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A Blessing in Disguise?
Ghana's Potential to Overcome Nigeria's 'Oil Curse' and
Develop a Successful Model for Oil Production Within a
Human Rights Framework

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Submitted to the International Studies Program, Trinity College

Supervised by Professor Seth Markle

May 2012

ABSTRACT

Although Africa possesses rich natural resources, the Afro-pessimistic conception that African countries cannot manage their resources remains widespread. This research project provides a comparative analysis between the political and economic histories of Ghana and Nigeria following independence. In addition to focusing on these countries' post-independent histories, this thesis examines the Movement for the Survival of the Ogoni People (MOSOP) of the early 1990s in Nigeria as an effective civil society organization that vocalized the Nigerian government and Shell Petroleum Corporation's corruption in the oil industry. Additionally, this research project explores Ghana's potential to overcome Nigeria's "negative" experience with oil due to its relatively stable democracy, diversified and liberalized economy, mutually beneficial relationship with multinational corporations, ability to look to other models of oil production, and vibrant civil society. As necessary components in developing a human rights model of oil production, these qualities enable Ghana to debunk the prevailing idea of the African 'oil curse.'

Through analyzing primary sources on the MOSOP movement and Nigeria's current environmental state, scholarly works on different perspectives of Ghana's potential with oil production, and Ghanaian news websites, one can see Ghana's prospect to embody a human rights model of oil production. The primary sources discussing Nigeria's defective paradigm for establishing an oil industry that abides by the human rights mentioned earlier show that the country's minorities and civil society did not receive adequate representation. After exploring the different perspectives of Ghana's potential to overcome the oil production model presented by Nigeria, one sees that some

scholars believe Ghana will follow Nigeria's path of corruption, while others believe Ghana's relatively stable democracy and economy will ultimately lead to the country's success. Apart from these secondary sources, the news articles examined depict Ghana's free press and its ability to publish a myriad of opinions on the oil industry. After researching the different perspectives of Ghana's ability to disprove the African 'oil curse,' the evidence shows that the country possesses the ability to prosper, but must implement the necessary regulatory framework, look to other models of oil production, and include civil society in policy-making.

ACKNOWLEDGEMENTS

First and foremost, I would like to thank my family for their support throughout this process, as well as their constant belief in my ability to achieve my goals. In addition to their unwavering encouragement of my educational pursuits, my parents and sister have all offered valuable advice to me during my Trinity career that has enabled me to succeed. To the exceptional professors I have had at Trinity, Karen Humphreys, Zayde Antrim, and my advisor, Vijay Prashad, thank you for providing me with such engaging classes and allowing me to realize my full potential. I would like to also extend a thank you to Erin Valentino for helping me research and discover the myriad of documents I needed to produce this thesis. Last but not least, thank you Professor Seth Markle for serving as my thesis advisor and teaching the course that made me realize and develop my senior exercise topic. I could not have produced this work without you reading my thesis over and over again, contributing so greatly to my research process, and helping me create a unique argument on my topic.

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Introduction

*Injustice stalks the land like a tiger on the prowl. To be at the mercy of buffoons is the ultimate insult. To find the instruments of state power reducing you to dust is the injury.*¹- Ken Saro-Wiwa

After taking the course INTS238: “Contemporary Africa: Resource Wars and Human Rights,” I developed an interest in Africa’s potential to benefit economically from its natural resources. Unfortunately, the majority of countries that we studied in the course could not effectively develop successful models for resource extraction. In countries with authoritarian regimes or oppressive governments, the revenue from these valuable resources did not receive equal distribution among the nation’s citizens. Instead, the political elite or governing military regime would siphon the money into its own pockets. In particular, the case of the Ogoni Uprising in the Niger Delta, Nigeria in the early 1990s sparked my interest in African civil society and the possibility of creating an effective human rights model of resource development. Could an African country that possessed democratic qualities and a relatively stable economy produce oil through this paradigm? Exactly what components does an African nation need to embody to achieve a successful model of oil production within a human rights framework? In order to potentially avoid the ‘resource curse,’ in this case the ‘oil curse,’ associated with the oil industry in Africa, I came to understand that an established and peaceful democracy, macroeconomic and diversified economy, mutually beneficial relationships with multinational corporations, vibrant free press, and an awareness of civil society concerns could aid a country in its pursuit of a human rights model of oil production.

¹ Saro-Wiwa, Ken, *A Month and a Day and Letters* (UK: Ayebia Clark Publishing Limited, 1995), 8.

As an example of a country that disregarded human rights with the onset of oil production, Nigeria ignored the concerns of its civil society throughout this process. The Ogoni people suffered environmental degradation, economic exploitation, ethnic inferiority, and political marginalization at the hands of the military-led Nigerian government and its complicit partner, Shell Petroleum Corporation. After enduring decades of oppression, Ken Saro-Wiwa created the Movement for the Survival of the Ogoni People (MOSOP) to fight for the rights of his ethnic minority group. Although Nigeria still remains underdeveloped because of its oil sector, the MOSOP movement served as a model for how civil society can appeal to international and national communities about its issues with human rights violations. Fascinated with the Ogoni People and the immense wealth squandered by the Nigerian government and usurped by Shell, I began to research African countries' natural resources and their ability to develop.

When I discovered that Ghana found oil reserves in 2007 and began oil production in 2010, I wanted to see if Ghana's potential for economic progress through the oil sector could take place within a human rights framework. With globalization and the increasing desire for energy resources throughout the world, Ghana's newfound oil becomes a very relevant topic. Although Ghana still remains in the beginning phases of oil production, my research indicated that the possibility of this country avoiding Nigeria's 'resource curse' remains strong. The country's relatively democratic and peaceful nature bode well for evading political corruption associated with oil. In addition to these qualities, the nation promotes freedom of press, possesses mutually beneficial relationships with multinational corporations, can look to other oil production models for

advice, and maintains a diversified and liberalized economy. Therefore, my research led me to believe that Ghana could disprove the ‘oil curse’ theory associated with Africa and become a model of oil production within a human rights framework in this continent.

After analyzing the literature on Nigeria’s history of oil production and Ghana’s potential for a human rights model of oil development, one finds that while some scholars believe that Ghana can succeed, others find Ghana following Nigeria’s path of corruption. In John Ghazvinian’s book, Untapped: The Scramble for Africa’s Oil, Ghazvinian studies several countries in Africa and focuses on the negative effects of oil production in each country (drawing particular attention to Nigeria as the epitome of the ‘oil curse’. While each country encounters different experiences with oil, in Ghazvinian’s opinion, the final results of the country’s oil production almost always leave the nation in a worse state than before its discovery of oil. Without the proper infrastructure and stable political systems, developing countries in Africa cannot succeed with oil because of the greed of the political elites and multinationals that lead to unequal distribution of resources.²

Additionally, the book, Where Vultures Feast: Shell, Human Rights, and Oil, by Ike Okonta and Oronto Douglas focuses on the corruption of the Nigerian government and the multinational oil giant, Royal Dutch Shell. Okonta and Douglas depict the human rights violations associated with the Nigerian oil sector and inform the audience of the extreme oppression that multinationals and authoritarian governments’ can impose upon civil society. This books shows how multinational oil corporations’ complicity

² John Ghazvinian, *Untapped: The Scramble for Africa’s Oil* (U.S.: Harcourt, Inc., 2007).

with oppressive regimes can lead to the underdevelopment of a nation.³ The example of Nigeria's 'oil curse' presented in these books reveals Ghana's potential to follow the path of this country, if it does not experience transparency in the government and oil industry.

Another perspective of Ghana's inability to prosper with oil lies in Ransford Edward Van Gyampo's article "Saving Ghana From Its Oil: A critical Assessment of Preparations Made So Far." This article focuses on Ghana's exclusion of civil society from oil policy-making during the preparatory stage of production. Van Gyampo continues to suggest that Ghana possesses an inadequate parliamentary system of governance and lacks transparency in creating regulatory framework for this sector.⁴ Thus, these arguments suggest that Ghana could fall into the 'oil curse,' based on the history of oil production in the continent, the inability to provide transparency in this industry, and the Ghanaian government not taking into account the concerns of its civil society.

Opposed to the literature presenting negative views of Ghana's ability to develop along a human rights path of oil production, other scholars believe that Ghana can prosper because of its democratic qualities and potential to incorporate civil society in policy-making. According to scholars at the Center for Global Development, and David Teitelbaum (United States Ambassador to Ghana), Ghana has the foundation and tools necessary to avoid the dreaded 'oil curse.' Teitelbaum highlights Ghana's strong democracy in comparison to the rest of the continent, its ability to cater to all ethnicities

³ Ike Okonta and Oronto Douglas, *Where Vultures Feast: Shell, Human Rights, and Oil* (New York: Verso, 2003).

⁴ Ransford Edward Van Gyampo, "Saving Ghana From its Oil: a Critical Assessment of Preparations so Far Made," *Africa Today* 57, no.4 (Summer 2011), <http://0-go.galegroup.com...>

through the political system, small and efficient military, and political accountability as reasons the country appears likely to succeed.⁵ Similarly, Todd Moss and Lauren Young's article, "Saving Ghana From Its Oil: The Case For Direct Cash Distribution," supports the belief that Ghana possesses the potential for economic and social benefits through the oil sector. The article also suggests that a system of direct cash distribution could create more interdependence between civil society and the government.⁶ Paul Wallace's article, "Supplement: Ghana-Introduction-Ghana Vows to Avoid Oil Curse," looks to the country's relatively stable democratic history as a huge advantage to evading the 'oil curse.'⁷ In addition to these scholars, the book Africa's Human Rights Architecture provides ways that Ghana can promote the voice of its civil society and demand a more transparent government. With new pan-African institutions, such as the African Union, Ghanaian civil society and NGOs possess more organs outside of the nation to express their concerns with the oil sector.⁸ According to these authors, Ghana has the potential and the tools to succeed through a human rights model of oil production, as long as it avoids the paths of countries like Nigeria and implements regulatory and transparent policies.

Additionally, scholars argue that Ghana's autonomous media system allows for more government accountability and contributes to the country's vibrant civil society. In Steven Strasser's report, "Registering Reporters: How Licensing of Journalists Threatens

⁵ Donald Teitelbaum, "What's so Special About Ghana?," *The Ambassadors Review*, (Fall 2009), <http://www.ciaonet.org/>.

⁶ Todd Moss and Lauren Young, *Saving Ghana From Its Oil: The Case for Direct Cash Distribution* (Washington D.C.: Center for Global Development, 2009)

⁷ Paul Wallace, "Supplement: Ghana-Introduction-Ghana Vows to Avoid Oil Curse," *The Banker*, (July 1, 2011), <http://0-go.galegroup.com...>

⁸ *Africa's Human Rights Architecture*, edited by John Akokpari and Daniel Shea Zimble, (South Africa: Fanele, 2008).

Independent News Media,” he discusses how Ghana experiences more relaxed regulations on journalist registration and possesses a myriad of print and electronic media sources, as well as radio stations.⁹ Similar to Strasser’s views, Eugene Meyer’s report, “Media Code of Ethics: the Difficulty of Defining Standards,” claims that the Ghanaian government remains removed from the media and allows the free press to broadcast a multitude of perspectives without censorship.¹⁰ Therefore, the literature depicts the Ghanaian press as a free body whose publications allow for an informed and powerful civil society.

