination, the 1990s also

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<sup>79</sup> Texaco Inc., "Our history", 1980-1989, 1990-2001; G.L. Richardson, B.M. Jackson and G.W. Dickson, "A principle-based enterprise architecture: lessons from Texaco and Star Enterprise" in *MIS Quarterly* 14(4), December 1990, pp. 385-388; "Shanghai project selects Texaco coal-gas process" in *Oil and Gas Journal* 90(16), 20.4.1992, p. 30; "China again selects Texaco coal process" in *Oil and Gas Journal* 90(7), February 1992, p. 45; T. Jaffe, "Texaco without hype" in *Forbes* 145(4), 19.2.1990, pp. 196-197; T. Mack and A. Janzer, "The jewel in the crown" in *Forbes* 154(7), 26.9.1994, pp. 76-77.

<sup>80</sup> R. Mokhiber, "The ten worst corporations of 1996" in *Multinational Monitor* 17(12), December 1996, <<http://multinationalmonitor.org/hyper/mm1296.04.html>>; "Two racisms at Texaco" in *Multinational Monitor* 17(12), December 1996, <<http://multinationalmonitor.org/hyper/mm1296.02.html>>; A. Fisher, "Texaco: a series of racial horror stories" in *Fortune* 137(9), 11.5.1998, p. 186; B. Garfield, "Texaco spot tinted by suspicion of intent" in *Advertising Age* 70(21), 17.5.1999, p. 67; K. Labich, "No more crude at Texaco" in *Fortune* 140(5), 6.9.1999, pp. 205-209.

<sup>81</sup> "Texaco pays \$ 3,1 million to women for wage underpayment" in *Women's International Network* 25(2), Spring 1999, p. 88.

highlighted the ambiguous and conflicting stance of the company on environmental issues. Following the re-emergence of environmental concerns in the late 1980s in general, and the environmental dangers associated with the oil industry so painfully highlighted by the 1989 *Exxon Valdez* oil spill, Texaco also speeded up efforts to improve its environmental image. Some of these efforts involved publically proclaiming that the company supported environmental initiatives.<sup>82</sup> In September 1989, for example, the chairman of the Texaco Board, Alfred C. Decrane, proclaimed "in fact, 'The Greening of the Energy World' is already having an impact on every aspect of our activities. Yet there appears to be much more to come. I welcome that My colleagues at Texaco welcome it. And, I believe, the enlightened leaders of the worldwide petroleum industry welcome it. After all, it's our world, too. A world whose beauty and bounty we want to enjoy, and preserve for our children and their children. I'm proud to say, I'm an environmentalist."<sup>83</sup>

Despite the above and other similar statements, Texaco's activities in the course of the 1990s did little to convince the public, the environmental lobby and ethnic groups living in Texaco oil-producing regions that the company was truly serious about the environment. Such claims were countered by the company's active support for and involvement in the Global Climate Coalition (GCC), an industry coalition set up in the late 1980s to counter initiatives to reduce both greenhouse gases and humankind's dependency on fossil fuels in general, and the provisions of the 1997 Kyoto Protocol in particular. Texaco only resigned as a member of the GCC in March 2000 and adopted softer attitudes shortly after.<sup>84</sup>

While the company made much publicised contributions to Miami's Metrozoo, donated 100 famous and historic trees for a Historic Tree Trail in Somers on Earth Day 1992,

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<sup>82</sup> T.A. Birkland, "In the wake of the Exxon Valdez: how environmental disasters influence policy" in *Environment* 40(7), September 1998, pp. 4-9; P. Steyn, "Big business, oil and nature: a historical exploration of environmental consciousness and management within the modern oil industry, 1850s-1990s", paper read at the annual conference of the American Society for Environmental History, Providence, 26-30 March 2003, pp. 17-19.

<sup>83</sup> A.C. Decrane, "The greening of the energy world: the impact of environmental actions on the U.S. petroleum industry" in *Vital Speeches of the Day* 56(4), 1.12.1989, p. 118.

<sup>84</sup> Global Climate Coalition, "About us: what is the GCC?", <<http://www.globalclimate.org/aboutus.htm>>, *s.a.*; D. Humpreys, "Environmental accountability and transnational corporations" in B. Gleeson and N. Low (eds), *Governing for the environment: global problems, ethics and democracy*, pp. 90-91; N. Franz, "Texaco splits from industry lobbying group" in *Chemical Week* 162(10), 8.3.2000, p. 17; G.F. Tilton, "Texaco responds to Greenpeace call for action on climate change", <[http://www.texaco.com/shared/position/docs/climate\\_green\\_letter.html](http://www.texaco.com/shared/position/docs/climate_green_letter.html)>, 2001.

and sent its employees to participate in the Texaco/Global Releaf Urban Tree Initiative in Tulsa, Oklahoma in 1992, its oil-related activities proved to be less environmentally conscious.<sup>85</sup> In 1989, for example, the Company was fined US \$750 000 under the Outer Continental Shelf Lands Act for failure to test crucial oil-rig blow-out protection equipment and for fabricating test results in order to show compliance with the law. In 1993 the company was ordered to pay US \$14,7 million in penalties and clean-up costs for two separate oil spills in Washington state, and further tried to force a 24,44 million litre petrol and diesel tank farm on the residents of Lloyd, Florida. Accusations of gross environmental neglect in their oil production areas in Ecuador followed shortly after, thereby casting doubt on the sincerity of Texaco in terms of both its commitment to improving the state and the future of the natural environment and its respect for the rights of those who inhabit their oil-producing regions across the world. Needless to say, revelations on the racial and sexual discrimination of Texaco's own American employees did little to support the company's claim that it always respects the right of indigenous oil-producing communities.<sup>86</sup>

Against the background of a very successful 1990s, despite problems on the environmental and human rights fronts, Texaco entered the new millennium with annual revenues totalling US \$35,7 billion; a worldwide net daily oil production of 900 000 barrels of crude oil per day (b p/d); it had 18 433 employees worldwide and 37 930 service stations across the world, and was active in oil exploration and/or production in 25 countries. In October 2000 Texaco merged with Chevron to form the Chevron Texaco Corporation thereby creating the world's fourth largest oil company.<sup>87</sup> Despite all these changes, the basic philosophy of the company has remained essentially the same since its inception as the Texas Fuel Company in 1901, namely to achieve "superior total return to our shareholders".<sup>88</sup>

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<sup>85</sup> See, for example, "Texaco cools zoo" in *American Forests* 98(1/2), February 1992, p. 16; D. Gangloff, "A trail of trees" in *American Forests* 98(7/8), August 1992, p. 11; D. Gangloff, "Tulsa digs in" in *American Forests* 98(7/8), August 1992, p. 12.

<sup>86</sup> D. Beers and C. Capellaro, "Greenwash!" in *Mother Jones* 16(2), March/April 1991, pp. 38-40; "Texaco, U.S. oil to pay \$ 14,7 million for oil spills" in *EPA Journal* 19(2), April/June 1993, p. 6; L. Clark and W.R. Freudenburg, "Rhetoric, reform and risks" in *Society* 30(5), July/August 1993, pp. 78-81; R. Mokhiber, "The ten worst companies in 1993" in *Multinational Monitor* 15(12), December 1993, <[http://multinationalmonitor.org/hyper/issues/1993/12/mm1293\\_06.html](http://multinationalmonitor.org/hyper/issues/1993/12/mm1293_06.html)>; "Oil spills are expensive in the United States" in *Unesco Courier* 47(3), March 1994, p. 26.

<sup>87</sup> "Chevron Texaco agree to merge in all-stock deal" in *Oil and Gas Journal* 98(43), 23.10.2000, pp. 28-30; Texaco Inc., "Texaco company locations", <[http://www.texaco.com/shared/directory/comp\\_dir.html](http://www.texaco.com/shared/directory/comp_dir.html)>, 2001.

<sup>88</sup> Texaco Inc., "The spirit of environmental enterprise", <<http://www.texaco.com/she/main.html>>, 2001.

#### **5.4 THE ENVIRONMENTAL IMPACT OF TEXACO'S OIL-RELATED ACTIVITIES IN THE ECUADORIAN ORIENTE**

The history of the modern Ecuadorian oil industry up to 1992 is to a large extent the history of firstly Texaco-Gulf (1964-1977), and subsequently Texaco-Corporacion Estatal Petrolera Ecuatoriana (CEPE)/Petroecuador (1977-1992), since this joint venture dominated oil production in the country up till Texaco's withdrawal from Ecuador in 1992, following the expiry of its 1973 concession. Exploration activities by Texaco-Gulf between 1964 and 1972 also resulted in the discovery and development of what continues to be the country's major oil fields, and include Lago Agrio, Sacha, Shushufindi and Aucu.<sup>89</sup> (See section 3.3.1, and maps E-10, E-11, E-12, E-13 and E-14.)

Texaco's dominant role in Ecuador, together with the fact that it and not its joint venture partners was the operator for both the joint ventures with Gulf and CEPE/Petroecuador, made this multinational oil company an obvious target for the Oriente Indians and colonist communities in the course of the 1990s, when the post-Cold War international order, and the mobilisation and politicisation of indigenous communities around the world, created the right environment for seeking compensation from multinationals operating in ethnic minority regions in the developing world. The adverse environmental and social impacts of Texaco's oil-related activities on the Ecuadorian Oriente between 1964 and 1992 motivated Maria Aguinda and the other Cofan, Siona-Secoya and Oriente Quichua Indians, as well as the colonists, to file a class action suit against Texaco, Inc. in 1993. Consequently it is important to focus on their main grievances in this regard before turning attention to the case itself.

While the Ecuadorian oil industry is relatively small in comparison with other oil producing exporting states, Texaco nonetheless covered substantial ground in the 38 years it was active in the Ecuadorian Oriente. In the course of both its exploratory and

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<sup>89</sup> S.M. Sawyer, "Marching to nation across ethnic terrain: the politics of identity, territory and resource use in the Ecuadorian Amazon" (D.Phil. dissertation, Stanford University, 1997), pp. 46-48; Sawyer, "Latin America after 1920", pp. 1146-1149; Energy Information Administration, "Ecuador", <<http://www.era.doe.gov/cabs/ecuador2.html>>, 2001.

production activities, the joint venture cut 30 000 km of seismic lines, and operated oil fields in which 22 production stations and 339 oil wells were situated. Of the original 339 oil wells drilled by the Texaco joint venture, some 235 are still active today (2003). Every stage of oil developments pursued by Texaco and its joint venture partners impacted radically on the Ecuadorian Oriente and its indigenous population, in no small part because the region was isolated and effectively cut off from the rest of the country until the 1960s.<sup>90</sup>

During its oil exploration activities, Texaco cut nearly 30 000 km of seismic lines in the Oriente and cleared vast tracts of land for exploration base camps and heliports. The deforestation and land alienation that went hand-in-hand with exploratory activities was exacerbated by the development of a road infrastructure to facilitate the successful development of the Oriente oil industry. In terms of governmental regulations and requirements attached to oil concessions, Texaco and the other oil companies active in the Oriente between the 1960s and 1990 built about 500 km of new roads in the territory, the bulk of which is attributed to Texaco-related oil activities. It is estimated that about one million hectares of land were colonised by outsiders as a direct result of the development of an internal road infrastructure in the Oriente, with typically 2-12 km of forest converted into farming plots on both sides of any given oil road.<sup>91</sup>

Massive deforestation and land invasion by colonists impacted negatively on the ability of the Cofan and the Siona-Secoya Indians to sustain their traditional modes of production, especially in terms of hunting and gathering activities, and on the availability of land for subsistence plots. The result in most cases was the same, namely that Cofan and Siona-Secoya communities became boxed into small pockets of insufficient land surrounded by outsiders and oil company property. The Dureno Cofan community had the additional misfortune of having to live next to an active oil well, Dureno-1, situated within their recognised traditional territory. Encroachment of traditional Cofan territory served as the main motivation for the migration of the Zabalo

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<sup>90</sup> Kimberling, "Oil, lawlessness and indigenous struggles in Ecuador's Oriente", p. 64; C.V. Gualinga, "The ravages of oil activity in Ecuadorian Amazonia" in *The Courier* 173, January/February 1999, p. 55.

<sup>91</sup> A.B. Rosenfeld, D.L. Gordon and M. Guerin-McManus, "Approaches to minimizing the environmental and social impacts of oil development in the tropics" in Z. Gao (ed.), *Environmental regulation of oil and gas*, p. 296; Bromley, "Agricultural colonization in the upper Amazon basin", pp. 281-285; J. Kimberling, "Disregarding environmental law petroleum development in protected natural areas and indigenous homelands in the Ecuadorian Amazon" in *Hastings International and Comparative Law Review* 14(4), 1991, p. 875.

Cofan to what was perceived to be a safe sanctuary in the Cuyabeno Reserve in 1984. That was until oil developments in the Cuyabeno in the course of the 1980s converted almost half of the reserve into an area controlled by colonist farmers and the oil industry, while the remainder of the reserve became an attractive oil exploration territory in the course of the 1990s.<sup>92</sup>

Apart from the obvious deforestation and land alienation that accompanied oil exploration activities, seismogelite explosive shots and exploratory drilling impacted negatively on the Oriente environment. Seismic explosions along with noise from helicopters and drilling, led to high levels of noise pollution that scared away wildlife, thereby making it difficult for the Cofan and the Siona-Secoya to hunt successfully. Drilling operations, on the other hand, created 157 920 litres of highly toxic drilling waste and muds per well, which amounts to 53 534 880 litres of drilling waste produced by the Texaco joint venture between 1964 and 1992. All these highly toxic wastes were disposed of either directly into watercourses or into unlined open pits with devastating effects on the state of the immediate and downstream environments, and the health and the safety of the neighbouring communities.<sup>93</sup>

Pollution levels increased substantially after the Texaco joint venture came onstream in 1972 and started to actively exploit their oil findings in the Oriente. Texaco-operated separation facilities produced more than 16,168 million litres of highly toxic water daily which, like the drilling wastes, was mostly dumped into unlined production pits which had the tendency to overflow every time it rained (which is almost daily in the Oriente), thereby transporting the polluted waste to lower-lying areas. In addition, the general practice of spraying most of the Oriente roads with crude oil as a dust controlling measure, also meant oil-polluted run-off was carried to other areas every time it rained, thereby increasing the geographic spread of oil-related environmental pollution. The Sistema del Oleoducto Trans-Ecuatoriano (SOTE) oil pipeline that links the Oriente oilfields with the oil port at Esmeraldas, also proved to be a notorious source of oil

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<sup>92</sup> Kimberling, "Disregarding environmental law", p. 877; Tidwell, *Amazon stranger*, pp. 24-29; ACOINCO and CEDIME, *Los Cofanes*, pp. 19-27; Mantilla, *Situaciones específicas pueblos indígena de la Amazonia*, pp. 110-112.

<sup>93</sup> Kimberling, "Disregarding environmental law", pp. 861-864. The widespread occurrence of unlined waste pits in the Oriente has been confirmed by numerous authors and outsiders, including a delegation from the Organisation of American States. See, for example, Organisation of American State, *Report on the situation of human rights in Ecuador*, pp. 81-83.

pollution after its completion in 1972. The Ecuadorian government recorded 30 major SOTE oil spills between 1972 and 1992, resulting from corrosion, faulty construction and environmental factors such as earthquakes and landslides. In total, an estimated 63,168 million litres of oil were spilled into the sensitive Oriente environment during these 30 oil spills, none of which was ever cleaned up by the oil industry. In addition to SOTE oil spills, spills from secondary oil pipelines, such as the May 1989 San Carlos oil spill which dumped 1 105 448 litres of oil into the Río Napo, deposited an average of 37 600 litres of crude oil into the sensitive Oriente environment every fourteen days. As was the case with SOTE oil spills, these oil spills almost never received attention from the authorities beyond the repairing of the leakages on the pipelines.<sup>94</sup>

While oil spills and the dumping of toxic waste pollute water, land and wildlife resources upon which the Cofan and the Siona -Secoya depend for their survival, gas flaring pollutes the air they breathe and the natural environment for nearly 100 m away from the flare. With only 12-15 % of all associated gas produced daily by Texaco between 1972 and 1992, being refined at the Shushufindi gas plant, the joint venture burned off approximately 235 600 million cubic feet of natural gas with devastating impacts on the health and safety of neighbouring communities.<sup>95</sup>

After being subjected to eight years of oil exploration and development activities, and twenty more years of oil production and transportation activities by the Texaco joint venture, the Cofan, the Siona-Secoya and other later additions to the region, most notably the Oriente Quichua and the colonists, had witnessed the destruction of their traditional territories and the slow erosion of their traditional way of life. Deforestation, together with colonist and Quichua land invasions, denied them access to land and other resources; led to the disappearance of 48 % of all large birds (including the extinction of three species); caused the devastation of edible and medicinal plants, and the destruction of natural resources used in crafts; made it more difficult to practise subsistence agriculture, and made it almost impossible for the indigenous Indian communities to

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<sup>94</sup> Amazon Watch, *The new heavy crude pipeline in Ecuador*, pp. 7-10; A. Almeida A., "Impactos globales y locales: la deuda ecológica en el Ecuador" in CENSAT and Friends of the Earth, *Ruirá: el grito del petróleo*, pp. 65-66; G. da Ros, *La contaminación de aguas en Ecuador: una aproximación económica*, p. 60; Egan, "Forging new alliances in Ecuador's Amazon", pp. 126-127; Kimerling, *Amazon crude*, pp. 69-73.

<sup>95</sup> Kimerling, *Amazon crude*, pp. 61-65.

practise their traditional land management strategies involving field abandonment and forest reclamation.<sup>96</sup>

Toxic waste discharges and crude oil spills, on the other hand, contaminated water systems; killed fish resources crucial to the Cofan and Siona-Secoya diet; polluted soil around well sites, stations and roads, and increased the levels of soil salination, erosion and sedimentation. Not only did soil and water pollution render vast tracts of land useless, but it also impacted negatively on the already poor soil fertility of the region, thereby decreasing the already short period in which land in the region can be cultivated profitably and sustainably. Pollution also placed neighbouring communities in high health risk areas, in particular through petroleum hydrocarbon contamination that greatly increases the risk of cancer amongst male inhabitants, and via other diseases commonly associated with exposure to toxic contamination, such as birth defects, high spontaneous abortion rates, skin diseases, nausea, vertigo, dizziness and lipoid pneumonia.<sup>97</sup>

Given the relative isolation of the Oriente within the broader Ecuadorian set-up, the general lack of regard for the environment within the oil industry globally, the weakness of Ecuadorian environmental legislation, the importance of the oil industry for the economic survival of Ecuador, and the general lack of status and influence of Indian communities within Ecuadorian society, it is not surprising that Texaco failed to address the adverse environmental and social impacts of their activities in the Oriente. Oil-related environmental and social degradation and destruction, together with international campaigns to highlight the plight of Oriente Indian communities affected and/or threatened by oil developments, and the publication of Judith Kimerling's groundbreaking study on the environmental and social impact of the Oriente oil industry

<sup>96</sup> Comuna Cofan Dureno, "The best place in the forest", pp. 13-26; ACOINCO and CEDIME, *Los Cofanes*, pp. 53-58.

<sup>97</sup> Comuna Cofan Dureno, "The best place in the forest", pp. 14, 17-21; C. Jochnick, R. Normand and S. Zaidi, *Violaciones de derechos en la Amazonia Ecuatoriana: las consecuencias humanas del desarrollo petrolero*, pp. 15-19; Egan, "Forging new alliances in Ecuador's Amazon", pp. 127-128; McSpotlight, "McSpotlight on the oil industry", <<http://www.mcspotlight.org/beyond/oil/html>>, s.a.. For detailed reports on the health impacts of the oil industry on the Oriente inhabitants see, for example, UPPSAE, *Culturas bañadas en petróleo: diagnóstico salud realizado por promotores* (1993); Centre for Economic and Social Rights, *Rights violations in the Ecuadorian Amazon: the human consequences of oil development* (1994); Centre for Economic and Social Rights, *From needs to rights: recognizing the right to health in Ecuador* (1999); M. San Sebastian and J.A. Córdoba, "Yana Curi" report: the impact of oil development on the health of people of the Ecuadorian Amazon (translated by K. Keating, 1999).

on the people and the natural environment in the region,<sup>98</sup> forced the government to reconsider its position on the environmental impacts of Texaco's activities in the Oriente. Following the publication of an environmental impact assessment by Petroecuador in 1991, in which it found *inter alia*, that 364 oil wells of the company did not meet basic requirements to avoid pollution (most of the oil wells had previously been operated by Texaco); that 226 wells were found to be spilling oil into the immediate environment, and that 94 % of the fauna and flora had been destroyed in the areas that surround oil development zones, the government had little option but to request Texaco, in 1992, to submit an environmental audit of their activities in Ecuador between 1972 and 1992.<sup>99</sup>

Consequently Texaco and Petroecuador contracted a Canadian firm, HBT-Agra, Ltd, in 1992 to conduct an environmental audit of the joint venture's activities. Despite numerous shortcomings, especially in terms of the scope of the audit criteria, the usage of inaccurate data and legal interpretations, and Petroecuador's dual involvement as both guilty partner and agency to whom the audit had to be presented, the environmental audit did find that the activities of the Texaco-Petroecuador joint venture had had an adverse impact on the natural environment in the Oriente. The audit cited 93 spills at Texaco-Petroecuador oil wells and drilling sites between 1973 and 1990, which resulted in the spilling of 450 000 barrels of oil (7,155 million litres) into the environment. To the disgust of the Oriente inhabitants directly affected by Texaco-related pollution and environmental destruction, the HBT-audit recommended that Texaco and Petroecuador pay a fine of only US \$8 million to replace machinery and pay unpaid taxes. While the HBT audit did not recommend that Texaco and Petroecuador pay for the rehabilitation of the effected environment, they did estimate that it would cost only US \$13,2 million to rehabilitate the environment adversely affected by Texaco's activities.<sup>100</sup>

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<sup>98</sup> Published as *Amazon crude* (1997) and expanded upon in numerous articles. This author, like most academics who became interested in the human and environmental consequences to the Oriente Indians following the publication of Kimerling's work, is highly indebted to Kimerling for providing a solid scientific base from which to proceed with other academic research into the theme.

<sup>99</sup> M. Becker, "Ecuador: Indian groups sue Texaco Oil", <<http://nativenet.uthscsa.edu/archive/nl/9405/0041.html>>, 1994.

<sup>100</sup> J. Kimerling, "The environmental audit of Texaco's Amazon oil fields: environmental justice or business as usual?" in *Harvard Human Rights Journal* 7, Spring 1994, pp. 211-222; "Bad deal for Ecuador" in *Environment* 37(1), January/February 1995, p. 21; "Clean-up time" in *The Economist* 329(7838), 20.11.1993, p. 50; "Massive Amazon oil spill" in *Earth Island Journal* 7(4), Fall 1992, p. 10; Becker, "Ecuador".

Following the publication of the HBT-audit, Texaco and the Ecuadorian government negotiated a contract in terms of which Texaco undertook to implement environmental remedial work for a period of three years (1995-1998), during which time the company would spend US \$40 million on the rehabilitation of about 250 sites in the Oriente. During this process some open waste pits were lined and covered, cleared land in some areas was afforested, and polluted soil in some areas rehabilitated. Even though the Texaco rehabilitation effort focused on a relatively small part of Texaco's former operational area in the Oriente, the Ecuadorian government proceeded with the signing of a final release of claims and delivery of equipment agreement with the company on 30 September 1998.<sup>101</sup>

In terms of the final release of claims, the Government and Petroecuador "release, absolve and discharge TEXPET, Texas Petroleum Company, Compañía Texaco de Petróleos del Ecuador, S.A., Texaco Inc. and all their respective agents, servants, employees, officers, attorneys, indemnitors, guarantors, heirs, administrators, executors, beneficiaries, successors, predecessors, principals and subsidiaries, forever, from any liability and claims by the Government of the Republic of Ecuador, PETROECUADOR and its Affiliates, for items related to the obligations assumed by TEXPET". In short, for US \$40 million, the Ecuadorian government signed away their right, and by implication that of its citizens, to hold Texaco liable for the remaining oil-related environmental problems in the Oriente.<sup>102</sup>

### **5.5 AGUINDA V. TEXACO, INC.**

On 3 November 1993 Maria Aguinda and 75 other residents of the northern Ecuadorian Oriente filed a class action suit on behalf of a putative class of 30 000 Oriente inhabitants against the multinational oil company, Texaco, Inc., to "remedy the negligent, reckless, intentional and outrageous acts and omissions of defendant Texaco, Inc. in connection with its oil exploration and drilling operations which have caused plaintiffs and the class to suffer property damage, personal injuries, increased risks of

<sup>101</sup> Phia Steyn Private Document Collection (PSPDC): Republic of Ecuador (Ministry of Energy and Mining), Contract for implementing of environmental remedial work and release from obligations, liability and claims, 4.9.1995; Texaco, "Remediation", <<http://www.texaco.com/shared/position/docs/remed.html>>, 1999.

<sup>102</sup> PSPDC: Republic of Ecuador (Ministry of Energy and Mining), Final release in terms of the Contract for implementing of environmental remedial work and release from obligations, liability and claims, 30.9.1998.

cancer and other diseases, and has resulted in the degradation and destruction of the environment in which plaintiffs and their families live".<sup>103</sup>

The plaintiffs, who consisted of Cofan, Siona-Secoya and Oriente Quichua Indians and colonists residing in the northern Ecuadorian Oriente, filed the lawsuit to force Texaco to clean up existing environmental contamination that could be directly linked with their oil activities in the Oriente; to force the company to install re-injection equipment at all their former oil wells and structures, and to obtain financial compensation for personal injuries suffered by the plaintiffs and the class as a direct result of Texaco's oil-related environmental activities in the Oriente. The plaintiffs estimated that the cost of environmental rehabilitation and the installation of re-injection equipment would be in excess of US \$1 billion, which amount excluded claims for financial compensation for personal injuries. Popular speculation placed the total claim in the *Aguinda versus Texaco, Inc.* at around US \$1,5 billion.<sup>104</sup>

When *Aguinda et al.* filed the lawsuit in 1993, they did so against the background of over two decades of developments in international law, which over time started to promote both environmental and minority rights, and important political developments in Ecuador in which the Indian movement not only gained ground against their forced exclusion from mainstream Ecuadorian society and politics, but more importantly had succeeded, through the 1990 and 1992 *levantamientos*, in carving out a political space for themselves in the Ecuadorian political scene. Further contributing factors to the Oriente Indians' decision to take on one of the most powerful multinational companies in the world were the internationalisation, from the late 1980s onwards, of the Ecuadorian Indian movement and of the struggle of the Oriente Indians against the oil industry. This internationalisation of Oriente Indian grievances and struggles ensured them valuable support from international environmental and human rights organisations, and from the international media, without whose help it would have been impossible to contemplate legal action against Texaco (See also section 2.2.2.8.)

<sup>103</sup> *Aguinda v. Texaco, Inc.: Plaintiffs Original complaint*, 3.11.1993, p. 3.

<sup>104</sup> Frente de Defensa de la Amazonia, "Aguinda v. Texaco/Jota v. Texaco: questions and answers", <<http://www.texacorainforest.com/why/questions.html>>, *s.a.*; *The Wall Street Journal (Europe)*, 7.5.2003, p. A5; Rainforest Action Network, "Ecuadorian citizens protest Texaco's Amazon oil pollution", <<http://www.ran.org/news/newsitem.php?id=245&area=oil>>, 20.6.1996.

### 5.5.1 BACKGROUND TO THE AGUINDA V. TEXACO, INC. CASE

The Aguinda case originated in the USA in 1991 when Christobal Bonifaz, an Ecuadorian lawyer residing in the USA, was handed an Oxfam America pamphlet by his son in which there was a short paragraph on Texaco's destruction of the Ecuadorian Oriente. His son prompted Bonifaz to do something about the situation of the Oriente Indians, and after numerous calls Bonifaz left for Ecuador to investigate the allegations. His training as a chemical engineer and twenty years of working experience at Du Pont convinced Bonifaz of the validity of the claims, and he returned to the Oriente in 1992 with a team of Harvard scientists who took water samples from 33 sites which revealed the presence of polycyclic aromatic hydrocarbons at much higher levels than permitted in the USA.<sup>105</sup>

Following scientific confirmation of environmental pollution at former Texaco oil sites, Bonifaz sought the help of the Philadelphia-based law firm, Kohn, Swift and Graf which had succeeded in 1986 in bringing an Aliens Torts Claims Act (ATCA) case against the former Philippine dictator, Ferdinand Marcos. Based on the evidence at hand (especially that provided by Judith Kimerling in *Amazon crude*), Joseph Kohn agreed to participate in an ATCA suit against Texaco. From the outset it was important for Bonifaz to seek redress in the American legal system since the Ecuadorian legal system was known for its bias, corruption and general intolerance of Indians. A common perception amongst the Ecuadorian Indian community was that the country's legal system only applied to "those who wear ponchos", i.e. the Indians, and not to mainstream Ecuadorian society which was seldom subjected to legal proceedings.<sup>106</sup>

In addition, the Ecuadorian legal system made no provision for class action suits and required all plaintiffs to file separate suits. The USA, with its long tradition of class action suits, was therefore considered a better venue to pursue the plaintiffs' complaints through litigation. Finally, after Texaco formally withdrew from Ecuador in 1992, its fourth-tier subsidiary, the Texaco Petroleum Company (TexPet), which operated in Ecuador, handed over all oil-related structures to its joint venture partner, Petroecuador,

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<sup>105</sup> Frente de Defensa de la Amazonia, "Aguinda v. Texaco/Jota v. Texaco"; E. Press, "Texaco on trial" in *The Nation*, 31.5.1999, <<http://www.texacorainforest.org/nation.htm>>.

<sup>106</sup> Frente de Defensa de la Amazonia, "Aguinda v. Texaco/Jota v. Texaco"; Press, "Texaco on trial".

and formally ceased to exist. Consequently there was no representative company of Texaco in Ecuador against which the Oriente Indians could file a suit. As a result, the USA in general, and the state of New York in particular, since Texaco was headquartered in White Plains, became the only suitable venue for Maria Aguinda and her 75 co-plaintiffs to seek redress and remedy for the environmental destruction caused by Texaco's involvement in the Ecuadorian Oriente between 1964 and 1992.<sup>107</sup>

## 5.5.2 LEGAL BASIS OF THE LAWSUIT

### 5.5.2.1 International law

New developments in international law since the late 1960s formed an integral part of the Aguinda lawsuit even though most of the environment and minority-related aspects were non-enforceable. Despite this import shortcoming, without which there would have been much more environmental and minority litigation, these developments formed the international legal backdrop against which the case unfolded, and it therefore deserves a brief discussion.

In terms of the legal recognition of fundamental environmental rights, much credit is owed to the United Nations (UN) for promoting the concept that all humans are entitled to a clean, safe environment. In 1968 the UN General Assembly recognised the relationship between the quality of the human environment and humankind's enjoyment of basic human rights.<sup>108</sup> This was followed in 1972 by the Declaration of the United Nations Conference on the Human Environment, in which all attending states agreed that: "man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears the solemn responsibility to protect and improve the environment for present and future generations" (Principle 1).<sup>109</sup> The Declaration further calls upon states to exploit

<sup>107</sup> A. Markels, "Texaco's crude legacy" in *Mother Jones* 24(3), May/June 1999, pp. 64-65; PSPDC, Ecuador: Press release of the plaintiff's legal team entitled "Rainforest Indians launch billion dollar lawsuit against Texaco", 3.11.1993.

