# Jedrzej Georg Frynas OIL IN NIGERIÁ

Conflict and Litigation between Oil Companies and Village Communities

### Contents

Mapsi	ii
List of Tables	
List of Figures	
Table of Court Cases	
Table of Statutes	
Court Reports and Legal Abbreviations	
Non-legal Abbreviations	

#### **CHAPTER 1: Introduction and Methodology**

1.1. Background	1
1.2. Aims of the Book	
1.3. Literature on Nigeria's Oil Industry	3
1.4. Outline of the Book	

#### CHAPTER 2: The Making of Nigeria's Oil Industry - Oil and the Nigerian State

2.1. Introduction	
2.2. Colonial Origins of Nigeria's Oil	
2.3. Oil Related Legal Arrangements under Colonial Rule	12
2.4. Evolution of Nigeria's Oil Industry after Independence	
2.5. Nigeria's Political Economy of Oil	
2.6. Nigerian Petroleum Policy in the 1960s and 1970s	29
2.7. Nigerian Petroleum Policy in the 1980s and 1990s	
2.8. Ethnic Factionalism and Allocation of Resources	42
2.9. Community Protests against Oil Companies	46
2.10. Government and Oil Company Concessions to Protesters	48
2.11. Repression of Protests and Security Arrangements	
2.12. Conclusion	

#### CHAPTER 3: Nigerian Legal System and Oil Related Legislation

3.1. Introduction	
3.2. Pre-Colonial Law	61
3.3. Colonial Law	
3.4. Post-Colonial Law	69
3.5. Customary Land Rights and Land Acquisition before 1978	71
3.6. Land Use Act	
3.7. Petroleum Legislation and Operating Arrangements	80
3.8. Oil-Related Environmental Legislation	84
3.9. Nigerian Court System	
3.10. Nigerian Legislation and Compensation for Damage	
3.11. Conclusion	

#### CHAPTER 4: Nigerian Legal System in Practice - Results of a Survey

4.1. Introduction	100
4.2. Methodology. Survey Analysis and Profile of Respondents	101
4.3. Problems of Access to Courts	106
4.4. Views on Access to Courts by Different Sub-Groups	111
4.5. Functioning of the Judiciary and the Court System	115

4.6. Extra-judicial Pressures and Enforcement of C	Court Orders	
4.7. Types of Courts		
4.8. Oil Companies and Court Procedure		
4.9. Legal Change and Legislation		
4.10. Conclusion		

## CHAPTER 5: Environmental and Social Impact of Oil Operations on Village Communities

5.1. Introduction	149
5.2. Mechanics of Oil Operations in Village Communities	
5.3. Impact of Oil Exploration on Village Communities	
5.4. Impact of Oil Production on Village Communities	
5.5. Land Disputes and Oil Operations	
5.6. Conclusion	

#### **CHAPTER 6: Compensation Claims in Oil Related Litigation**

6.1. Introduction	
6.2. Compensation Payments through Negotiation and Mediation	
6.3. Basic Principles of Tort Law	189
6.4. Negligence	190
6.5. Nuisance	
6.6. Strict Liability	
6.7. Statutes of Limitation	
6.8. Admissibility of Scientific Evidence	199
6.9. Misjoinder of Parties and Causes of Action	202
6.10. Locus Standi	205
6.11. Evidence Rules	209
6.12. Quantum of Compensation Awards	
6.13. Changing Approach to Law	
6.14. Increased Professional Ability of Legal Counsel	219
6.15. Impact of Changing Social Attitudes on Judges	
6.16. Conclusion	

#### **CHAPTER 7: Conclusion**

BIBLIOGRAPHY	
7.4. Future of Niger Delta Conflicts	231
7.3. Directions for Future Research	229
7.2. Relevance of the Book	
7.1. Findings of the Book	

#### APPENDICES

Appendix A: 1998 Survey Questionnaire	. 242
Appendix B: List of Oil Companies with Oil Licences in Nigeria in 1998	
Appendix C: Nigerian Private Oil Companies in 1998	. 248
Appendix D: Chronology of Nigeria's Political Economy of Oil	. 249
NAME INDEX	. 253
SUBJECT INDEX	. 256