I use these sources to support my argument that Ghana can produce oil within an effective human rights framework if it focuses on working with civil society during future policy-making processes and developing a mutually beneficial relationship between the state and the citizens. With negative and positive models to look to for successful ways to produce oil, Ghana should understand that creating a trusting relationship with civil society remains imperative during the upcoming production years. Ghana’s autonomous media system also allows for a multitude of perspectives on oil production, which enables civil society to become more engaged in the operations of the oil sector. By looking to Nigeria’s history of oil production, Ghana can see that government transparency and accountability remain salient features of constructing an oil industry within a human rights framework. Through the marginalization of minorities or civil society, the government can create a tense environment wrought with economic,

⁹ Steven Strasser, *Registering Reporters: How Licensing of Journalists Threatens Independent News Media: A Report to the Center for International Media Assistance*. (Washington, D.C.: Center for International Media Assistance, 2010).

¹⁰ Eugene Meyers, *Media Code of Ethics: the Difficulty of Defining Standards*. (Washington, D.C.: Center for International Media Assistance, 2011).

social, and political inequality. Therefore, Ghana's potential to succeed with its oil production remains contingent upon the country's ability to incorporate civil society into its oil legislative process and look to models of oil production throughout the world.

My argument begins with chapter II, "Ghana and Nigeria's Similar Post-Independence Histories: Ghana's Ability to Prosper and Nigeria's Path to Demise," which contains a comparative analysis of Ghana and Nigeria's histories of political instability following independence. In addition, it focuses on how Ghana's discovery of oil after developing a relative stable democracy, macroeconomic policies, and its less violent history gives the country a better opportunity to effectively produce oil. By finding oil before achieving independence, Nigeria allowed this commodity to dictate the politics and economy of the nation. The Biafran Civil War between 1967-1970 also contributed to the militarization of the government and further stressed oil's association with the acquisition and entrenchment of political power. Leading to an atmosphere of political greed, ethnic inequality, and economic exploitation, Nigeria's oil eventually resulted in the country's experience with the 'resource curse.' In contrast to the underdevelopment that Nigeria encountered through the onset of the oil sector, Ghana did not discover oil until it developed stronger macroeconomic policies and democratic institutions. In addition to these favorable qualities for oil production, Nigeria's neighbor did not experience a civil war. As a less militarized and more democratically stable country that had the opportunity to adopt macroeconomic policies prior to its oil discovery, Ghana's political and economic history places it in a better position to produce oil within a human rights framework.

In chapter III, “The Ogoni Uprising: A Model for Civil Society Activism Against Multinational Corporations and Corrupt Government Systems,” I present the example of the Ogoni Uprising and the state and Shell’s responses to MOSOP’s demands of political autonomy and environmental and economic compensation in order to show the Nigerian government’s failure to provide an effective human rights model of oil development. Despite Nigeria’s inability to overcome the ‘oil curse,’ Ken Saro-Wiwa’s MOSOP movement gives Ghana a paradigm for establishing a successful civil society organization. Since the beginning of oil production in Nigeria, Shell Petroleum Corporation and the military government of Nigeria exploited the Niger Delta for its valuable oil resources. Without implementing the necessary infrastructure or providing fundamental public services, the multinational oil giant and Nigerian government left the Niger Delta region with a degraded environment and extreme poverty. In the early 1990s, the MOSOP movement appealed to international NGOs and human rights organization to spread their message to a broader community. Therefore, Ghana can look to the actions of the Nigerian government and Shell in order to not imitate their models in the future and learn from the benefits of advocating for human rights from MOSOP instead.

Aside from Ghana’s ability to look to Nigeria’s model of oil production and the human rights progress made by MOSOP, the country’s recent history of stable democracy, smooth political transitions, liberalized and diversified economy, and beneficial partnership with Tullow Oil plc contribute to the country’s ability to avoid political corruption within and reliance on the oil sector. In chapter IV, "Can Ghana Avoid the ‘Oil Curse?'," I discuss the establishment of democratic rule in 1992 and how

Ghana has experienced smooth party transitions and elections. In addition to the advantage of stable democracy for producing oil through a human rights model, the nation possesses multiple exports and will not solely depend on oil revenue for economic gain in coming years. Gold, cocoa, and timber are examples of Ghana's cash-earning natural resources. The quantity of newfound oil in Ghana also pales in comparison to its powerful oil production neighbor, Nigeria. By experiencing an effective democratic system of government and a diversified economy, Ghana exhibits the potential to overcome the tendency to rely on the oil sector and avoid the political greed associated with increasing oil revenue.

In chapter V. of my thesis, "The Importance of Civil Society: Ghana's Free Press as a Vehicle for Providing Multinational and Government Accountability," I reflect on Ghana's vibrant free press and how the citizens can use this tool to strengthen civil society's awareness of the oil industry. Unlike other countries across the continent, Ghana possesses a uniquely independent press that can publish negative, positive and cautionary information on the oil sector's operations. Through providing knowledge to civil society on the actions of one of the largest operating multinational oil companies in the nation, Tullow Oil plc, the media can keep Tullow's involvement in the oil industry transparent. By publishing a multitude of perspectives on the emerging Ghanaian oil sector, these news sources show how the government does not dictate the information that the news agencies publish. Through Ghana's free press, the country can keep civil society knowledgeable about the actions of the oil sector and maintain openness between the government, oil companies, and the citizens.

Despite Ghana's ability to develop a successful human rights model of oil production, the country must immediately implement regulatory policies in this sector that include the opinions of civil society. The country should also look to effective models of oil manufacturing throughout the world, such as Alaska and Norway. As paradigms of oil production in a human rights framework, Alaska and Norway prove that engagement with civil society in the drafting of policies can lead to the oil industry's success. By implementing a system of direct cash distribution, Ghana can also create a better relationship with civil society and further its economic development. Regardless of Ghana's potential to overcome the 'resource curse,' without the incorporation of civil society and quick execution of regulatory framework in the oil industry, the country could follow Nigeria's defective model.

Ghana and Nigeria's Similar Post-Independence Histories: Ghana's Ability to Prosper and Nigeria's Path to Demise

Experiencing independence from their British colonizers within three years of each other, Ghana and Nigeria both faced political instability and corruption in the post-colonial period. Although these two African countries encountered similar governmental struggles following colonialism in the 1960s, Nigeria's discovery of oil prior to independence added to the underdevelopment and inequality of the country. Nigeria developed a post-colonial economy that revolved around the export of crude oil, and the government's allocation of this abundant revenue remained in the hands of the political elite. While Ghana's economy also centered on natural resources such as cocoa and timber, its ability to look to the IMF and World Bank for restructuring programs and aid left the country with a better economic system in the long-run. Aside from Nigeria's economic dependency on oil following independence, the country experienced a devastating three-year civil war that reinforced ethnic tensions and increased the militarization of the country. By finding oil in the region before developing a stable democratic system of government and encountering a debilitating civil war that increased the strength of military power over the economy and state, Nigeria became the epitome of the 'oil curse' in Africa. Despite Ghana's political corruption and experience with military coups following independence, the country avoided the repercussions of a civil war and learned politically and economically how to enter the global sphere and develop democracy.

When Ghana achieved independence from Britain in 1957, the Ghanaian people united behind its first native leader, President Kwame Nkrumah, only to suffer the disappointment of his failed regime. Nkrumah, who studied abroad in London and the

U.S., returned to his home country in order to serve as General Secretary of the United Gold Coast Convention, but later broke from this nationalist organization to establish the Convention People's Party (CPP).¹¹ He wrote years later, "When I returned to West Africa in 1947, it was [with] the intention of using the Gold Coast as a starting-off point for African independence and unity."¹² Under the leadership of Nkrumah and the CPP, Ghana became a socialist country and a one-party state.¹³ Nkrumah established himself as lifelong leader of the country and diverged from the country's liberal democratic constitution.¹⁴ He began to dispose of senior staff, whom he viewed as opposition to his end goal as well.¹⁵ Ghanaians began to see Nkrumah as an ambitious dictator, and several attempts were made upon his life.¹⁶ Apart from his authoritarian style of rule, Nkrumah's nationalization of commercial firms threatened the economy, and his fickle policies of outside investment prevented economic growth and led to a large drop in currency value.¹⁷ For these flaws, one can accuse the first president of Ghana as leaving "the way... paved for political corruption and manipulation."¹⁸ His unfavorable reputation and unproductive policies led to Nkrumah's overthrow and ultimately, the series of military coups and failed attempts of democratization that followed.¹⁹

¹¹ David. E. Apter, "Ghana's Independence: Triumph and Paradox," *Transition*, no. 98 (2008), 6, <http://www.jstor.org/stable/20204242>.

¹² *Ibid.*, 9.

¹³ *Ibid.*, 17.

¹⁴ Michael Bratton, Peter Lewis, E. Gyimah-Boadi, "Constituencies for Reform in Ghana," *The Journal of Modern African Studies* 39, no. 2 (June 2001), 232-233, <http://www.jstor.org/stable/3557263>.

¹⁵ Apter, 17.

¹⁶ *Ibid.*, 18.

¹⁷ *Ibid.*, 18.

¹⁸ *Ibid.*, 18-19.

¹⁹ *Ibid.*, 19.

Two days after the military coup issued against Nkrumah in 1966, the police and army established the National Liberation Council to manage governmental affairs.²⁰ The NLC committed itself to diverging from Nkrumah's socialist policies and fixing the disastrous economy.²¹ At this time, commissions of inquiry began to investigate the corruption of the Nkrumah regime. In particular, the Apaloo Commission found the previous leader guilty and in possession of cash and properties over \$6.5 million.²² Despite the NLC's intention of obstructing corruption, by 1967 the council found itself under severe criticism.²³ Nkrumah and the military coup that formed the NLC demonstrate how political corruption and instability mired Ghana's first taste of independence.

Similar to Ghana, Nigeria's first decade of independence witnessed political corruption, but the Biafran War exacerbated these issues, as well as contributed to the extreme militarization of the country. Nigeria received independence in 1960 and a civilian government took office.²⁴ The British colonialists transferred power to an indigenous dominant class, although British firms continued to control and dominated the Nigerian economy.²⁵ After five years in office, a military coup overthrew this first civilian government in 1966. Soldiers then ruled Nigeria from 1966 until 1979, when power was voluntarily transferred over to a civilian government (only to be overthrown

²⁰ Roger S. Gocking, *The History of Ghana* (USA: Greenwood Press, 2005), 148.

²¹ *Ibid.*, 148-150.

²² *Ibid.*, 149.

²³ *Ibid.*, 151.

²⁴ Pita Ogaba Agbese, "The political Economy of Militarization in Nigeria," *Africa Spectrum* 25, no. 3 (1990), 296, <http://www.jstor.org/stable/40174416>.