<sup>108</sup> K. Bosselmann, "Human rights and the environment: redefining fundamental principles?" in B. Gleeson and N. Low (eds), *Governing for the environment: global problems, ethics and democracy*, p. 120.

<sup>109</sup> United Nations, "Declaration of the United Nations Conference on the Human Environment", <<http://www.unep.org/Documents/Default.Print.asp?DocumentID=978&ArticleED=1503>>, 1972.

their natural resources responsibly and without harm to the environment (Principle 21).<sup>110</sup>

The responsibility of the state to protect the environment was further expanded in 1976 when the International Law Commission adopted the Draft Convention on State Responsibility. In terms of Article 19(3d) an "international crime may result from a serious breach of an international obligation of essential importance for the safeguarding and preservation of the human environment, such as those prohibiting massive pollution of the environment or of the seas".<sup>111</sup>

Work on developing international environmental law mechanisms in the 1970s coincided with the incorporation of the indigenous issue on the UN agenda and that of the Subcommission on Prevention of Discrimination and Protection of Minority Rights (renamed in 1999 the Subcommission on the Promotion and Protection of Human Rights). A UN Working Group on Indigenous Populations was established in 1982 tasked with developing criteria for determining who constituted indigenous peoples, and developing standards to guide the UN and its member states in dealing with ethnic minority groups.<sup>112</sup> This was followed by the Convention Concerning Indigenous and Tribal Peoples in Independent Countries, adopted on 27 June 1989 by the General Conference of the International Labour Organisation. This convention recognised the right of resource-rich communities to be consulted over plans to exploit the natural resources within their territory; that they should benefit from resource exploitation should it proceed, and that resource communities have the right to be fairly compensated for any damages that might result from this resource exploitation (Article 15).<sup>113</sup>

The 1989 initiative was followed in 1992 by the Draft Declaration on the Rights of Indigenous Peoples, in terms of which the UN Working Group on Indigenous Populations accepted that indigenous communities have the right, *inter alia*, to pursue

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<sup>110</sup> *Ibid.*

<sup>111</sup> D.W. Bowett, "Crimes of state and the 1996 Report of the International Law Commission on State Responsibility" in *European Journal of International Law* 9(1), 1998, p. 163.

<sup>112</sup> T. Bose, "Definition and delimitation of the indigenous peoples of Asia", <[http://www.iwgra.org/pop\\_up.phtml?id=309](http://www.iwgra.org/pop_up.phtml?id=309)>, 1996.

<sup>113</sup> International Labour Organisation, "Convention (No 169) concerning Indigenous and Tribal Peoples in Independent Countries", <<http://www.unhcr.ch/html/menu3/6/61.htm>>, 1989.

their traditional lifestyle; to control the exploitation of resources within their traditional territories; to a safe and healthy natural environment, and to respect from and protection by their national governments.<sup>114</sup> The adoption of the Draft Declaration on the Rights of Indigenous Peoples, in terms of environmental issues, was influenced by the process leading up to and the UN Conference on Environment and Development (UNCHE, 1992) itself.

In preparation for UNCHE, the UN General Assembly adopted Resolution 45/94 on 14 December 1990 in which the right of all humans to "live in an environment adequate for their health and well-being" was recognised.<sup>115</sup> The nature of this right to a safe and clean environment was expanded on by the Rio Declaration on Environment and Development, adopted by UNCHE in 1992. The Rio Declaration allowed for numerous ethnic minority- and indigenous peoples-related environmental rights, including the right of indigenous people to participate in matters that affected their living environments, and to effective access to judicial and administrative processes should redress and remedy be necessary.<sup>116</sup>

In terms of international law, the plaintiffs in the Aguinda case accused Texaco of violating international human rights legislation in terms of denying the plaintiffs and the class the right to a healthy environment, and claimed that Texaco's oil-related developments had resulted in cultural genocide, and that the type of oil development pursued by the company in the Oriente was motivated by racial and ethnic discrimination. Cultural genocide was claimed on the grounds that Texaco's oil-related activities polluted the traditional territories of the Cofan and the Siona-Secoya to such an extent that it became impossible for them to continue with their traditional lifestyles. Racial and ethnic discrimination, on the other hand, resulted from the fact that Texaco used inferior technology and outdated practices that did not conform to standard international practices, and which would never have been allowed in the USA and other developed countries.<sup>117</sup>

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<sup>114</sup> Commission on Human Rights, "Draft Declaration on the Rights of Indigenous Peoples", <<http://www.usask.ca/nativelaw/ddir.html>>, 1992, Annex 1.

<sup>115</sup> United Nations General Assembly, *Resolution 45/94 (A/RES/45/94)*, 14.12.1990.

<sup>116</sup> United Nations Conference on Environment and Development, *Report of the United Nations Conference on Environment and Development 1* (Report no A/CONF.151/26, Vol 1), Annex 1.

<sup>117</sup> Frente de Defensa de la Amazonia, "Aguinda v. Texaco/Jota v. Texaco: questions and answers", <<http://www.texacorainforest.com/why/questions.html>>, s.a.

### 5.5.2.2 Alien Torts Claims Act (ATCA) of 1789

While developments in international environmental and human rights laws provided Aguinda *et al.* with important legal arguments, they were ill suited for legal action in USA courts in which the lawsuit was filed. Consequently the lawyers for Aguinda *et al.* filed the suit under the ATCA of 1789 in terms of which USA federal district courts are granted original jurisdiction over "any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States".<sup>118</sup>

The ATCA, passed in 1789 largely to hear piracy cases and to hold USA citizens responsible for any harmful action against other nationalities, was a much-neglected law until 1980. In that year a Paraguayan woman sought redress from the USA court system against a former Paraguayan policeman, now living in New York, who had killed her 17-year old brother in Paraguay. She succeeded in convincing a federal appeals court that torture qualified as an offence under international law, and was subsequently awarded US \$10,4 million in damages.<sup>119</sup>

Since 1980 about 24 ATCA cases had been filed in the USA federal courts against companies alleged to be involved in abuses committed outside USA territory. At first, the statute's range was limited to foreign governments' actions against their own citizens and private individuals, but the scope soon broadened to include abuses by both USA and non-USA companies involved in human rights abuses. Del Monte, for example, was sued for torture in Guatemala while at present Coca Cola is being sued for its alleged participation in murder in Colombia. The most recent human rights abuse-related suit was filed early in 2003 by Edward Fagen (known for his involvement in Holocaust-related litigation) and Michael Hausfield, on behalf of a group of South African victims of the apartheid system, who are suing twenty companies, including the Swiss Bank, UBS, Royal Dutch/Shell, Exxon and British Petroleum, for doing business with the National Party government and knowingly aiding and abetting the continuation of human rights abuses against black and coloured people in the country. In terms of

<sup>118</sup> Alien Torts Claims Act as quoted in C. Murphy, "Is this the next tort trap?" in *Fortune* 147(13), 23.6.2003, p. 30.

<sup>119</sup> *Ibid.*; B. McMenemy, "Bring me your tired, your poor, your litigious" in *Forbes* 164(12), 15.11.1999, pp. 180-181.

ATCA cases, the *Aguinda versus Texaco* case ventured into uncharted territory since the law had never been used in a case involving environmental destruction and the claim that a company's environmental practices in a country deviated so far from acceptable international standards that they constituted a violation of the law of nations. Consequently it became a high profile case, not least because a victory for the plaintiffs would expose a great number of American and other multinational companies to a new and very intensive round of tort claims.<sup>120</sup>

Despite the popularity of the ATCA, the success rate of suits filed under this statute remains remarkably low, in no small part due to the existence of the *forum non conveniens* principle within American law. In terms of *forum non conveniens*, defendants can request the dismissal of a lawsuit on the grounds that an alternative and more appropriate forum exists in the country in which the abuses took place, and that it is therefore inappropriate for the USA federal court to hear and rule on a case that is essentially foreign in its scope. Three considerations are important when a presiding judge has to rule on *non conveniens* grounds, namely the private interests of the parties involved in the litigation (including access to information, view of the premises and the problems of conducting an expeditious trial); public interest factors that include questions regarding the fairness of compelling jurors to hear cases of no local interest and overloading dockets with foreign controversies best decided in the country of origin, and the interest in having the case tried in the jurisdiction within which the suit was filed as opposed to the laws of the country in which the abuses took place. Like most other ATCA cases, the *forum non conveniens* principle became the key obstacle for the applicants in their effort to have their case heard and ruled in a USA federal court.<sup>121</sup>

### 5.5.3 PROCEDURAL HISTORY

The *Aguinda et al.* case was filed in November 1993 in the Southern District of New York, because Texaco, Inc.'s headquarters at the time fell within the jurisdiction of this

<sup>120</sup> Piper Rudnick, *Client alert: the Alien Torts Claims Act and other reputational and financial risks arising in connection with overseas corporate conduct* (pamphlet), pp. 1-7; Murphy, "Is this the next tort trap?", p. 30; McMenamin, "Bring me your tired, your poor, your litigious", pp. 180-181.

<sup>121</sup> H.W. Baade, "Foreign oil disaster litigation prospects in the United States and the Mid-Atlantic Settlement Formula" in *Journal of Energy and Natural Resources Law* 7(2), 1989, pp. 136-139.

particular court. As mentioned before, the basis of the suit was the claim that Texaco's oil-related activities in Ecuador between 1964 and 1992 had polluted the natural environment of the northern Ecuadorian Oriente and that the plaintiffs should be allowed to seek redress in an American federal court under ATCA because Texaco's activities in Ecuador were "designed, controlled, conceived and directed by defendant Texaco, Inc. through its operations in the United States".<sup>122</sup> The original complaint specified that Aguinda, her co-plaintiffs and the class were seeking monetary damages for negligence, public nuisance, strict liability, medical monitoring, trespass, civil conspiracy and the violation of the law of nations (i.e. violation of section 1350 of ATCA). In addition, the plaintiffs also sought equitable relief to remedy the contamination of their water and land resources, and natural environment.<sup>123</sup>

The case was initially assigned to Judge Vincent Broderick, who subsequently also became responsible for the Jota versus Texaco, Inc. ATCA suit filed in December 1994 by residents of Peru living downstream from Ecuador's Oriente region, and whose natural environment was also adversely affected by Texaco's oil-related activities in the Oriente. The plaintiffs in the Jota case claimed damages similar to those in the Aguinda case, and were also seeking redress from Texaco, Inc. under the ATCA statute.<sup>124</sup> Following the filing of the Aguinda case, Texaco filed a motion for dismissal in December 1993 on three grounds, namely the failure of the Ecuadorian government to join the suit, international comity<sup>125</sup> and *forum non conveniens*. In support of its motion Texaco also submitted a letter from the Ecuadorian ambassador to the USA in which the Ecuadorian government stated that it viewed the lawsuit as an insult to the independence and integrity of the Ecuadorian state and that the Ecuadorian government therefore did not support the lawsuit in any way.<sup>126</sup> This position of the Ecuadorian government was not surprising since Sixto Durán Ballén (1992-1996), who was president at the time, was known for his denial of the pluralistic nature of Ecuadorian society, his violent suppression of Indian uprisings, and his attempts to undermine the

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<sup>122</sup> Aguinda v. Texaco, Inc.: *Plaintiffs original complaint*, p. 6.

<sup>123</sup> *Ibid.*, pp. 21-37.

<sup>124</sup> Jota v. Texaco, Inc., 157 F.3d 153, 41 Fed.R.Serv.3d 1282, 29 Env'tl. L. Rep. 20,181 (2nd Cir.(N.Y.) Oct 05, 1998), pp. 2, 4-5.

<sup>125</sup> International comity allows a USA court to dismiss a lawsuit if the court judges that it might adversely affect foreign relations between the USA and another country. Frente de Defensa de la Amazonia, "Aguinda v. Texaco/Jota v. Texaco".

<sup>126</sup> Aguinda v. Texaco, Inc., 303 F.3d 470, 33 Env'tl. L. Rep. 20,010 (2nd Cir.(N.Y.) Aug 16, 2002), p. 5.

importance of Indian organisations and to revoke bilingual education. (See also section 2.2.2.8.)

Texaco, Inc. further argued that they should not be sued since the company itself had never been active in Ecuador. The oil company responsible for the Ecuadorian oil operations was a fourth-tier subsidiary of Texaco, namely TexPet, which initially operated in the country through yet another subsidiary, Texaco de Petroleos del Ecuador C.A., until 1973 when TexPet acquired the former's 50 % interest in the Texaco-Gulf joint venture. After partial nationalisation in 1974, TexPet and Gulf's individual shares in the joint venture were reduced to 37,5 % each, with CEPE holding the remaining 25 % stake. CEPE's share increased to 62,5 % in 1977 following the voluntary nationalisation of Gulf's stake in the joint venture. (See also section 3.3.1.) In essence then, it was argued that TexPet and not Texaco should be brought to trial. Texaco further strongly denied that the law of nations had any relevancy in the Aguinda case and maintained that the interpretation of what constituted abuses of environmental and human rights differed from country to country, and that USA interpretations were therefore not relevant within the Ecuadorian context.<sup>127</sup>

In a ruling that took Texaco by surprise, Judge Broderick did not dismiss the motion on 11 April 1994, even though he acknowledged that "disputes over class membership, determination of individualized or common damages, and the need for large amounts of testimony with interpreters, perhaps often in local dialects, would make effective adjudication in New York problematic at best". Despite this acknowledgement, Broderick was not willing to dismiss the case on *forum non conveniens* grounds unless Texaco, Inc. would consent to submitting themselves to the jurisdiction of the Ecuadorian legal system. Contrary to the expected dismissal, Broderick ordered discovery of whether extensive evidence from Ecuador would be needed to substantiate the claims made by the plaintiffs, and to ascertain whether a direct link between Texaco, Inc. in the USA and TexPet's activities in the Ecuadorian Oriente could be established.<sup>128</sup>

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<sup>127</sup> *Ibid.*; Jota v. Texaco, Inc., 157 F.3d 153, 41 Fed.R.Serv.3d 1282, 29 Env'tl. L. Rep. 20,181 (2nd Cir.(N.Y.) Oct 05, 1998), p. 5; Aguinda v. Texaco, Inc.: *Texaco brief to the Second Circuit of Appeals*, 7.7.1998, pp. 16-19.

<sup>128</sup> Aguinda v. Texaco, Inc., 303 F.3d 470, 33 Env'tl. L. Rep. 20,010 (2nd Cir.(N.Y.) Aug 16, 2002), p. 5.

Judge Broderick died of cancer in March 1995, and the Aguinda case was initially reassigned to Judge Parker before becoming the responsibility of Judge Jed Rakoff. The latter was a controversial choice since he was a former partner in a New York law firm that had represented Texaco in patent litigation (Rakoff, however, never represented the company), and was the author of an article in the *New York Law Review*, published in 1991, in which he reproached the USA courts for allowing the prosecution of corporate managers in the USA for environmental violations committed by their subordinates. Consequently the Aguinda legal team was less than thrilled when Rakoff was assigned to preside over the ground-breaking Aguinda case.<sup>129</sup>

Following the period of discovery in which the plaintiffs managed to establish a direct link between TexPet's operations in Ecuador and Texaco's headquarters in New York, in which proof was submitted to the fact that TexPet personnel had to obtain approval from New York before they were allowed to proceed with any work on the oil wells and on most financial aspects, Texaco renewed its Motions to Dismiss on 5 January 1996.<sup>130</sup> Once again the Ecuadorian government reaffirmed its objection to the trial in a letter to the Court. Texaco's motions to dismiss was granted by Rakoff on 12 November 1996 on three grounds, namely the plaintiff's failure to join the Republic of Ecuador and Petroecuador as indispensable parties, international comity and *forum non conveniens*. In terms of the failure to join the Republic and Petroecuador, Rakoff stated that in the light of the "extensive equitable relief sought by the plaintiffs – ranging from total environmental 'clean-up' of the affected lands in Ecuador to a major alternation of the consortium's Trans-Ecuador pipeline to the direct monitoring of the affected lands for years to come – cannot possibly be undertaken in the absence of Petroecuador, which has owned 100% of the consortium since 1992 and 100% of the pipeline since 1986 [*sic*], or the Republic of Ecuador, which has helped supervise the consortium's activities from the outset and which owns much, if not all, of the affected kinds. Petroecuador and the Republic of Ecuador thus are necessary 'persons to be joined if feasible'."<sup>131</sup>

From a Texaco perspective, Rakoff's ruling affirmed the company's position that they

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<sup>129</sup> Press, "Texaco on trial",

<sup>130</sup> Aguinda v. Texaco, Inc.: *Plaintiffs' brief to the Second Circuit Court of Appeals*, 24.11.1997, pp. 2-3; Aguinda v. Texaco, Inc.: *Texaco brief to the Second Circuit Court of Appeals* 7.7.1998, p. 12.

<sup>131</sup> Aguinda v. Texaco, Inc., 945 F.Supp. 625, 36 Fed.R.Serv.3d 1528 (S.D.N.Y. Nov 12, 1996), p. 3.

were not responsible for the oil-related environmental destruction in Ecuador's Oriente, and that Ecuador's judicial system was more than adequate to deal with such a case. The company, however, continued to refuse to acknowledge that the Ecuadorian legal system had any jurisdiction over Texaco, Inc.<sup>132</sup> Nevertheless, just to make certain that no Ecuadorian legal suits would emanate from disgruntled Oriente inhabitants, Texaco showed a sudden interest in 1995 to conclude a long delayed contract with the Ecuadorian government concerning rehabilitation of oil polluted areas in the Oriente. In terms of this contract Texaco undertook to spend US \$40 million on environmental rehabilitation projects in the Oriente in return for which the Ecuadorian state would absolve the company from any future damage and legal action. (See also section 5.4.)

Ecuadorian governmental support for Texaco, however, was short-lived, and after Sixto Durán's term of office came to an end in 1996, the Ecuadorian government shifted its support to the plaintiffs. The Ecuadorian government first extended its support to the plaintiffs in the Jota case and thereafter to those in the Aguinda case. In an important step the Ecuadorian government filed a motion to intervene early in 1997 but refused to waive its sovereign immunity and to subject itself to the ruling of a USA court. Instead, the motion to intervene was filed in order to protect the interests of Ecuadorian citizens who were directly affected by the adverse environmental impacts of Texaco's activities in the Oriente. Despite the fact that the District Court rejected the first and the revised motion to intervene filed by the Ecuadorian government in mid-1997, obtaining the formal support of the Ecuadorian government constituted an important victory not only for the Indians in the Aguinda case, but also for the Indian movement in Ecuador. It also reflected recent changes in Ecuadorian politics, in particular the 1996 Congressional electoral successes of the Indian-based political party, *Movimiento Popular Democrático y una de Puchakútik*.<sup>133</sup> (See also section 2.2.2.8.)

Rakoff's refusal to reconsider his ruling following the formal extension of support for the plaintiffs by the Ecuadorian government, was followed by an appeal against his ruling filed by the plaintiffs on 24 November 1997, in which the plaintiffs requested the

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<sup>132</sup> Aguinda v. Texaco, Inc.: *Texaco brief to the Second Court of Appeals*, 7.7.1998, pp. 16-24.

<sup>133</sup> Press, "Ecuador on trial"; Aguinda v. Texaco, Inc., 303 F.3d 470, 33 *Envtl. L. Rep.* 20,010 (2nd Cir.(N.Y.) Aug 16, 2002), p. 5; Aguinda v. Texaco, Inc., 175 F.R.D. 50, 39 *Fed.R.Serv.*3d 666 (S.D.N.Y. Aug 12, 1997).

Second Circuit Court of Appeals to reconsider Rakoff's ruling.<sup>134</sup> In support of their appeal the plaintiffs submitted numerous *amicus curiae* briefs and affidavits from both Ecuadorian and USA-based organisations and individuals, most notably from the Human Rights Project and the Environmental Law Society of the Boston College of Law, and the Sierra Club.<sup>135</sup> The active participation of environmental and human rights interest groups in the Aguinda trial was not confined to the courtroom and court procedures, but also took on the form of an international campaign organised against Texaco in which consumers were asked to boycott the oil company. Taking the case to the public and mobilising international media support for the Aguinda case raised its profile internationally and gave the plaintiffs much-needed public support and media coverage. This state of affairs, in turn, also had an important snowball effect within the Ecuadorian oil industry in that it became increasingly difficult for multinational oil companies to pursue oil developments without the consent of indigenous communities and environmental non-governmental organisations (ENGOS).<sup>136</sup>

In the first appeal process Texaco's basic arguments remained the same, although this time round the company could no longer count on the support of the Ecuadorian government that was so crucial in the November 1996 dismissal. As before, the company continued to refuse to subject itself to the jurisdiction of the Ecuadorian legal system. The support of the Ecuadorian government for the plaintiffs, along with its commitment to uphold and implement a ruling by a USA court, proved crucial in the appeal process, and in October 1998 the Second Circuit Court of Appeals vacated Rakoff's dismissal and remanded it for reconsideration. In terms of *forum non conveniens*, the Court of Appeals ruled that a dismissal on these grounds was inappropriate if Texaco did not submit to the jurisdiction of the Ecuadorian courts. The dismissal on the grounds of international comity was also no longer valid after the Ecuadorian government had committed its support to the plaintiffs and the government's commitment to keeping the case in the USA. Only in respect of the failure of the Ecuadorian government to join the plaintiffs as an indispensable party, did the Court of

<sup>134</sup> Aguinda v. Texaco, Inc.: *Plaintiffs' brief to the Second Circuit Court of Appeals*, 24.11.1997.

<sup>135</sup> See, for example, Aguinda v. Texaco, Inc.: *Amicus curiae brief of J. Martin Wagner of the Sierra Club*; 21.11.1997; Aguinda v. Texaco, Inc.: *Amicus curiae brief of the Human Rights Project and the Environmental Law Society of the Boston College of Law*; 24.11.1997.

<sup>136</sup> Many ENGOs supported the Aguinda case, most notably Project Underground, Acción Ecológica and Amazon Watch.

Appeals concur with Rakoff's dismissal, especially in terms of Ecuador's refusal to waive its sovereign immunity.<sup>137</sup>

Following the ruling of the Court of Appeals in October 1998, the Ecuadorian government reaffirmed its position that it would not waive its sovereign immunity under any circumstance and subject itself to a ruling by a USA court. Consequently the Ecuadorian state refused to join the lawsuit as a party. This position, however, was to be expected and never constituted a serious consideration on the part of the Ecuadorian government. The impact of the Court of Appeals ruling as to the position of Texaco on a trial in Ecuador, on the other hand, was the most important consequence of the October 1998 ruling. By December 1998 the company finally acceded to the jurisdiction of the Ecuadorian courts in the Aguinda case and to that of either Peru or Ecuador in the Jota case. This was by far the most important victory for the plaintiffs in both the Aguinda and Jota cases since it opened up the possibility of pursuing legal action against Texaco in Ecuador if the USA courts would not allow the cases to proceed to a jury trial in the USA.<sup>138</sup>

With the most important obstacle in a ruling on *forum non conveniens* out of the way, Texaco renewed its motion to have the case dismissed on 11 January 1999 on *forum non conveniens* and international comity grounds.<sup>139</sup> This renewed motion to dismiss sparked off a flurry of activity on the plaintiffs' side, which consisted not only of the submission of more *amicus curiae* briefs and affidavits,<sup>140</sup> but also of a well orchestrated media campaign in which the Lago Agrio-based colonist organisation, Frente de Defensa de la Amazonia, played a central role. The latter sponsored numerous anti-Texaco advertisements, set up a website, and coordinated their activities with international and Ecuador-based ENGOs to ensure maximum exposure in order to turn

<sup>137</sup> Jota v. Texaco, Inc., 157 F.3d 153, 41 Fed.R.Serv.3d 1282, 29 Env'tl. L. Rep. 20,181 (2nd Cir.(N.Y.) Oct 05, 1998). Please note that due to the fact that the Aguinda and Jota cases were very similar, they were combined for the purposes of the appeal and subsequent court proceedings. This study, however, will only address the Aguinda case. See also G. Appleton, "Rainforest Indians suits against Texaco reinstated", <<http://www.hartford-hwp.com/archives/41/110.html>>, 8.10.1998; Kohn, Swift and Graf, "Texaco, Inc.", <<http://www.kohnswift.com/texclasrein.htm>>, s.a.

<sup>138</sup> Aguinda v. Texaco, Inc., 303 F.3d 470, 33 Env'tl. L. Rep. 20,010 (2nd Cir.(N.Y.) Aug 16, 2002), pp. 5-6.

<sup>139</sup> Aguinda v. Texaco, Inc.: Texaco, Inc., *Memorandum of Law in support for its renewed motions to dismiss based on forum non conveniens and international comity*, 11.1.1999.

<sup>140</sup> See, for example, Aguinda v. Texaco, Inc.: J. Martin Wagner, *Amicus curiae for the Earthjustice Legal Defense Fund*, 11.1.1999; Aguinda v. Texaco, Inc.: *Plaintiff's' Memorandum of Law in opposition to Defendant's motion to dismiss the complaint*, 11.1.1999.

public opinion against the company.<sup>141</sup> Much to the disgust of Texaco, the plaintiffs made good use of the 1996 racism and 1998 sexism scandals within the company.<sup>142</sup> Though Texaco tried its best to reply with force, issuing statements such as "Texaco is unwavering in its commitment to equality, tolerance and protection of the environment and the communities in which we operate. To allege that race was a factor in our operations is wrong and disgraceful",<sup>143</sup> it was difficult for the company to move the general public away from the perception that their usage of substandard technology and environmental practices were not in part motivated by racist attitudes towards the Oriente Indians.

The media campaign intensified in the course of 1999 and centred in particular round the adverse health impacts of Texaco's oil-related activities in the Oriente and the inability of the Ecuadorian legal system to handle a case of this nature, especially after the enactment of Law 55. The publication of the "*Yana Curi*" report in June 1999 sparked off a new round of public confrontation between the plaintiffs and Texaco. While three independent studies of the environmental and health impacts existed at the time, Texaco refused to accept their findings on the grounds that they did not constitute proper scientific studies utilising internationally acceptable research methods.<sup>144</sup> The *Yana Curi* report, written by scientists from the London School of Hygiene and Tropical Medicine, confirmed that oil pollution and gas flaring had a detrimental impact on the health and safety of oil-producing communities. The study focused on the colonist San Carlos Comuna outside Coca in which Texaco developed and operated 30 oil wells up to 1990. The study exposed the direct link between crude oil and toxic waste-water pollution and cancer, with cancer rates in the community exceeding standard cancer rates by up to 30 %. Residents were exposed to the carcinogens through skin absorption, food and water indigestion, and the inhalation of oil and gases. The local water

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<sup>141</sup> For more information see the extensive website of Frente de Defensa de la Amazonia at <<http://www.texacorainforest.com/>>. See also McMenamin, "Bring me your tired, your poor, your litigious", pp. 180-181; Frente de Defensa de la Amazonia, "Press releases", <<http://www.texacorainforest.com/press/index.htm>>, *s.a.*; Living on Earth, "March 12, 1999 transcript", <<http://www.loe.org/archives/990312.htm>>, 1999; Project Underground, *What is your share in death and destruction?* (pamphlet); p. 2; Amazon Watch, *Exposing Chevron-Texaco Ecuador myths* (pamphlet), pp. 1-3.

<sup>142</sup> Frente de Defensa de la Amazonia, "Racial discrimination and Texaco, Chapter 2", <[http://www.texacorainforest.com/press/nytimes9\\_23.html](http://www.texacorainforest.com/press/nytimes9_23.html)>, 1999. This is a copy of an advertisement placed by Frente in the *New York Times* on 23 September 1999.

<sup>143</sup> Texaco, Inc., "Texaco responds to allegations by attorneys representing Ecuadorian plaintiffs in lawsuit against Texaco", <[http://www.texaco.com/shared/pr/1999pr/pr9\\_23.html](http://www.texaco.com/shared/pr/1999pr/pr9_23.html)>, 1.2.2000.

<sup>144</sup> Texaco, Inc., "Response to claims", <<http://www.texaco.com/shared/position/docs/responsec.html>>, 1.2.2000.

resources, in particular, proved to be an important source of pollution with the petroleum hydrocarbon content of the water about 150 times higher than what is recognised as safe internationally. The study also found that oil-producing communities in general have higher incidences of spontaneous abortion and other illnesses, such as skin diseases, nausea and dizziness.<sup>145</sup>

Texaco was quick to reject the results of the *Yana Curi* report and commissioned an analysis of the report's findings, conducted by Laura Green (Division of Toxicology, Massachusetts Institute of Technology) and Sarah Armstrong. They concluded that the *Yana Curi* report was alarmist and based upon insufficient data and inadequate research methodology, and was therefore not an acceptable scientific study of the health impacts of oil pollution on oil-producing communities in the Oriente.<sup>146</sup> While the rejection of scientific proof for claims of adverse environmental and health impacts of industries submitted by plaintiffs is standard practice in environment-related class action suits, a serious shortcoming in the *Aguinda* case remains the absence of an in-depth region-wide scientific investigation into the health, environmental and social impacts of oil development and production on the inhabitants of the Oriente. All existing studies utilise case studies which become problematic in such a high profile class action suit, and the absence of a comprehensive region-wide study provides Texaco with the justification to reject the findings of all existing studies and to continue to claim that it had adhered to acceptable international environmental practices throughout the period it was involved in Ecuador's Oriente region. Unfortunately, facts do not always support Texaco's claims, including the position that the dumping of production and waste-water in unlined pits was an acceptable international practice. As early as 1971 Kenneth Montague informed the USA Congress that the re-injection of production water into the ground was standard practice in the industry. In Ecuador, however, Texaco never developed and implemented this technology during the years it acted as operator for the joint venture. Re-injection facilities were only set up at some of Texaco's former oil wells between 1995 and 1998 when the company was involved in limited rehabilitation efforts in terms of their contract with the Ecuadorian government.<sup>147</sup>

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<sup>145</sup> San Sebastián and Córdoba, "*Yana Curi*" report, pp. 1-23.

<sup>146</sup> Texaco, Inc., "Response to claims".

<sup>147</sup> Press, "Texaco on trial"; *Aguinda v. Texaco, Inc.: Plaintiffs' Memorandum of Law in opposition to defendant's motion to dismiss the complaint*, 11.1.1999, pp. 3-6.