²⁵ *Ibid.*, 301-302.

four years later by the military).²⁶ General Gowon, who ruled the country under militant control from 1966-1975, led the country through its devastating experience with civil war.²⁷ Due to Colonel Okujwu of Eastern Nigeria's refusal to accept Colonel Gowon as the leader of Nigeria, Okujwu and the Ibo political leadership resolved to secede from Nigeria and establish Eastern Nigeria as a an autonomous state called Biafra. Gowon rejected this proposal and war ensued.²⁸ The Biafran war "...was the world's first televised African tragedy and the beginning of the end for the euphoric Afro-optimism of the 1960s."²⁹ With the onset of war, military funds became a primary concern for the federal government and the country increased its armed forces.³⁰ Before the beginning of war in 1967, there existed only 10,500 soldiers in the Nigerian armed forces, but by the end of 1970, there were over 250,000 soldiers.³¹ The government also issued a law that allowed the military to usurp any property for the war effort.³² By the end of this debilitating event, some estimates claim that around two million people died mostly of disease and hunger.³³ Other reports state that over one million people died due to the military intervention that caused the Biafran War, and that the violent culture and repression as instruments of governance stemmed from this event.³⁴

Not only did the Biafran War create a militarily oriented country, but it also shed light on the value of oil as a commodity. The federal government employed slogans such

²⁶ Ibid., 296.

²⁷ Ibid., 305.

²⁸ Ibid., 306.

²⁹ Ghazvinian, 24.

³⁰ Agbese, 306.

³¹ Ibid., 295.

³² Ibid., 306-307.

³³ Ghazvinian, 24-25.

³⁴ Agbese, 293.

as “to keep Nigeria one is a task that must be done,” in order to gain back the oil fields of the Niger Delta from the Biafrans.³⁵ The Petroleum Decree 51 of 1969, following the conclusion of war, manifests the state’s desire to control the oil fields. It mandated that the federal military government obtain all oil and mineral rights in the region.³⁶ To the dismay of Shell Petroleum Corporation, the largest oil multinational in Nigeria, the consequences of the Biafran War would directly effect its operation in and profit from the country. The senior Shell officials did not focus on the rights and wrongs of the Biafran situation, but aimed to ensure that the federal government, supported by the British government (part owners in the company), would ultimately win.³⁷ Harold Wilson, then the Prime Minister of Britain, blatantly disregarded the ethical side of the war. He allowed the slaughter of the Easterners, and supplied the federal government with arms.³⁸ Thus, the Biafran War illustrates the beginning of Nigeria’s reliance upon military force as an instrument of the state, as well as the ethnic tension that persisted in the country. The presence of oil in the territory under contestation contributed to the brutality of the war, as well as Shell’s concern over the federal government’s victory. Whilst Ghana encountered political turbulence following independence, its governmental instability (despite military coups) paled in comparison to the issues of violence, oil, ethnicity, and corruption that the gory Biafran War illuminated.

During the 1970s, Ghana continued to witness political instability and economic stress. Following Nkrumah’s unsuccessful regime and the NLC’s inability to address its

³⁵ Okonta and Douglas, 21.

³⁶ Ibid., 22.

³⁷ Ibid., 22-23.

³⁸ Ibid., 23.

failure, the Second Republic came to power in 1969 until 1972.³⁹ The 1969 election ran easily and resulted in an overwhelming victory for the Akan politician Dr. Kofi Busia.⁴⁰ Busia aimed to provide aid for the rural communities of Ghana, as well as rescind Nkrumah's focus on industrialization in the country.⁴¹ Similar to previous regimes, Busia's Progress Party struggled with the mono-export economy that depended on the uncontrollable market price of cocoa.⁴² As the country entered an economic and political downturn, Busia began to encounter animosity for his market-based policies and the advice he took from the IMF and World Bank.⁴³ In 1973, the military intervened and overthrew Busia in a bloodless coup.⁴⁴

The leader of the coup, Colonel Ignatius Charming, formed the National Redemption Council in order to address the mistakes of Busia's government.⁴⁵ Under Acheampong's role as leader of the NRC and later the Supreme Military Council (SMC I) during the 1970s, the government experienced an economic crisis and increased corruption. The drastic change in oil prices by OPEC in 1973 benefited Ghana's neighbor Nigeria, but led to the Ghanaian government printing more money and creating inflation in the country.⁴⁶ During this economic crisis, the corruption in the country reached an all time high.⁴⁷ Finally, in 1978 a group of officers forced Acheampong to

³⁹ Paul Nugent, *Big Men, Small Boys and Politics in Ghana* (New York: Pinter, 1995), 20.

⁴⁰ Gocking, 155.

⁴¹ *Ibid.*, 157.

⁴² *Ibid.*, 158.

⁴³ *Ibid.*, 160-161.

⁴⁴ *Ibid.*, 161.

⁴⁵ *Ibid.*, 164-166.

⁴⁶ *Ibid.*, 173.

⁴⁷ *Ibid.*, 174.

sign his resignation.⁴⁸ The SMC II took over under the leadership of Lieutenant General Akuffo until 1979 when Dr. Hilla Limann's victory in the presidential runoff landed him in office.⁴⁹ Limann's leadership began to result in corruption again, and Rawling's Provisional National Defense Council overthrew the government in 1981.⁵⁰ Therefore, one can characterize the 1970s in Ghana as a tumultuous economic and political climate, in which civilian elections and military coups occurred. Unlike the extreme militarization of the Biafran War and the Nigerian federal government's monopoly on oil, Ghana in the 1970s experienced less violence and inner country issues.

Opposed to Ghana, Nigerian politics and economics in the 1970s revolved around oil, its fluctuating prices, and the corruption associated with this export. Although both military and civilian governments after 1970 promised to raise ethical standards in the country and stop corruption, their successes were short-lived.⁵¹ In Nigeria, grand corruption became a national issue as early as the 1950s. One defines grand corruption as, "the embezzlement of large amounts of public resources, often through the award of contracts at inflated prices or for work that is never done, and sometimes through outright theft."⁵² Due to the massive increase of revenue in the 1970s from oil, there existed new opportunities at the national level for this type of corruption to persist.⁵³ The 1973 oil embargo quadrupled the market price of oil, and subsequently led to the federal

⁴⁸ Ibid., 177.

⁴⁹ Ibid., 179-181.

⁵⁰ Ibid., 197.

⁵¹ Caspar Fithin, "Nigeria-Rapacious Corruption," *The Oxford Analytica Weekly Column* (September 2000), <http://www.ciaonet.org/pbei/oxan/oxa00020927.html>.

⁵² Ibid.

⁵³ Ibid.

government's increased expenditure towards militarization.⁵⁴ In the oil sector, foreign oil interests provided the capital needed for oil exploration and extraction. Since Nigeria did not endure these costs and made up a small portion of the work force in this industry, oil money remained a "windfall profit" for the Nigerian government. Therefore, the state confronted little opposition when it distributed this revenue to the military.⁵⁵

As the nation focused on the profit received from oil, it began to neglect the once thriving agricultural sector. There exists a positive correlation between the rise of oil prices at this time and the decline of agriculture.⁵⁶ The Nigerian government became dependent upon foreign borrowing to finance its imports and oil production as its key export. It did not invest into essential renewable natural resources such as agriculture, forestry, and the fisheries.⁵⁷ Following the Biafran War, Nigeria's economy became synonymous with oil. Aside from leading to the escalation in militarization and overall corruption in the nation, the government's concentration on oil detracted from its previously more diversified economy. Despite the massive profits gained from the oil embargo of 1973, the price of oil would soon decrease and leave Nigeria as a nation unable to escape the 'oil curse.'

Unlike the economic collapse Nigeria would experience following the global decline of oil prices, Ghana made strides in the 1980s towards economic reformation and gradually prepared itself for the democratic elections of the early 1990s. The overarching figure of Ghanaian politics in the 1980s remained Lieutenant Jerry Rawling's, who would rule from 1982-1993. As the military leader of the country, Rawlings biggest

⁵⁴ Agbese, 307.

⁵⁵ Ibid., 307.

⁵⁶ Okonta and Douglas, 28.

⁵⁷ Ibid., 28-29.

contributions to Ghana were the structural adjustment programs of this decade that created a positive relationship between Ghana and the West. Following Nkrumah's overthrow in 1966, the Ghanaian economy began a downward spiral. Rawlings accepted the advice of his Finance Minister Kwesi Botchwey to launch the continent's first structural adjustment program in 1983. By opening up the Ghanaian market, the country reduced its economic decline and made reinstating physical infrastructure possible.⁵⁸ Both Rawlings and Botchwey realized that in order to obtain financial assistance from the capitalist world Ghana needed to look to the IMF and the World Bank.⁵⁹ The IMF's major prescription to Ghana in 1983 was to devalue the Ghanaian currency as a means to stimulating exports.⁶⁰ Luckily for Ghana, this economic change attracted Western investors and led to their annual aid increasing from over US \$400 million in 1984 to almost US \$1 billion dollars in 1989. As of 1985, Ghana became the model in Africa for using the IMF and World Bank's advice to defeat economic decline.⁶¹ Additionally, Rawlings decided to embark on a second structural adjustment program in 1986, which sought to restructure the banking system and determine the currency's value through a weekly auction.⁶² The cedi became a completely convertible currency, and previous informal sector activities in the country began to subside. By the end of the 1980s, Rawlings and the PNDC government had improved the country's economy through the renewal of growth, the end of budgets crises, and preventing the balance of payments

⁵⁸ Bratton, Lewis, and Gyimah-Boadi, 233.

⁵⁹ Gocking, 193.

⁶⁰ Ibid., 194.

⁶¹ Ibid., 195.

⁶² Ibid., 196-197.

problem that normally occurred when the market price of exports declined.⁶³ The PNDC also made a large attempt at implementing essential infrastructure, such as roads, irrigation projects, and reforms in education.⁶⁴ Despite these benefits, the long-term debt of the country doubled from 1983 to 1987.⁶⁵ By choosing to accept the economic prescriptions of the IMF and World Bank, Ghana established a better relationship with the Western capitalist world and achieved economic progress. Although the country experienced a larger long-term debt, these loans proved necessary to Ghana's development.

Opposed to Ghana's somewhat positive experience with structural readjustment programs during the 1980s, Nigeria faced a major decline in the price of oil and less effective structural readjustment programs. Following the 1970s, the oil boom no longer existed and political corruption became more apparent. Although President Shagari aimed to restructure the economy and detract from relying on imports in 1981, the political elites continued to steal from public funds. Shagari also left behind about US \$16 billion dollars of foreign debt.⁶⁶ As of 1985, forty four percent of the country's entire export revenue went into addressing this debt.⁶⁷ The IMF wanted Nigeria to accept a bridging loan of US \$5 billion with harsh conditions in order to overcome this deficit. Unfortunately, the loan would make the Nigerian economy more susceptible to Western imports and increase the poverty of its people. Buhari, the president following Shagari, remained unwilling to accept the IMF and Western donor countries' prescriptions. Thus,

⁶³ Ibid., 198-199.

⁶⁴ Ibid., 196-197.

⁶⁵ Ibid., 199.

⁶⁶ Okonta and Douglas, 30.

⁶⁷ Ibid., 31.

international and banking interests slowly eased him out of power and implemented Babangida in his place. Once in power, Babangida installed the structural adjustment program of 1986 that devalued the naira, took away subsidies on essential social services, and began the privatization of government-owned companies. Despite the aims of the IMF to aid Nigeria's failed economy, this program proved unsatisfactory and greatly impacted the urban poor and millions in the rural areas.⁶⁸ Although Nigeria also implemented a Western structural adjustment program, it proved inferior to those assigned to Ghana. Coupled with the declining price of oil, the structural program further underdeveloped the nation.

Despite Nigeria and Ghana's similar histories of political instability and corruption in the post-independence periods, Ghana's less nonviolent nature, eventual success with structural adjustment programs, and ability to develop democracy before discovering oil placed the nation in a more preferable position for producing this valuable commodity in a human rights framework. Nigeria's discovery of oil before independence allowed this resource to dictate politics and exacerbated the economic and ethnic inferiorities of the country. The Biafran War created further ethnic tensions and exposed oil's importance to the ruling politic elites, who were also the majority ethnicities. With oil on the radar as the key to political power and economic wealth by the 1990s, the Nigerian government would soon face the discontent of the Ogoni minority of the Niger Delta, who experienced environmental, political, and economic oppression from oil production.

⁶⁸ Ibid., 31-32.

The Ogoni Uprising: A Model for Civil Society Activism Against Multinational Corporations and Corrupt Government Systems

As the leader of the Movement for the Survival of the Ogoni People (MOSOP), Ken Saro-Wiwa directly faced the corrupt central government system that existed in Nigeria in the 1990s. He established MOSOP in 1990 in order to fight for the rights of the Ogoni ethnic minority (a population of about 500,000) and create awareness of the political corruption in the country and its connection to oil revenue. Eventually, Saro-Wiwa's social and political activism led to his unlawful execution at the hands of the federal government of Nigeria and its complicit partner Shell Petroleum Corporation. The oppression of the Ogoni people by the ethnic majorities who rule the nation as well as the multinational oil corporations operating in their land provide examples of the economic and political inequality that has persisted in Nigeria since the colonial period. With the advent of commercial production of oil in the Niger Delta came much wealth that only the political elite and the oil companies, such as Shell, enjoyed. In opposition to the oil revenue that these two parties received, the native people of Ogoniland were left with human rights violations such as a polluted environment, inadequate infrastructure, and political and multinational oppression that inhibited the community from developing.

When Ken Saro-Wiwa realized the need to mobilize the Ogoni people and create a nonviolent movement to confront the federal government, the political elite and Shell responded ineffectively to the demands of Saro-Wiwa and the Ogoni people, as well as fought back with violence. The human rights discourse led by Ken Saro-Wiwa and the state's repressive response to this movement demonstrate how the production of oil in Nigeria fueled political corruption and exacerbated the economic exploitation, interethnic rivalry, and political marginalization that still perpetuates in Nigeria. By looking at the

MOSOP movement as an effective way to voice the human rights concerns of civil society, Ghana can aim to create a similar organization in order to prevent the ‘oil curse’ that Nigeria experiences.

Throughout history, the British and the Nigerian federal government have forced the ethnic minority population of the Ogonis (who currently reside in the Niger Delta) to move against their will and divided up this ethnicity into different administrative regions. As Ken Saro-Wiwa, a political activist from the Ogoni minority, writes in his book A Month a Day and Letters, “the advent of British colonialism was to shatter Ogoni society and inflict on us a backwardness from which we are still struggling to escape.”⁶⁹ Saro-Wiwa discusses how British colonialism led to Nigeria’s current domestic colonialism and the implementation of administrative structures.⁷⁰ Under British colonial rule, two hundred different people and cultures were brought under a single administration for the first time in 1914.⁷¹ The British placed the Ogoni into different administrative units throughout their governance, regardless of the desires of the Ogoni people: the division of Opobo in 1908, the Rivers Province division of 1947, and the 1951 division into the Eastern Region. Finally, the Ogoni were moved from Eastern jurisdiction to the Rivers State in 1967 by the Nigerian federal government.⁷² This system of forced administrative division continued following political independence in 1960 because the new political elite of Nigeria assumed the colonial government’s role. One can attribute the ubiquitous

⁶⁹ Saro-Wiwa, 50.

⁷⁰ Ibid., 50.

⁷¹ Ibid., 124.

⁷² J. P. Ifedi and J. Ndumbe Anyu, “ ‘Blood Oil,’ Ethnicity, and Conflict in the Niger Delta Region of Nigeria,” *Mediterranean Quarterly* 22, no. 1 (2011), 87, <http://muse.jhu.edu>.

military dictatorships in the country to this inherited system.⁷³ Saro-Wiwa comments on the current division of the country as one in which some ethnic groups are split into several states, while other ethnicities are forced to live together under one administrative system.⁷⁴ Therefore, the successive ruling governments of Nigeria have operated against the wishes of the Ogoni people and forced them to live in a variety of administrative divisions that do not allow them to experience adequate political representation as an ethnic minority.

Despite receiving political independence in 1960, Nigeria, and in particular the people of Ogoniland, continue to experience oppression from the Federal Government of Nigeria and do not receive a sufficient amount of the oil revenue that comes from their land. The Nigerian constitution created a stronger central government and left the minority ethnicities vulnerable economically and culturally:

...It vested the entire mineral resources in the country in parliament to share as it pleased. In a situation where the ethnic minorities provided most of the mineral resources (oil) and yet were a minority in parliament...there was no way the ethnic minorities...could protect their great inheritance.⁷⁵

Therefore, ethnic minorities such as the Ogoni population could not claim ownership of the valuable natural resources in their regions.

During Ken Saro-Wiwa's political activism, Ibrahim Babangida served as the military ruler of the country and ran a corrupt regime that exploited the Ogoni people. He relocated the resources of the Niger Delta from the Ogoni and other ethnic minorities

⁷³ Saro-Wiwa, 124.

⁷⁴ Ibid., 44.

⁷⁵ Ibid., 42.

to the ethnic majorities, such as the Hausa-Fulani, the Igbo and the Yoruba.⁷⁶ In 1993, Babangida and his cronies created the *Treason and Treasonable Felony Decree* that would issue the death penalty to anyone who

...Conspires with himself to 'utter' the words 'ethnic autonomy' or plans secession or seeks to alter the boundaries of any local government or state previously decreed by the military authorities.⁷⁷

By implementing this policy, Babangida did not leave room for the ethnic minorities to fight for their political rights, unless they wanted to face serious repercussions.

Babangida's administration used the inability of the masses to mobilize and the avarice of the elite in order to exploit the people of Nigeria, squander the country's assets, and further the nation's debt.⁷⁸ Thus, the political corruption of the military regimes in Nigeria left the minority ethnic groups without political and economic rights or the ability to voice their concerns on these matters.

In connection with the political corruption that permeated Nigeria during the early 1990s and continues to exist today, the concentration of oil wealth into the pockets of the political elite did not provide an adequate allocation of these funds to build infrastructure in the country. In his memoirs, Ken Saro-Wiwa acknowledges this discrepancy on the way to Benin City:

...The fact that in this rich, oil-bearing area, the roads should be so rickety, while in the north of Nigeria, in that arid part of the country, there were wide expressways constructed at great cost with the petrodollars which the delta belched forth.⁷⁹

⁷⁶ Ibid., 69.

⁷⁷ Ibid., 107.

⁷⁸ Ibid., 38.

⁷⁹ Ibid., 17.

Therefore, while the Ogoni people and the other ethnic minorities of Southern Nigeria experienced a lack of infrastructure, the majority ethnicities and political elite of the North reaped the benefits of oil production. One can see an example of this regional inequality in Saro-Wiwa's brother's office. Owens Saro-Wiwa, a medical doctor who set up a health clinic at Bori, lacked infrastructure such as electricity, telephone access, or pipe-borne water at his clinic.⁸⁰ Built during the colonial period, Saro-Wiwa's prison at the time of his detention illustrated the misappropriation of oil money as well. Saro-Wiwa commented, "You can tell the state of a nation by the way it keeps its prisons, prisoners being mostly out of sight."⁸¹ At the same time, the children of Ogoniland did not go to school, could not find jobs, and their ethnic language was slowly dying from the curriculum those who went to school were taught.⁸² Witnessing the inability of the federal government of Nigeria to properly distribute money to the Ogoni people, Saro-Wiwa fought to address and fix these issues.

In the *Ogoni Bill of Rights*, drafted by Ken Saro-Wiwa and other leaders of the MOSOP movement, the people of Ogoniland explicitly stated their claims of how the federal government had failed to provide their community with satisfactory resources, as well as contributed to the degradation of their environment. The chiefs and people of Ogoni met in 1990 to compose the *Ogoni Bill of Rights* and presented this document to the Federal Republic of Nigeria during the same year. In the *Bill of Rights*, the Ogoni people stated that the federal government seized the rights of the Ogoni people that

⁸⁰ Ibid., 12.

⁸¹ Ibid., 159.

⁸² Ibid., 51.

should have been reinstated following the end of British colonialism.⁸³ The division of the country into 30 states with 600 local governments in 1991 was a strategic move of the Babangida regime to keep the minority ethnicities oppressed and allowed the majority ethnic groups to usurp their valuable resources.⁸⁴ Since the first discovery of oil at Bomo (dere) in 1958, an estimated US \$100 billion dollars of oil has been removed from the land, without equipping the area with proper pipe-borne water, electricity, many roads, adequate schools, or industry.

In addition to addressing the ethnic tension in and poor infrastructure of the Niger Delta, the *Bill of Rights* also acknowledged the increasing pollution associated with oil production and the corruption of the multinational oil companies and military dictatorships that have assumed power. The ecological degradation related to oil has killed native wildlife, made fish become a rare source, and replaced the mangrove tree (home to many sea creatures) with futile plants.⁸⁵ The military dictatorships have continually kept the ethnic minorities inferior through secretly altering the laws of the constitution, resulting in a different constitution than the one drafted at the time of independence.⁸⁶ The Ogoni receive no representation in all institutions of the federal government and the Shell Petroleum Development Company of Nigeria Limited does not employ Ogoni people.⁸⁷ Thus, the Ogoni Bill of Rights claimed that oil production in the Ogoni territory had left the community more underdeveloped than before its operation,

⁸³ The Movement for the Survival of the Ogoni People, "Ogoni Bill of Rights," (Port Harcourt: Saros International Publishers, 1992), 1.

⁸⁴ Ibid., 2.

⁸⁵ Ibid., 3.

⁸⁶ Ibid., 4.

⁸⁷ Ibid., 5.

through environmental degradation, political and economic marginalization based on ethnicity, and usurping the resources and wealth of the land.