While scientific evidence can never be satisfactory to all parties involved in environmental class action lawsuits, it was much more difficult for Texaco to contest the fact the Ecuadorian legal system was (and still is) ill-suited to handle a case such as *Aguinda versus Texaco, Inc.*, in particular after the Ecuadorian Congress passed Articles 27, 28 and 29 of the Civil Procedure Code, known generally as Law 55.<sup>148</sup> From the outset of the lawsuit, the plaintiffs maintained the position that the Ecuadorian legal system could never accommodate a case against Texaco because Ecuadorian procedural law prohibits the filing of class action lawsuits; makes provision only for either individual or clearly defined group lawsuits; does not allow the calling of expert witnesses, nor pre-trial discovery by parties, or oral cross examination, and imposes negligent fines of up to US \$180 for violation of court orders, including the failure to submit crucial evidence and data. The prospects of being allowed a trial in Ecuador, should the USA federal courts rule against allowing the *Aguinda* case to proceed to a jury trial, also diminished considerably after the Ecuadorian Congress passed Law 55 in 1998, in terms of which Ecuadorian courts are prohibited from hearing cases originally filed in another country, which filing terminated the jurisdiction of Ecuadorian courts over the matter. The existence of Law 55 contradicted Texaco's claims that the plaintiffs would receive a fair trial in Ecuador since there was now a real possibility that the Ecuadorian courts might not allow such a case to proceed.<sup>149</sup>

Amidst the flurry of media attention afforded to the *Aguinda versus Texaco, Inc.* case and attempts of both parties to swing public opinion in their favour, the court proceedings continued as Judge Rakoff reconsidered existing and new documents submitted by both parties. Even the bench was not spared in the media campaign of the plaintiffs and after the discovery that Rakoff had attended an all-expenses paid

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<sup>148</sup> Law 55 has a notorious history and resulted from the efforts of "breast-implant litigation king" John O'Quinn who failed to convince a Florida court that the USA was the best place to file a suit against Ciba-Geigy, BASF and Del Monte who were accused of polluting Ecuador's Gulf of Guayaquil with fungicide. The case was dismissed on *forum non conveniens* grounds, upon which O'Quinn then proceeded to rally support in the Ecuadorian Congress to amend the Civil Procedure Code which led to the speedy adoption of Law 55 in terms of which Ecuadorian courts are prohibited from hearing cases that were originally filed in other countries. After the law was passed, O'Quinn filed his lawsuit in Ecuador and requested the presiding judge to dismiss the suit on Law 55 grounds. After accusations of bribery and a difficult judge who initially refused to dismiss the case, O'Quinn refiled the lawsuit in Florida in July 1998, demanding that the court reopen the case because of the existence of Law 55 in Ecuador. McMenamin, "Bring me your tired, your poor, your litigious", p. 181.

<sup>149</sup> *Aguinda v. Texaco, Inc.: Plaintiffs' Memorandum of Law in opposition to defendant's motion to dismiss the complaint*, 11.1.1999, pp. 6-8; *Aguinda v. Texaco, Inc.: Declaration of Dr. Roman Jimenez-Carbo, Attorney General of the Republic of Ecuador*, 5.1.1999.

environmental law seminar in Montana, funded in part by Texaco and where a former executive officer of the company was a featured speaker, the plaintiffs called on Rakoff to recuse himself for appearance of bias. Rakoff refused, which led to an appeal lodged in the USA Supreme Court against his refusal by the plaintiffs and a smear campaign in the media in which Rakoff was made out to be a biased, pro-Texaco judge who would never be able to rule fairly in the Aguinda case. The USA Supreme Court eventually ruled in favour of Rakoff, stating that he was correct in not recusing himself from the case.<sup>150</sup>

Undeterred, Rakoff continued to preside over the case and dismissed it a second time on 30 May 2001 on the grounds of *forum non conveniens*. In his ruling Rakoff pointed out that similar tort claims had previously been prosecuted successfully in Ecuador, and that several USA courts had previously found Ecuador to be a suitable venue to address torts of this nature.<sup>151</sup> Once again the plaintiffs appealed against Rakoff's ruling, but this time they were not as fortunate as in the 1998 Court of Appeals ruling. With Texaco now willing to subject itself to the jurisdiction of the Ecuadorian legal system, and the finding that the case "has everything to do with Ecuador and nothing to do with the United States ...", it was hardly surprising when the Second Circuit Court of Appeals affirmed Rakoff's dismissal on 16 August 2002 on the grounds of *forum non conveniens*. In an important new development, however, the court warned Texaco that it would intervene again if the company attempted to avoid a judgement imposed by the Ecuadorian courts. Thus, while the plaintiffs in the Aguinda case were denied the right to proceed with a jury trial in the USA, they did score an important victory when they obtained the unusual oversight of the USA federal court for a lawsuit against Texaco in Ecuador.<sup>152</sup>

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<sup>150</sup> PSPDC, Ecuador: Press release by the plaintiff's lawyers, "Amazon tribal leaders blast U.S. judge for blocking Texaco pollution case", 31.5.2001; A.C. Revkin, "Lawyers for Ecuador Indians see U.S. judge linked to Texaco" in The New York Times on the web, <<http://www.nytimes.com/library/world/americas/090300ecuador-texaco.html>>, 3.9.2000; Texaco, Inc., "Background on key issues, with excerpts from May 30, 2001 ruling", <[http://www.texaco.com/sitelets/ecuador/ecuador\\_ruling\\_statement.html](http://www.texaco.com/sitelets/ecuador/ecuador_ruling_statement.html)>, 28.7.2003.

<sup>151</sup> Aguinda v. Texaco, Inc., 142 F.Supp.2d 534 (S.D.N.Y., May 30, 2001).

<sup>152</sup> Aguinda v. Texaco, Inc., 303 F.3d 470, 33 Env'tl. L. Rep. 20,010 (2nd Cir.(N.Y.) Aug 16, 2002); *Wall Street Journal (Europe)*, 7.5.2003, p. A5.

Following the refusal of the USA federal courts to allow the Aguinda case to proceed to a jury trial in the USA, Aguinda *et al.* filed suit against ChevronTexaco in Lago Agrio on 6 May 2003, claiming damages in excess of US \$1 billion for environmental and social damages caused by Texaco's 38-year involvement in the oil industry in the Ecuadorian Oriente. While doubts remain about the ability of the Ecuadorian legal system to handle such a case, important changes in the Ecuadorian political and legal environments in recent years have created a more favourable environment for the Oriente Indians and colonist farmers to seek redress for oil-related environmental and social destruction in Ecuador. Of particular importance was the election of the populist leader Lucio Gutierrez as president in November 2002 and his proclaimed support for the promotion of Indian rights and the recognition of the unique identities of Indian communities in his country. In addition, the Ecuadorian congress recently (2003) passed legislation similar to the USA Superfund Act, in terms of which companies can be held accountable for industry-related environmental pollution and can be forced to rehabilitate the affected environment.<sup>153</sup>

While these changes greatly increased the chances of the plaintiffs receiving a fair trial in Ecuador, the most important element in the Ecuadorian-based lawsuit is the fact that the USA Second District Court of Appeal guaranteed the plaintiffs protection under the USA legal system, should Texaco refuse to submit itself to the ruling of the Ecuadorian court, by undertaking to enforce the ruling of such an Ecuadorian court on the company in the USA. This protection alone makes the new round of legal action by Aguinda *et al.* against Texaco, Inc. a highly controversial and ground-breaking case. Should the plaintiffs succeed in their legal struggle in the next few years, the Aguinda versus Texaco, Inc. case will most likely trigger an intensive round of lawsuits by resource-rich communities against multinational companies operating in the developing world, in the name of environmental justice.

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<sup>153</sup> *The Wall Street Journal (Europe)*, 7.5.2003, p. A5; Reuters, "ChevronTexaco facing trial in Ecuador court for billion-dollar rainforest destruction", <[http://www.amazonwatch.org/megaprojects/ec\\_chevtox](http://www.amazonwatch.org/megaprojects/ec_chevtox)>, 6.5.2003; *Los Angeles Times (Home Edition)*, 7.5.2003, p. A3; *Washington Post*, 6.5.2003, p. E1; *The Guardian*, 25.10.2003, p. 16.

**CHAPTER 6**  
**KEN SARO-WIWA AND THE OGONI VERSUS SHELL**  
**AND THE NIGERIAN GOVERNMENT**

**6.1 INTRODUCTION**

In a public lecture on the impact of oil on the Nigerian economy in 1980, P.C. Adsiodu, a former Federal Permanent Secretary in the Ministry of Mines and Power, acknowledged that the oil-producing communities in Nigeria lagged behind in terms of development when compared to other non-oil-producing communities, and that the Nigerian government was still a long way from meeting the developmental expectations of the oil-producing regions. However, importantly, the government apparently saw no real threat in the discontent of the oil-producing communities, with Adsiodu remarking that "given...the small size and population of the oil producing areas, it is not cynical to observe that even if the resentments of the oil producing states continue they cannot threaten the stability of the country nor affect its continued economic development".<sup>1</sup>

The Ogoni struggle, led by Kan Saro-Wiwa and the Movement for the Survival of the Ogoni People (MOSOP), against the multinational oil company, Royal Dutch/Shell (hereafter Shell International), Shell Nigeria<sup>2</sup> and the Nigerian government, would prove Adsiodu wrong in the course of the 1990s. Uniquely for an ethnic minority group within Nigerian society that is dominated by ethnic majority groups, the Ogoni succeeded not only in bringing an end to Shell Nigeria's oil production in their traditional territory, but more importantly their struggle triggered the explosion of popular discontent amongst most of the other oil-producing ethnic minority

<sup>1</sup> G.N. Loolo, *A history of the Ogoni*, pp. 45-46.

<sup>2</sup> Shell Nigeria refers to the Shell Petroleum Development Company of Nigeria, which is a joint venture between Shell International (30 %), the Nigerian National Petroleum Company (NNPC, 55 %), ELF (10 %), and Agip (5 %). Shell Nigeria evolved out of the original Shell-British Petroleum (BP) joint venture, which was gradually nationalised in the course of the 1970s and by 1979, on the eve of BP's nationalisation, Shell International had a 20 % share, BP a 20 % share and the NNPC a 60 % stake in Shell-BP. Following the nationalisation of BP in 1979, the NNPC held a 80 % share in Shell Nigeria, which was reduced to the current division in the early 1990s. Shell International is the operator for Shell Nigeria. Shell Nigeria, "The environment", <<http://www.shellnigeria.com/factfile/environ.html#delta>>, s.a.; Human Rights Watch, *The price of oil: corporate responsibility and human rights violations in Nigeria's oil producing communities*, <<http://www.hrw.org/hrw/reports/1999/Nigeria/Nigew991.htm>>, Chapter 3.

communities residing in the Niger Delta, which discontent has plunged the whole region into political instability in recent years, thereby threatening the very basis of the Nigerian economy. This in itself is no small achievement for an ethnic minority group which, despite political, economic, social and environmental marginalisation dating back decades, took the political initiative to confront the powerful oil industry and their country's despotic military rulers.

In the light of their successes (and failures) and the snowball effect of their struggle, the Ogoni struggle remains one of the most interesting and noteworthy case studies of contemporary oil-related ethnic minority environmental struggles in the developing world. This chapter seeks to make a contribution to the ever-expanding list of academic research into the Ogoni struggle,<sup>3</sup> and should be read against the information provided in Section 1 of this thesis, which not only formed the background to their struggle but more importantly provided the reasons why the Ogoni felt they had no option by 1990 but to take on Shell Nigeria and their government, as well as providing the context within which the Ogoni struggle unfolded in the course of the 1990s. In this chapter attention will be directed at the history of Ken Saro-Wiwa and the Ogoni; a short history of Shell International which, together with the Nigerian government, became the main targets of the Ogoni struggle; Shell Nigeria's oil-related activities in Ogoniland and their environmental impact; the Ogoni struggle between 1990 and 1995, and the impact of this struggle and Saro-Wiwa's death on the Ogoni people and MOSOP, the Nigerian government, Shell International and the ethnic minority oil-producing communities in the Niger Delta.

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<sup>3</sup> See, for example, C.E. Welch, "The Ogoni and self-determination: increasing violence in Nigeria" in *Journal of Modern African Studies* 33(4), 1995, pp. 635-649; B. Naanen, "Oil-producing minorities and the restructuring of Nigerian federalism: the case of the Ogoni people" in *Journal of Commonwealth and Comparative Politics* 33(1), March 1995, pp. 46-78; A-R. Na'Allah (ed.), *Ogoni's agonies: Ken Saro-Wiwa and the crisis in Nigeria* (1998); F. Ojo-Ade, *Ken Saro-Wiwa: a bio-critical study* (1999); O. Okome (ed.), *Before I am hanged: Ken Saro-Wiwa, literature, politics and dissent* (2000); C.W. McLuckie and A. McPhail (eds), *Ken Saro-Wiwa: writer and political activist* (2000); I. Okonta and O. Douglas, *Where vultures feast: Shell, human rights, and oil in the Niger Delta* (2001).

## 6.2 A HISTORY OF THE OSONI PEOPLE AND OF KEN SARO-WIWA

The Osoni people are one of approximately 240 ethnic minority groups in Nigeria and number about 500 000 people. According to Talbot, they are of semi-Bantu origin<sup>4</sup> and have traditionally inhabited the region in the Niger-Delta situated between latitude 4°05' and 4°20' north, and longitudes 7°10' and 7°30' east, which is bounded in the west by the territory of the Ikwerre of Rumukrushe, in the north and east by the Imo river, and in the south by the traditional territory of the Andoni. Their traditional territory, called Osoniland, spans about 1 030 km<sup>2</sup> and forms part of the coastal plain terrace characterised by a sloping plateau, numerous deep valleys, marshland and higher lying dry agricultural land. The highest point in Osoniland is situated a mere 33m above sea level.<sup>5</sup> (See maps N-1, N-6, N-7, N-23 and N-24.)

Like that of many other indigenous peoples, the name "Osoni" is a product of African interaction with European traders and colonists, and resulted from a reply given by the Bonny people that the Osoni were " Igoni" (i.e. strangers), and not Ijaw. Over time this name changed to Osoni which stuck when the British imposed colonial rule on Eastern Nigeria in the early years of the twentieth century. Historically the Osoni consisted of four clans, namely the Khana, Gokana, Tai and Eleme. During the course of colonial rule the Khana clan gradually split, firstly into the Northern Khana and the Southern Khana, and by the 1960s consisted of three clans, namely the Nyo-Khana, Ken-Khana and Babbe, with the Babbe clan established as a separate clan as late as 1959.<sup>6</sup>

The Osoni people have no mythological progenitor that serves as a unifying force amongst the six clans, and, according to Osaghae, are grouped together as an ethnic group on the basis of a common language, tradition, cultural practices, farming methods and similar attitudes.<sup>7</sup> However, according to Mann and Dalby, it is not possible to refer

<sup>4</sup> P.A. Talbot, *The people of Southern Nigeria* 4, p. 17.

<sup>5</sup> K. Saro-Wiwa, *The Osoni nation today and tomorrow* p. 5; Loolo, *A history of the Osoni*, p. 1; E.E. Osaghae, "The Osoni uprising: oil politics, minority agitation and the future of the Nigerian state" in *African Affairs* 94, 1995, pp. 327-329.

<sup>6</sup> Loolo, *A history of the Osoni*, pp. 1-2; Nigerian National Archives, Enugu Branch (NNAE), OGONDIST 4/1/12-6402/1: P.E.M. Richards, Osoni tribe: intelligence report, 1931, pp. 8-11.

<sup>7</sup> NNAE, OGONDIST 4/1/12-6402/1: P.E.M. Richards, Osoni tribe: intelligence report, 1931, pp. 7-11; Osaghae, "The Osoni uprising", p. 327-328.

to Ogoni as a language and at most the term Ogoni language can be used as an umbrella term to refer to three different languages, namely Eleme, Khana (or Kana) and Gokana. Only Khana boasts dialects and is divided into Tai, Northern Khana and Southern Khan. Gokana and Khana are mutually intelligible, while Eleme is unintelligible to all other Ogoni members.<sup>8</sup>

In pre-colonial Ogoni society the village chief, who normally descended from the original founder of the village along patrilineal lines, constituted the main political and social authority. Directly below the chief was the "juju" priest who was regarded as the messenger of the village or superintendent god and who, by virtue of his spiritual powers, remained in full control of the spiritual aspects of traditional Ogoni society. On village level, the chief was aided by the village council which consisted of the most powerful elders, and on clan level a *Gbenemene Barasin* (or clan chief) generally exercised nominal control over the clan villages. The onset of British colonial rule changed the relatively weak position of the *Gbenemene Barasin* by entrusting these men with the powers to collect taxes, and consequently the position of clan chief not only became attractive, but also highly sought after.<sup>9</sup>

Traditional Ogoni society subsisted on swidden agriculture, hunting and fishing. Their major agricultural crops included cassava, yam, pepper, corn, melon, beans, okra and gourds. Their farming plots were either house gardens or outlying farming plots. House gardens were situated adjacent to their homesteads and were used to cultivate household crops such as gourds, pepper, coco-yam and a few yams to serve as emergency supplies. Their outlying farming plots were situated up to 8 km from the village and were characterised by high-diversity intercropping which constituted both the main food supply for the family and their main source of income, since surplus crops formed the basis of the Ogoni's contribution to the active inter-Niger Delta and intra-Ogoniland trade networks. Traditionally, outlying farming plots were only cultivated for one year and were then left to lie fallow for four to five years before being utilised again. Hunting constituted an important source of protein for those Ogoni communities living

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<sup>8</sup> M. Mann and D. Dalby (eds), *A thesaurus of African languages: a classified and annotated inventory of the spoken languages in Africa with an appendix on their written representation*, p. 10.

<sup>9</sup> Loolo, *A history of the Ogoni*, pp. 12-17.

inland and was mostly done via trapping. Fishing, on the other hand, was a full-time occupation for those communities living on the creeks and in the Imo river basin and also provided these communities with their main source of income. Nets, hooks and traps were generally in use prior to the onset of colonial rule.<sup>10</sup>

The pre-colonial history of the Ogoni is difficult to reconstruct, mainly because there is no consensus amongst its members as to their origin, and the fact that oral traditions regarding origin concentrate on the village, and to a lesser extent on clan history, and not on a pan-Ogoni history. Two main theories on the origin of the Ogoni exist, namely that they either migrated into the area from across the Imo river or that they arrived in boats from Ghana. While their origin is open to dispute, it is generally accepted that they had settled in their traditional territory by the fifteenth century where they maintained trading relations with neighbouring ethnic groups and states, such as the Kingdom of Bonny.<sup>11</sup>

While Ogoniland was situated on the slave route from the interior to the coastal slave markets, this ethnic group's oral history does not include references to the transatlantic slave trade and consequently it is generally accepted that they did not fall victim to the slave raiders nor participated in the slave trade as slave agents. This state of affairs possibly resulted from the Ogoni's general antagonistic attitude towards neighbouring ethnic groups, with intermarriage forbidden except with members of the Ibibio people, and their relative numerical strength, which ensured that Ogoniland was already overpopulated in pre-colonial times. The fact that they were generally regarded as hostile and at times accused of cannibalism further ensured that the Ogoni remained relatively isolated within their traditional territory save for trading relations with neighbouring ethnic groups.<sup>12</sup>

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<sup>10</sup> *Ibid.*, pp. 5, 33-36; K. Saro-Wiwa, *Genocide in Nigeria: the Ogoni tragedy*, pp. 12-14; NNAE, CALPROF 16/2/852-OP1730: J.A.J. Tanguhan, Forestry and agriculture in the Ogoni country, 1907.

<sup>11</sup> Unrepresented Nations and Peoples Organisation, "Ogoni", <<http://unpo.org/member/ogoni/ogoni.html>>, *s.a.*; E.J. Alagoa and A. Fombo, *A chronicle of Grand Bonny*, p. 73; NNAE, CSE 1/85/4888-EP9595: J.V. Dewhurst, Intelligence report on the Eleme Clan, Ogoni tribe, Calabar province, 18.5.1937, pp. 5-6.

<sup>12</sup> Loolo, *A history of the Ogoni*, pp. 1-4; Alagoa and Fombo, *A chronicle of Grand Bonny*, p. 73; NNAE, CSE 1/85/4888-EP9595: J.V. Dewhurst, Intelligence report on the Eleme Clan, Ogoni tribe, Calabar province, 18.5.1937, pp. 5-6.

The Ogoni were subjected to foreign rule for the first time in 1901 when the British entered Ogoniland and incorporated the territory and its people into the Southern Nigerian colony. Submission by the Ogoni, however, did not follow the establishment of colonial rule over these people, which necessitated punitive patrols that were sent out in 1903, 1905, 1908 and finally in 1913 to subdue unrest and resistance in Ogoniland. Ogoni resistance to colonial rule only subsided after the British patrols destroyed their most important religious shrine situated at Kwa-Gwara in 1913. The establishment of effective colonial rule in Ogoniland in turn resulted in the incorporation of the Tai, Khana and Gokana clan territories into the Opobo division within the Calabar province, while the Eleme clan was administered as part of the Ahoada division in the Owerri province. The identification of the Eleme clan with the Ogoni people was only recognised by the British colonial authorities in the late 1920s, and they were incorporated into the Opobo division in the late 1930s.<sup>13</sup>

By 1932, 31 years of British colonial rule had had limited impact on the Ogoni people. Despite the existence of two native courts within their traditional territory (at Sogho and Kono), the numerous village chiefs and the village councils still constituted the main judicial authority in Ogoniland, and they presided over and ruled on the vast majority of judicial cases. British efforts to convince the Ogoni to use the West African pound as currency also failed, with the manila constituting the sole currency in the active market places in Ogoniland by the 1930s. The region also did not benefit from any development projects initiated by the British in the first 30 years of colonial rule, and was effectively isolated from most other regions due to a general lack of roads. The relative isolation of Ogoniland in relation to neighbouring regions in general, and Port Harcourt in particular, was a great cause of concern for E.J. Gibbons, who worked as Divisional Officer in Ogoniland between 1925 and 1935, and according to Gibbons, the main reason why lawlessness prevailed in much of the territory.<sup>14</sup>

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<sup>13</sup> NNAE, CALPROF 13/6/131-E.Conf.131/13: Report on Ogoni country, October 1913, and Report on Ogoni country, November 1913; NNAE, CSE 1/85/4888-EP9595: J.V. Dewhurst, Intelligence report on the Eleme clan, Ogoni tribe, Calabar province, pp. 6, 12-13; NNAE, OGONDIST 4/1/12-6402/1: P.E.M. Richards, Ogoni tribe: intelligence report, 1931, pp. 13-18.

<sup>14</sup> NNAE, OGONDIST 4/1/12-6402/1: P.E.M. Richards, Ogoni tribe: intelligence report, 1931, pp. 20-27, 43; Saro-Wiwa, *Genocide in Nigeria*, pp. 16-17.

Following intelligence reports by M.D.W. Jeffreys (1930), P.E.M. Richards (1931), J.G. MacKenzie (undated) and J.V. Dewhurst (1937), the British set out to reorganise their administration of Ogoniland in order to establish more effective control over the Ogoni and to modernise Ogoni society which they regarded as "primitive" and underdeveloped. Consequently new native courts were established in Ogoniland; a road development plan was initiated that focused initially on the construction of a road between Kono and Port Harcourt (completed in 1935); an Ogoni Clan Council was instituted that brought all the clans together for the first time in an umbrella body, and education and the transformation of clan councils into native authorities was promoted.<sup>15</sup>

The reorganisation of colonial rule over and administration of the Ogoni had a profound impact on these people, especially in terms of traditional political organisation. On the one hand, colonial rule strengthened and expanded traditional political authority through the creation of the Ogoni Clan Council and by transforming traditional clan councils into native authorities. On the other hand, colonial rule promoted education by virtue of the fact that all colonial processes that directly affected the Ogoni involved the use of literacy skills and demanded an understanding of the colonial system. Consequently colonial rule elevated the educated Ogoni to an elite group within Ogoni society who controlled the means of interaction between the people and the colonial authorities.

The Ogoni quickly learned to make the system work for them by operating within the system to advance their interests. Numerous petitions, *inter alia*, for the establishment of native courts, the settlement of boundary disputes with neighbouring ethnic groups and the exclusion of other ethnic groups residing in Ogoniland from political processes in the territory, followed in the course of the 1930s and 1940s, contradicting colonial views that they were "primitive" and not yet capable of managing their own affairs without strong guidance from colonial officers. And while the Ogoni in general tried to make the system work to their advantage, they did not hesitate to organise against colonial rule when they deemed it harsh and unfair. Consequently the British had to deal

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<sup>15</sup> For more details see the contents of the following archival files: NNAE, CSE 1/85/4888-EP9595: Intelligence report on the Eleme clan, Ogoni tribe, Calabar province; NNAE, OGONIDIST 4/1/12-6402/1: Ogoni intelligence report.

with a number of anti-tax disturbances and industrious ju-ju that directly threatened the political authority and control of colonial rule in Ogoniland.<sup>16</sup>

Colonial rule, Ogoni participation in the Second World War, increased levels of education, and the emergence of nationalism in British West Africa during the course of the 1940s, all contributed to the political mobilisation of the Ogoni which was achieved through the activities of the Ogoni Central Union (OCU). Established in 1945 and headed by S.F. Nwika, the OCU consisted of all village chiefs and literate Ogoni, and aimed initially at promoting the social, cultural and political interests of the Ogoni, in particular their desire to form an independent administrative unit within the Calabar province. The latter objective was realised in 1946 with the creation of an Ogoni Division with Bori as headquarters. The OCU also actively participated in minority politics in Eastern Nigeria and, together with the Ijaw and Ahoadan, petitioned the Nigerian colonial administration for the creation of a separate Rivers province in the east, which goal was also attained in 1946, while the establishment of an Ogoni Native Authority followed in 1947. Conscious of the fact that the Ogoni did not always compare favourably with neighbouring ethnic groups in terms of development, the OCU also actively promoted economic and educational development in Ogoniland by establishing regular public transportation between Kono and Port Harcourt and by offering scholarships to enable gifted Ogoni to continue with higher education.<sup>17</sup>

Rapidly changing circumstances in Nigerian politics after 1945, the regionalisation of political support and the dominance of the three majority ethnic groups of the decolonisation process, convinced the educated Ogoni leaders of the need to reorganise Ogoni politics and to establish a pan-Ogoni political organisation to promote the political interests of the group. To this end, the Ogoni State Representative Assembly (OSRA), headed by Timothy N.P. Birabi, was established in 1950 comprising the *Gbenemene Barasins* of the clans and 42 representatives of the separate clans. Initially

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<sup>16</sup> See content of the following archival files for more details: NNAE, CALPROF 3/1/1413-CP1479: Anti-tax propaganda and disturbances – Tai (Ogoni) area, Opobo division; NNAE, CALPROF 3/1/634-CP673/1: Ogoni intelligence report (Opobo division) – petition arising; NNAE, OGONDIST 5/1/4-6532: Ajala juju – Northern Khana, Ogoni division; NNAE, OGONDIST 5/1/8-6605: Jujus – Ogoni division; NNAE, OGONIDIST 4/1/26-RP6454: Efile juju of Eleme – report on Ogoni division, 1947; NNAE, CALPROF 7/1/2297-4529 Vol I: Boundary dispute between the Ogoni and Andoni, Opobo division.

<sup>17</sup> Loolo, *A history of the Ogoni*, pp. 20-21; Saro-Wiwa, *Genocide in Nigeria*, pp. 17-18; NNAE, OGONDIST 4/1/43-RP6701: Ogoni clan – reorganisation of native courts, 1947-1948 (file).

OSRA supported the Ibo-dominated National Council of Nigeria and the Cameroons (NCNC), headed by Nnamdi Azikiwe, but this support was short-lived, and following the activities of the Willink Commission of Enquiry into Minority Fears, OSRA broke all ties with Azikiwe and the NCNC, and shifted their political support to the Yoruba-dominated Action Group. The Ogoni, like most of the minority groups residing in Eastern Nigeria, resented Ibo domination in the region and, together with the Ijaw, demanded a separate state in their petition to the Willink Commission. However, by 1957 the Ogoni were in no position to present a united political front since internal squabbles had dominated Ogoni politics since the death of Birabi in 1953, and consequently this ethnic group was unable to unite and promote the interests of the Ogoni people during one of the most important political phases in the history of Nigeria.<sup>18</sup>

During this period, the Ogoni also joined the ever growing ranks of oil-producing communities following the discovery of commercially viable oil deposits at Dere (Shell-BP's Bomu oil field) in Ogoniland in 1958 by the Shell-BP joint venture. Production in the Bomu oil field started in the same year with some 25 oil wells developed by the early 1960s. Further oil exploration in Ogoniland by Shell-BP led to the discovery of the Korokoro (1962) and Ebubu (1963) oil fields in which six and seven oil wells respectively were developed. In addition, smaller finds at Nyokuru, Bodo and Yorla were also developed in the course of the 1960s. In 1964 Nigeria's first oil refinery, situated at Alesa Eleme in Ogoniland, went into production. These oil developments had a tremendous impact on the Ogoni, and immediate effects included land alienation in an already overpopulated region; pollution associated with drilling muds and production; the establishment of oil pipelines and flow stations in agricultural and populated areas, and the presence of 24-hour bright lights across their territory since gas flaring was the order of the day.<sup>19</sup> (See maps N-13, N-14, N-15, N-16, N-21 and N-25.)

Independence in 1960 meant little more than a change of governmental leadership and the colour of the administrators, since the Ogoni, as an ethnic minority group, continued

<sup>18</sup> Naanen, "Oil-producing minorities and the restructuring of Nigerian Federalism", p. 63; Saro-Wiwa, *Genocide in Nigeria*, pp. 17-23; Loolo, *A history of the Ogoni*, pp. 21-23.

<sup>19</sup> Saro-Wiwa, *The Ogoni nation today and tomorrow* pp. 10-12; W. Tims, *Nigeria: options for long-term development*, p. 69.

to find themselves politically marginalised in the Eastern Region. Massive Ogoni support for the Action Group in the 1957 elections also did not benefit their relations with the regional government that was dominated by the NCNC and the Ibo, and resulted in numerous complaints about their political and social marginalisation at the hands of the Ibo. This state of affairs prompted the politically divided Ogoni to attempt to organise another united political organisation and resulted in the establishment of the Ogoni Divisional Union (ODU) in 1962. The ODU was headed by Edward Kobani who was assisted by Ken Saro-Wiwa in his capacity as secretary. Contrary to claims by the Ogoni that they had been totally excluded from political processes in the first six years of Nigerian independence, Ogoni men did hold four seats in the Eastern House of Representatives and two in the Federal House of Representatives, which was not bad for an ethnic minority group that numbered only 231 500 people by 1963 (according to the 1963 census).<sup>20</sup>

Ogoni aspirations to escape what they perceived as Ibo domination increased as oil's importance to the Nigerian economy increased in the course of the 1960s. By 1967, the Korokoro, Ebubu and Bomu oil fields collectively produced 100 596 barrels of oil per day (b p/d) which constituted a significant proportion of the total Nigerian daily production of just over 320 000 b p/d. Within the context of the tension that existed at the time between the Ibo, headed by Gen. Odumegwu Ojukwu, and the federal government, control over the Ogoni oil fields became an important matter, especially after the outbreak of the Biafran civil war in 1967.<sup>21</sup> (See also section 2.3.3 as well as map N-13.)