Apart from focusing on only the claims of the Ogoni situation, the *Ogoni Bill of Rights* also listed a set of demands that they intended to achieve through presenting this document to the Federal Government of Nigeria. Among these demands, the Ogonis called for political control of Ogoni affairs by Ogoni people; the right to use a portion of economic resources for development; adequate and direct representation in all Nigerian national institutions; the use of Ogoni languages; the development of culture, religious freedom, and the right to protect their environment.⁸⁸ Therefore, they realized the absence of basic human rights for their minority. In particular, the right to better political representation would allow the Ogonis to advocate their environmental, cultural, and economic demands. The Ogoni people also recognized that they needed the aid of the international community in order to combat the corrupt political regime and especially the multinationals operating in their home:

...Without the intervention of the international community, the Government or the Federal Republic of Nigeria, the ethnic majority will continue these noxious policies until the Ogoni people are obliterated from the face of the earth.⁸⁹

Although the demands of the Ogoni people were not outlandish, they understood that the international community would prove necessary in order to fight against the ruling governmental and multinational groups of Nigeria.

Despite the *Ogoni Bill Of Rights* statement of reasonable demands to address their inequality in Nigeria, the Nigerian Federal Government responded inadequately with the

⁸⁸ Ibid., 6.

⁸⁹ Ibid., 7.

establishment of the Oil Mineral Producing Area Development Commission (OMPADEC) in 1992 and the Niger Delta Development Commission (NDDC) in 2000. Apart from these official responses to the Ogoni Uprising, the government created different states in the Niger Delta in order to assuage the conflict in the area: it created the Akawa-Ibom, Delta, and Bayelsa states in 1987, 1991, and 1996 respectively.⁹⁰ Following the non-fulfillment of the Niger Delta Development Board, the River Basin Development Authority, and the previously mentioned state creation, President Babaginda implemented OMPADEC in 1992 by Decree 23. This program aimed to contribute three percent of government revenue from the previously insufficient one and a half percent to the oil-producing areas. Originally established to serve as an arbitrator between the oil companies and the communities where they operated, OMPADEC failed to meet this expectation and became a corrupt program.⁹¹ The presidency served as the only supervising authority, and therefore, unsurprisingly, Claude Ake, a development expert critiqued the program for its “over centralized” character.⁹² When a team from the World Bank studied the effects of the program upon the region, they found it did not focus enough on ecologically sustainable development and did not possess enough personnel to meet environmental goals. Additionally it lacked long-term planning, project assessment and maintenance, and did not include input from the communities affected on how to approach development.⁹³ OMPADEC only provided pipe-borne water and

⁹⁰ J. Shola Omotola, “From the OMPADEC to the NDDC: An Assessment of State Responses to Environmental Insecurity in the Niger Delta, Nigeria,” *Africa Today* 54.1 (2007), 74, <http://muse.jhu.edu/journals/at/summary/v054/54.1omotold.html>.

⁹¹ *Ibid.*, 79.

⁹² Okonta and Douglas, 33-34.

⁹³ *Ibid.*, 33.

electricity to some villages and mismanaged most of its wealth. Thus, the commission's corrupt nature and lack of infrastructure did not allow it to provide effective aid to the Ogoni community.

One can see examples of OMPADEC's corruption through its authoritative leaders and its actions during Ken Saro-Wiwa's trial. One of the program's first sole administrators, Professor Eric Opia, was dismissed in 1998 because he could not explain the absence of US \$80 million dollars of OMPADEC's money. The program was known "...for its wastefulness, massive mismanagement and corruption."⁹⁴ Eventually, Opia was charged with embezzling US \$200 million, which can be attributed to the lack of regulations of the program. Although the Assistant Inspector General of Police Alhaji Bukar Ali succeeded Opia, as a native northerner, he did not represent the Ogoni community. As a result, this appointment made OMPADEC more political.⁹⁵ Another example of OMPADEC's corruption exists in the bribing of two prosecution witnesses at Ken Saro-Wiwa's trial by senior Shell and OMPADEC officials to testify against Ken Saro-Wiwa and accuse him of involvement in the murder of four Ogoni chiefs in 1994.⁹⁶ Shell later denied that it partook in this example of corporate and political corruption.⁹⁷ Although the Nigerian federal government aimed to appease the Ogoni situation through the creation of OMPADEC, the program misappropriated funds and became a corrupt and politicized organization.

In 2000, the Federal Government of Nigeria set up the Nigeria Delta Development Commission in order to compensate for the failure of the OMPADEC and

⁹⁴ Omotola, 79.

⁹⁵ Ibid., 80.

⁹⁶ Okonto and Douglas, 35.

⁹⁷ Ibid., 36.

further help the people of the oil-producing region. Although Olusegun Obasanjo visited the Niger Delta during his campaign for president in 1999 and pledged to create a program for the people of the Delta, he established the NDDC in 2000 without the consultation of the people of the region.⁹⁸ In the bill for the NDDC, it stated

...That the federal government would contribute the equivalent of fifteen percent of the total monthly statutory allocation due to member states of the commission from the federation account.⁹⁹

Not only did the bill demand the redistribution of funds from the government to the people of the Niger Delta, but it also stated that the oil producing companies must pay three percent of their annual budget to the communities.¹⁰⁰ Even though the program did execute 810 projects in different sectors of the delta between 2002-2003, evaluating the effectiveness of the NDDC proves difficult because there does not exist independent studies of the benefit of the NDDC projects, only those by interested parties.¹⁰¹ Despite the reliance upon biased studies, the widespread opinion claimed that the program was “underproductive and ineffective.”¹⁰² Testimonies to the insufficiency of the NDDC include the ongoing conflict and ethnic militias in the area, the inability of the oil companies to contribute three percent of their annual revenue to the communities, prevalence of corruption, and the NDDC’s change of leadership three times in less than six years.¹⁰³

Although the NDDC provided more aid to the Niger Delta than the OMPADEC, the program still proved unsatisfactory. Therefore, the Nigerian federal government

⁹⁸ Omotola, 80.

⁹⁹ Ibid., 81.

¹⁰⁰ Ibid., 81.

¹⁰¹ Ibid., 81-82.

¹⁰² Ibid., 83.

¹⁰³ Ibid., 84-85.

remains unable to produce a sufficient response to the Ogoni situation, despite its moderate progress from OMPADEC to the NDDC. As J. Shola Omotala writes in “From the OMPADEC to the NDDC,” Nigeria must divorce from its state-centered approach towards addressing the situation in the Niger Delta and look to the a more community-based method.¹⁰⁴ One of the greatest challenges facing Nigeria remains the need to transform the nature of the Nigerian state into a more developmental and productive body that stays independent of “...vested interests.”¹⁰⁵ By divorcing itself from its current rent-seeking character, the state will become more capable of creating sound policies and implementing parameters.¹⁰⁶ Through implementing programs that focus on the opinions of the people effected by the devastation of oil production rather than the perspective of the state, Nigeria can better respond to Ogoni situation.

Not only did the state establish inadequate policies to aid the Ogoni people, but Shell’s complicity with the Nigerian government and responses to the concerns of the Niger Delta community proved detrimental and insufficient as well. The London-based corporation contributed to the extreme environmental degradation of the Niger River Delta, without even providing its inhabitants with decent facilities or jobs. MOSOP contested that the multinational oil giant usurped US \$30 billion from Ogoniland since 1958. In exchange for the immense oil revenue seized by Shell Corporation, one can see the prevalence of poverty, underdevelopment, and nonexistence of fundamental infrastructures such as electricity, hospitals, roads, or pipe-borne water. Quoting from a MOSOP publication:

¹⁰⁴ Ibid., 85.

¹⁰⁵ Ibid., 86.

¹⁰⁶ Ibid., 86.

In the 35 years, Shell have [sic] operated with such total disregard of the environment that the Ogoni people have come to the conclusion that the company is waging an ecological war on them... the response of Shell has been to appeal to the rules of Nigeria for whom oil means a lot of money in private pickets and in the public purse.¹⁰⁷

Therefore, the Ogoni people identified the role of multinational corporations and their political collusion that kept this ethnic minority oppressed. Although Shell argued that fifty to sixty percent of oil spills in 1992 that led to environmental pollution were caused by vandalism, MOSOP disputed that Shell operated its oil production with outdated equipment.¹⁰⁸ Since the beginning of its participation in Nigeria's oil sector, Shell Corporation's collaboration with the Nigerian government furthered the underdevelopment of the Niger Delta. As a civil society organization opposing the over-centralized government, MOSOP fought to voice the persecution they endured under these two ruling bodies.

In 2009, Shell finally agreed to pay compensation for the execution of Ken Saro-Wiwa, but continued to deny its direct participation. Jennie Green, a lawyer for the Centre for Constitution, embarked on this lawsuit in 1996 in order for the Ogoni people to receive some justification for the human rights violations endured by this ethnic minority. Green said:

This was one of the first cases to charge a multinational corporation with human rights violations, and this settlement confirms that multinational corporations can no longer act with the impunity they once enjoyed.¹⁰⁹

¹⁰⁷ Claude E. Welch Jr., *Protecting Human Rights in Africa: Roles and Strategies of Non-Governmental Organizations* (Philadelphia: University of Pennsylvania Press, 1995), 114.

¹⁰⁸ Ibid., 114-115.

¹⁰⁹ Ed Pilkington, "Shell Pays Out \$15.5m Over Saro-Wiwa Killing," *The Guardian*, June 9, 2009, <http://www.guardian.co.uk/world/2009/jun/08/Nigeria-usa/print>.

Despite the progress made through the pay out of US \$15.5 million over Saro-Wiwa's execution, the multinational oil corporation and its Nigerian Subsidiary Shell Petroleum Development Company still deny the allegations against them. The accusations against the corporation include complicity with the Nigerian government to capture and hang nine of the Ogoni leaders, killing and torturing protesters, as well as supplying the Nigerian army with arms and vehicles to bring terror to the Niger Delta villages. In response to the payout, a Shell director, Malcolm Brinded, responded "while we were prepared to go to court to clear our name, we believe the right way forward is to focus on the future for Ogoni people."¹¹⁰

Through this settlement, US \$5 million will be allocated to finance educational initiatives in the region. In comparison to the supposedly US \$30 billion take from the Ogoniland since 1958, the dismal US \$15.5 million payment from Shell proves insubstantial in light of the corporation's violations of human rights. This settlement also represents the end of Ken Wiwa Jr.'s (the son of Ken Saro-Wiwa) fourteen-year fight against the corporation. Although Shell's settlement symbolizes progress in international corporate social responsibility, the country still operates in and owns about ninety oil fields throughout Nigeria.¹¹¹ The inadequate sum paid to the Ogoni community in compensation for the nine executions and the amount of time taken to agree upon a payout prove Shell's marginalization of the Ogoni community.

In addition to the insubstantial funds Shell intends to allocate to the Ogoni people for its underdevelopment of the Niger Delta, the United Nations Environment Programme (UNEP) discovered that the environmental degradation of Ogoniland persists and Shell's

¹¹⁰ Ibid.