Like most of the other ethnic minority groups residing in the Eastern Region, the Ogoni were caught up in a civil war which in essence did not concern them, but which impacted radically on their lives. Ogoniland, as a main oil-producing region, was a major objective for the Nigerian federal government and became a theatre of war following the invasion of the region by federal troops on 23 April 1968. These federal troops succeeded in occupying the whole territory in less than three weeks and they

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<sup>20</sup> Loolo, *A history of the Ogoni*, pp. 8, 48; Saro-Wiwa, *The Ogoni nation today and tomorrow*, pp. 9-10, 12-15.

<sup>21</sup> Saro-Wiwa, *The Ogoni nation today and tomorrow*, p. 11; S.A. Khan, *Nigeria: the political economy of oil*, p. 50.

were followed a few months later by Shell-BP work crews assigned with the task to get oil production back on stream as quickly as possible. Structural damages were repaired in record time, to the satisfaction of the oil companies but to the future detriment of the Ogoni, since the work crews were not concerned with following standard procedures and boasted afterwards of the unconventional nature of their repairs. In the years to come these hasty repairs failed on more than one occasion resulting in proportionately more oil spills recorded in Ogoniland than in other oil-producing regions.<sup>22</sup>

In the meantime the relative speed and ease of the federal campaign in Ogoniland aroused suspicions that the federal troops were being aided by the Ogoni, which in turn resulted in the implementation of retaliatory measures against this ethnic group by the Biafran government. Consequently most Ogoni men were placed in internment camps at Obike and Imerienwe and charged with high treason. An investigation into the allegations eventually cleared the Ogoni prisoners from all charges and they were set free. Upon their release they joined the growing number of refugees, mainly women and children, who sought relief from war-inflicted hardship by appealing to the Roman Catholic Church in 1968. Due to food shortages in the entrapped Biafra, nearly 4 000 Ogoni died of hunger between May and August 1968, while nearly 30 000 Ogoni died during the course of the civil war.<sup>23</sup>

Following the cessation of war in the Eastern Region in 1970, Gowon's new state division was implemented throughout the whole country, and the Ogoni became part of the long-anticipated Rivers State, with the Ogoni divided into the Gokana, Khana and Tai-Elleme local authorities. (See maps N-2, N-3 and N-22.) The post-civil war era, however, did not bring the much anticipated freedom longed for during the war. Instead, oil developments increased both in intensity and importance in the course of the 1970s, and the Ogoni once again found themselves victims of political, economic and environmental marginalisation as oil production in their territory contributed greatly to the national wealth without giving them a direct share in the material benefits of modernisation, while at the same time causing widespread environmental degradation.

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<sup>22</sup> Saro-Wiwa, *Genocide in Nigeria*, pp. 25-34; S. Webb, "Then the war came" in *Shell Magazine*, February 1969, no pagination.

<sup>23</sup> Saro-Wiwa, *Genocide in Nigeria*, pp. 25-36.

On a political level, the Ogoni made no impact on the majority dominated political processes on federal level, while the Rivers State government quickly became dominated by the Ijaw, who were numerically superior to the Ogoni, and who consequently redirected funding for development projects to the Ijaw regions in the state. More setbacks followed in the late 1970s when the military government of Gen. Olusegun Obasanjo nationalised all land in terms of the Land Use Decree no 6 of 1978. Loss of land ownership was followed a year later by the loss of all mineral rights which, in legal terms, removed the right of the Ogoni to claim ownership of the oil resources in their traditional territory.<sup>24</sup>

By the late 1980s it was obvious to the Ogoni leadership that they were in need of a new strategy to deal with their political, social, economic and environmental marginalisation in independent Nigeria. Decades of utilising formal channels such as political parties, petitions, agitation for minority rights and lawsuits against the adverse environmental impacts of Shell Nigeria's oil-related activities in Ogoniland, had not delivered the expected outcomes and improvements that this ethnic minority group were seeking, and believed they were entitled to, owing to the fact that they were living on top of five major oil fields in the country. Instead of the highly developed region the Ogoni desired, by 1990 Ogoniland had an inadequate infrastructure and there was a real need for electricity provision, roads, schools, hospitals and potable water. This region also had only one doctor for every 70 000 people, one hospital for the whole ethnic group of 500 000 people, an unemployment rate of 85 %, a literacy rate of only 20 % and life expectancy was only 51 years, which was three years below the national average.<sup>25</sup> Consequently the Ogoni, under the direction of the Movement for the Survival of the Ogoni People (MOSOP) and Ken Saro-Wiwa, set out in the 1990s to change the situation to the advantage of the Ogoni, which in turn led to the true struggle of the Ogoni people against the federal government and Shell Nigeria.<sup>26</sup>

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<sup>24</sup> E.E. Osaghae, "Ethnic minorities and federalism in Nigeria" in *African Affairs* 90, 1991, p. 247; Naanen, "Oil-producing minorities and the restructuring of Nigerian federalism", pp. 63-64; P. Francis, "For the use and common benefits of all Nigerians: consequences of the 1978 land nationalisation" in *Africa* 54(3), 1984, p. 5; Saro-Wiwa, *Genocide in Nigeria*, pp. 85-86.

<sup>25</sup> Osaghae, "The Ogoni uprising", p. 325; *Mail & Guardian* (South Africa), 13-19.1.1995; J.G. Frynas, *Oil in Nigeria: conflict and litigation between oil companies and village communities*, pp. 184-188.

<sup>26</sup> Naanen, "Oil-producing minorities and the restructuring of Nigerian federalism", p. 64; Osaghae, "The Ogoni uprising", pp. 332-333.

Saro-Wiwa, in particular, quickly became the spokesperson for the Ogoni and made use of his international contacts to further the cause of the Ogoni against the Nigerian federal government, Shell Nigeria and Shell International in a post-Cold War world order in which environmental and human rights were buzz words and abuses thereof ensured public support on a global scale.<sup>27</sup> Due to the fact that Saro-Wiwa played such an essential role in the Ogoni struggle and succeeded in internationalising their struggle, it is important to focus briefly on his life and work before giving attention to Shell International.

Kenule Beeson Saro-Wiwa was born in Bori on 10 October 1941 into the Ken-Khana clan of the Ogoni people. He received his secondary education at the prestigious Government College in Umuahia after which he attended the University of Ibadan. Saro-Wiwa's academic career was cut short by the Biafran civil war during which he sided with the federal government and acted as the federal administrator of Bonny in the Niger Delta. By that time Saro-Wiwa had already become actively involved in Ogoni politics, especially after his election as secretary of the ODU in 1962. The civil war provided Saro-Wiwa with the right platform at the right time to actively promote the interests of the Ogoni amongst members of the federal government in general and Gowon in particular. To this end he published the booklet, *The Ogoni nation today and tomorrow* in 1968, to introduce the Ogoni to the government and to convince the federal government of the anti-Ibo sentiments of this particular ethnic minority group. He expanded on this theme in his book, *On a darkling plain, an account on the Nigerian civil war*, in which his Igbophobia comes through strongly, as does his lack of understanding of the basis of Ibo fears that drove them towards secession in 1967.<sup>28</sup>

Saro-Wiwa's continued criticism of Biafra ensured him employment in the federal government after 1970, and he was appointed a commissioner in the newly created Rivers State government. His responsibilities were wide-ranging and included Public Works, Land Affairs, Transportation, Education, Information and Domestic Affairs. His

<sup>27</sup> Interview with Patrick Naagbantou, Environmental Rights Action, Port Harcourt, 21.6.2001; Interview with Ledum Mitee, President of MOSOP, Port Harcourt, 22.6.2001.

<sup>28</sup> B. Ankomah, "Saro-Wiwa speaks!" in *New African*, January 1996; p. 13; MOSOP Canada, "The story of Ken Saro-Wiwa", <<http://www.mosopcanada.org/ken/html>>, s.a.; S. Pegg, "Ken Saro-Wiwa: assessing the multiple legacies of a literary interventionist" in *Third World Quarterly* 21(4) 2000, p. 705. See also K. Saro-Wiwa, *On a darkling plain: an account of the Nigerian civil war* (1989).

political career, however, was short and he was dismissed in March 1973 for his constant criticism of the neglect of minority rights by the Rivers State government. With his political career in ruins, Saro-Wiwa turned his attention to business and writing, of which the latter became an important avenue through which he expressed his political viewpoints on the ills of Nigerian society and the plight of ethnic minority groups in general, and the Ogoni in particular. His best known novel, *Sozaboy: a novel in rotten English*, for example, provides a satirical perspective on the military regimes in Nigeria. The popular television sitcom *Basi and Company* (1985-1990), on the other hand, addressed the daily struggle of the simple man to survive in the face of widespread corruption in Nigeria.<sup>29</sup>

From 1990 until his execution in 1995, Saro-Wiwa devoted all his time and attention to the struggle that the Ogoni people were waging against the Nigerian federal government and Shell Nigeria. He used his status within the international community to bring the plight of the Ogoni to the attention of international environmental and human rights organisations, which directly resulted in the internationalisation of the Ogoni struggle. His efforts to improve the Ogoni environment and to promote their rights as a minority group secured him the Goldman Environmental Prize in 1993, the Right Livelihood Award in 1995,<sup>30</sup> the Hellman/Hammett Prize of the Free Expression Project of Human Rights Watch and the Condé Nast Traveler's Environmental Award, posthumously, in 1996. In May 1994 the federal government arrested Saro-Wiwa in connection with the murder of four Ogoni leaders. On 31 October 1995 he was found guilty of murder and on 2 November he was sentenced to death. At 11:30 on 10 November 1995 he died on the gallows in the Port Harcourt Prison.<sup>31</sup>

<sup>29</sup> Pegg, "Ken Saro-Wiwa", pp. 702-706; MOSOP Canada, "The story of Ken Saro-Wiwa"; "Saro-Wiwa's peril" in *The Economist* 337(7939), 4.1.1995, p. 54; B. Har den, *Africa dispatches from a fragile continent*, p. 295; A. Daniels, "A good man in Africa" in *National Review* 47, 10.7.1995, pp. 51-52.

<sup>30</sup> The Right Livelihood Award is often seen as the alternative Nobel Peace Prize.

<sup>31</sup> Goldman Environmental Foundation, "Goldman Environmental Prize", <<http://www.goldman.org/goldman/ken/html>>, s.a.; E. Alcorn, "A martyr and his people: Nigerian writer Ken Saro-Wiwa is the posthumous winner of our 1996 award" in *Condé Nast Traveller* 31, October 1996, pp. 120-123; *Mail & Guardian* (South Africa), 13-19.1.1995, p. 14; "Saro-Wiwa: we will remember you" in *New African*, January 1996, pp. 8-10; M.S. Serrill, "A martyr in vane?" in *Time* 147(18), 29.4.1996, p. 46. See also "Ken Saro-Wiwa" in *Review of African Political Economy* 66(22), December 1995, pp. 471-480. For an inside perspective on the complexities of Saro-Wiwa and the many roles he fulfilled in his life, see his son's book, K. Wiwa, *In the shadow of a saint* (2000).

### 6.3 A BRIEF REVIEW OF THE HISTORY OF SHELL INTERNATIONAL

Shell International, the multinational oil company that became one of the primary targets of the Ogoni struggles, originated from the 1907 merger of two companies, namely the British Shell Transport and Trading Company Ltd, and the Dutch N.V. Koninklijke Bataafsche Petroleum Maatskappij (Royal Dutch Petroleum Company, hereafter Royal Dutch). The Shell Transport and Trading Company originated from a venture by Marcus Samuel who opened a small shop in London in 1833 to sell sea shells from the Far East before venturing into importing other commodities from this region which were sold at huge profits in Britain. His sons Marcus and Sam expanded their father's import-export business in the 1870s when they started trading and transporting kerosene in the Far East, which business expanded rapidly after Marcus Samuel succeeded in 1892 in setting up a permanent transportation network for cheap Russian oil from the Rothschild family concessions in Russia that was transported via the Suez Canal to the Far East in specially designed oil tanker ships. By making use of the shorter Suez Canal route, Samuel was able to offer his kerosene at a much lower price in the Far East than the Standard Oil Company was, and the Shell Transport and Trading Company consequently became one of the few companies capable of challenging the mighty Standard Oil at the height of its power. After the formal establishment of the Shell Transport and Trading Company in 1897, the company expanded its business interests into the upstream sector of the oil industry and acquired oil fields in Borneo, while also expanding its downstream sector with new investments in refineries and supplies, most notably in Borneo and Texas. By the turn of the century the Shell Transport and Trading Company was therefore already a vertically integrated company although the transport and trading side continued to dominate its business interests.<sup>32</sup>

Royal Dutch, on the other hand, was founded in the Netherlands in 1890 after receiving a royal charter to explore for and produce oil in the Dutch East Indies. By 1892 its production went onstream and by 1895 the company became profitable for the first

<sup>32</sup> D. Yergin, *The prize: the epic quest for oil, money and power*, pp. 63-72; G. Jones, *The state and the emergence of the British oil industry*, pp. 17-22.

time. Royal Dutch's oil interests in the Dutch East Indies expanded rapidly after 1895 even though the company was anxious not to attract too much attention from rivaling oil companies, most notably Standard Oil, for fear of losing its monopoly in it, which they considered a major find. The expansion of Royal Dutch, however, was seriously hampered by its limited participation in oil marketing and transportation, and under the leadership of Henri Deterding the company started looking for a partner for a joint oil marketing venture in the Far East. Since Deterding was a great believer in co-operation between oil companies to ensure stable prices and to limit duplication, he opposed the idea of expanding this side of Royal Dutch's business to enable the company to meet its own needs. This view, along with Royal Dutch's real need for better access to transportation networks and markets for its oil, brought the company closer to the Shell Transport and Trading Company which was capable of providing Royal Dutch with the much-needed transport and trading networks. A formal agreement between these two oil companies and the Rothschild family was signed in 1902 and in 1903 they set up the Asiatic Petroleum Company to act as sole agents for all parties in the lucrative Far Eastern market.<sup>33</sup>

After a number of co-operative moves and constant attempts by Standard Oil to obtain control of both Royal Dutch and the Shell Transport and Trading Company between 1903 and 1907, Samuel agreed in 1907 to merge his company with Royal Dutch in a complex business arrangement that gave birth to Royal Dutch/Shell (also known as Shell International) in the same year. Shell International consisted from the outset of two parent companies, namely Royal Dutch and the Shell Transport and Trading Company which held a 60 % and 40 % interest respectively in Shell International. The new company was headed by Deterding who rapidly expanded Shell International's business interests to other oil-producing regions, making the company the only serious competitor for Standard Oil in the years to follow and for decades the second biggest oil company in the world.<sup>34</sup>

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<sup>33</sup> Jones, *The state and the emergence of the British oil industry*, p. 22; Yergin, *The prize*, pp. 73-77.

<sup>34</sup> E.T. Penrose, *The large international firm in developing countries: the international petroleum industry*, pp. 101-103; Shell International, "The Royal/Dutch Shell Group of Companies: structure", <[http://www.shell.com/home/Framework?siteId=royal-en&FC2=/royal-en/html/iwgen/leftnavs/zzz\\_lhn2\\_3\\_0.html&FC3=/royalen/html/iwgen/who\\_we\\_are/structure\\_of\\_shell/structure\\_of\\_shell.html](http://www.shell.com/home/Framework?siteId=royal-en&FC2=/royal-en/html/iwgen/leftnavs/zzz_lhn2_3_0.html&FC3=/royalen/html/iwgen/who_we_are/structure_of_shell/structure_of_shell.html)>, s.a.

Under the leadership of Deterding, Shell International expanded its business interests, which were already truly global by 1907, into Mexico (1910), Egypt (1911), the United States of America (USA, 1912), Trinidad (1914), Venezuela (1917) and Turkey (1910s and 1920s), while also expanding its existing interests in Romania, the Dutch East Indies and Russia, especially after the transfer of the Rothschild Russian oil interests to the company in 1912, and in continental Europe where it actively competed with Standard Oil in the downstream sectors. Important new developments included Shell International's entering of the American oil industry in the 1910s which enabled it to compete with Standard Oil of New Jersey (now and hereafter Exxon) on home turf, the development of its Mexico oil interests and the discovery of vast petroleum reserves in the Maracaibo basin in Venezuela where Shell International had the first-mover advantage, and which oil greatly contributed to the oil supplies of the company. However, not all oil developments proved secure in the uncertain European political climate of the 1910s and, following the 1917 Russian Revolution, Shell International eventually lost all its Russian interests after nationalisation in the early 1920s.<sup>35</sup>

Ever cautious and constantly searching for greater co-operation between oil companies to end senseless price wars and competition over exploration and production rights, Deterding promoted closer cooperation with Exxon and BP in the course of the 1920s, which eventually resulted in the secret Achnacarry Agreement, concluded in 1928 between Shell International, BP and Exxon. Also known as the "As Is Agreement", the Achnacarry Agreement covered all aspects of the oil industry outside the USA, and committed the three oil companies to eliminating competition between one another, to freezing their respective market shares, and to cooperating with one another in order to increase the overall efficiency of their operation, including providing one another with oil if it proved to be more profitable. This agreement was eventually extended to other American oil companies in an attempt to regulate the international oil industry through the industry's self-regulation of oil exploration, production, transportation, supplies and

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<sup>35</sup> E. Lieuwen, *Petroleum in Venezuela: a history*, pp. 14-71; G. Philip, *Oil and politics in Latin America: nationalist movements and state companies*, pp. 43-55; E.M. Earle, "The Turkish Petroleum Company: a study in oleaginous diplomacy" in *Political Science Quarterly* 39(2), June 1924, pp. 267-273; J.C. Brown, "Why foreign oil companies shifted their production from Mexico to Venezuela during the 1920s" in *The American Historical Review* 90(2), April 1985, pp. 362-385; J. Stork, *Middle East oil and the energy crisis*, pp. 12-16; Jones, *The state and the emergence of the British oil industry*, pp. 47-81, 208-229; J.E. Hartshorn, *Oil companies and governments: an account of the international oil industry in its political environment*, pp. 268-273.

pricing.<sup>36</sup>

The 1930s was a difficult period for Shell International, not least because it lost all its interests in the Mexican oil industry following the nationalisation of that country's oil industry in 1938, but also because of leadership difficulties and the company's involvement with Nazi Germany. By 1936 Deterding was still in control of Shell International, but at the age of 70 his erratic behaviour and pro-Nazi sentiments became an embarrassment for the company. Subtle attempts to ease him from his position followed, and after retirement Deterding ended up taking residence in Germany where he became an avid supporter of Adolf Hitler and tried his best to foster closer cooperation between the Netherlands and Nazi Germany. He died six months before the outbreak of the Second World War. Shell International's involvement in Nazi Germany continued after the outbreak of the war and, despite Shell International's official commitment to and involvement in the Allied war-effort, involved the actions of its subsidiaries in Germany and Austria which used forced labour in its oil refineries and petrochemical plants. In addition, Shell International was a founding member of Deutsche Gasoline, set up by Hitler to ensure oil for Nazi Germany, and held a 25% stake in the company throughout the war. The other notable shareholder in Deutsche Gasoline was I.G. Farben Industrie, better known as the manufacturers of Zyklon B poison gas which was used in the Nazi extermination camps.<sup>37</sup>

After the Second World War Shell International concentrated on expanding its production capacity, oil tanker fleet, storage depots, pipelines and refineries to reap the benefits of increased oil consumption that followed in the aftermath of the war as the world at large entered a period of uncontrolled economic growth. Securing enough oil for projected and real increases in oil consumption became a key objective for the company whose oil supplies historically tended to be lower than its oil sales. This state of affairs increased the importance of its main own oil supplies, derived mostly from

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<sup>36</sup> Jones, *The state and the emergence of the British oil industry*, pp. 208-252; L. Drollas and J. Greenman, *Oil: the devil's gold*, pp. 15-18; Yergin, *The prize*, pp. 260-268; M.J. Hogan, "Informal entente: public policy and private management in Anglo-American petroleum affairs, 1918-1924" in *Business History Review* 48(2), Summer 1974, pp. 188-205.

<sup>37</sup> Philip, *Oil and politics in Latin America*, pp. 55-59; A. Sampson, *The Seven Sisters: the great oil companies and the world they made*, pp. 96-97; Cohen, Milstein, Hausfeld and Toll, "Case watch: slave labour at Royal Dutch/Shell Group", <<http://www.cmht.com/casewatch/slavelabor/shell.htm>>, s.a.

Shell International's production in Venezuela and Southeast Asia, but also increased Shell International's oil exploration activities in the course of the 1940s and 1950s, which included the failed exploration activities in the Ecuadorian Oriente and the successful Nigerian exploration in partnership with BP. Important new arrangements with BP and the Gulf Oil Company provided Shell International with much-needed crude oil from the Far East and Kuwait respectively. Shell International also actively participated in the Middle Eastern oil industry through its 23,75 % share in the Iraq Petroleum Company and its 14 % share in the Iran Consortium, which gave the company the much-needed representation in the Middle East which was destined to become the main oil-producing region in the decades to follow. These new developments ensured that Shell International retained its position as the world's second largest oil company, and with assets totalling more than US \$20 billion by 1956, it was the fourth largest company in the world at the time.<sup>38</sup>

Important new developments followed for Shell International in Nigeria in the course of the 1950s and in Abu Dhabi and Oman in the 1960s, which greatly increased the importance of the Middle East and Africa to the company. By 1966, for example, the Middle East provided over 40 % of the company's total oil supplies as opposed to just 16 % in 1950. By that time, Shell International's oil production in North America contributed 20 % to the daily production of the company, South America 36 %, the Middle East 27 % and Africa 12 %. Increased dependence on Middle Eastern oil supplies became problematic for the company in the early 1970s within the context of the 1973 Oil Crisis and the Arab oil embargo. As oil supplier to many countries Shell International took the important and unpopular decision, during this crisis, to spread the limited supply between all the countries it operated in and refused to give in to pressure exerted by the British and Dutch governments to provide their countries with more oil to the detriment of the other countries in which Shell International had commitments.<sup>39</sup>

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<sup>38</sup> P. Wack, "Scenarios: uncharted waters ahead" in *Harvard Business Review* 63(5), September/October 1985, pp. 74-77; Penrose, *The large international firm in developing countries*, pp. 106-109; Sampson, *The Seven Sisters*, p. 202; Stork, *Middle East oil and the energy crisis*, pp. 56-73, 82-92; Hartshorn, *Oil companies and governments*, pp. 95-96.

<sup>39</sup> Sampson, *The Seven Sisters*, pp. 275-277; Penrose, *The large international firm in developing countries*, pp. 106-109; J. Bamberg, *British Petroleum and global oil 1950-1975: the challenge of nationalism*, pp. 4-10, 109-113.

An important impact of the 1973 Oil Crisis on Shell International was that it made diversification away from the oil industry to other energy sectors popular with management (as was the case with most other multinational oil companies), and the vast oil profits that the company registered as a direct result of the oil price hike were used to diversify extensively into the coal, nuclear and gas energy sectors. In an important new managerial development, Shell International also began to move away from central control and from the early 1980s onwards the company started to grant its Group Holding Companies, or subsidiaries, greater autonomy in decision-making and in its relationship with host governments. Important new technological developments also took place during this decade, most notably the improvement of environmental standards in its operations in the USA and Canada, the implementation of environmental audits for its exploration and production activities in 1983 and its chemical production in 1985, and the development of unleaded petrol.<sup>40</sup>

Shell International entered the 1990s stronger than ever before in its history and in 1991 became the biggest oil company in the world when it ousted Exxon from its dominant position. New opportunities in the former Soviet Union, the Gulf of Mexico, Latin America and Africa were actively pursued as oil companies increased their diversification away from Middle Eastern oil supplies in the wake of the first Gulf War (1990-1991).<sup>41</sup> The company even became vocal on environmental issues, but the environment did not feature high on its list of priorities prior to the 1995 crises involving both the Brent Spar and Shell International's activities in Ogoniland in Nigeria, which crises forced the company to reconsider its position on corporate environmental and social responsibilities and to change its business principles to reflect

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<sup>40</sup> Sampson, *The Seven Sisters*, pp. 339-341; Shell International, "History of Shell", <[http://www.shell.com/home/Framework?siteId=royal-en&FC2=/royalen/html/iwgen/who\\_we\\_are/history\\_of\\_shell/zzz\\_lhn.html&FC3=/royal-en/html/iwgen/who\\_we\\_are/history\\_of\\_shell/history\\_of\\_shell\\_post\\_war.html](http://www.shell.com/home/Framework?siteId=royal-en&FC2=/royalen/html/iwgen/who_we_are/history_of_shell/zzz_lhn.html&FC3=/royal-en/html/iwgen/who_we_are/history_of_shell/history_of_shell_post_war.html)>, s.a.; J.M.H. van Engelshoven, "Corporate environmental policy in Shell" in *Long Range Planning* 24(6), 1991, p. 23.

<sup>41</sup> J.R. Norman, "A tale of two strategies" in *Forbes* 150(4), 17.8.1992, pp. 48-49; H. Rudnitsky, "North Sea, U.S.A.?" in *Forbes* 148(2), 22.7.1991, pp. 42-43; R. Woodbury, "Exploring the ocean's frontiers" in *Time* 136(26), 17.12.1990, pp. 98-100; J.R. Norman, "The opportunities are enormous" in *Forbes* 150(11), 9.11.1992, pp. 92-94; S. Howarth, *A century of oil: the "Shell" Transport and Trading Company 1897-1997*, pp. 359-375.

a more socially and environmentally responsible attitude.<sup>42</sup> (See also section 6.5.) Despite these changes, however, oil remains in essence a dirty business and consequently Shell International is still criticised worldwide for its environmental practices and the adverse environmental impacts of its oil-related activities.<sup>43</sup>

By 2002, Shell International was no longer the world's biggest oil company, as in the course of the 1990s Exxon reclaimed its dominant position, especially after merging with Mobil, while the BP-Amoco merger in 2001 made the new BP the world's second largest oil company. The company was also no longer in the sound financial position that it had been in at the beginning of the 1990s, and consequently it had to cut back on exploration activities in a number of regions and also sell off many of its non-oil interests, thereby continuing the trend, established in the 1990s, to focus on its core-business, while at the same time increasingly investing in renewable energy as part of its commitment to a sustainable environment and better corporate environmental stewardship. However, by the end of 2002, Shell International was still a mammoth organisation with assets in excess of US \$100 billion, involved in oil exploration and production in 42 countries and in the downstream sectors of oil transportation; refining and/or marketing in more than 145 countries; responsible for placing around 2,3 million barrels of oil daily on the global oil market, and employing more than 116 000 people around the globe.<sup>44</sup>

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<sup>42</sup> The impact of the Ogoni struggle on Shell International's corporate environmental strategy will be discussed in more detail in section 6.6.2 since it was an important consequence of the Ogoni struggle. Van Engelshoven, "Corporate environmental policy in Shell", pp. 17-24; Howarth, *A century of oil*, pp. 381-389; Interview with Richard Sykes, Shell Group of Companies Environmental Advisor, London, 21.9.2001; L. Dickson and A. McCulloch, "Shell, the Brent Spar and Greenpeace: a doomed trust?" in *Environmental Politics* 5(1), Spring 1996, pp. 122-129; P. Watts, "The international petroleum industry: economic actor or social activist?" in J. Mitchell (ed.), *Companies in a world of conflict: NGOs, sanctions and corporate responsibility*, pp. 23-31.

<sup>43</sup> See, for example, P. Chatterjee, "Peru goes beneath the Shell" in *Multinational Monitor* 18(5), May 1997, <<http://multinationalmonitor.org/hyper/mm0597.06.html>>; "A Shellish faux pas" in *Earth Island Journal* 12(3), Summer 1997, <[http://www.earthisland.org/eijournal/new\\_articles.cfm?articleID=185&journalID=47](http://www.earthisland.org/eijournal/new_articles.cfm?articleID=185&journalID=47)>; Pax Christi Netherlands, *Multinational enterprises and human rights: a documentation of the dialogue between Amnesty International/Pax Christi and Shell* (1998); J. Doyle, *Failing the challenge: the other Shell report 2002* (2003).

<sup>44</sup> "Shell optimizing portfolio while spurning merger talks" in *Oil and Gas Journal* 98(36), 2.9.2000, p. 31; Howarth, *A century of oil*, pp. 388-397; R. Roth, "The Kyoto conference and the future of the earth's climate", <<http://www.earthisland.org/athmosphere/reports/Kyoto.htm>>, *s.a.*; "Shell cutting E & P spending further and selling assets in Africa" in *Alexander's Gas and Oil Connections Company News Africa* 4(9), 11.5.1999, <<http://www.gasandoil.com/goc/company/cna92087>>; Shell International, *Verantwoorde energie: een duurzame uitdaging* (2003); Shell International, *Financial and operation information 1998-2002: Royal Dutch/Shell Group of Companies* (2003).

#### 6.4 SHELL NIGERIA IN Ogoniland

"The flames of Shell are flames of Hell,  
 We bask below their light,  
 Naught for us to serve the blight,  
 Of cursed neglect and cursed Shell."

Ogoni song<sup>45</sup>

Oil of commercial quantity was first discovered in Ogoniland at Dere in 1958, and Shell-BP started with oil production in that area (the Bomu oil field) in the same year. In 1964 Nigeria's first oil refinery was built at Alesa Eleme which falls within Ogoni territory. Oil production also expanded in Ogoniland, and by the 1990s Shell Nigeria was producing oil in this area at 96 oil wells situated in five oil-fields. The maximum daily capacity of Shell Nigeria's oil production in Ogoniland by 1993 was 28 000 barrels per day (b p/d). Another multinational oil company, Chevron (operating as Chevron Nigeria Limited in joint venture with the Nigerian National Petroleum Company, NNCP) also bought an interest in two wells operated by Shell Nigeria in Ogoniland and started with its oil production in this region in 1980. Shell Nigeria, however, remained the biggest oil producer in the area until its withdrawal from Ogoniland in 1993. Contrary to claims laid by the Ogoni and environmental interest groups, oil production in Ogoniland does not account for the majority of Shell Nigeria's daily production (Shell Nigeria manages 94 oil fields in the country and produced about 1 million b p/d by 1995). Ogoniland, as the fifth largest oil-producing region in the Rivers State, contributed only 3 % to Shell Nigeria's total daily production until 1993.<sup>46</sup>

The exploration for and the production of oil in Ogoniland have, since 1958, led to radical changes in the economic activities of this ethnic group. The polluting of their

<sup>45</sup> Earthlife Africa, *Factsheet on the Ogoni struggle* (pamphlet).

<sup>46</sup> Saro-Wiwa, *Genocide in Nigeria*, p. 24; MOSOP Canada, "The story of Shell and their involvement in Ogoni", <<http://www.mosopcanada.org/shell.html>>, s.a.; Human Rights Watch, *The price of oil*, Chapter 3; Osaghae, "The Ogoni uprising", p. 329; Shell Nigeria, "Shell in Nigeria: factfile summary", <<http://www.shellnigeria.com/factfile/facsum.html>>, s.a.; Institute for the Promotion of Unity and Understanding, *Ogoni: facts of the matter*, p. 7; Shell Nigeria, "Shell Nigeria offers plan for Ogoni", <<http://www.shellnigeria.com/news/prlis.html>>, 8.5.1996; Shell Nigeria, "Issues background", <<http://www.shellnigeria.com/factfile/issback.html>>, s.a.; Phia Steyn Private Document Collection (PSPDC), Chevron, "RE: Operations in Nigeria", e-mail correspondence between Chevron and Phia Steyn, 15.6.1999.

agricultural land and water networks by the oil industry gradually denied the Ogoni access to their traditional economic modes of production while at the same time denying them the right to live in a safe and healthy environment. Consequently one of the main objectives of the Ogoni struggle against the federal government and Shell Nigeria was to convince Shell Nigeria to pay constructive attention to the environmental problems of Ogoniland that resulted from oil production in their territory. By 1990 Ogoniland's natural and human environment had deteriorated to such an extent that the MOSOP was founded with the initial objective of pressuring the federal government and Shell Nigeria to address the adverse environmental impacts of oil production and development in Ogoni territory. Since 1990, this pressure has developed into an international media campaign against Shell International, which blames the multinational oil company and its subsidiary in Nigeria for all Ogoniland's environmental problems.<sup>47</sup>

The founding of MOSOP in 1990 to address oil-related environmental problems in Ogoniland was but the latest strategy employed by the Ogoni to seek redress for the detrimental environmental impacts of oil production in their territory. Their struggle against Shell Nigeria dates back to 1970, when the Ogoni sent a letter to Shell-BP expressing their grievances against this joint venture for the first time. The ODU accused Shell-BP of polluting the Ogoni's agricultural land and water resources, neglecting to compensate them for damaged land, inadequate rents paid to local communities, the destruction of roads in this region by Shell-BP's trucks, inadequate employment of Ogoni by Shell-BP in this region, and a lack of development in Ogoniland by the joint venture. Shortly after the letter was sent, an oil spill occurred in June 1970 at Dere in Shell-BP's Bomu oil field, which the joint venture neglected to repair for three weeks and which caused large-scale damage to the surrounding natural environment. An investigation launched by the Rivers State government followed, and Shell-BP was eventually found guilty of negligence and ordered to pay damages to the Dere community. These damages increased greatly after the Dere community

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<sup>47</sup> For more details see, for example, Human Rights Watch, *The price of oil* Chapter 8; Saro-Wiwa, *Genocide in Nigeria*, pp. 44-50, 58-59, 63-80; Catma Films, "The drilling fields", <[http://www.oneworld.org/owbt/drilling\\_video.html](http://www.oneworld.org/owbt/drilling_video.html)> (original text to the documentary film), 1993-1994; Shell Nigeria, "Flashpoints on the Ogoni story", <<http://www.shellnigeria.com/factfile/flash.html>>, *s.a.*; MOSOP Canada, "The story of Shell on their involvement in Ogoni", <<http://www.mosopcanada.org/shell.html>>, *s.a.*; "Nigeria: the untold Ogoni story" (information provided by the Nigerian High Commission in Pretoria), p. 9.

successfully sued Shell-BP, demanding £250 000 in compensation for the loss of land and water resources owing to the oil spill. The Rivers State High Court subsequently found Shell-BP guilty and imposed a penalty of £168 468 on the company.<sup>48</sup>

Numerous smaller oil spills occurred in Ogoniland until the discovery, in the early 1980s, of the largest oil spill in the territory. This oil spill was discovered near Ejamah in the Ebubu oil fields, where approximately ten hectares of land had been totally submerged in a few metres of oil. An investigation launched into this oil spill revealed that it had actually taken place several years earlier in 1968 during the federal invasion of Ogoniland in the Biafran civil war. During this period Shell-BP was not active in oil production in the territory and it was assumed that the oil infrastructure had been damaged by military hardware and bombings. However, the damage at the Ebubu oil field was overlooked and the repairs carried out in haste by Shell-BP during 1968. Shell Nigeria did initiate an environmental rehabilitation programme in the early 1980s in the affected areas and compensated the local inhabitants for their damages. Following further complaints by the Ejamah community in 1985 and 1986, Shell Nigeria bought the polluted ten hectares of land from the community at market price, and undertook to rehabilitate the area. By 2001, however, this specific piece of land was still heavily polluted with oil and seemingly beyond rehabilitation.<sup>49</sup>

By 1990 the Ogoni objected to Shell Nigeria's oil-related activities in their traditional territory on four grounds, namely that their land and water resources had been polluted by numerous oil spills over the course of 38 years; that these oil spills resulted from outdated equipment which broke down during the production processes on a regular basis; that gas flaring polluted the air, posed a major health risk and was an inconvenience to oil-producing communities, and that Shell Nigeria did not initiate enough development projects in Ogoniland, which region remained underdeveloped and poor when compared with non-oil-producing communities in other parts of Nigeria.<sup>50</sup>

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<sup>48</sup> Saro-Wiwa, *Genocide in Nigeria*, pp. 44-50, 58-59, 63-79, 80.

<sup>49</sup> PSPDC, Field notes from research trip to Nigeria, 2001: Notes on the informal conversation with Eric Nworgor, Ebubu oil field, 19.6.2001; Shell Nigeria, "Flashpoints on the Ogoni story"; Interview with Precious Omuku, Shell Nigeria, Lagos, 10.7.2001.

<sup>50</sup> See, for example, O. Inbeau, "Oil, conflict and security in rural Nigeria: issues in the Ogoni crisis" in *Occasional Paper Series* 1(2), 1997, pp. 14-16; Okonta and Douglas, *Where vultures feast*, pp. 190-205; Naanen, "Oil-producing minorities and the restructuring of the Nigerian federation", pp. 64-67.

By 1990 oil spills and the corresponding environmental pollution had been a constant factor in the lives of the ethnic minority oil-producing communities residing in the Niger Delta. They had been exposed to the detrimental impacts of a total of 2976 oil spills between 1976 and 1991, during which period an estimated 2,1 million barrels of oil had spilled directed into the sensitive Niger Delta ecosystem. In Ogoniland, 87 separate incidents of oil spills involving an estimated 5 352 barrels of oil were registered at Shell Nigeria's oil facilities in this region between 1985 and 1993 alone. Opinions regarding the causes of these oil spills differ considerably, with Shell Nigeria claiming that 60 % were caused by sabotage, while international environmental non-governmental organisations (ENGOS), in particular Greenpeace, and MOSOP strongly opposed this position. According to Greenpeace, which conducted a study in 1994 into the environmental and human impact of Shell Nigeria's oil production in Ogoniland, it was not possible for Shell Nigeria to be responsible for only 40 % of all oil spills in this area given the fact that between 1982 and 1992, 40 % of Shell International's total global oil spills occurred in Nigeria. For Greenpeace, this was proof in itself that Shell International did not take the necessary precautions in Nigeria to ensure that their oil-related activities were environmentally sound, and that it was therefore possible that most of the oil spills in Ogoniland resulted from outdated and faulty equipment. After Shell Nigeria's withdrawal from Ogoniland, a further 24 oil spills occurred up to October 1994, and in all these cases the company was quick to attribute the spills to sabotage. However, Shell Nigeria's own data eventually proved it wrong and by May 1996 the company had to admit that at least 75 % of all oil spills in Ogoniland resulted from pipe corrosion, which could have been prevented if the company had replaced outdated equipment and corroded pipelines on a regular basis.<sup>51</sup> (See also section 4.3.2.)

Not only were the Ogoni's land and water resources polluted by oil spills, but they had been subjected to uninterrupted gas flaring at Shell Nigeria's oil production sites since

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<sup>51</sup> Catma Films, "The drilling fields"; Shell Nigeria, "Flashpoints on the Ogoni story"; A Rowell, *Shell-shocked: the environmental and social costs of living next door to Shell*, <<http://www.greenpeace.org/~comms/ken/hell.html>>, 1994; J. Hattings, "Shell International and the Ogoni people of the Rivers province in Nigeria: towards a better understanding of environmental justice in Africa", paper presented at the conference "Environmental justice: global ethics for the 21<sup>st</sup> century", Melbourne, 1-3.10.1997, pp. 13-15. It is important to keep in mind that in accordance with Nigerian law, oil companies do not pay compensation for oil spills caused by acts of sabotage, on the grounds that compensation payments in these cases will create an incentive to damage oil facilities (see section 4.3.2 for a detailed discussion).

oil production started at Dere in 1958. Associated gases are natural by-products of oil production which can be utilised as an energy source if the necessary structures are in place. When Shell Nigeria built most of its facilities in Nigeria in general and in Ogoniland in particular, there was no market for these gases, and consequently the company did not develop the necessary infrastructure in Ogoniland to utilise natural gas in a meaningful manner. As a result, gas flaring became the standard and cheapest method for Shell Nigeria to deal with associated gas in its Ogoniland production sites. The practice continued initially because the Nigerian government did not enforce its own environmental laws, and later on because the fines levied against gas flaring were insignificant compared to the costs involved in developing the appropriate infrastructure. (See also section 4.3.3.) Consequently, at most of Shell Nigeria's oil production sites gas flaring occurred 24 hours daily prior to its withdrawal from the territory in 1993, with gas flaring resulting in thermal air, water and soil pollution, the destruction of vegetation, damage to infrastructures by acid rain, and damage to soil, crops and vegetation by the severe heat and the deposition of contaminants. The oil-producing villages in Ogoniland were further exposed to severe heat, noise and fumes which constituted serious health risks, and the discomfort of 24 hours of synthetic, bright, orange light.<sup>52</sup>

Claims by the Ogoni that Shell Nigeria did not develop their territory are not completely correct. Development initiatives by Shell Nigeria started in this region in 1965 when the company introduced an agriculture project in Ogoniland which involved the permanent stationing of two agriculture experts in the region to help and advise Ogoni farmers. Between 1986 and 1993, Shell Nigeria built and equipped Ogoniland's only hospital and supplied equipment to two health clinics. Money was also provided for the construction of seven school blocks, each consisting of six classrooms; bursaries were granted to high school pupils and university students, and five water schemes were developed to provide potable water to some Ogoni communities.<sup>53</sup>

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<sup>52</sup> Frynas, *Oil in Nigeria*, pp. 164-165; E. Okoko, "Women and environmental change in the Niger Delta, Nigeria: evidence from Ibeno" in *Gender, Place and Culture* 6(4), 1999, p.375; N. Ashton-Jones, *The human ecosystems of the Niger Delta*, p. 144; A.O. Isichei and W.W. Sanford, "The effects of waste gas flares on the surrounding vegetation in south-eastern Nigeria" in *Journal of Applied Ecology* 13, 1976, pp.177-187; The World Bank, *Defining an environmental development strategy for the Niger Delta II*, pp. 40-44.

<sup>53</sup> "Nigeria: the untold Ogoni story", p. 9; Interview with Noble Pebble, Nigeria team member at Shell International, London, 28.3.2000; Interview with Precious Omuku, Lagos, 10.7.2001.

## 6.5 THE Ogoni STRUGGLE, 1990-1995

### 6.5.1 MOSOP AND THE Ogoni BILL OF RIGHTS

Though the Ogoni started to voice their grievances against Shell Nigeria and the federal government well before 1990,<sup>54</sup> their struggle against these two parties only truly began with the founding of the MOSOP in 1990. Garrick Leton (president) and Edward Kobani (vice-president) headed MOSOP.<sup>55</sup> Contrary to commonly held belief, Ken Saro-Wiwa was not a founding member of this organisation. Shortly after its founding he requested MOSOP's executive council to appoint him as spokesperson and public relations officer. Saro-Wiwa's joining MOSOP and the media campaigns which he led locally and internationally, prompted the internationalisation of the struggle of the Ogoni against the federal government and Shell.<sup>56</sup>

The peaceful resistance campaign MOSOP initially conducted centred round environmental, economic and social issues in that the organisation attempted to persuade Shell Nigeria and the federal government to pay constructive attention to the Ogoni's environmental, economic and social problems. MOSOP also launched a media campaign to inform the general public in Nigeria of the problems of oil-producing communities in general, and of the Ogoni in particular.<sup>57</sup> With the adoption of the Ogoni Bill of Rights on 26 August 1990, the Ogoni entered the political domain. This Bill of Rights was drawn up and signed by the executive committee of MOSOP and the traditional leaders of five Ogoni clans. The traditional leaders of the Eleme clan had no part in the Ogoni Bill of Rights, while the signatories to this document also included Saro-Wiwa and two of the leaders murdered in 1994 at Goikoo, namely Edward Kobani and Samuel Orage.<sup>58</sup>

<sup>54</sup> See, for example, Saro-Wiwa, *Genocide in Nigeria*, pp. 44-81.

<sup>55</sup> There seems to be uncertainty regarding the founding date of MOSOP, with various sources citing 1988, 1990, 1991 and 1992 respectively. Since MOSOP uses 1990 in its own publications, for the purpose of this article 1990 is taken as the year in which MOSOP was founded. See, for example, MOSOP Canada, "The story of the Movement for the Survival of the Ogoni People (MOSOP)", <<http://www.mosopcanada.org/story/html>> *s.a.*

<sup>56</sup> Hattingh, "Shell International and the Ogoni people of the Rivers province in Nigeria", p. 7; "The conviction of Ken Saro-Wiwa" (information provided by the Nigerian High Commission in Pretoria), p. 2.

<sup>57</sup> Institute for the Promotion of Unity and Understanding, *Ogoni*, p. 8.

<sup>58</sup> MOSOP Canada, "Ogoni Bill of Rights", <<http://www.mosopcanada.org/info/mosop0370.html>>, *s.a.*; Saro-Wiwa, *Genocide in Nigeria*, pp. 93-96; MOSOP, *Ogoni Bill of Rights*, pp. 1-3.

The Ogoni Bill of Rights briefly addressed the economic, ecological and social problems of the Ogoni. However, the most important part of this document deals with the political rights of the Ogoni people within the Nigerian federal system. The Ogoni leaders insisted that the Ogoni had the right to handle their own affairs and therefore demanded political autonomy from the federal government in order for them to take part as a separate political entity in all federal and regional political structures. It was emphasised that the Ogoni wanted to remain part of the Nigerian federation, but wanted the right to administer their own affairs as a separate unit. Political autonomy involved seven principles for the Ogoni leaders: firstly, that the Ogoni had to obtain control over their own affairs; secondly, that the Ogoni had to share in the profits from oil production in their region, which would be used for development schemes in Ogoniland; thirdly, that the Ogoni should obtain direct representation at all governmental levels; fourthly, that all the Ogoni languages should be used, promoted and developed in "all Nigerian territory"; fifthly, that the Ogoni culture had to be developed to its full potential; sixthly, that the Ogoni should enjoy freedom of religion, and seventhly, that the Ogoni should have the right to protect their natural environment from further degradation.<sup>59</sup>

The Ogoni Bill of Rights was sent to the Nigerian head of state, Gen. Babangida, and his ruling military council, as well as to the United Nations (UN) Sub-committee on Human Rights on the Prevention of Discrimination Against and Protection of Minorities, the African Human Rights Commission and various European interest groups, among which the Rain Forest Action Group (London) and Greenpeace (London). Babangida and his military council did not react to the Ogoni Bill of Rights, which forced the Ogoni leaders to adopt an addendum to this Bill of Rights on 26 August 1991. The Addendum to the Ogoni Bill of Rights requested MOSOP to bring the problems of the Ogoni to the attention of, *inter alia*, the United Nations Commission on Human Rights, the Secretariat of the Commonwealth, the African Commission on Human and Peoples' Rights, the European media, and environmental and human rights interest groups. MOSOP was specifically requested to focus on the ecological and

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<sup>59</sup> See MOSOP Canada, "Ogoni Bill of Rights" for the full text. See also Naanen, "Oil-producing minorities and the restructuring of the Nigerian federation", pp. 67-68; Welch, "The Ogoni and self-determination", pp. 645-649.

economic problems experienced by the Ogoni as a result of Shell Nigeria's oil production in Ogoniland, and the political and social problems of ethnic minority groups within the Nigerian federal system.<sup>60</sup>

The Ogoni struggle was thereafter internationalised mainly because of the activities of Saro-Wiwa, who presented the case of the Ogoni to the tenth session of the UN's Working Group on Indigenous Populations in Geneva in 1992 and to the general assembly of the Unrepresented Nations and Peoples Organisation (UNPO) in The Hague in 1993. The ecological problems of the Niger Delta also received attention at the World Conference of Indigenous Peoples on Environment and Development held in 1992 in Rio de Janeiro. On this occasion, not only the ecological problems of the Ogoni, but also those of other ethnic minority groups residing in oil-producing regions in the Niger Delta were discussed. Support by environmental and human rights groups for the Ogoni also found expression in investigations into their grievances by Greenpeace (*Shell-shocked*, 1993) and Human Rights Watch (*The Ogoni crisis*, 1995).<sup>61</sup>

Between 1990 and 1993, MOSOP grew considerably and developed into an umbrella organisation to which a number of Ogoni organisations were affiliated, including the Council of Ogoni Traditional Rulers, the National Youth Council of Ogoni People (NYCOP), the Federation of Ogoni Women's Associations, the Council of Ogoni Churches, the Ogoni Teachers Union, the National Union of Ogoni Students, the Ogoni Central Union and the Council of Ogoni Professionals. Each of these newly established Ogoni organisations served the important purpose of mobilising support for MOSOP within their own ranks and quickly came to incorporate most of the Ogoni population.<sup>62</sup> NYCOP was the most important of the organisations and initially drew its support from Ogoni youth who were active in the Nigerian students' movement that operated under the direction of the National Association of Nigerian Students, and that actively opposed the military leaders of Nigeria from the late 1980s onwards. Influenced in particular by neo-Marxism, NYCOP members were very receptive to the manifesto of

<sup>60</sup> MOSOP Canada, "Ogoni Bill of Rights".

<sup>61</sup> Osaghae, "The Ogoni uprising", p. 335; Rowell, *Shell-shocked*, References, footnote 25; *New York Times (Late New York Edition)*, 28.3.1995, p. A12; Interview with Patrick Naagbantou, Port Harcourt, 21.6.2001.

<sup>62</sup> M. Birnbaum, *Nigeria: fundamental rights denied*, p. 11; K. Saro-Wiwa, "My story" in M. Birnbaum (ed.), *A travesty of law and justice: an analysis of the judgement in the case of Ken Saro-Wiwa and others*, p. 45.

Saro-Wiwa who controlled this organisation, although not all the members agreed with Saro-Wiwa on his position that the Ogoni struggle should be peaceful.<sup>63</sup>

### **6.5.2 THE Ogoni UPRISINGS, 1990-1994**

From 1990 to 1994, MOSOP's activities resulted in a direct confrontation between the federal government and the Ogoni. According to Osaghae the Ogoni took justice into their own hands mainly for two reasons, namely the inability of the federal government to react to the demands of the Ogoni, which encouraged them to enforce their demand for political autonomy on the federal government, and secondly because of the radical leadership of the organisation after Saro-Wiwa became president of MOSOP in 1993.<sup>64</sup> It is worth noting that there was a significant increase in the number of confrontations between MOSOP and the federal government after Saro-Wiwa took over as president in 1993. After he was arrested in May 1994 in connection with the Goikoo murders, the level of confrontation dropped considerably.<sup>65</sup>

The first direct confrontation between the Ogoni and Shell Nigeria occurred in 1992 when local inhabitants organised a protest march against the company at its facilities in Bonny. In the police action that followed one person was shot dead and 180 injured, 30 of whom had gunshot wounds. In December 1992 MOSOP presented Shell Nigeria, Chevron Nigeria and the NNPC with an ultimatum, and the three oil companies were given 30 days to comply with the five demands set out in the ultimatum or face mass action aimed at disrupting their operations in Ogoniland. MOSOP's demands included a US \$6 billion payment for accumulated rents and taxes for the production of oil in Ogoniland since 1958; the payment of US \$4 billion in compensation for the environmental damages caused by oil production in Ogoniland; the immediate cessation of environmentally ruinous practices such as gas flaring at Yorlu, Korokoro and Bomu; the immediate covering of all oil pipelines situated above ground, and a request that negotiations should commence between MOSOP and the oil companies to ensure that

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63 Institute for the Promotion of Unity and Understanding, *Ogoni*, pp. 9-10; Hattingh, "Shell International and the Ogoni people of the Rivers province in Nigeria", p. 7; "The conviction of Ken Saro-Wiwa", p. 2; "Nigeria: the untold Ogoni story", p. 6; P. Adams, "The deepening stalemate" in *Africa Report* 39(4), July/August 1994, pp. 63-64; Interview with Patrick Naagbantou, Port Harcourt, 21.6.2001.

64 Osaghae, "The Ogoni uprising", p. 333.

65 See table in "The Ogoni crisis: Nigeria's shame" in *LH Rights* 2, December 1995, p. 17.

oil production in Ogoniland comply with environmental standards. In reaction to the ultimatum the oil companies improved their security, while the federal government sent troops to Ogoniland to protect the oil installations. In addition all public gatherings and rallies in Ogoniland were banned, while a decree was issued in terms of which all demands for self-determination and the disruption of oil production in Nigeria were classified as acts of high treason, punishable by death.<sup>66</sup>

In contravention of the ban on all public gatherings, MOSOP went ahead with its preparation for Ogoni Day, planned to coincide with the start of the UN International Year of the Indigenous Peoples of the World, which was held on 4 January 1993. On that day about 300 000 Ogoni gathered at Bori to participate in a peaceful protest march against Shell Nigeria and the federal government. This peaceful march took place under the watchful eyes of both the police and the federal troops stationed in Bori.<sup>67</sup> Plenty of anti-Shell Nigeria slogans were voiced throughout the day, with Saro-Wiwa declaring, for example, that "from today onwards, Shell is declared *persona non grata* in Ogoni".<sup>68</sup> Relationships between the Ogoni and Shell Nigeria deteriorated further shortly after when a Shell Nigeria employee was attacked in January 1993 by a group of Ogoni. This attack prompted Shell Nigeria to stop its oil production in Ogoniland and the company withdrew all its personnel from the area. To date (2003) Shell Nigeria has not resumed its activities in this area and has stated that it will only resume oil production in Ogoniland at the invitation of the Ogoni people.<sup>69</sup>

Shell Nigeria's withdrawal did not end the conflict between the company and the Ogoni. On 30 April 1993 about 10 000 Ogoni participated in a protest march in Nonwa against the construction of oil pipelines for Shell Nigeria by the American firm Wilbros. The inhabitants of Nonwa were not informed of the fact that the planned oil pipeline would run through their land. The federal troops that were sent in with the Wilbros team, both to protect the team from possible attacks and to secure the construction of the pipeline, opened fire on the protesters and ten people were wounded in the process. Four days of

<sup>66</sup> Osaghae, "The Ogoni uprising", p. 336.

<sup>67</sup> *Mail & Guardian*, 13-19.1.1995, p. 14; Naanen, "Oil-producing minorities and the restructuring of the Nigerian federation", pp. 69-70; Welch, "The Ogoni and self-determination", p. 642.

<sup>68</sup> Saro-Wiwa as quoted by Catma Films, "The drilling fields".

<sup>69</sup> Earthlife Africa, *Factsheet on the Ogoni struggle*; Shell Nigeria, "Shell offers plan for Ogoni".

riots ensued in Nonwa following the incident and these were violently suppressed by federal troops. One person, Agbarator Out, was killed in the riots when the federal troops shot him in the back.<sup>70</sup>

Shortly after the Wilbros incident conflict arose within the leadership cadre of MOSOP which polarised this organisation into two factions. The one faction consisted of the more moderate members, including its president, Leton and the vice-president, Kobani. The other faction was more radically orientated and was led by Saro-Wiwa, Goodluck Diigbo and Ledum Mitee. The conflict centred round four issues, namely what the balance should be between confrontation and reconciliation in the Ogoni's struggle against Shell Nigeria and the federal government; whether the Ogoni should participate in the presidential elections (planned for 12 June 1993); the tactics that should be employed in the handling of conflict between the Ogoni and neighbouring ethnic groups, and the political structure of MOSOP. The Leton-faction also had a problem with the activities of NYCOP, which they accused of violent actions.<sup>71</sup>

Questions concerning the participation of the Ogoni in the presidential elections of 12 June 1993 led to the final break within MOSOP's executive council. Saro-Wiwa, who had just returned from the annual meeting of the UNPO in The Hague, advocated a total boycott of the election. In his view Ogoni participation in the election would imply their acceptance of the Nigerian constitution and also by implication the acceptance of Section 42 of the constitution that vested all mineral rights in the state. In contrast to the Saro-Wiwa faction, the Leton faction was in favour of Ogoni participation in the presidential elections and was therefore strongly opposed to Saro-Wiwa's call for an election boycott. After MOSOP's executive council voted eleven against six in favour of an election boycott, Leton and Kobani resigned as president and vice-president respectively. Saro-Wiwa was then elected as president and Mitee as vice-president of MOSOP.<sup>72</sup> The organisation proceeded with its election boycott and banned the holding of the presidential election in Ogoniland. Members of NYCOP were used to ensure that

<sup>70</sup> Earthlife Africa, *Factsheet on the Ogoni struggle*, Human Rights Watch, "The Ogoni crisis: a case-study of military repression in southeastern Nigeria" in *Human Rights Watch Reports* 7(5), July 1995, pp. 10-11; Okonta and Douglas, *Where vultures feast*, pp. 120-121.

<sup>71</sup> Birnbaum, *Nigeria*, p. 11; Institute for the Promotion of Unity and Understanding, *Ogoni*, p. 13.

<sup>72</sup> Catma Films, "The drilling fields"; Institute for the Promotion of Unity and Understanding, *Ogoni*, p. 13; D.L. Orage, *"Justice prevailed": the case of the Republic of Nigeria vs Kenule B. Saro-Wiwa, et al.*, p. 3.

all Ogoni comply with this ban. On the day of the election, NYCOP attacked police stations in Ogoniland, burned all the election ballots in the local offices of the National Electoral Commission and set up roadblocks to control access into the region.<sup>73</sup>

After Saro-Wiwa took over the leadership of MOSOP, the more moderate leaders of the Ogoni people, including the *Gbenemenes Barasins* of Babbe, Gokana, Nyo-Khana, Ken-Khana and Tai (all of whom had originally signed the Ogoni Bill of Rights), distanced themselves formally in November 1993 in a letter to Babangida, from what they called the "lawless activities of certain elements in Ogoni who claim to be operating under (MOSOP)". This group of traditional and political leaders also apologised to the federal and Rivers State governments for the trouble caused by MOSOP, and further called upon MOSOP and NYCOP to seek solutions for the problems of the Ogoni in a peaceful manner.<sup>74</sup>

Attempts to re-establish civilian rule in Nigeria failed after Babangida annulled the results of the presidential election in June 1993. Shortly afterwards the federal government began to take up a stronger position against the Ogoni and launched Operation Restore Order in Ogoniland. The main target of this military operation was MOSOP which was branded a radical and secessionist movement. Saro-Wiwa consequently became a victim of military harassment, with the military restricting his movements around Ogoniland and confiscating his passport on the eve of his intended departure to Vienna to attend a UN human rights conference. On 21 June 1993 Saro-Wiwa was arrested by the federal government for the fourth time in three months,<sup>75</sup> which arrest triggered widespread protests in Ogoniland, as well as international condemnation. Amnesty International, for example, declared Saro-Wiwa a prisoner of conscience. Saro-Wiwa was freed only on 22 July 1993 after the federal government had charged him with inciting riots.<sup>76</sup>

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<sup>73</sup> "The conviction of Ken Saro-Wiwa", p. 2; Institute for the Promotion of Unity and Understanding, *Ogoni*, p. 13.

<sup>74</sup> "The activities of the Movement for the Survival of Ogoni People (MOSOP)" (information provided by the Nigerian High Commission in Pretoria).

<sup>75</sup> See K. Saro-Wiwa, *A month and a day: a detention diary* (1995) for a personal recollection of the times he spent in prison during 1993.

<sup>76</sup> Naanen, "Oil-producing minorities and the restructuring of the Nigerian federation", pp. 70-71; Saro-Wiwa, "My story", pp. 48-53; Saro-Wiwa, *A month and a day, passim*; Human Rights Watch, "The Ogoni crisis", pp. 12-14

An important component of Operation Restore Order in Ogoniland was the isolation of the area relative to the rest of the Rivers State. Military roadblocks were set up to seal off the region and to control all movement into and out of Ogoniland. On 30 July 1993 all Ogoni police officers were withdrawn from the area and replaced by police from other ethnic groups. This was followed on 4 August 1993 by an attack in the middle of the night on an Ogoni village, Kaa, which attack the federal government was quick to attribute to the neighbouring Andoni ethnic group. After the resignation of Babangida on 26 August 1993 and the appointment of Ernest Shonekan as head of state, a series of attacks were launched on Ogoni villages. Starting on 15 September 1993, ten Ogoni villages were attacked, resulting in nearly 750 Ogoni being killed and 30 000 being displaced.<sup>77</sup>

The federal government blamed the violence on ethnic conflict between the Andoni and the Ogoni. Both these ethnic groups, however, rejected these allegations. According to them there was no tension and disputes between the Ogoni and the Andoni that could justify the attacks. Consequently, the Ogoni held the view that outsider groups were brought in to initiate the conflict, while the federal troops also played an important role. MOSOP leaders attributed the attacks to the federal government for four reasons, namely that the attackers used automatic weapons and hand grenades, and acted with professional expertise; that there were army soldiers and officers in Ogoniland at the time of the attacks; that the governor of the Rivers State, Ada George, hated the Ogoni people, and that all police who were Ogoni were withdraw shortly before the start of the violence.<sup>78</sup> In addition, Ogoni eyewitnesses of the September attacks also declared that the attackers did not speak Andoni and therefore could not have belonged to this particular ethnic group. Prof. Claude Ake, a member of the UN's World Commission on Development and Culture, and head of a governmental investigation into these attacks, also rejected the federal government's claim that the attacks were ethnically motivated. In his view, the attacks could not be attributed to ethnic conflict between the Andoni and the Ogoni due to the absence of the normal causes of conflict between the two different ethnic groups, and he also pointed to the federal government as the likely

<sup>77</sup> *Mail & Guardian*, 13-19.1.1995, p. 14; "Nigeria in crisis" in *Review of African Political Economy* 22(64), 1995, pp. 244-245; Human Rights Watch, "The Ogoni crisis", pp. 12-14; Okonta and Douglas, *Where vultures feast*, pp. 123-126; *The Nation* (Nigeria), 27.7.1994.