¹¹¹ Ibid.

measures taken to aid the region remain unacceptable. The *UNEP Environmental Assessment Report of Ogoniland* from 2011, brought to light the continuous pollution of the region since oil production began in the late 1950s. In fourteen months, the UNEP team of experts analyzed over 200 locations, 122 kilometers of pipeline, examined 5,000 medical records and communicated with over 23,000 people at local gatherings. After thorough investigation of the Ogoniland environment, the team concluded that the ecosystems have undergone serious devastation and the contamination of water in numerous areas of the region threatens the health of the Ogoni people.¹¹² Although the oil industry remains inactive in Ogoniland, oil spills continue regularly. With a heavy rainfall occurring in the area, any prolonged clean up to an oil spill results in water seeping into creeks and farmlands. Aside from water contamination, soil contamination persists in Ogoniland as well. In forty-nine case studies, the UNEP team discovered hydrocarbons in the soil as deep as five meters.¹¹³ Additionally, the intermittent pollution of the creeks deteriorates the mangrove population that serves as home to the fish of the region that feed the Ogoni people. With an extreme exposure to petroleum hydrocarbons in the air and drinking water, it comes as no surprise that the average life expectancy in Nigeria is less than fifty years.¹¹⁴ Despite the flagrant environmental pollution discoveries caused by the operation of the oil industry in Ogoniland, the Shell Petroleum Development Company (SPDC) does not provide the region with effective aid in rehabilitation. Aside from not applying the proper maintenance to and dismantling

¹¹² *UNEP Environmental Assessment Report of Ogoniland*. (Nairobi: United Nations Environment Programme, 2011), http://postconflict.unep.ch/publications/OEA/UNEP_OEA.pdf, 6.

¹¹³ *Ibid.*, 9.

¹¹⁴ *Ibid.*, 10.

measures for oilfield infrastructure, Shell's remediation methods prove inadequate and are only implemented on the land surface layer. Studies show that contamination often perforates deeper than five meters and can reach groundwater.¹¹⁵ Therefore, the *UNEP Environmental Assessment Report of Ogoniland* exposes the long-term economic degradation of the area and how the multinational corporation who contributed to the region's demise remains unsuccessful in offering sufficient aid.

Despite the economic exploitation, political oppression, and environmental degradation that the Nigerian government and the Shell Corporation created in the Niger Delta, the MOSOP movement and its appeal to the international community can serve as a positive model for civil societies in oil-producing nations to follow. MOSOP succeeded in voicing its case to international human rights group throughout the world, such as Unrepresented Nations and Peoples based in Holland, the International Federation for the Rights of Ethnic, Linguistic, Religious and Other minorities based in New York, and Amnesty International.¹¹⁶ In the summer of 1993, MOSOP members also attended the Vienna World Conference on Human Rights, the Geneva meetings of the Committee on Racial Discrimination, and the UN sub-commission on the Prevention of Discrimination and Protection of Minorities. Through these meetings, MOSOP achieved wide circulation of their documents and arguments against the Nigerian government. As MOSOP exhibits through its ability to raise international awareness: "...Indeed, though individual NGOs may be small and weak, they need not be isolated. A chorus of voices can be raised globally literally within hours."¹¹⁷ Ghana can learn from MOSOP's impact

¹¹⁵ Ibid., 12.

¹¹⁶ Welch, 115-116.

¹¹⁷ Ibid., 116.

on national-state policies as a human rights organization and how civil society can articulate and advocate for solutions in an oil-producing nation.

As Ken Saro-Wiwa's MOSOP movement, and the state and corporate responses to the Ogoni people's demands illustrate, corruption pervades the Nigerian governmental system and leaves the minorities and civil society of the oil-producing regions in a perpetual state of underdevelopment. The Ogoni Uprising serves as an example of the building frustrations of the minorities that have suffered from injustice since the arrival of Europeans in Western Africa hundreds of years earlier. The discovery of oil in the then newly independent country only exacerbated the issues of inter-ethnic tensions and competition, unequal economic distribution, and political corruption rampant in the region. Currently, Nigeria remains a country still unable to overcome the negative effects of oil production, such as environmental degradation, impoverishment, a mono-export economy, and political corruption. With the ability to look to the character of state rule, in particular its relationship to Shell's complicity, Ghana should realize the role of multinational corporations for pitfalls of militarization and centralization. MOSOP provides an exemplary model of a civil society organization that gained the attention of international NGOs and human rights organizations to aid them in their crusade against Shell and the Nigerian government. Additionally, MOSOP demonstrates the positive effects of mobilizing citizens to become politically active in the construction of their nation's policies. While Nigeria's experience with the 'oil curse' presents a negative model of oil production for Ghana not to imitate, Ghana can learn from the effectiveness of MOSOP as a civil society organization to also account for what constitutes good governance in the oil-producing nations.

Can Ghana Avoid the ‘Oil Curse?’

In comparison to Nigeria’s “negative” model for oil production and nation building, Ghana already appears better suited to deal with the dangers associated with oil in a developing country. With a stable democracy in place before oil production began, the country shows promise for avoiding Nigeria’s previous non-democratic forms of rule, particularly the level of corruption association with this system. In addition to this factor, the export economy of Ghana proves more diverse than that of Nigeria. With oil accounting for ninety percent of the country’s export revenue, Nigeria cannot afford decreasing global prices of oil and must rely on this commodity for the prosperity of its nation. Opposed to this mono-export economy, Ghana shows potential to avoid the ‘Dutch disease,’ which occurs when a country becomes economically vulnerable through a reliance on one export. Ghana’s diversified economy includes exports such as its valuable gold, cocoa, and agricultural sectors. Additionally, the multinational oil company, Tullow, invests in the educational development of Ghanaians, and therefore, the country enjoys a mutually beneficial relationship with the Irish corporation. With a stable democracy, diversified and liberalized economy, as well as a healthy partnership with the largest operating multinational company in the country: Tullow, Ghana possesses important qualities that will allow it to develop oil production within a human rights framework.

Despite Ghana’s apparent advantages to prosper with oil, the country exhibits some similarities of Nigeria’s path to production. As the Ogoni Crisis illustrates, Nigeria blatantly ignored the concerns of civil society regarding the oil sector and the wishes of the minority ethnicities living in the Niger Delta. Unfortunately, Ghana has not accepted

the demands of the minorities living in the oil production region and has not provided civil society with a large voice in the drafting of certain bills. Recently, the country also took out sizeable loans from the World Bank and the China Development Bank, which creates a large deficit that needs proper management. Although Ghana's stable democracy, lack of violent political opposition and corruption, diversity of exports, and macroeconomic policies place the country in a favorable position for producing oil successfully, the country must implement important policies to experience its full potential. By drafting the necessary regulatory framework, listening to the constructive dialogue of its civil society, and spending its foreign loans wisely, Ghana can diverge from Nigeria's example and create a human rights model of oil production in Africa.

Ghana's peaceful and stable system of democracy since the elections of 1992 give the country an advantage of avoiding the political corruption that Nigeria faced with the onset of oil production. As noted in Chapter II, Ghana was one of the first African countries to gain independence from its British colonizers and experienced a series of military coups until the creation of multi-party democracy in 1992. Since this date, Ghana remains one of the most stable countries in West Africa. The country witnessed two successful transitions of government following the 2000 and 2008 elections, with the second election resulting in a difference of less than 50,000 votes or about .5% of the total votes between the opposing parties.¹¹⁸ The country possess two dominant parties, the New Patriotic Party (NPP) and the National Democratic Congress (NDC), which have earned ninety-three percent of the vote in the first round of the 2000 election and over

¹¹⁸ Paul Wallace, "Supplement: Ghana-Introduction-Ghana vows to avoid oil curse," *The Banker*, (July 1, 2011), <http://0-go.galegroup.com...>

ninety-seven percent of the presidential votes in 2004 and 2008.¹¹⁹ As positive examples of inter-party transitions, both of these parties have lost elections and conceded without protest during recent elections.¹²⁰ Therefore, the opposing parties in Ghana receive recognition and respect throughout election processes, which suggests nonviolent transitions in the future.

By developing a relatively strong democracy and civil society prior to producing commercial amounts of oil, Ghana already shows more favorability for creating a better oil production model than Nigeria.¹²¹ As Alhassan Andani, head of Stanbic Bank Ghana, a subsidiary of Standard Bank, says, “In countries that haven’t truly benefited, where people talk of the oil curse, they discovered oil at a time when governance was weak and unstable.”¹²² Due to the establishment of an accountable democracy, unexplained oil wealth in the hands of the political elite will lead to suspicious voters. Thus, there exists a civil society able to question the actions of a potentially corrupt government, society realizes that they possess the ability to remove and implement governments depending on the effectiveness of its governance.¹²³

Although the Ghanaian citizens’ capability of challenging good governance persists, history shows that a need to hold the government accountable does not exist. Aside from global indicators such as Carothers projecting Ghana as one of the twenty countries “en route to becoming successful, well-functioning democracies” in 2002, the Afrobarometer survey concludes that Ghanaians are more reassured with its nation’s

¹¹⁹ Donald Teitelbaum, “What’s So Special About Ghana?” *The Ambassadors Review*, (Fall 2009), 31, <http://www.ciaonet.org>.

¹²⁰ Ibid., 31.

¹²¹ Wallace, 99.

¹²² Ibid., 99.

¹²³ Teitelbaum, 32.

democracy than other African countries.¹²⁴ Between 2000 and 2005, the level of satisfaction rose about sixteen percentage points.¹²⁵ With stable and peaceful democracy and elections, a civil society that can stand-up to the government, and both African and global standards for good governances indicating the country's achievement, the Ghanaian government possesses the tools to deal with potential oil-related corruption by several standards.

Despite oil production's addition to the heatedness of the upcoming 2012 elections, Ghana's forecast still remains nonviolent. The December elections of 2012 are predicted to be competitive, with the current administration ultimately receiving a narrow win.¹²⁶ Nana Akufo Addo, the NPP's presidential candidate, will aim to win back party dominance from current president John Atta Mills and the NDC party after the NPP's removal from government in 2008. With oil production still in its beginning phase during the election period, it will greatly factor into the heightened political atmosphere. In this face of incoming oil revenue into governmental funds, there exists the potential of a less understanding loser and violent occurrences. Even with this increased likelihood of violence, Ghana's well-established democratic process still makes this result doubtful.¹²⁷

The West Africa Conflict Assessment (WACA) conducted by the West African Network for Peace building non-governmental organization did stress Ghana's heightened risk of election-induced violence in 2012. Despite this prediction, the Assessment still maintained that the probability of large-scale violence remained low. Due to the threat of oil creating a more violent atmosphere, the parties agreed to a media

¹²⁴ Moss and Young, 2-3.

¹²⁵ Ibid., 3.

¹²⁶ *Country Report: Ghana*. (London: Economist Intelligence Unit, 2011).

¹²⁷ Ibid.

code in August 2011 as well. The code stipulates that the opposing political parties must adhere to a certain Code of Ethics that condemns abusive and threatening language during media interviews. The aim of the code is to reduce political tension in the media between opposing parties and prevent violence stemming from this.¹²⁸ Although the production of oil adds to the potential for political violence, Ghana's recent stable democratic history and the precautionary measures taken to ensure fair and free elections suggest that this outcome is highly unlikely.