<sup>78</sup> Osaghae, "The Ogoni uprising", p. 337.

instigators of conflict between the Ogoni and the Andoni.<sup>79</sup> Peace negotiations that followed after the end of the violence between the Ogoni, the Andoni, the federal government and Shell Nigeria failed, because Saro-Wiwa refused to sign the peace accord. This accord was not acceptable to him because it involved the resumption of oil production in Ogoniland.<sup>80</sup>

Shortly afterwards, conflict erupted again between the Ogoni and Shell Nigeria during a Shell Nigeria inspection tour of their oil facilities in Ogoniland. Accompanied by military forces, under the control of Lt-Col Paul Okuntimo, Shell Nigeria's inspection commenced on 21 October 1993. Two days later, on 23 October 1993, Shell Nigeria received a fire warning from their facilities at Korokoro and two fire engines were sent out. These fire engines, however, were hijacked by Ogoni youths who also took the two drivers hostage before releasing them later on the same day. There was no fire at the Korokoro facilities. On 24 October 1993 the federal government sent troops into Ogoniland to reclaim the stolen fire engines, which troops were accompanied by one staff member of Shell Nigeria. This group was attacked *en route* to the chief of Korokoro village which triggered direct confrontation between the Ogoni and the federal forces. Three people (two Ogoni and one soldier) were wounded in the clash. After the Korokoro incident, Shell Nigeria refused to react to all fire warnings at their oil facilities in Ogoniland, and all similar calls were thereafter referred to the Rivers State Fire Service.<sup>81</sup>

More inter-ethnic conflict between the Ogoni and neighbouring ethnic groups followed in December 1993. On 12 December ethnic conflict between the Ogoni and the Okrika broke out, which was triggered by an Okrika attack on an Ogoni residential area in Port Harcourt, and two days of violence followed in which automatic weapons and hand grenades were used against the Ogoni. Ultimately, 63 people were killed and a considerable number of Ogoni houses were burnt down. Although the police were stationed near the residential area, they did not make a single attempt to intervene. Two

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<sup>79</sup> Normal causes of ethnic conflict include among others conflict relating to fishing rights, access to land and discrimination against other ethnic groups. Catma Films, "The drilling fields"; *Tell* (Nigeria), 25.7.1994; *The Nation* (Nigeria), 27.7.1994.

<sup>80</sup> Earthlife Africa, *Factsheet on the Ogoni struggle*; Osaghae, "The Ogoni uprising", p. 337; Catma Films, "The drilling fields"; Human Rights Watch, *The price of oil*, Chapter 8; Saro-Wiwa, "My story", pp. 58-59.

<sup>81</sup> Shell Nigeria, "Flashpoints on the Ogoni story"; Earthlife Africa, *Factsheet on the Ogoni struggle*.

reasons were offered by the federal government for the Okrika attack on the Ogoni, namely that the Okrika felt that the Ogoni were invading their traditional territory, and the assumed joy of the Ogoni settlers at the dismissal of Ada George, an Okrika, as Governor of the Rivers State after Abacha assumed control as president of Nigeria in November 1993. Discussions between Saro-Wiwa and the *Amayanabo* (chief) of the Okrika, S.P.U. Ogan, following the cessation of the violence, revealed no conflict over land between the Ogoni and the Okrika. Consequently, MOSOP was quick to attribute the true cause of the conflict to the federal troops who were deployed in this region and who, according to MOSOP, acted on the orders of the federal government. Further ethnic conflict broke out in April 1994 between the Ogoni and the Ndoki ethnic groups, in which twenty people were killed and eight Ogoni villages destroyed. As in previous cases, the federal government attributed this conflict to inter-ethnic problems. MOSOP again rejected this allegation.<sup>82</sup>

The presence of military forces in Ogoniland led to the cancellation of Ogoni Week in January 1994. The only scheduled event which took place was a church service held in the presence of a large number of federal troops comprised of the Rivers State Internal Security Task Force.<sup>83</sup> This task force was under the control of Lt-Col Okuntimo, who did not have much time for the Ogoni and their grievances. During an interview with American journalists he outlined his strategy for Ogoniland as follows: "I will just take some detachments of soldiers; they will stay at four corners of the town. They have automatic rifles that sound as death...we shall surround the town at night...The machine gun with 500 rounds will open up and then we are throwing grenades...and they know I am around. What do you think the people are going to do? We have already put roadblocks on the main road, we do not want anybody to start running...so the option we have made was that we should drive all these people into the bush with nothing except the pants and the wrapper they are using that night."<sup>84</sup> According to the South African ENGO, Earthlife Africa, Okuntimo's strategy mirrored the account of an eyewitness, Dany Mark, as to what happened during the alleged Andoni attack on Kaa on 4 August

<sup>82</sup> See Catma Films, "The drilling fields"; Osaghae, "The Ogoni uprising", p. 338; "The Ogoni crisis: Nigeria's shame", p. 17 for more details.

<sup>83</sup> The Rivers State Internal Security Task force consisted of members of the Mobile Police force and three other armed forces and had approximately 200 members. Birnbaum, *Nigeria*, p. 17.

<sup>84</sup> P. Okuntimo as quoted by Human Rights Watch, "The Ogoni crisis", p. 16.

1993.<sup>85</sup>

The tension between Okuntimo and his forces, on the one hand, and the Ogoni on the other, persisted after attempts by Saro-Wiwa to initiate talks between them failed on 19 January 1994. Consequently the military presence in Ogoniland continued. While this military presence did restrict the activities of MOSOP and NYCOP, it failed to bring an end to the Ogoni uprisings. Neither did the arrest of fifteen of MOSOP's political leaders, including Saro-Wiwa's brother, Owen Wiwa. However, this conflict was brought to a head by the Giokoo murders on 21 May 1994, and attention thereafter shifted to Saro-Wiwa and his co-accused in the ensuing trial. Consequently, the battlefield on which the Ogoni continued their struggle against Shell Nigeria and the federal government shifted to the tribunal, which was appointed by the federal government in terms of the Civil Disturbances Decree No 2 of 1987, to hear cases originating from the Goikoo murders.<sup>86</sup>

### **6.5.3 THE GOIKOO MURDERS, 21 MAY 1994**

An important component in the run-up to the Goikoo murders in May 1994 was the propaganda campaigns waged between the moderate Ogoni leaders and the leadership corps of MOSOP. The moderate leaders' formal distancing themselves from the lawless activities of NYCOP (as mentioned in section 6.4.2) forms part of this propaganda campaign in which an attempt was made to isolate the opposing party as the only one that should take the blame. By December 1993 conflict between the Ogoni leaders once again arose when a committee of thirteen Ogoni leaders, including Leton, Kobani, I.S. Kogbare, Samuel Orage and Albert Badey, published an open letter to the Nigerian head of state, Gen. Sani Abacha, in the press on 7 December 1993. The letter focused on the unlawful activities (for example vandalism and murder) of NYCOP, and the thirteen leaders strongly denounced NYCOP's activities and the power its leader, Saro-Wiwa, exerted over its members.<sup>87</sup>

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<sup>85</sup> Earthlife Africa, *Factsheet on the Ogoni struggle*.

<sup>86</sup> Catma Films, "The drilling fields"; Human Rights Watch, "The Ogoni crisis", pp. 12-14.

<sup>87</sup> Institute for the Promotion of Unity and Understanding, *Ogoni*, p. 17; "Nigeria: the untold Ogoni story", p. 6; "The conviction of Ken Saro-Wiwa", p. 2.

MOSOP's leadership corps did not take kindly to the criticism levelled against them by the moderate leaders, and reacted strongly to these allegations. In reaction to the criticism from the moderate leaders, Saro-Wiwa reacted as follows in a letter to Kobani dated 15 December 1993: "I have noted how far your stock has fallen in the Ogoni market. When will you accept responsibility for your failure(?). I cannot stop you from envying my achievements. I invite you to copy my ways and you will find that which you deserve most, Ken SARO WIWA image. Good advice and it's free."<sup>88</sup> Shortly afterwards, MOSOP branded the members of the committee of thirteen Ogoni leaders who published the open letter to Abacha as "vultures". They were accused of co-operating with the federal government and Shell Nigeria against the interests of the Ogoni people and of being financially compensated for this alleged co-operation. Among the people branded as "vultures" were the four Ogoni leaders who were murdered at Goikoo on 21 May 1994. The names of all the "vultures" were published by MOSOP in a publication entitled *Newsflash*.<sup>89</sup>

Tension within the Ogoni ranks was further heightened in May 1994 by the planned elections of delegates for the National Constitutional Assembly. The convening of the latter Assembly was part of Abacha's transitional process whereby the military regime would be replaced by a popularly elected civilian government, and it had the specific task of drawing up a new constitution for Nigeria. (See also section 2.3.5.) A number of Ogoni leaders, including Saro-Wiwa and the four leaders later murdered at Goikoo, expressed interest in making themselves available for the election of a representative from the Ogoni people to the National Constitutional Assembly. MOSOP, in particular, saw it as an opportunity to obtain the support of the other ethnic minority groups in its effort to convince the federal government to pay constructive attention to the environmental problems in Ogoniland. Saro-Wiwa and those candidates sympathetic to his ideas placed particular emphasis on the right to self-determination of the Ogoni, while the more moderate candidates were against negotiating self-determination for the

<sup>88</sup> K. Saro-Wiwa as quoted in "The conviction of Ken Saro-Wiwa", p. 3.

<sup>89</sup> "Nigeria: the untold Ogoni story", pp. 6-7; "On the sentences of Ogoni Civil Disturbances Tribunal", p. 2.

Ogoni at the National Constitutional Assembly.<sup>90</sup>

In an attempt to reconcile the opposing sides within the Ogoni, the traditional leaders of the Gokana clan called a meeting at the palace of the Gokana *Gbenemene Barasin* at Goikoo for 21 May 1994. This planned meeting was strongly opposed by both MOSOP and NYCOP who perceived it as anti-Saro-Wiwa, and they consequently issued a warning that the leaders would be attacked if they went ahead with the meeting. The military governor of the Rivers State, Lt-Col Duada Komo, was informed of these threats and he undertook to provide the necessary protection for those traditional leaders who wanted to attend the meeting.<sup>91</sup>

The meeting went ahead as planned on 21 May 1994 and was attended by a number of traditional leaders, including chiefs O.B. Naaleloo, Samuel Orage, Theophilus Orage, F.S. Kpai, Edward Kobani and Albert Bodey. At the time of the meeting Saro-Wiwa was campaigning in the Goikoo district for the election of the Ogoni representative to the National Constitutional Conference. He was accompanied by Ledun Mitee, vice-president of MOSOP, who travelled in a separate car. At the Kpopie-junction, about 1 km from Goikoo, he was stopped at a military roadblock and prohibited from entering the area. The order not to allow Saro-Wiwa near Goikoo at the time of the meeting was given by Komo.<sup>92</sup> Saro-Wiwa then addressed the soldiers and allegedly said: "I don't blame you. It is the vultures meeting there in Goikoo that send you to stop me."<sup>93</sup> Saro-Wiwa thereafter addressed his supporters and it is alleged that he then gave them the order to "deal with the vultures". Saro-Wiwa was found guilty of murder by the Civil Disturbances Special Tribunal (CDST) mainly because he allegedly gave this order.<sup>94</sup>

Shortly after the incident at the Kpopie junction a large crowd of MOSOP and NYCOP members attacked the Gokana palace. In the chaos that ensued, chiefs Bodey, Kobani,

<sup>90</sup> Saro-Wiwa was never an official candidate in the elections. He did pick up a nomination form from the Rivers State Election Committee but failed to return the form. M. Birnbaum, "A travesty of law and justice: an analysis of the judgement in the case of Ken Saro-Wiwa and others", <<http://www.mosopcanada.org/info/mosop0950.html>>, 1995. See also Institute for the Promotion of Unity and Understanding, *Ogoni*, pp. 18-19.

<sup>91</sup> Institute for the Promotion of Unity and Understanding, *Ogoni*, p. 20; Orage, "Justice prevailed", p. 9.

<sup>92</sup> Birnbaum, *Nigeria*, p. 12; Institute for the Promotion of Unity and Understanding, *Ogoni*, p. 20.

<sup>93</sup> K. Saro-Wiwa as quoted by Ledor Vizor in his testimony to the CDST. See Birnbaum, *Nigeria*, Appendix 9, pp. 23-24 for a summary of Vizor's testimony.

<sup>94</sup> Birnbaum, *Nigeria*, p. 12; Birnbaum, "A travesty of law and justice".

Samuel and Orage were brutally murdered. Their bodies were dragged outside, beheaded (one was eaten) and the remains set alight inside a Volkswagen Beetle. Saro-Wiwa was not near Goikoo at the time of the murders; he was being escorted back to Port Harcourt by federal troops.<sup>95</sup>

#### **6.5.4 THE TRIAL OF SARO-WIWA AND HIS FOURTEEN CO-ACCUSED**

After the Goikoo murders the federal government sent in the Rivers State Internal Security Task Force to suppress the riots in Ogoniland that followed this event. The police also started their investigation into the murders and in the weeks that followed a large number of people were arrested, including Saro-Wiwa who was arrested on 22 May 1994. All the people arrested in connection with the Goikoo murders were held without charge or access to legal representation for months (eight months in the case of Saro-Wiwa).<sup>96</sup>

In November 1994, Abacha appointed the CDST to try all the cases relating to the Goikoo murders. Since all the people arrested and charged in connection with the Goikoo murders were tried by the CDST, it is important to focus briefly on the guidelines laid down for such trials. The Civil Disturbances Decree No 2 of 1987, was promulgated by Babangida in 1987, and made provision for the appointment of a CDST to try cases originating from civil unrest. According to the Decree all people that can be either directly or indirectly connected to an act, directly share in the guilt of the act. Both the person who committed a murder and the people indirectly involved in it, are therefore guilty of murder, which crime had to carry the death penalty.<sup>97</sup>

People tried by the tribunal did not have the right to appeal against their sentences. The highest authority in the case of CDST sentences was the Provisional Ruling Council,

<sup>95</sup> For more details on the actual murders see, for example, Orage, *"Justice prevailed"*, pp. 13, 15; Hattingh, "Shell International and the Ogoni people", p. 8; D.L. Orage, "The Ogoni question and the role of the international community in Nigeria" in Na'Allah (ed.), *Ogoni's agonies*, pp. 41-44; Okonta and Douglas, *Where vultures feast*, pp. 128-131; Saro-Wiwa, "My story", pp. 64-65. In an interesting move MOSOP Canada's webpage on the life of Ken Saro-Wiwa makes no reference to the Goikoo murders and therefore does not give the readers a proper explanation as to why the Nigerian federal government arrested Saro-Wiwa in the first place. See MOSOP Canada, "The story of Ken Saro-Wiwa" for more details.

<sup>96</sup> Earthlife Africa, *Factsheet on the Ogoni struggle*, Institute for the Promotion of Unity and Understanding, *Ogoni*, pp. 20-21.

<sup>97</sup> M. Birnbaum, "Analysis (ii)" in Birnbaum (ed.), *A travesty of law and justice*, pp. 162-165.

which had to ratify the sentences of the tribunal. The composition of a CDST was also clearly set out in the decree and it had to consist of at least three members, two of whom had to be federal High Court judges, and the third member a military officer. Contrary to the general opinion among international media and interest groups, the CDST appointed by Abacha in Ogoniland was not a military tribunal. If it was one, all the members of the tribunal had to be army officers. The CDST appointed in Ogoniland after the Goikoo murders consisted of two federal High Court judges, I.N. Auta (chairperson) and E.E. Arikpo, and Lt-Col H.I. Ali, a high ranking military officer.<sup>98</sup>

After the federal government arrested the suspects in the Goikoo murders in record time, the government was slow to set the necessary structures in place to commence with the hearings, while at the same time denying the accused, especially Saro-Wiwa and Mitee, bail. The tribunal was constituted only on 4 November 1994 and its members sworn in on 21 November 1994. Despite the fact that the investigations into the murders were completed by September 1994, Saro-Wiwa, Mitee, Barinem Kiobel, John Kpuinen and Baribor Bera were only formally charged on 28 January 1995, eight months after their arrest in May 1994. Saro-Wiwa, Mitee and Kiobel were accused of planning and inciting the Goikoo murders, whereas Kpuinen and Bera were accused of being among those who committed the murders. The trial of the Saro-Wiwa group started on 6 February 1995. On 28 February 1995 another ten people<sup>99</sup> were charged with the Goikoo murders, and the charge against all ten was that they were directly involved in the actual murders.<sup>100</sup>

The trial of Ken Saro-Wiwa and his fourteen co-accused lasted approximately eight months, and attracted considerable attention, in particular from international media and interest groups. The credibility of the tribunal was highly questionable and concerns were voiced over the fairness of the trials. This concern of the international media and interest groups was confirmed by Michael Birnbaum, a British advocate who attended

<sup>98</sup> *Ibid.*; "Ken Saro-Wiwa execution: myths and facts" (information provided by the Nigerian High Commission in Pretoria), pp. 2-3; Birnbaum, *Nigeria*, pp. 23-26, 29; "On the sentences of Ogoni Civil Disturbances Tribunal", p. 23.

<sup>99</sup> Pogbara Afa, Saturday Dobe, Monday Danwin, Felix Nuata, Nordu Eawo, Paul Levura, Joseph Kpante, Michael Vizor, Daniel Gbokoo and Albert Kagbara. Birnbaum, *Nigeria*, p. vi.

<sup>100</sup> *Ibid.*, p. 2; Birnbaum, "Analysis (ii)", pp. 166-169.

the trial from 21 to 29 March 1996.<sup>101</sup> According to Birnbaum, the fundamental rights of the accused were affected in many ways. He refers amongst others to the fact that the accused were not allowed to consult with their legal representatives before the start of the trial. Confidential consultations between the accused and their legal representatives were attended by Lt-Col Paul Okuntimo. Birnbaum also alleges that the tribunal was not independent of the government, thereby influencing the defendants' right to an impartial trial. He raises strong objections about the absence of the right to appeal against the sentences of the tribunal as well as against the fact that several months elapsed before the accused were formally charged by the state.<sup>102</sup>

The tribunal continued with its proceedings despite national and international criticism of the trial. Particularly problematic was the evidence produced by the state in their two cases against Saro-Wiwa and his fourteen co-accused. This evidence, based almost exclusively on statements obtained immediately after the murders, was repudiated on several occasions by the witnesses themselves, the majority of whom claimed they were either bribed or forced to give false statements. Charles S. Danwi and Nayone Akpa, for example, both acknowledged in a sworn affidavit that they had been bribed to make false statements and both their submitted statements were actually written by the security forces. This acknowledgment was significant because Danwi and Akpa were the only state witnesses who alleged that Saro-Wiwa had told his followers on 21 May 1994 to "deal with the vultures", which alleged statement was the reason why he was arrested in the first place and eventually convicted of being an accomplice in the Goikoo murders. Not only did the CDST refuse to admit and acknowledge that many statements were obtained under duress, but they also did not allow contradictory sworn affidavits to be entered as evidence by the defence and refused to force the Rivers State Television to hand over video material that allegedly proved the inconsistency in the testimonies of key state witnesses.<sup>103</sup>

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<sup>101</sup> Birnbaum was sent to Nigeria as an independent observer by Section 19 (The International Centre Against Censure), the Bar Human Rights Committee of England and Wales, and the Law Society of England and Wales to assess whether the CDST trial was fair. F. D'Souza in the foreword to Birnbaum, *Nigeria*, pp. iii-iv.

<sup>102</sup> See Birnbaum, *Nigeria*, pp. 7-10 for a summary of his main conclusions. See also Birnbaum (ed.), *A travesty of law and justice, passim*; Human Rights Watch, *The price of oil*, Chapter 10.

<sup>103</sup> Birnbaum, *Nigeria*, Appendix 9; Birnbaum, "Analysis (ii)", p. 203; R. Akinnola, "The trial and conviction of the Ogoni nine" in Birnbaum (ed.), *A travesty of law and justice*, pp. 102-114.

Amidst these frustrating circumstance Saro-Wiwa's legal council, Chief Gani Fawehimi, and the other defence councils, withdrew from the tribunal in protest in June 1995, with Fawehimi remarking in anger and frustration that "this Tribunal is palpably biased, I am not coming again".<sup>104</sup> After a brief respite during which time Saro-Wiwa and some of his co-accused refused to cooperate with three successive groups of Legal Aid lawyers assigned to them by the federal government, the tribunal concluded the proceedings in October 1995. In a controversial judgement pronounced on 30 and 31 October 1995, the CDST found Saro-Wiwa, Barinem Kiobel, John Kpuinen, Baribor Bera, Saturday Dobe, Felix Nuate, Nordu Eawo, Paul Levura and Daniel Gbokoo guilty of murder. The other six defendants, including Ledum Mitee, were acquitted.<sup>105</sup>

On 31 October 1995, the tribunal pronounced the death penalty on Ken Saro-Wiwa: "The sentence of the Tribunal on you, Mr Ken Saro-Wiwa to the offence you have been convicted of is that you will be hanged by the neck until you be dead and may the Lord have mercy on your soul."<sup>106</sup> The other eight Ogoni found guilty by the CDST received similar sentences on 30 and 31 October 1995. Despite international appeals for clemency, the Provisional Ruling Council confirmed the sentences on 8 November 1995. Ken Saro-Wiwa and the eight other Ogoni were hanged in the Port Harcourt Prison at 11:30 on 10 November 1995.<sup>107</sup>

## **6.6 THE IMPACT OF THE Ogoni STRUGGLE (1990-1995) AND THE EXECUTION OF KEN SARO-WIWA**

"My lord, we all stand before history. I am a man of peace, of ideas. Appalled by the denigrating poverty of my people who live on a richly-endowed land, distressed by their political marginalization and economic strangulation, angered by the devastation of their land, their ultimate heritage, anxious to preserve their right to life and to a decent living and determined to usher to this country as a whole a fair and just democratic system which protects everyone and every ethnic group and gives us all a valid claim to human civilization, I have devoted all my intellectual and material resources, my very life, to a cause in which I have total belief and from which I cannot be blackmailed or intimidated. I have no doubt at all about the ultimate success

<sup>104</sup> Gani Fawehimi as quoted by Akinnola, "The trial and conviction of the Ogoni nine", p. 116.

<sup>105</sup> Institute for the Promotion of Unity and Understanding, *Ogoni*, pp. 22-23; Akinnola, "The trial and conviction of the Ogoni nine", pp. 114-119; "On the sentences of Ogoni Civil Disturbances Tribunal", pp. 3-4; Orage, "Justice prevailed", p. 57; "The conviction of Ken Saro-Wiwa", p. 1.

<sup>106</sup> Orage, "Justice prevailed", p. 57.

<sup>107</sup> "Saro-Wiwa's peril", p. 54; V. Bielski, "Shell's game" in *Sierra* 81, March/April 1996, pp. 30-31; "The conviction of Ken Saro-Wiwa", p. 1.

of my cause, no matter the trials and tribulations which I and those who believe with me may encounter on our journey. Neither imprisonment nor death can stop our ultimate victory. I repeat that we all stand before history. I and my colleagues are not the only ones on trial. Shell is here on trial and it is as well that it is represented by counsel said to be holding a watching brief. The Company has, indeed, ducked this particular trial, but its day will surely come and the lessons learnt here may prove useful to it for there is no doubt in my mind that the ecological war the Company has waged in the Delta will be called to question sooner than later and the crimes of war be duly punished. The crime of the Company's dirty war against the Ogoni people will also be punished. On trial also is the Nigerian nation, its present rulers and all those who assist them. Any nation which can do to the weak and disadvantaged what the Nigerian nation has done to the Ogoni, loses a claim to independence and to freedom from outside influence.. I predict that a denouncement of the riddle of the Niger Delta will soon come. The agenda is being set at this trial. Whether the peaceful ways favoured will prevail depends on what the oppressor decides, what signals it sends out to the waiting public.."

- Ken Saro-Wiwa's final statement to the CDST <sup>108</sup>

The execution of Saro-Wiwa and the eight other Ogoni on 10 November 1995 did not end the Ogoni struggle as the Abacha regime most probably believed it would, although it is difficult to speculate just what purpose Abacha thought the execution of the so-called Ogoni 9 would serve. Instead, Abacha created a martyr in Saro-Wiwa and the latter's closing remarks to the CDST proved to be prophetic in the years that followed his execution.

#### **6.6.1 THE IMPACT ON THE NIGERIAN GOVERNMENT AND THE NIGER DELTA REGION**

International condemnation of the execution of the Ogoni 9 followed almost immediately and within a short period created a political crisis of international proportions for Abacha. This was in no small part due to the fact that Abacha had defied the international community and calls by the Commonwealth for clemency by executing the Ogoni 9 while the Commonwealth Heads of Government Meeting was taking place in Auckland, New Zealand (10-13 November 1995). Consequently, Commonwealth reaction to the executions was almost immediate and Nigeria was suspended from the Commonwealth with immediate effect on the insistence of the British Prime Minister,

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<sup>108</sup> Saro-Wiwa, "My story", pp. 99-100.

John Major, and the South African president, Nelson Mandela.<sup>109</sup> The Commonwealth also created a ministerial-level action group to deal with the violations of the 1991 Harare Declaration,<sup>110</sup> which included ministers from Canada, Ghana, Jamaica, Malaysia, New Zealand, South Africa, the United Kingdom (UK) and Zimbabwe. Their first assignment was to investigate the human rights abuses of the Nigerian federal government, much to the irritation of Abacha, who strongly felt that Nigeria was being unfairly singled out, and they were tasked with developing a list of possible sanctions that could be imposed against Nigeria as punishment for their human rights abuses in general and the executions in particular.<sup>111</sup>

International condemnation was not confined to the Commonwealth, and 25 countries, including the USA and some European and Latin American countries, immediately recalled their ambassadors for consultation in protest against the executions. Despite an international call for sanctions and the Commonwealth investigation, the sanctions that the international community eventually imposed against Abacha were limited to an embargo on arms sales to the country, the withdrawal of military support, and the implementation of visa restrictions. The oil embargo that many critics, international human rights and environmental organisations and Canada campaigned for, never materialised, which effectively undermined the impact of sanctions imposed on the Nigerian regime. The USA, which received 50 % of all Nigerian oil exports at the time, refused even to consider an oil boycott, while Germany flatly refused to venture into discussions on the matter stating that their refineries were specifically designed to handle only Nigerian crude and that they were therefore not willing even to entertain the thought of a Nigerian oil boycott. Commonwealth enthusiasm for sanctions against

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<sup>109</sup> Mandela played a very ambiguous role in international attempts to convince Abacha not to confirm the ruling of the CDSF. A believer in quiet diplomacy, Mandela refused to speak out in public against Abacha which became his greatest diplomatic mistake during his term in office. He did, however, quickly reverse his position literally hours before Saro-Wiwa's execution when it became clear to the South African Department of Foreign Affairs that this stance was against international public opinion, and consequently Mandela is best remembered for his support for Saro-Wiwa and the eight other Ogoni executed on 10 November 1995. For more details on the relations between South Africa and Nigeria during this period, see M. van Aardt, "A foreign policy to die for: South Africa's responses to the Nigerian crisis" in *Africa Insight* 26(2), 1996, pp. 107-119; S. Akinrinade, "Nigeria and the Commonwealth: towards an understanding of a foreign policy crisis" in *The Round Table* 342, 1997, pp. 187-188; *The Argus* (South Africa), 15.11.1995, p. 2.

<sup>110</sup> In the Harare Declaration the Commonwealth Heads of Government affirmed the Declaration of Commonwealth Principles agreed to twenty years before at Singapore, which included the recognition of basic human rights and freedoms. E.H. Potter, "Nigeria and the Commonwealth: explaining Canada's hard line approach to sanctions, 1995-1996" in *The Round Table* 342, 1997, p. 209.

<sup>111</sup> *Ibid.*, pp. 208-210; Akinrinade, "Nigeria and the Commonwealth", pp. 187-188; 191-199; *The Daily News* (South Africa), 17.11.1995, p. 12.

Nigeria also diminished very quickly, and eventually only Canada and the UK implemented all eight sanctions proposed by the organisation; South Africa and Jamaica implemented about half of the sanctions, other members even fewer, and Ghana none.<sup>112</sup> UN condemnation also decreased considerably in the course of 1996, despite the fact that the UN sent a fact-finding mission to Nigeria in mid-1996 to investigate the country's human rights abuses and to meet with key human rights prisoners such as Chief Abiola.<sup>113</sup>

In the absence of an oil boycott, sanctions imposed against the Abacha regime were in effect more symbolic than effective and, ironically, the oil investments of Texaco and Mobil actually doubled during 1996, while Shell Nigeria announced its intention to go ahead with the liquefied natural gas project on Bonny Island just days after the execution, an investment that the company estimated at the time would total around US \$3,8 billion.<sup>114</sup> Despite their limited nature, sanctions remained in place until the recivilisation process of Nigeria finally materialised after Abacha's sudden death in 1998, which brought Gen. Abudulsalami Abubakar briefly to power before he handed over to a democratically elected Gen. Obasanjo in 1999. (See also sections 2.3.5 and 2.3.6.) While the impact of sanctions can be debated at length, their true significance is that they focused proper attention for the first time on the human rights abuses of the Nigerian federal government in general, and the plight of the ethnic minority oil-producing communities in the Niger Delta in particular.<sup>115</sup>

International interest concerning the state and the future of the oil-producing regions in the Niger Delta had a significant impact on the grievances of these communities, and

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<sup>112</sup> The eight sanctions included a visa-based ban on all sports teams from Nigeria; a visa ban and the refusal of all educational facilities for members of the military regime and their families; an arms embargo; the withdrawal of all military attachés and military support, and the scaling down of diplomatic and cultural ties with the country. Potter, "Nigeria and the Commonwealth", p. 210.

<sup>113</sup> D. Ingram, "Pressuring Abacha" in *New African*, February 1996, p. 24; "Silence of the grave" in *New African*, January 1996, p. 20; "Nigeria foaming" in *The Economist* 337(7941), 18.11.1995, pp. 15-16; "After the hangings" in *The Economist* 337(7941), 18.11.1995, p. 57; *The New York Times (Late New York Edition)*, 4.12.1995, p. A17; Potter, "Nigeria and the Commonwealth", pp. 210-215, 220-225; Akinrinade, "Nigeria and the Commonwealth", pp. 199-203.

<sup>114</sup> *The Star* (South Africa), 22.11.1995, p. 22; *The New York Times (Late New York Edition)*, 17.11.1995, p. A31; *New York Times (Late New York Edition)*, 3.12.1995, Editorial; "Multinationals and their morals" in *The Economist* 337(7943), 2.12.1995, pp. 18-19; "A day in the death of ideals" in *New Scientist* 148(2005), 25.11.1995, p. 3.