In addition to Ghana's democratic government indicating its predisposition to overcome the 'oil curse' of Nigeria, the nation's macroeconomic policies, economic growth, and diverse exports give Ghana a greater advantage to effectively establish the oil sector. Beginning with the economic reforms of 1983, Ghana developed a more liberalized economy, diversified its economy, experienced higher economic growth, and attracted greater investment. All of these factors associated with economic progress serve as democratic indicators as well. Additionally, the nation promotes privatization, abolished most price controls, and reduced the existing barriers in business.¹²⁹ Between 2008 and 2010, Ghana experienced a shrink in the deficit from fifteen percent to eleven percent. Despite this trend of decreasing budgets, the government started to increase foreign loans with the onset of oil production. This resulted in an increase of debt from thirty-one percent of GDP in 2006 to forty-eight percent in 2010. Even with this reversal in the deficit, the majority of analysts conclude that the government's frugal spending plans and future oil revenues will allow that number to prove sustainable.¹³⁰

¹²⁸ Ibid.

¹²⁹ Moss and Young, 3.

¹³⁰ Wallace, 100.

The Ghanaian economy continues to experience growth since the beginning of the millennium, low inflation, an increase in foreign direct investment, and a decrease in poverty as well. The GDP grew from 4.2% in 2001 to 7.3% in 2008. Although the global economic crisis led to a decreased growth rate of 4.7% in 2009, the economy began to climb to 5.9% in 2010.¹³¹ According to the World Bank in 2009, Ghana's growth rate over the past decade averaged at about 5.1% a year. In addition to a substantial growth rate leading up to oil production, the country's inflation rate remains stable at below fifteen percent since 2004.¹³² Although inflation reached about twenty percent during the global economic crisis of 2009, it fell into the single digits (nine percent) two years later.¹³³ Foreign direct investment increased over the past few decades, with 2007 levels indicated almost thirty times the flow of the early 1990s.¹³⁴ Following the economic reforms of the 1980s, Ghana witnessed a huge growth in poverty reduction too. The percentage of Ghanaians living below the US \$2 a day poverty line dropped from 80% in the late 1980s to 54% in 2006, whilst the poverty in the rest of Sub-Saharan Africa barely dropped at all during this same period.¹³⁵ Therefore, Ghana exhibits progress in macroeconomic policies, which places it in a more attractive position in the global sphere and gives the country the tools to use oil in a more impartial way. With more interested investors and a relatively stable economy, the country will not have to focus on rebuilding a deteriorating financial system in coming years. Instead, it can put more focus on ensuring mutually beneficial investor relationships. A less nationalized and

¹³¹ Stephen Williams, "Black Star, Black Gold," *African Business*, no. 380 (Nov. 2011), 66, <http://0-go.galegroup.com...>

¹³² Moss and Young, 3.

¹³³ Wallace.

¹³⁴ Moss and Young, 3.

¹³⁵ *Ibid.*, 5.

more developed economy will prevent the Ghanaian political elites from following the path of the Nigerian political elite.

Aside from the economic achievements of Ghana over the past three decades, the country's diversified exports and focus on other sectors will allow the nation to avoid dependence upon oil as the sole source of revenue for the country. The country established the Ghana Natural Gas Company in order to address the issue of power shortages that occurs throughout the region. The offshore Jubilee field not only possesses crude oil, but it also may contain substantial amounts of gas that could address this problem.¹³⁶ Opposed to flaring the natural gas produced from the oil extraction, Ghana would like to bring the gas onshore to aid the country's electricity deficit.¹³⁷ Thus, Ghana will now concentrate on the historically neglected power sector of the economy.¹³⁸ Aside from its recent focus on the power sector, Ghana continues to project its desire to steer clear of a mono-export economy. In the words of Kwabena Duffuor, the Minister of Finance and Economic planning: "We have learnt from those who are ahead of us... we have started managing in such a way that we will not suffer the Dutch Disease."¹³⁹ With officials cognizant of Ghana's potential to take a negative turn with the onset of oil production, the country already shows more promise than its oil-driven neighbors.

Ghana's export economy remains robust because of increased attention paid to the agricultural and mining sectors. According to the African Development Bank/Organization for Economic Co-operation and Development's Africa Economic Outlook report, the agricultural sector grew 4.8% in 2010. This sector accounts for one

¹³⁶ Williams, 67.

¹³⁷ Wallace, 99.

¹³⁸ Williams, 67.

¹³⁹ Wallace, 99.

third of GDP and 55% of formal employment as well. Normally, cocoa accounts for one third of all export revenue. Other exports consist of timber, coconut and palm products, shea nuts, and coffee. In July 2011, Ghana's Ministers of Food and Agriculture and Trade introduced AGRIFA 2011, an initiative that aims to increase local agricultural produce for both the Ghanaian and international economies. Additionally, Ghana's gold export mining sub-sector continues to provide substantial revenue for the country, with a growth rate of 13.3% in 2010.¹⁴⁰

Although Ghana's diversified economy will allow it to avoid reliance upon the oil sector, the country's comparably smaller amounts of crude oil will prevent it from its dependence on this export as well. In contrast to the two million barrels of oil pumped in Nigeria everyday, Ghana will only produce 120,000 barrels of oil a day until 2014 at the earliest. Nigeria depends on the oil sector for eighty percent of government revenue and ninety percent of export earnings, which Ghana's relatively small amounts of oil could not provide.¹⁴¹ Therefore, Ghana's awareness of the necessity for a diverse economy to avoid the 'Dutch Disease' that persists in Nigeria paired with the country's small-scale resource discovery will restrain the nation from becoming a mono-export economy.

Aside from the country's diversified economy, Ghana's increased investment and high loans from foreign entities, such as China and the World Bank, will endow the country with more regulatory mechanisms and much needed infrastructural projects. Despite the supposed benefits of securing these loans, much criticism persists. In late August 2011, parliament passed a loan equivalent to US \$3 billion from the China Development Bank. Although the government revised the proposal after facing

¹⁴⁰ Williams, 68-69.

¹⁴¹ Wallace, 99.

opposition in parliament, the stipulations of the loan still remain vague. Intended to finance infrastructural projects under the Ghana Shared Growth and Development Project (such as railways, gas infrastructure, roadways, and a second harbor at Takoradi and the creation of landing sites for fishermen along the coast), the loan still gives the government more flexibility to implement changes to projects without parliament approval. Another controversial element of the Chinese loan stems from Ghana's intention to repay China with future oil revenues. Parliament approved Ghana's use of up to seventy percent of oil revenue to serve as collateralization in international finance. The IMF warns against oil-backed borrowing, and therefore will closely examine Ghana's debt and assess the projects financed by China in order to avoid potential misappropriation of funds.¹⁴² Despite the risk of increasing the nation's debt and misusing the money from China, Duffuor (Minister of finance and economic planning) praises Chinese foreign aid: "They provide huge facilities... if we can get them for our infrastructure projects, why shouldn't we go for them if they're cheap?"¹⁴³ Although the Chinese loan remains controversial with its potential to increase the deficit and its opacity towards the details of its projects, the transportation infrastructure implemented could outweigh these concerns.

A similar loan from the World Bank in 2010 for US \$38 million comes with a set of conditions that plan to contribute to the infrastructure of the country as well. The loan to Ghana goes under the name of the Oil and Gas Capacity Building Project. The two main objectives of the project are to increase transparency and management of the institutions overseeing the oil sector, as well as the development of technical and

¹⁴² *Country Report: Ghana.*

¹⁴³ Wallace, 100.

professional skills to those employed in the petroleum sector. These objectives also include the monitoring of environmental issues associated with the oil industry, by increasing support to the Environmental Protection Agency. The loan will focus on the development of human capital through improved petroleum engineering education, research, and technical skills needed in the oil and gas sector at local institutes, such as the Kwame Nkrumah University of Science and Technology as well. Apart from investing in educational infrastructure and the environment, the World Bank wants to guarantee the participation of civil society in evaluating the government's accountability following oil production. An allocation of US \$2 million will go towards creation of activities led by civil society and community based organizations. According to World Bank Country Direction, Ishac Diwan:

This Project seeks to support the determination of the people of Ghana to make oil a blessing and not a curse. We hope that the support to educational institutions will contribute to Ghana's intention to develop local content and employment in the sector as quickly as possible... we see a big role for CSOs...and it is part of the plan to support capacity building at that level, to enable them to play their part actively as agents of social accountability.¹⁴⁴

Thus, the World Bank's loan to Ghana will implement environmental and governmental regulations, award civil society a greater voice, and invest in the human capital of the country. Opposed to these beneficial conditions associated with the World Bank's financial credit, Nigeria did not experience the necessary regulatory policies outlined by the World Bank, nor did it receive essential infrastructure in its oil sector. Although the foreign lending creates controversy through potential debt increases and misappropriation

¹⁴⁴ "Building Capacity to Manage Ghana's Oil- World Bank Assists with US \$38 Million," *World Bank*, Dec. 20 2010, <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/0,,contentMDK:22794423~menuPK:64282138~pagePK:41367~piPK:279616~theSitePK:40941,00.html>.

of funds, the intended infrastructural and regulatory mechanisms associated with these funds would provide Ghana with the potential to further develop its civil society and economy as a whole.

In addition to the infrastructural benefits that Ghana can achieve through its loan from the World Bank, its partnership with the multinational oil company Tullow will aid in the educational development of the Ghanaian people. This year, Tullow initiated a program called Tullow Group Scholarship Scheme, which aims to develop the skills of local people in order to qualify them for work in the oil industry. The scholarship also hopes to support other sectors, so the country can maintain economic diversification. According to Dr. Joe Oteng-Adjei, the Minister of Energy, the scholarship fund will contribute to the "...country's quest for indigenization of the work force in the oil and gas industry."¹⁴⁵ This year up to fifty scholarship awards are available to Ghanaians, with thirty open to the general public, ten to the indigenes of the western region, and ten to those nominated from important ministries and government agencies employed in areas associated with Tullow's operations.¹⁴⁶ Therefore, Tullow's involvement in the promotion and financing of Ghanaian education in the oil sector proves how the country's relationship with this multinational corporation is mutually beneficial.

Despite the capability of Ghana to successfully execute a human rights model of oil production in Africa, there exists criticism of the country's preparation before oil production and marginalization of civil society in the process of drafting regulatory framework. Although Ghana exhibits many of the necessary attributes for effective oil

¹⁴⁵ "Tullow Oil Launches Scholarship," *Vibe Ghana*, January 25, 2012, <http://vibeghana.com/2012/01/25/tullow-oil-launches-scholarship-scheme/>.

¹⁴⁶ Ibid.

production, the nation could possibly diverge onto Nigeria's negative path of production if it does not focus on its civil society and good governance. During the 25th and 26th of February 2008, Ghana organized the Oil for Development Forum in order to hear the experiences of other oil-producing nations and gather feedback on the development of its oil sector. Unfortunately, only a few representatives of civil society organizations received an invitation to the event. By disregarding the voice of the citizens in the country, Ghana could set itself up for revolts similar to those in Nigeria, which were led by the civil society. In addition to its lack of inclusion at the Forum, civil society also did not receive much consideration in the drafting and reviewing of the National Oil and Gas Policy or the draft of the National Petroleum Regulatory Authority bill. Parliament's passing of the Petroleum Revenue Management Bill in December 2010 also heightened concerns from minorities and political opposition parties who felt marginalized. The minority strongly disagreed with clause five of this bill, which allows the government to use Ghana's future oil reserves as collateral. The adoption of this clause disregarded the opinions of about 80% of Ghanaians as well.¹⁴⁷ Therefore, Ghana's preparations leading up to oil production did not give civil society and the minorities the necessary input in decision-making processes. If the nation does not address the complaints from its citizens, it could create an environment that resembles the political inequality and civil unrest rampant in Nigeria.