<sup>115</sup> Akinrinade, "Nigeria and the Commonwealth", pp. 187-188, 191-195, 199-201; Parliamentary Human Rights Group, *Nigeria: crisis of nationhood*, pp. 17-20; R. Sygne, "Recent history" in *Africa south of the Sahara* (31<sup>st</sup> edition), pp. 749-753.

their agitation against the Nigerian federal government has, since 1995, become the most important repercussion of the brutal suppression of the Ogoni struggle and the execution of the Ogoni 9. The campaign and strategies of MOSOP presented other oil-producing minority groups, with similar grievances, with a "blueprint" on how to articulate their grievances to both the federal government and the oil company that operates in their territory. Consequently, in the aftermath of the executions the Niger Delta descended into a cycle of activism, militancy and repression as oil-producing ethnic minority groups mobilised against multinational oil companies and the federal government. Voicing similar complaints of ethnic, political, social, economic and environmental marginalisation as did the Ogoni, these groups have plunged the Niger Delta into a perpetual state of political instability by storming oil installations, shutting down flow stations, blockading roads, taking foreign staff of the oil companies hostage, and forcing oil companies to relocate their operational headquarters from Warri to Port Harcourt owing to the fact that political instability in Warri has reached alarmingly high proportions.<sup>116</sup>

In the wake of Saro-Wiwa's execution, numerous ethnic-based organisations have come forward to demand environmental justice from the Nigerian federal government and the oil industry, which organisations include the Movement for the Survival of the Ijaw (Ijaw) Ethnic Nationality in the Niger Delta; the Movement for the Reparation of Ogbia; the Movement for the Survival of Itsekeri Ethnic Nationality; the Izon National Development and Welfare Association; the Isoko Community Oil Producing Forum, and the Ijaw Youth Council. Following the MOSOP example of the Ogoni Bill of Rights, some of these groups have published their own demands, set forth in charters and declarations, most notably the Izon People's Charter, the Ogbia Charter and the Kaiama Declaration of the Ijaw Youth Council. As a rule, these documents not only demand greater political recognition for the particular ethnic minority groups within Nigerian society, but more importantly also demand self-determination, development in

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<sup>116</sup> Osaghae, "The Ogoni uprising", p. 343; Human Rights Watch, *The price of oil*, Chapters 8 and 11; Pacifica Foundation, "Transcript of Drilling and Killing documentary", <<http://www.pacifica.org/programs/Nigeria/transcript.html>>, 1998; M. Paulsen, "Storming the oil platforms" in *U.S. News and World Report* 126(1), pp. 39-40; L. Santoro, "David and Goliath in Africa" in *Christian Science Monitor* 90(248), 20-26.11.1998, p. 5; Ibeanu, "Oil, conflict and security in rural Nigeria", pp. 20-21; C. Obri, *Oil, environmental conflict and national security in Nigeria: ramifications for the ecology-security nexus for sub-regional peace* (ACDIS Occasional Paper), pp. 8-15; I. Gary and T.L. Karl, *Bottom of the barrel: Africa's oil boom and the poor* (Catholic Relief Services report), p. 27; J. Strudsholm, "The oil fields of Nigeria" in *Africa Insight* 29(1/2), 1999, pp. 36-39.

their regions, employment for their people in the oil industry, environmental rehabilitation of polluted land and water resources, a direct share in the profits of oil production from their territories, and ownership of all oil and land resources in their territories. Of all these oil-related ethnic minority struggles that emerged in the wake of Saro-Wiwa's execution, the most significant had been the political mobilisation of the Ijaw under the Ijaw Youth Council and other Ijaw organisations which, just in terms of the size of the Ijaw population that numbers more than seven million and is regarded as the fourth largest ethnic group in Nigeria, have constituted the first real threat to governmental control over oil resources in the Niger Delta.<sup>117</sup>

Governmental reaction to oil-related ethnic minority agitation in the Niger Delta has been harsh and violent as it has tried in vain in the past few years to restore order in the country's most important economic zone and to restore oil production to 1995 levels.<sup>118</sup> Limited attempts by the government to address some of the grievances of the oil-producing ethnic minority groups followed after Obasanjo came to power in 1999, of which an increased allocation of oil revenues earmarked for the oil-producing regions and the establishment of the Oputa Panel was the most important. Increasing the oil revenue allocation for the oil-producing regions from 3% to 13 % in 1999, however, did not satisfy the majority of oil-producing communities since this money was not directly channelled to them, but instead went to the Oil Mineral Producing Areas Development Commission (OMPADEC) which controlled all governmental projects in oil-producing regions.<sup>119</sup> (See also section 3.4.2.)

The Oputa Panel, or the Nigerian Human Rights Commission headed by Justice Chukwudifu Oputa, on the other hand, focused attention on the human rights abuses of successive military regimes in independent Nigeria. Established in 1999 shortly after

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<sup>117</sup> A. Ikelegbe, "The perverse manifestation of civil society: evidence from Nigeria" in *Journal of Modern African Studies* 39(1), 2001, pp. 12-14; V.A. Isumonah, "Oil-bearing minorities' struggles in Nigeria: towards an alternative constitutional framework" in *Politeia* 20(2), 2001, pp. 6-8; A. Ikelegbe, "Civil society, oil and conflict in the Niger Delta region of Nigeria: ramifications of civil society for a regional resource struggle" in *Journal of Modern African Studies* 39(3), 2001, pp. 437-469.

<sup>118</sup> For more details on the violent repression of the Niger Delta struggles see, for example, Human Rights Watch, "Nigeria: crackdown in the Niger Delta" in *Human Rights Watch Report* 11(2A), May 1999, *passim*; Human Rights Watch, *The price of oil*, Chapter 8.

<sup>119</sup> R. Sygne, *Nigeria: the way forward*, p. 33; I. Oguine, "Nigeria's oil revenues and the oil-producing areas" in *Journal of Energy and Natural Resources Law* 17(2), pp. 114-119; Frynas, *Oil in Nigeria*, pp. 49-50; Energy Information Administration, "Nigeria monthly energy chronology (2000-2001)", <<http://www.eioa.doe.gov/emeu/cabs/nigiachron/html>>, 2002.

Obasanjo came to power, the Oputa Panel was initially tasked with investigating human rights abuses by the military regimes since 1983, but this date was extended to the period dating back to the first military coup in 1966. Modelled on the South African Truth and Reconciliation Commission, the Oputa Panel received over 10 000 submissions, but considered only 200 in public hearings held in Lagos, Abuja, Port Harcourt, Kano and Enugu in 2000 and 2001. The Oputa Panel was seriously restricted by a lack of funding, a lack of authority and the fact that it was only mandated to make recommendations to the federal government, which were set out in an unreleased document to Obasanjo in 2002. While an important development in itself, the Oputa Panel failed dismally in meeting the expectations of the numerous oil-producing ethnic minority groups in the Niger Delta and is generally regarded as having been a failure by most of those involved.<sup>120</sup>

Despite these and other attempts by the Obasanjo government to restore order to the Niger Delta, the violence and instability in the region has continued unabated, to the detriment of the Nigerian oil industry and the oil-producing ethnic minority groups who have to live in these unstable conditions. Whether or not a real solution will be found for the region remains to be seen. Until such time, the federal government and the multinational oil companies will remain easy and likely targets for minority agitation against environmental, political and economic injustice.<sup>121</sup>

### **6.6.2 THE IMPACT ON SHELL INTERNATIONAL AND SHELL NIGERIA**

The repercussions of the Ogoni struggle and the execution of the Ogoni 9 were not confined to Nigerian territory, and Shell International's involvement in this whole process became extremely problematic for the multinational oil company in the course of the 1990s. While Saro-Wiwa directed most of his attention at Shell Nigeria, the

<sup>120</sup> "Nigeria extends human rights probe", <<http://news.bbc.co.uk/1/hi/world/Africa/466297.stm>>, 6.10.1999; W. Etim-Bassey, "Evaluating and empowering the Oputa Panel", <<http://www.nigerdeltacongress.com/articles/evaluating.htm>>, *s.a.*; Federal Government of Nigeria, "Human rights in Nigeria", <[http://www.nopa.net/Useful\\_Information/Clinton/human-rights.htm](http://www.nopa.net/Useful_Information/Clinton/human-rights.htm)>, 1999; F. Ohwahwa, "The problem with the Oputa Panel", <[http://www.nigerdeltacongress.com/articles/problem\\_with\\_the\\_oputa\\_panel.htm](http://www.nigerdeltacongress.com/articles/problem_with_the_oputa_panel.htm)>, *s.a.*; Human Rights Watch, "Nigeria: human rights report 2002. Human rights developments", <<http://www.hrw.org/wr2k2/africa8.html>>, 2002; D. Isaacs, "Nigerian rights probe presented", <<http://news.bbc.co.uk/1/low/world/africa/2000691.stm>>, 21.5.2002.

<sup>121</sup> For more details see Human Rights Watch, "The Niger Delta: no democratic dividend" in *Human Rights Watch Reports* 14(7A), October 2002, pp. 1-37.

internationalisation of the Ogoni struggle in turn resulted in numerous campaigns being launched against Shell International abroad by international human rights and environmental groups. In this process, Shell International became directly responsible for the violent oppression of the Ogoni by the federal government and for the environmental destruction caused by Shell Nigeria's oil production in Ogoniland.<sup>122</sup>

The year 1995 was not the best of times for Shell International and two issues in particular, namely the Brent Spar incident and the Ogoni struggle, influenced public opinion against the multinational oil company and resulted in widespread protest actions against and boycotts of the company on home territory. The fact that Shell International was vulnerable by 1995 to harsh criticism of and public actions against its environmental and human rights practices, can be directly attributed to the fact that, prior to 1995, the company believed that it was not the responsibility of business to be directly involved in the promotion of human rights and sustainable development. Earlier statements from the company on sustainable development, voiced in 1991,<sup>123</sup> lacked formal articulation in any formal company documents, which in turn meant that it received almost no attention in the way the company conducted its business around the globe. However, the Brent Spar incident and the Ogoni struggle in 1995 changed this position of Shell International with regard to both the environment and its social corporate responsibility.<sup>124</sup>

Shell International first made world headlines in 1995 when it announced that it was decommissioning its Brent Spar storage and loading buoy, that had been operating in the North Sea oil fields, and that it would dispose of the Brent Spar in deep-water. This announcement met with strong resistance from Greenpeace which argued that the toxic materials remaining in the installation would cause widespread environmental destruction in the North Sea. Greenpeace successfully mobilised public support in Europe and Shell International was left with no alternative but to back down on its original plans and to announce that it would re-evaluate its options. The Brent Spar incident turned into a public relations nightmare for the company, despite the fact that

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<sup>122</sup> Watts, "The international petroleum industry", pp. 23-31.

<sup>123</sup> See Van Engelshoven, "Corporate environmental policy in Shell", pp. 17-24.

<sup>124</sup> Interview with Richard Sykes, London, 21.9.2001; Watts, "The international petroleum industry", pp. 23-31.

Greenpeace had to apologise publicly to Shell International for using the wrong technical data which invalidated all their claims that deep-water disposal would be more harmful to the environment than on-shore disposal.<sup>125</sup>

The negative publicity created by the Brent Spar incident ensured that the media would quickly pick up on events that were taking place in Nigeria in the same year. At the time of the Brent Spar conflict, Saro-Wiwa and his fourteen co-accused were on trial for the Giokoo murders. MOSOP and its allies in the international environment and human rights communities were very successful in publicising the role Shell International had played in environmental and human rights abuses in the Niger Delta in general, and in Ogoniland in particular. This publicity directly led to serious questions being asked about Shell International's conduct in Nigeria and the company soon found itself being placed "on trial" in the international media. Shell International's obvious reluctance to intervene on behalf of the fifteen Ogoni, especially after Saro-Wiwa and eight other Ogoni were sentenced to death and subsequently executed, tarnished the image of the company even further, and by the end of 1995 the name Shell became synonymous with bad environmental practices and with human rights abuses.<sup>126</sup>

The events of 1995 led to a major internal investigation of Shell International which lasted about a year. The company concluded that while it believed at the time that it was doing the right things, society at large did not agree and that the environment was much higher on society's priority list than what the company formerly believed. It also found that the notion of sustainable development was very pertinent to society as was the concept of publicly reporting on its activities in order to open up the company to outside scrutiny.<sup>127</sup>

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<sup>125</sup> Dickson and McCulloch, "Shell, the Brent Spar and Greenpeace", pp. 122-129.

<sup>126</sup> "Multinationals and their morals", p. 18; D. Pypke, "Partners in crime?" in *World Press Review* 43, 16.1.1996, p. 16; *The Star* (South Africa), 22.11.1995, p. 21; *The New York Time (Late New York Edition)*, 3.12.1995, p. 14.

<sup>127</sup> Interview with Richard Sykes, London, 21.9.2001; L. Sharpe Paine, *Royal Dutch/Shell in Transition (B)* (Harvard Business School Publication no N9-300-040), *passim*. See also J.G. Frynas, "Corporate and state responses to anti-oil protests in the Niger Delta" in *African Affairs* 398, 2001, pp. 27-54; R. Boele, H. Fabig and D. Wheeler, "Shell, Nigeria and the Ogoni. A study in unsustainability: II. Corporate social responsibility and 'stakeholder management' versus a rights-based approach to sustainable development" in *Sustainable Development* 9(3), 2001, pp. 121-135; D. Wheeler, R. Rechtman, H. Fabig and R. Boele, "Shell, Nigeria and the Ogoni. A study in unsustainability: III. Analysis and implications of Royal Dutch/Shell group strategy" in *Sustainable Development* 9(4), 2001, pp. 177-196.

The review in 1996 resulted in fundamental changes within Shell International: in 1997 the company revised its Business Principles and included for the first time principles on sustainable development and corporate social responsibility. This signalled an acknowledgement by the company that it has environmental and human rights responsibilities towards society, in addition to a responsibility to shareholders, customers, employees and those with whom it does its business. Shell International outlined its responsibility to society in the new Business Principles as "to conduct business as responsible corporate members of society, to observe the laws of the countries in which we operate, to express support for fundamental human rights in line with the legitimate role of business and to give proper regard to health, safety and the environment consistent with our commitment to contribute to sustainable development".<sup>128</sup>

Since 1997 the company gradually began to move in a "greener" and a more open direction. It now publishes an annual report on non-financial matters to the public and shareholders in an effort to be more open and transparent in its management. The first report, published in 1998, was entitled *Profits and principles - does there have to be a choice?*, and examined the company's performance during 1997-1998 in terms of its new business principles.<sup>129</sup> Active dialogue was also established with a number of well-respected ENGOs and the company committed itself to making a contribution to sustainable development.<sup>130</sup>

This commitment to contribute to sustainable development found expression in a number of environment-related activities. Shell International was the first oil company to address the issue of climatic change and its role in producing gases that impact negatively on world climate. The company also developed its own climatic change strategy that includes the acknowledgement that it will continue to produce oil and gas for fuel for the next 20-30 years; to provide more natural gas; to develop its business in gas-fired power generation which produces less than half the CO<sub>2</sub>; to develop renewable energy sources; to reduce the emissions of greenhouse gases in its own operations, and

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<sup>128</sup> Shell International, *Statement of General Business Principles* (pamphlet); Human Rights Watch, *The price of oil*, Chapter 11.

<sup>129</sup> Human Rights Watch, *The price of oil*, Chapter 11.

<sup>130</sup> Interview with Richard Sykes, London, 21.9.2001.

to fund programs to help improve the understanding of climatic change.<sup>131</sup>

Shell International further started to invest in developing new technologies to facilitate the move from oil to gas as the main energy source of the future; to facilitate the expansion of gas to liquids production, and increased its investment in renewable energy. Between 1997 and 1998 the company set up Shell International Renewables with an initial budget of US \$500 million with an additional US \$50-100 million committed to renewable energy in the second half of 2001. As part of its renewable energy strategy, the company bought out Siemens Solar and it now ranks second in world market shares, while also stepping up its activities in the wind energy market.<sup>132</sup>

Shell International has come a long way since its shock discovery in 1996 that environmental and human rights issues do matter in the post-Cold War political environment. By 2000 the company's annual *People, planet and profits* report voiced clear positions on a diversity of issues, including biodiversity, bio-fuel, bribery and corruption, child labour, climatic change, eco-efficiency, health and safety, and global warming, to name but a few.<sup>133</sup> However, as noted earlier, oil remains in essence a dirty business and changes in the official policy of Shell International are but a first step in reversing the adverse environmental and human rights impacts of the oil-related activities of its subsidiaries around the world.

Consequently Shell International's position within Nigeria remains problematic and claims that their operations have become more environment and community friendly have met with strong resistance from oil-producing ethnic minority groups in the Niger Delta.<sup>134</sup> Apart from the continuation of anti-Shell Nigeria oil struggles in this region, an internal review of Shell Nigeria's community projects in 2001 further highlighted the

<sup>131</sup> Greenpeace USA, *Industry and the climate change debate: membership and positions of international lobby groups, passim*; Royal Dutch/Shell, *Climate change: what does Shell think and do about it?, passim*.

<sup>132</sup> Interview with Richard Sykes, London, 21.9.2001.

<sup>133</sup> Shell International, *People, planet and profits: the Shell report, passim*.

<sup>134</sup> Interview with Ledum Mitee, Port Harcourt, 22.6.2001; Interview with Chris Newson, Ogoni Foundation, London, 3.10.2001. See also M. Moldoveanu, *Royal Dutch/Shell in Nigeria (A)* (Harvard Business School Publication no N9-399-12), *passim*; J.G. Frynas, "Political instability and business: focus on Shell in Nigeria" in *Third World Quarterly* 19(3), 1998, pp.457-478; R. Boele, H. Fabig and D. Wheeler, "Shell, Nigeria and the Ogoni. A study in unsustainability: I. The story of Shell, Nigeria and the Ogoni people – environment, economy, relationships: conflict and prospects for resolution" in *Sustainable Development* 9(2), May 2001, pp. 74-86.

discrepancies between the actual performance of the community projects and the claims made by Shell Nigeria, with only 31 % of projects evaluated found to be successful. Included in the failed community projects was the provision of a motorised lawn mower to the Owaza community in the Abia State, which project failed because there was no person with the necessary skills to operate the newly acquired lawnmower.<sup>135</sup>

Shell Nigeria's position in Ogoniland has also continued to be problematic even though the company officially withdrew from the territory in 1993. In response to the claims of the Ogoni that Shell Nigeria did not initiate enough development programmes in the 35 years it produced oil in Ogoniland, from 1996 onwards, in addition to extending its established and successful agricultural project in this region, the company launched new projects aimed at improving the medical services and vocational training in the territory. In 1996 Shell Nigeria took over the running of the Gokana hospital (the only hospital in Ogoniland), became involved in the reopening of three clinics and began to provide the clinics in Ogoniland with medicine. In May 1997 it announced plans to launch a ten-month Ogoni Youth Training Scheme which would provide 366 Ogoni youths with vocational training in a variety of skills, including carpentry, welding and computer studies.<sup>136</sup>

In the meantime, the Ogoni struggle against Shell International and Shell Nigeria took an unexpected turn when Ken Wiwa, Owens Wiwa, Blessing Kpuinen and Jane Doe filed a suit on 6 November 1996 in New York in the USA, against Shell International and Brian Anderson, the Managing Director of Shell Nigeria at the time of the Ogoni uprising and Saro-Wiwa's execution, under the provisions of the Alien Torts Claims Act (ATCA) and other laws of the USA, most notably the Torture Victims Protection Act of 1991 in the case of Anderson.<sup>137</sup> In their original complaint Wiwa *et al.* alleged that Shell International were liable under ATCA for tortuous acts against the plaintiffs in eleven instances, namely for the summary execution of Ken Saro-Wiwa and John Kpuinen; crimes against humanity, in that they persecuted the Ogoni people; torture;

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<sup>135</sup> Shell Nigeria, *Report of the stakeholder review of SPDC community development projects completed in the year 2000, passim*.

<sup>136</sup> Human Rights Watch, *The price of oil*, Chapter 9; *Mail & Guardian*, 13-19 January 1995, p. 14; "Nigeria: the untold Ogoni story", p. 9.

<sup>137</sup> See section 5.5.2 in Chapter 5 for a discussion of the relevant international law and of ATCA.

cruel and inhumane treatment; arbitrary arrest; violations of the right to life; wrongful death in the case of Saro-Wiwa and John Kpuinen; assault and battery; the intentional infliction of emotional distress; negligent infliction of distress, and negligence. The claims against Anderson carried the additional allegation that his actions also violated the Torture Victim Protection Act in terms of which a person found guilty of involvement in torture in any country can be held liable for damages in a USA court.<sup>138</sup>

The Wiwa versus Royal Dutch Petroleum Co. case was filed in the Southern District of New York because Shell International has an investors' office in the city and the plaintiffs therefore argued that the company was subject to personal jurisdiction in New York. The case was heard by Judge J. Wood, who entered judgement on 25 September 1998 against the plaintiffs on *forum non conveniens* grounds. However, Wood did find that both Shell International and Anderson were subject to personal jurisdiction in New York on the basis that the investors' office in New York constituted an "agent" of the company who was doing business in the city, as was required to confer jurisdiction under the ATCA statute. While Wood did acknowledge that the USA had an interest in the proceedings, in his view the UK constituted a better forum for the suit and consequently dismissed the action. In a surprise verdict, for Shell International at least, the Second Circuit Court of Appeals reversed the *forum non conveniens* dismissal while at the same time reaffirming that the corporate defendants were subject to personal jurisdiction in New York. Interestingly enough, one of the key reasons why the Second Circuit Court of Appeals reversed the *forum non conveniens* dismissal was the *Aguinda* and *Jota* cases against Texaco, Inc. (See also Section 5.5.) The case was then referred back to the District Court and, following a new action to dismiss filed by Shell International and Anderson, the District Court ruled on 28 February 2002 in favour of the plaintiffs, thereby upholding the Court of Appeal decision. Only two claims were dismissed in the final ruling, namely Owen Wiwa's ATCA claims for alleged violation of his right to life, liberty and security as person, and for his alleged arbitrary arrest and

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<sup>138</sup> For more details see *Wiwa v Royal Dutch Petroleum Co.*, 226 F.3d 88, 31 *Envtl. L. Rep.* 20,166 (2nd Cir.(N.Y.), Sep 12, 2000), *passim*; *Wiwa v. Royal Dutch Petroleum Co.*, 2002 WL 319887, RICO Bus.Disp.Guide 10,216 (S.D.N.Y., Feb 28, 2002), *passim*.

detention.<sup>139</sup>

While the Ogoni did score a legal victory in the USA in 2002 and the case might just be allowed to proceed to a jury trial in the near future, this ethnic group was still very vulnerable in its dealings with Shell Nigeria as the Yorla oil well blow-out proved in May 2001. This oil well blow -out in the Yorla oil-field in Ogoniland renewed the direct confrontation between the Ogoni and Shell Nigeria. The company was again quick to attribute the blow -out to sabotage and took a week to send a team of three specialists from the Houston-based Boots & Coots International Well Control Company to cap the well, along with a team of Shell Nigeria logistics, medical and well service staff. The team were not well received in Ogoniland and were taken hostage by Ogoni youths who released them a few hours later, following negotiations. According to Shell Nigeria, oil well blow -outs are to be expected in Ogoniland because the company was summarily forced to abandon production in the area in 1993 as a result of the militant campaign of MOSOP, and was not allowed back into Ogoniland to institute the proper procedure to ensure the safety of its oil wells in the territory since 2001. The Yorla oil spill, like too many previous oil spills in Ogoniland, has not been properly cleaned up, to the detriment of the local natural and human environments.<sup>140</sup> To date (2003) Shell Nigeria has not resumed oil production in Ogoniland and is sticking to its word that it will only resume oil activities in the region at the invitation of the Ogoni. This invitation, however, has not been forthcoming and it remains to be seen whether the Ogoni will allow Shell Nigeria back into their region, and if so, on what terms, or if the federal government will intervene at some point in the future and force oil production onto the Ogoni.<sup>141</sup>

<sup>139</sup> For more details see *Wiwa v. Royal Dutch Petroleum Co.*, 226 F.3d 88, 31 *Env'tl. L. Rep.* 20,166 (2nd Cir.(N.Y.), Sep 12, 2000), *passim*; *Wiwa v. Royal Dutch Petroleum Co.*, 2002 WL 319887, RICO Bus.Disp.Guide 10,216 (S.D.N.Y., Feb 28, 2002), *passim*. See also *Royal Dutch Petroleum Co. v. Wiwa*, 532 U.S. 941, 121 S.Ct. 1402, 149 L.Ed.2d 345, 69 USLW 3505, 69 USLW 3627, 69 USLW 3628 (U.S. Mar 26, 2001).

<sup>140</sup> "Shell says Ogoni oil blow-out is now under control" in *Reuters Business Briefing*, 9.5.2001; "Nigeria update: 2-oil experts briefly blocked after capping Nigeria spill" in *Reuters Business Briefing*, 9.5.2001; "Royal Dutch/Shell oil workers detained by Nigerian youths after capping well" in *Reuters Business Briefing*, 9.5.2001. The author visited the Yorla oil spill in June 2001. By that time all the oil spill rehabilitation equipment had already been removed despite the fact that the whole affected territory was still covered with oil. As far as the author could ascertain, the rehabilitation of the Yorla oil spill had not been resumed after the short attempts in May 2001 to remove only excess oil.

<sup>141</sup> Interview with Ledum Mitee, Port Harcourt, 22.6.2001; Interview with Chris Newson, London, 3.10.2001; Human Rights Watch, "The Niger Delta", p. 20; *Weekly Trust* (Nigeria), 16-22.2.2001, p. 17.

### 6.6.3 THE IMPACT ON MOSOP AND THE Ogoni

The Ogoni struggle and the execution of the Ogoni 9 not only affected the relationship between this ethnic minority group and the federal government and Shell Nigeria, but also had a profound impact on MOSOP and the Ogoni people. The execution was a serious blow to MOSOP which, in the words of Mitee, underestimated the evil that Abacha was capable of, and the organisation therefore had not prepared for an existence without the leadership of Saro-Wiwa. According to Mitee the execution of the Ogoni 9 had three related impacts on MOSOP and the Ogoni people, namely it deprived MOSOP of Saro-Wiwa's leadership; it shocked the Ogoni and initially made them fearful of the power of the military regime, and it proved to be a traumatic experience for the ethnic group as a whole.<sup>142</sup>

Consequently MOSOP's activities in the immediate aftermath of the executions were extremely limited and confined to dealing with the military presence in Ogoniland that continued until Abacha's death in 1998. As an organisation, MOSOP only began to recover by 1998 and mainly because a great number of newly established ethnic minority groups in the Niger Delta looked to MOSOP to provide guidance and leadership in their own struggles against the federal government and the oil industry. As a result, MOSOP, under the leadership of Ledum Mitee, started to play an active role in the wider Niger Delta minority politics through its involvement in the Niger Delta Nationalities Conference. The organisation also had to redefine its struggle against Shell Nigeria and the federal government, in no small part due to the fact that their initial struggle and the execution of Saro-Wiwa and the eight other Ogoni did not change the circumstances which drove the organisation to start its famous struggle in the first place. Accordingly, the organisation was back at square one after the executions and has since then slowly rebuilt and re-aligned itself, much to the irritation of a number of Ogoni youth.<sup>143</sup>

The most significant outcome of Saro-Wiwa's execution, though, has been the fact that

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<sup>142</sup> Interview with Ledum Mitee, Port Harcourt, 22.6.2001.

<sup>143</sup> *Ibid.*; Interview with Chris Newson, London, 3.10.2001; Human Rights Watch, *The price of oil*, Chapter 8; Human Rights Watch, "The Niger Delta", p. 20.

it intensified the conflict and tension within Ogoni society, which conflict already existed when he was alive. Mitee and MOSOP not only continue to be opposed by the families of the four chiefs murdered at Goikoo, but division within MOSOP ranks also emerged strongly by 2000. Led in particular by former members of NYCOP, the dissenting MOSOP members accuse the current leadership of selling out to the federal government, Shell International *and* the international human rights and environmental groups that MOSOP cooperates with. This tension within MOSOP's own ranks has had a marked influence on the organisation's membership, and unlike the period 1993-1995, it can no longer claim to have the support of all Ogoni, and the organisation acknowledges that there are certain parts of Ogoniland in which there are almost no MOSOP members. Division within own ranks even spilled over during the planning for the reburial of Saro-Wiwa and the eight other Ogoni executed in 1995, and for a time it seemed as though this reburial and memorial service, planned for 24 April 2002, would not take place because of disputes between the families of the Ogoni 9, and the various interest groups within MOSOP regarding the nature of the events that were to take place.<sup>144</sup>

Only time will tell if MOSOP will be able to hold on to its dominant role in future, or whether or not the younger, more frustrated and more militant members will break ranks and set up a rival organisation that will no doubt claim to speak for the Ogoni. Whatever the outcome of this factional fighting within MOSOP, one thing is certain, and that is that no future Ogoni organisation will be able to draw mass support if it is not capable of linking its organisation directly with Saro-Wiwa's memory. That is probably the most important reason why MOSOP still exists and why to date the younger Ogoni have opted to remain disgruntled MOSOP members rather than non-MOSOP members. Political legitimacy in Ogoniland at present and in the near future will depend on Saro-Wiwa, and that is probably his greatest political legacy *and* curse for the Ogoni people.

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<sup>144</sup> Interview with Ledum Mitee, Port Harcourt, 22.6.2001; Interview with Chris Newson, London, 3.10.2001; Interview with Patrick Naagbantou, Port Harcourt, 21.6.2001; PSPDC, Field notes from research trip to Nigeria, 2001: Notes on informal discussions with various Ogoni during tour of Ogoniland, 19.6.2001.

## CHAPTER 7

### COMPARATIVE EVALUATION

Contrary to the commonly held belief in the developed world, the oil-related ethnic minority struggles of the Cofan and Siona-Secoya Indians in Ecuador and that of the Ogoni in Nigeria are not only environmental and human rights struggles against their national governments and the multinational oil companies who operated in their traditional territories. These struggles, like many others in the developing world, embody so much more and can be regarded as multilayered struggles playing out on different levels, between different role-players and motivated by different factors. They are as much struggles between oil-producing ethnic minorities and national governments as they are struggles between oil-producing ethnic minorities and multinational oil companies; between multinational oil companies and national governments; between oil-producing ethnic minorities and the dominant societies and cultures in which these minorities exist; between oil-producing ethnic minorities and globalisation, and between national governments and international advocacy groups. As such it is impossible on an academic level to reduce these struggles simply to environmental and human rights aspects without giving due recognition to the important role political, economic and cultural values played in motivating the Cofan, the Siona-Secoya and the Ogoni to take direct action against their national governments and Texaco and Shell International respectively.

The struggles of the Cofan, the Siona-Secoya and the Ogoni are essentially political (in a broad sense and incorporating cultural elements), economic and environmental struggles to confront real and perceived domination and marginalisation on numerous levels. Embedded in the political elements of their struggles are issues of minority marginalisation, the role and responsibilities of the modern state, representation, accountability, minority identity and the dominant culture, and relationships not only on national levels between governments and minorities, but also between minorities themselves. In Ecuador, the Cofan and the Siona-Secoya Indians confronted real and existing political and cultural marginalisation that dates back to the onset of colonial rule – a marginalisation that has over time ensured that the Indian community in Ecuador remained at the bottom of Ecuadorian society. As a neglected section of the

Ecuadorian population, Indians were only afforded political rights in the 1978 constitution, and only gained broad-based political representation in the course of the 1990s owing to the activities of the Indian political party, Movimiento Popular Democrático y una parte de Puchakútik, and a succession of relatively pro-Indian presidents who only started to come forward from 1996 onwards. While these were important processes on their own, the political mobilisation of the Indian community in Ecuador was not without bias and has tended to be in favour of the more acculturated Sierra Indians and not to the advantage of the Oriente Indians whose needs and aspirations more often than not conflicted with those of the Sierra Indians. In this process, the Confederación de Nacionalidades Indígenas del Ecuador (CONAIE), as the country's dominant pan-Indian organisation to which Puchakútik answers directly, has in the past decade failed the Oriente Indians on numerous occasions, especially in their dealings with the oil industry, with CONAIE proving themselves more liable to accept oil company and government backed development initiatives which continue to threaten the very basis of the traditional Oriente Indian life and therefore also their continued existence.

Indian political processes in the Oriente led by the pan-Oriente organisation, the Confederación de Nacionalidad Indígenas de la Amazonía Ecuatoriana (CONFENIAE), are also not neutral and more often than not contribute to the political marginalisation of the smaller Oriente Indian communities. The fact that CONFENIAE is dominated by the numerically larger Oriente Indian communities, in particular the Shuar and the Oriente Quichua, has in the past worked to the disadvantage of the Cofan and the Siona-Secoya Indians, with CONFENIAE showing limited understanding of their real plight and being more willing to negotiate settlements that would increase financial contributions to the organisation than to finding a solution to oil developments in the Oriente that is acceptable to the oil-producing Indian communities in the region. The political marginalisation of the Cofan and the Siona-Secoya Indians is therefore not only confined to the national context in which their rights have been neglected by a succession of Ecuadorian governments, but includes their marginalisation within the national and the Oriente Indian movements as well.

The Ogoni, on the other hand, mobilised politically against the Nigerian government on the basis of real and perceived political marginalisation. There is no doubt that ethnic minority groups in Nigeria have been afforded little opportunity since the colonial era, and in particular in the independence era, to make their presence felt on a national political level. The influence and the perpetuation of colonial policies that favoured the three dominant ethnic groups in the country ensured that mainstream political processes remained in the hands of the Hausa-Fulani, the Yoruba and the Ibo, who actively competed with one another to obtain control not only of the state, but more importantly of the oil revenues that the state controlled.

Ogoni claims of political marginalisation on regional levels, however, are not necessarily substantiated by facts. While it is possible for this ethnic minority group to argue that they were politically marginalised in the Ibo-dominated Eastern Region prior to 1970, it is important to bear in mind that even then the Ogoni did carry some political weight and had four representatives in the Eastern House of Representatives. In addition, two Ogoni men served in the Federal House of Representatives in this period, which would not have been possible if this ethnic group did not at least have some measure of political influence. After 1970, however, Ogoni claims of being marginalised on a regional level within the Rivers State are not necessarily backed by evidence, with the Ogoni on average accounting for one-third of the state's commissioners in the past 33 years. In truth, the Ogoni have been much better off in regional political terms than many other oil-producing ethnic minority groups in the Rivers State, and while the Ogoni produced only about 4% of the Rivers State's oil prior to 1993, two other minority groups which accounted for 68 % of the state's total oil production had no political representation on regional and national levels.<sup>1</sup> Consequently, the political marginalisation claimed so passionately by Ken Saro-Wiwa and the Ogoni is as much perceived political marginalisation as it is real marginalisation within Nigerian political processes since independence in 1960.

The struggles of the Cofan and the Siona-Secoya in Ecuador and that of the Ogoni in Nigeria, in political terms, are not only about their real and perceived political

<sup>1</sup> M.J. Watts, *Petro-violence: some thoughts on community, extraction, and political ecology* (Berkeley Workshop on Environmental Politics Working Papers no WP 99-1), p. 19.

marginalisation, but can also be viewed as political struggles against neo-liberal governments, whether they were relatively democratic or dictatorial or both, in both countries, and calls into question the role and responsibilities of modern states in South America and Africa. The general failure of South American and African states, in the wake of the neo-liberal reforms of the 1980s, to realise the political, economic and social aspirations of their populations in general, and ethnic minority groups in particular, served as an important trigger for oil-related ethnic minority struggles on the two continents. In the years after the Cold War, it became possible for oil-producing ethnic minority groups to question, both on national and global levels, established notions of the role and responsibilities of the contemporary South American and African states. This in turn triggered international demands for the promotion of human rights on national and local levels, for grassroots development projects and for the recognition of the various cultures and societies found in contemporary South American and African states.

The Cofan, the Siona-Secoya and the Ogoni therefore not only demanded political recognition from the Ecuadorian and Nigerian states respectively, but also the refashioning of these states after models prevailing in the developed world and characterised by greater accountability, transparency, democratic rule, humane governance, inclusiveness, and a respect for human rights. Not only do these struggles reject prevalent forms of political injustice, instability and domination, but also the reality that the state in Ecuador and Nigeria are organised to the benefit of the selected few. The complete rejection of established patterns of political exploitation and domination is more pronounced in the Ogoni struggle than that of the Cofan and the Siona-Secoya Indians. A central demand of the Ogoni since 1990 has been that they have the right to self-determination within the wider Nigerian context. Consequently they demanded the creation of an Ogoni state within the current Nigerian federation to cater for what they believed were the unique needs and aspirations of the Ogoni which they felt had not been met in independent Nigeria.

The Cofan and the Siona-Secoya, on the other hand, seldom voiced a demand for self-determination since the political administration and control of the Oriente Indians over time have been limited at best. Consequently, Oriente Indians in general, and the Cofan

and the Siona-Secoya in particular, largely found themselves outside mainstream political processes throughout the colonial and independent eras and, due to their isolation relative to the rest of the country, paid limited attention to these processes. Oriente Indian communities were also afforded greater political freedom than ethnic minorities in Nigeria, simply because they did not matter within the wider Ecuadorian political set-up dominated and controlled by the dominant groups in the Sierra and the Costa regions. Their historical lack of identification with the Ecuadorian state further ensured that the Cofan and the Siona -Secoya demanded not so much a separate political space from the Ecuadorian government in the course of the 1990s, but rather the right to continue to exist on the margins of Ecuadorian society without outside interference. In contrast to the Ogoni, who do identify with the Nigerian state and who actively crave direct political participation in that state, the Cofan and the Siona-Secoya generally do not identify with the Ecuadorian state which, in their view, is simply a meaningless geographical expression and a nuisance that complicates their interaction with their natural environment and neighbouring communities.

Culture and identity also occupy a central place in the oil-related struggles of the Cofan, the Siona-Secoya and the Ogoni and are embedded in their claims that, as ethnic minority and indigenous groups, they have the right not only to practise their traditional culture, but more importantly deserve governmental recognition of the existence and importance of their own separate cultural identities and practices within their countries. These claims have resulted in no small part from the cultural domination of the Ecuadorian and Nigerian societies by the majority and dominant groups in both countries. Cultural neglect is not politically unbiased and is determined by the dominant role-players in Ecuadorian and Nigerian politics who have promoted the cultural interests of the mestizo in Ecuador and those of the Hausa-Fulani, the Yoruba and the Ibo in Nigeria, respectively, in the independence era.

Obtaining recognition for their unique cultures was a key aspect of the oil-related struggle of the Cofan and the Siona-Secoya since their culture forms the very basis of their existence as Indian communities. The cultural marginalisation of the Cofan and the Siona-Secoya occurred over a prolonged period and started with the onset of colonial rule, with the Spanish viewing the native Indian communities as noble savages who had

to be guided to become humans and Christians. Colonial perceptions of Indian inequality and cultural inferiority continued well into the independence era with successive Ecuadorian governments denying not only the cultural diversity in the country, but further actively promoting the cultural integration of Indian communities into mainstream Ecuadorian society and culture. The "rediscovery" of native American Indians in the course of the 1980s by international advocacy groups and United Nations-led initiatives to protect indigenous peoples, enabled the Ecuadorian Indian community in general, and the Cofan and the Siona-Secoya in particular, to begin voicing claims that they had the right to exist as separate cultural identities within the wider Ecuadorian state. Strengthened by support from groups in the developed world, support based in many instances on a romantic notion of Indians as simple, uncomplicated and environmentally friendly peoples, the Cofan and the Siona-Secoya have in recent years emphasised their own cultures, languages, modes of production and the right they have in a globalised world to continue to practise their traditional culture as they see fit.

The Ogoni in Nigeria have made similar claims in their oil-related struggle and have gone to great lengths to portray themselves as part of the original First World Nations (i.e. indigenous communities such as the American Indians). However, unlike the Cofan and the Siona-Secoya who, to a large extent, can claim to have an authentic cultural identity with a very long history, it is much more difficult for the Ogoni to base their claims on history and culture. The Ogoni identity, as it is known and practised today, is a colonial creation that showed both British ignorance of the loose identification of four distinct ethnic groupings with each other, and African adaptability to foreign domination in which numerical strength determined the level of attention the colonial government afforded particular ethnic groups in their Nigerian colony. During the colonial era it paid off to organise collectively, and contemporary Ogoni identity and culture emanated from these collective actions and British attempts to unify the Ogoni into pan-Ogoni federations. However, the creation of a unified Ogoni identity has proved a lot easier than has convincing all Ogoni that they should accept this pan-Ogoni identity. Consequently a lack of identification with the Ogoni as a people has characterised the Ogoni's history in the independence era, with the various clans on different occasions denying their alliance to and being part of the greater Ogoni people. While, more often than not, the Ogoni generally do not present a unified culture,

circumstances beyond their control and an international political scene in the 1990s that favoured distinct ethnic minority groups who could link their cultural identity with their historical past, ensured the recreation of an Ogoni identity and culture in the course of their struggle to enable this group to obtain broad-based international support.

In addition to the political nature of their struggles, oil-related ethnic minority struggles in Ecuador and Nigeria are also economic struggles, in that the Cofan, the Siona-Secoya and the Ogoni agitated against the economic marginalisation that resulted directly from oil production in their traditional territory. While claims of economic marginalisation are central to both struggles, the nature of this economic marginalisation could not be more different. For the Cofan and the Siona-Secoya in Ecuador their economic marginalisation resulted from the fact that oil developments in the Ecuadorian Oriente have over time eroded their ability to sustain their traditional lifestyles, including their traditional modes of production. This situation was exacerbated by two factors. Firstly, the fact that the identity of the Cofan and the Siona-Secoya is based solely on their continued ability to practise their traditional lifestyle, including their traditional modes of production and consumption, without which they cease to exist as separate cultural identities. Secondly, both the Cofan and the Siona-Secoya were relatively unacculturated when oil developments began in the Oriente in the 1960s and, due to the relative isolation of this region in relation to the rest of the country, they were not incorporated into the modern Ecuadorian economy. Consequently, the impact of oil developments on these two Indian nations, in economic terms, has been devastating and both nations have had a difficult time adapting to the outside imposition of modernity on their traditional cultures. While their traditional cultures are essentially anti-modern, their struggle is not necessarily against modernity. Instead, it is a struggle to be allowed to shape modernity according to their own needs and on their own terms through processes in which their needs define the aspects of modernity they would like to incorporate into their traditional cultures and those which they would preferably like to do without.

The Ogoni in Nigeria, on the other hand, also claimed economic marginalisation on the basis of their inability to continue with their traditional lifestyle and economic modes of production in the wake of oil developments in Ogoniland, and the fact that they did not

share equally in the wealth generated by oil production in their traditional territory. While it is important to note that agriculture and fishing constitutes the main economic activities of the Ogoni and that the detrimental environmental impacts of oil production in their territory have over time threatened this economic basis of Ogoni society, it is doubtful whether their inability to continue with their traditional economic modes of production truly occupies a central position in the economic motives for the Ogoni struggle in the 1990s. The reason for this is that the traditional economic base of the Ogoni is to a large extent a recreated aspect of their traditional culture, since the Ogoni were already strongly influenced by regional economic developments in the Niger Delta prior to the onset of colonial rule, and continued to change their local economies during the colonial era in reaction to their integration into the wider Nigerian economy. The beginning of oil exploitation in their territory in the late 1950s therefore did not threaten their traditional economy, but rather threatened an economy that was already assimilated into and adapted to the particular needs of the then contemporary Nigerian economy and society.

Of greater economic importance was the fact that the Ogoni did not share in the material benefits of modernity that transformed many other non-oil-producing communities in regions inhabited by majority ethnic groups, despite the fact that they were living on top of five oil fields. Consequently, the central economic issue of their oil-related struggle was their real and emotional need to share directly in the material benefits of the Nigerian oil industry and their conviction that they were entitled to the modernising benefits of an oil economy by virtue of the fact that they inhabit an oil-producing region. Their claims that oil production in their traditional territory has denied them the right to continue with their established agrarian-based economic activities is true. However, whether they really want to continue such a lifestyle is open to much debate and there is little indication from Ogoni leadership and from the people themselves that they would like to preserve this aspect of their culture should they be able to obtain a greater share of oil revenues. What is known is that they desperately need development and seek the amenities of modernity, including piped water, electricity, good roads, better health care, more schools that are properly furnished, employment for their people and greater access to oil wealth.

The struggles of the Cofan, the Siona-Secoya and the Ogoni, in economic terms, are not confined to their national boundaries. By virtue of the fact that it is multinational oil companies that extract oil resources from their traditional territories to sell on international markets, their struggles are also against the dominant world trade order and globalisation which have reduced their territories to mere providers of natural resources in the world economy. While natural resource exploitation has traditionally been profoundly global in scope and reach, oil-related ethnic minority struggles are essentially local and represent a defence of the local, with all its associated environmental, cultural and economic characteristics, in a world in which boundaries are increasingly being rendered meaningless. This defence of the local and the reinforcement of local identities in these struggles have taken multinational oil companies by surprise since they were accustomed to dealing with the Ecuadorian and Nigerian governments only, without regard for the needs and aspirations of the ethnic groups which inhabit the oil-producing regions in the two countries.

The changing global economic landscape of the 1990s, in particular globalisation and the emergence of multinational oil companies as political actors on whose "good will" development in just too many developing countries has depended – along with the inability of neo-liberal economies in Ecuador and Nigeria to successfully address widespread poverty, inequality, unemployment and excess natural resource exploitation – created the context in which the Cofan and the Siona-Secoya in Ecuador, and the Ogoni in Nigeria, took on Texaco and Shell International respectively. With the power and the relative wealth of the Ecuadorian and Nigerian states being severely eroded in the past two decades, multinational oil companies became the only real alternative providers of what historically have been essentially governmental functions, such as development initiatives and the provision of basic services. And, within the context of the political marginalisation of ethnic minority groups within the contemporary Ecuadorian and Nigerian states and the general lack of regard for minorities by their national governments, multinational oil companies in turn became easy targets for oil-producing ethnic minority groups all over the world seeking redress for their economic marginalisation on a local level.

In addition to the political and economic components of their struggles, oil-related ethnic minority struggles in Ecuador and Nigeria in general, and those of the Cofan, the Siona-Secoya and the Ogoni in particular, are environmental struggles, since territory and the natural environment forms the building blocks upon which they constructed their identities and projected themselves, on a global level, as victims of gross environmental neglect by their national oil industries. Their claims of environmental destruction have been proved many times over by a variety of international, national and local interest groups, through the publication of personal observations, photos, documentary films and scientific studies. While many of these studies have proved unacceptable to the multinational oil industries, the fact that oil production has over time led to widespread environmental destruction in the Ecuadorian Oriente and Ogoniland has been difficult to deny, as has the fact that this environmental destruction directly threatened the economic basis of the Cofan, the Siona-Secoya and the Ogoni, increased their health risks and denied them access to clean water and land resources.

The environmental component of their struggles also links up directly with their political and economic struggles in that it poses questions regarding land and resource ownership, environmental management and the exploitation of natural resources not only for economic gain, but, more importantly within the Ecuadorian and Nigerian set up, for economic survival. Land and resource ownership have been defining elements of modern society in general and are cornerstones of capitalism in the developed world. However, in South America and Africa in general, and in Ecuador and Nigeria in particular, land and resource ownership have been inextricably tied to political domination, with governmental ownership of land or resources ownership or both being the order of the day. This trend conflicts with new trends in international indigenous law in which historical land occupation affords indigenous and minority groups the right to and ownership of not only their traditional territory, but also of the natural resources within the territory. In line with acceptable international interpretations of the historic right of indigenous groups and minorities to claim ownership of their traditional territory, claims that they own both the land and the crude oil underneath have been central issues in the struggles of the Cofan, the Siona-Secoya and the Ogoni. However, while the Ecuadorian government hesitantly recognised the land rights of these two Indian nations to parts of their traditional territory in the course of the 1970s and 1980s,

the Nigerian government reacted with a heavy hand in 1978 when it nationalised all land, and then in 1979 nationalised all mineral rights. The Ecuadorian government, on the other hand, inherited the rights to all subsoil mineral rights from their Spanish colonial predecessors and has never considered relinquishing that right in the independence era.

Regardless of international opinion it is doubtful whether the Ecuadorian and Nigerian governments would ever relinquish their subsoil mineral rights in favour of the ethnic minority groups living on top of their oil reserves, since that would remove governmental control over the resource that enables both countries to survive economically in an increasingly harsh global economy. Indeed, in Nigeria the trend is more towards greater governmental control of resources not yet legally under governmental ownership, to which the recent court case between the federal government and the coastal oil-producing states in the country bears witness. In February 2002 the federal government took all 36 Nigerian federal states to court in order to determine finally the seaward limits of littoral states that play host to offshore oil production in Nigerian territorial waters. In a landmark ruling in April 2003, the Nigerian Supreme Court found that areas outside the low-water mark of the coastal states constitute federal property and reaffirmed that only the federal government has control over the mineral resources of the Nigerian federation.<sup>2</sup>

In addition to questions regarding ownership of land and resources, the environmental component of these oil-related ethnic minority struggles also focuses attention on the general lack of government environmental management in Ecuador and Nigeria in the past few decades. As was shown in Chapter 4, the environment never became a priority for both governments which reacted to new developments in environmental management since the early 1970s via policies and laws that were seldom if ever implemented and enforced. The detrimental environmental impact of the Ecuadorian and Nigerian oil industries resulted from this lack of governmental recognition of the importance of protecting the natural resource bases of their countries, and their inability and unwillingness to enforce environmental legislation in their national oil industries.

<sup>2</sup> "Nigerian federal govt wins control of oil resources", <[http://www.afrol.com/News2002/nig019\\_offshore\\_oil.htm](http://www.afrol.com/News2002/nig019_offshore_oil.htm)>, 6.4.2003.

One of the few positive outcomes of the oil-related struggles of the Cofan, the Siona-Secoya and the Ogoni was that it focused global attention on governmental and multinational mismanagement of the Ecuadorian and Nigerian environments. Despite important new developments in governmental environmental management in both countries, their governments are still a long way from affording the natural environment real protection and not just empty legislation. Multinational oil companies, on the other hand, have had a more difficult time in the course of the 1990s in their home constituencies and, owing to pressure from international lobbies and a number of consumer boycotts, it has in recent years become increasingly difficult for multinational oil companies not to take the environment into account in their activities in the developing world. While their scientific studies and deductions regarding the likely environmental impacts of their existing and planned oil developments are open to much debate, it is significant that the events and political agitation of the past thirteen years have moved this industry to a position where it might just in future become more "green".

On national levels, both the struggles of the Cofan and the Siona-Secoya in Ecuador and that of the Ogoni in Nigeria have had a profound influence on the oil industry's interaction with and attitude towards the Ecuadorian and Nigerian environments. In Ecuador, the lawsuit against Texaco, Inc., and the pressure exerted on Texaco by the Ecuadorian government to launch what eventually proved to be a very limited environmental rehabilitation project in their former concession blocks in the Oriente, were motivation enough for the majority of multinational oil companies currently active in the country to implement widely publicised environmental regulations in an attempt to escape Indian agitation against their oil-related activities. Ironically, but not surprisingly, the major environmental culprit of the Ecuadorian oil industry in recent years has been the national oil company, Petroecuador, which on numerous occasions has violated Ecuadorian environmental laws in the name of national development.

Similarly, in Nigeria multinational oil companies have had to clean up their environmental act and have become noticeably more environmentally friendly in recent years. However, these positive developments in the Nigerian oil industry are countered by the heavy-handed and violent reactions of oil companies and the federal government

to widespread minority agitation in the Niger Delta in the past few years. By reacting with force to high levels of political agitation directed against them, multinational oil companies in Nigeria have become very guilty partners in human rights violations in the Niger Delta. The Obasanjo government in Nigeria, on the other hand, has proved through its violent reactions to the general crisis in the Niger Delta, that petro-violence is not confined to dictatorial rulers, but that a democratically elected Nigerian government can also disregard the rights and privileges of its own citizens in favour of multinational oil companies, their national oil industries and the illusive Nigerian nation. Until the Nigerian government gives due recognition to the demands, needs and aspirations of the oil-producing ethnic minority groups in the Niger Delta, it is doubtful if the cycle of violence, instability, militancy and repression will end in the near future.

The struggles of the Cofan, the Siona-Secoya and the Ogoni have had different impacts on an international level on Texaco and Shell International respectively. While Texaco did resign as a member of the Global Climate Coalition in March 2000, there has been little evidence of the company's moving into a greener direction, and it has made no formal commitments to sustainable development or to the reduction of detrimental oil-related activities in the developing world. Shell International, on the other hand, was deeply and negatively affected by the Ogoni struggle in general and the execution of Saro-Wiwa in particular, and has had little option but to change, given the political and environmental awareness prevalent in the company's home bases and the impact of consumer boycotts and civil action against this company in Europe in 1995 and 1996. Consequently Shell International redefined their business principles and committed the company to sustainable development, greater environmental regulation of its oil-related activities in the developing world and to the development of renewable energy resources. While Shell International is still a far way from producing oil in the developing world within the environmental framework and limitations that exist within the developed world, it is very significant that the agitation of a Nigerian ethnic minority group that numbers only 500 000 people managed to force the Shell Group of Companies to change its position on the environment on a global level. The same, however, cannot be said about Texaco, and it is doubtful whether this American multinational oil company will change its position on the environment and its social responsibility to oil-producing communities in the developing world when it does not

even comply with environmental standards and regulations within the United States of America, and discriminates against minorities in its own American workforce.

Since 1990 the Cofan and the Siona-Secoya in Ecuador and the Ogoni in Nigeria have contributed greatly to oil-related ethnic minority struggles in South America and Africa. While the Ogoni struggle has showed other oil-producing ethnic minority groups that an ethnic minority group does have enough power to confront powerful multinational oil companies and dictatorial governments, and has provided other minorities with a blueprint on how to wage an oil-related struggle, the Cofan and the Siona-Secoya have taken the initiative to file a lawsuit that could potentially open a new avenue through which numerous resource communities on the two continents may seek redress for decades of political, economic, social and environmental marginalisation.

However, while their struggles continue to this day, they have so far been largely unsuccessful in that they have largely failed to achieve their central objectives. Until such time, the Cofan and the Siona-Secoya in Ecuador and the Ogoni in Nigeria will continue to occupy what Watts calls the margin of the margin of their respective societies.<sup>3</sup> Whether history will be on the side of the Cofan, the Siona-Secoya and the Ogoni, as well as other oil-producing ethnic minority groups in other countries that find themselves in similar positions of marginalisation, only the future will reveal. Until such time, unfortunately, oil-producing ethnic minority groups will have to bear the brunt of the adverse political, economic, social and environmental impacts of oil developments in their traditional territory.

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<sup>3</sup> Watts, *Petro-violence*, p. 15.

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## SUMMARY

Oil-related struggles by ethnic minority groups against their national governments and multinational oil companies active in their traditional territories in South America and Africa have made headlines across the world in recent years. Fuelled in particular by a post-Cold War world order with its emphasis on environmental and human rights, and the rediscovery of minority groups, oil-producing ethnic minority groups set out in the course of the 1990s to confront perceived and real political, economic, social and environmental marginalisation suffered due to the perpetuation of historical inequalities which became more pronounced and intensified with the onset of oil developments and production in their traditional territories. While the adverse human and environmental consequences of oil production in their traditional territories triggered these oil-related ethnic minority struggles in South America and Africa in the 1990s, their struggles should not be viewed merely in environmental and human rights terms. On the contrary, they are as much struggles against long histories of political, economic and social marginalisation suffered at the hands of their national governments and the dominant cultures in their countries, as they are struggles against the multinational oil companies active in their traditional land.

The purpose of this study is to explore the environmental and human impacts of oil developments on oil-producing ethnic minority groups in South America and Africa, by focusing on the oil-related struggles of the Cofan and the Siona-Secoya Indians in Ecuador and that of Ken Saro-Wiwa and the Ogoni in Nigeria. The Cofan, the Siona-Secoya and the Ogoni were marginalized over an extended period that commenced with the onset of colonial rule in 1533 in Ecuador and the late nineteenth century in Nigeria. Consequently their struggles waged in the course of the 1990s against Texaco and the Ecuadorian government, and Shell and the Nigerian government respectively, are essentially political, economic and environmental struggles to confront both real and perceived domination and marginalisation on numerous levels. In political terms, the Cofan and the Siona-Secoya confronted the real political marginalisation of Indian communities in Ecuador that had relegated Indians to the lowest strata of Ecuadorian society for centuries, while the Ogoni in Nigeria confronted real and perceived political

domination in a Nigerian society characterised by political domination by majority ethnic groups.

Political marginalisation is very closely related to economic and environmental marginalisation, since both Ecuador and Nigeria depend entirely on natural resource exploitation for their economic survival. As a result, oil production in the territories of the Cofan, the Siona-Secoya and the Ogoni have over time contributed greatly to the national economies of Ecuador and Nigeria, but these minorities have generally not shared in the economic benefits of oil production, while at the same time being forced to cope with the adverse environmental impacts of unregulated and uncontrolled oil developments and production by Texaco and Shell respectively. However, while the Ogoni in general aspire to share in the modernising benefits associated with an oil economy, the Cofan and the Siona-Secoya in Ecuador wage their oil-related struggle in order to counter their forceful incorporation into a modern economy, to protect their traditional lifestyles which are the defining elements of their cultures, and to obtain the right to shape modernity according to their own needs and on their own terms.

There is no question that oil production by Texaco and Shell has had a detrimental environmental and human impact on the Cofan and the Siona-Secoya, and the Ogoni respectively, and that the Ecuadorian and Nigerian governments have paid scant attention to the environmental management and regulation of their oil industries, which exacerbated the adverse environmental impacts of oil production in the Oriente in Ecuador and Ogoniland in Nigeria. However, Texaco and Shell were slow to acknowledge and address these adverse environmental impacts of their oil-related activities in the two countries, with Shell only doing so in 1996 in reaction to negative public reaction in Europe to the company's involvement in Ogoniland (and the Brent Spar incident of 1995), while there is to date no real commitment to social and environmental responsibility from Texaco. In addition, very little is being done by the Ecuadorian and Nigerian governments to implement and enforce stringent environmental controls in their oil industries. Until this is done there is no real possibility of a successful outcome to the Cofan and Siona-Secoya, and the Ogoni struggles, and consequently these three minority groups will continue to be subjected to the adverse environmental impacts of oil production and/or its legacy in the foreseeable future.

## OPSOMMING

In die loop van die afgelope paar jaar het die verzet van etniese minderheidsgroepe teen hul regerings en multinasionale oliemaatskappye in Suid-Amerika en Afrika, hoofopskrifte gehaal. Olieproduserende etniese minderheidsgroepe het gedurende die 1990's begin om sowel beweerde as werklike politieke, ekonomiese, sosiale en omgewingsmarginalisering aan te spreek. Die konfrontasie is aangevuur deur veral die post-Koue Oorlogwêreldorde waar die klem op omgewings- en menseregte begin val het, tesame met die herontdekking van minderheidsgroepe, veral Indiaangemeenskappe in die Amerikas. Marginalisering het ontstaan as gevolg van voortgesette historiese ongelykhede wat geïntensifiseer het met die aanvang van olie-ontdekking en -produksie in hul tradisionele gebiede. Terwyl die negatiewe menslike en omgewingsgevolge van olieproduksie in die tradisionele gebiede olieverwante etniese minderheidsverzet in Suid-Amerika en Afrika in die 1990's ontketen het, behoort die stryd nie uitsluitlik gesien te word in terme van omgewings- en menseregte nie. Intendeel, dit is eweneens verzet teen 'n geskiedenis van politieke, ekonomiese en sosiale marginalisering, gely aan die hand van hul regerings en die dominante kulture, en dit is ook verzet teen multinasionale oliemaatskappye wat aktief in hul tradisionele gebiede werksaam is.

Die doel van hierdie studie is om die impak van olie-ontwikkeling op sowel die omgewing as op olieproduserende etniese minderheidsgroepe in Suid-Amerika en Afrika te ontleed deur te fokus op die olieverwante verzet van die Cofan- en die Siona-Secoya-Indiane in Ecuador, en Ken Saro-Wiwa en die Ogoni in Nigerië. In hierdie lande is die Cofan, die Siona-Secoya en die Ogoni gemarginaliseer, wat begin het met die aanvang van kolonialisme in Ecuador in 1533, en in die laat negentiende eeu in Nigerië. In die 1990's het hulle teen onderskeidelik Texaco en die Ecuadoriaanse regering, en Shell en die Nigeriese regering, in verzet gekom, ten einde sowel werklike as beweerde dominasie en marginalisering op politieke, ekonomiese en omgewingsvlak te beveg. Ecuador het deur die eeue heen die Indiaanse gemeenskappe onderdruk. Op sy beurt word ook die Nigeriese samelewing gekenmerk deur politieke dominerings deur die meerderheids etniese groepe.

Olieproduksie in die gebiede van die Cofan, die Siona-Secoya en die Ogoni het deur die jare heen geweldig baie bygedra tot die nasionale ekonomieë van Ecuador en Nigerië, maar hierdie minderheidsgroepe het nie in die welvaart van olieproduksie gedeel nie, en moes terselfdertyd bly voortbestaan ten spyte van die nadelige omgewingsimpak van ongereguleerde en ongekontroleerde olie-ontwikkeling en -produksie deur onderskeidelik Texaco and Shell. Die Ogoni het oor die algemeen gestreef om te deel in die moderniserende voordele wat gepaard gaan met 'n olie-ekonomie. Die Cofan en die Siona-Secoya in Ecuador, daarenteen, het hul olieerwante verset voortgesit teen gedwonge deelname aan 'n moderne ekonomie, ten einde hulle tradisionele leefstyle, wat kenmerkend van hul kulture is, te behou, asook om die reg te verkry om te moderniseer volgens hulle eie behoeftes en voorwaardes.

Olieproduksie deur Taxaco en Shell het ongetwyfeld 'n skadelike impak op die omgewing, asook op die Cofan, die Siona-Secoya en die Ogoni gehad, en die Ecuatoriaanse en Nigeriese regerings het min aandag gegee aan die omgewingsbestuur en regulering van hul olie-industrieë. Olieproduksie in die Oriente in Ecuador en Ogoniland in Nigerië het die nadelige omgewingsimpak vererger. Texaco en Shell was egter traag om die negatiewe omgewingsimpakte van hulle olieerwante aktiwiteite te erken en aan te spreek. In reaksie op negatiewe openbare reaksie in Europa oor die maatskappy se betrokkenheid in Ogoniland (en die Brent Spar-insident van 1995), het Shell dit eers in 1996 begin aanspreek. Tot op hede het Texaco egter nog geen werklike verbintenis tot sosiale en omgewingsverantwoordelikheid aanvaar nie. Ook is daar nog geen onderneming van die Ecuatoriaanse of Nigeriese regerings om streng omgewingsbeheer in hul oliebedrywe te implementeer nie. Om hierdie rede is daar nie werklik 'n vooruitsig vir die Cofan, die Siona-Secoya en die Ogoni om hul versetstryde suksesvol te voltooi nie, en gevolglik sal hierdie drie minderheidsgroepe vir die voorsienbare toekoms steeds onderworpe bly aan die negatiewe omgewingsimpak van die oliebedryf in Ecuador en in Nigerië.