Although Ghana's stable democracy over the past two decades, nonviolent political transitions, diversified and liberalized economy, mutually beneficial relationship with Tullow, as well as its attractiveness to foreign investors place the country in a

¹⁴⁷ Van Gyampo, 50-51.

position to avoid the 'oil curse,' its exclusion of civil society from important preparation processes could impede Ghana from its potential. The government needs to listen to the concerns of civil society in order to prevent the Ghanaian oil sector from following the path of Nigeria. If the citizens cannot trust the government to establish transparent policies and include them in the creation of regulatory framework for the oil industry, they will lose faith in the political system. The Ogonis' distrust for the Nigerian government still persists and Ghana has the ability to dodge a similar outcome. Despite Ghana's favorable economic, political, and nonviolent history for executing an effective human rights model of oil production, this result cannot be achieved without taking into account the opinions of civil society.

The Importance of Civil Society: Ghana's Free Press as a Vehicle for Providing Multinational and Government Accountability

Apart from Ghana's favorable conditions for creating a successful human rights model of oil production, such as political stability, democracy, a diversified and liberalized economy, and beneficial foreign aid for development, the country's free press allows for its civil society's accountability of the government and multinational corporation's actions. Unlike most African countries, Ghana's press remains autonomous from the government. This allows the media to publish articles that can report on not only the positive actions of governments and the multinational oil companies, such as Tullow's investment in Ghanaian education, but also the measures not taken by these bodies, such as ignoring the oil sector's effect on the fishing industry. By receiving extensive information on the progress of oil production in the country, Ghanaian civil society possesses a system of checks and balances towards the ruling bodies involved in this process. Freedom of the press also reinforces the values of democracy that prove beneficial and necessary in order to produce oil within a human rights framework.

After analyzing about twenty-four articles between the years 2009 and 2012 from Ghanaian news sources like *Modern Ghana*, *GhanaWeb*, and *Ghana News Agency*, one sees that these three media outlets provide Ghanaian civil society with the information on the mistakes and progress made in the oil industry thus far, as well as the overarching theme of the preventative measures that must be taken to assure successful oil development. Through Ghana's independent media sources, the country maintains a strong civil society that can attain knowledge on the operations of the government and the multinational oil companies in order to judge them through a human rights perspective.

Not until the end of the Cold War in the early 1990s did the African press and journalism become more autonomous. After the Cold War, the media systems experienced a unique chance to restructure themselves.¹⁴⁸ The Cold War stressed the issues of sovereignty and non-interference in Africa that allowed human rights violations to persist. During this period, the Soviet Union and the United States both supplied the recently independent African countries with aid and military assistance, regardless of the country's record of human rights and governance: "Often, the assurance of such patron protection insulated authoritarian regimes from popular accountability and emboldened them to deny basic rights to their citizens."¹⁴⁹ The end of the Cold War led to a shift towards globalization and its neo-liberal economic and political ideals. Attention to human rights and 'good governance' became requirements for the African governments that relied on foreign aid. Although this strengthened African civil society to articulate a human rights agenda, it also created what Larry Diamond calls 'pseudo-democracies,' in which ruling leaders orchestrate political transitions and electoral processes in order to maintain power. Despite Larry Diamond's argument that Ghana exemplifies the characteristics of a 'pseudo-democracy,' the multiple transitions between different leaders since 1992 contradict that categorization.¹⁵⁰ Aside from the post-Cold War's beneficial environment for increasing human rights and restructuring the media systems, it also contributed to the easing of journalist licensing and regulations that existed during

¹⁴⁸ Craig L. LaMay, *Journalism and Emerging Democracy: Lessons from Societies in Transition: A Report of the Aspen Institute International Roundtable on Journalism*, (Washington D.C.: The Aspen Institute, 2001), 1.

¹⁴⁹ John Akokpari, "Introduction: Human Rights Actors and Institutions in Africa," in *Africa's Human Rights Architecture*, ed. by John Akokpari and Daniel Shea Zimble, 1-23. (South Africa: Fanele, 2008), 3.

¹⁵⁰ Akokpari, 3-4.

the war. The countries that maintained these values of journalist approval by the government are former colonial regions such as the Middle East and Africa.¹⁵¹ Thus, the post-Cold War period gave rise to a global emphasis on human rights and good governance, as well as created less restricting conditions for the media systems in developing nations.

Although Africa's free press has made progress in overcoming its restrictions since the end of the Cold War, the continent still faces issues with independent media systems free of government corruption. Despite these obstacles, one can look to Ghana as a model country for effective free press on the continent. In about 15 African countries, there now exist journalist associations and press codes, in which the associations monitor ethical practices of journalism in the country. At a meeting in Windhoek, Namibia in 1991, African journalists under the patronage of United Nations Educational, Scientific, and Cultural Organization (UNESCO) presented a declaration:

...Promoting an independent and pluralistic African Press, and calling for 'development and promotion of non-governmental regulation and codes of ethics in each country in order to defend more effectively the profession and ensure its credibility.'¹⁵²

According to Kwame Karikari, the director for the Ghana-based Media Foundation for West Africa, the African press "...[contains] all the values you can find in the international systems, values of truth-telling, truth-seeking, balance."¹⁵³ Despite these examples of progress in the African media industry, there still exist issues of accountability and corruption in the media. The use of "brown envelope" journalism plagues parts of the continent, says Guy Berger, UNESCO's Director of Freedom of

¹⁵¹ Strasser, 9.

¹⁵² Meyer, 17.

¹⁵³ Ibid., 17.

Expression and Media Development. Defined as journalists accepting bribes for news coverage, “brown envelope” journalism is only one example of the misconduct in the news industry.¹⁵⁴ Most full-time journalists work at state-owned media companies, in which ethics become ignored.¹⁵⁵ Although many of the African constitutions incorporate freedom of the press into its laws, the reality of independent news cannot come into fruition without the implementation of supportive laws.¹⁵⁶ Karikari attributes insufficient pay, poor salaries, and inadequate training to the ubiquity of “brown envelope” journalism in the country.¹⁵⁷ Throughout most of the continent, Africa continues to experience a lack of trustworthy and reliable media systems that are free from government control and unlawfulness.

Unlike the majority of African countries, Ghana possesses a reliable free press that contributes to its powerful civil society. Karikari looks to Ghana as a country where the government remains blocked constitutionally from intervening in the press. For at least a dozen years, the Ghanaian government has been “really quite distant from media work; they don’t interfere.”¹⁵⁸ In turn, the country now possesses a “quite vibrant and independent” media “free of government intrusion...there is no self-censorship.”¹⁵⁹ Although Ghana now experiences freedom of press, the country did not always have this luxury. Ghana’s government used to monitor and dominate the media through designating the boards of directors and editors of the media systems until 1993. During this year, when the government returned to constitutional rule, the National Media

¹⁵⁴ Ibid., 17.

¹⁵⁵ Ibid., 21

¹⁵⁶ Ibid., 18.

¹⁵⁷ Ibid., 20.

¹⁵⁸ Ibid., 21.

¹⁵⁹ Ibid., 21.

Commission was established. Composed of 18 members from different divisions of society, the National Media Commission operates as a sovereign body that now appoints the board of directors and chief executive of every state-owned media company.

According to Kabral Blay-Amihere, the chairman of Ghana's National Media Commission, the group "is a moral instrument...we do not have the power to discipline or sanction anybody."¹⁶⁰ With the ease on licensing regulations that occurred in the 1990s, the owner of a private newspaper only needs to register its title with the commission instead of apply for a license as well. Recently, over two hundred newspapers and journals received registration. Apart from the print and electronic media, broadcasting now possesses over 150 FM radio stations under registration.¹⁶¹ Even though the Ghana Journalists Association, an autonomous group from the government, distributes press cards for journalists, reporters do not need them to work and the government does not care. Ghanaian journalists do not need registration or licensing like other African countries. A 2000 national policy committee commented that Ghana hopes for "a free, independent, dynamic and public-spirited media that will provide access for all, and not only some, of our people..."¹⁶² Blay-Amihere also stressed: "The right to freedom of expression which journalists exercise is a fundamental human right which does not require licensing."¹⁶³ In addition to Ghana recognizing the importance of free press to the civil society presence of the country, the country's Ghana Journalists also hold training seminars and the National Media commission issues guidelines on topics

¹⁶⁰ Strasser, 20.

¹⁶¹ Ibid., 20.

¹⁶² Ibid., 21.

¹⁶³ Ibid., 21.

such as political reporting and election coverage.¹⁶⁴ Therefore, Ghana stands ahead of many of the other African countries in its independent press. Whereas other nations allow their government to dictate the news business, Ghana recognizes the correlation between a free press and the development of human rights.

Through the Ghanaian independent media sources, civil society can keep up with the ongoing oil production in the country and can judge whether or not the government and the oil companies' operations will prove a threat to the citizens' human rights. The press publishes information that provides a negative perspective of the discovery of oil, as well as a positive perspective. Unlike the Nigerian government's and Shell's inability to take the necessary precautionary measures in order to avoid under-developing Ogoniland, Ghana's media sources such as *Ghana News Agency*, *Modern Ghana*, and *Ghana Web* provide articles on the country's steps to prevent the 'oil curse.' Founded in 1957 and as the first news agency started in Sub-Saharan Africa, *Ghana News Agency* prides itself on the "dissemination of truthful unbiased news."¹⁶⁵ Similarly, *Modern Ghana* believes it broadcasts a myriad of Ghanaian perspectives on the breaking news throughout the country.¹⁶⁶ Originally established as a website for Ghanaians living abroad to stay informed about Ghanaian news, *GhanaWeb*'s popularity increased dramatically since its beginning in 1992.¹⁶⁷ Thus, these three online services provide Ghanaians with

¹⁶⁴ Ibid., 21.

¹⁶⁵ "About GNA," *Ghana News Agency*, 2010, <http://www.ghananewsagency.org/aboutgna/about-gna/>.

¹⁶⁶ "About Us," *Modern Ghana*, 2005-2012, http://www.modernghana.com/GhanaHome/mg_services.aboutus.asp?menu_id=11&sub_menu_id=268.

¹⁶⁷ "About GhanaWeb," *GhanaWeb*, 1994-2012, <http://www.ghanaweb.com/GhanaHomePage/aboutus.php>.

frequent news on positive, negative, and preventative actions of the government and multinational corporations operating in the oil sector.

On the *GhanaWeb* and *Ghana News Agency* websites, articles stress the importance of providing other professional opportunities for oil-producing communities that may encounter environmental issues with the onset of this industry. Additionally, they focus on the need to train Ghanaians to work in the oil sector. In an article posted on *Ghana News Agency*, Mr. Abdallah Ali-Nakyea, an Economic Consultant, commented that the most popular livelihood of the people residing in the Western region remained fishing. He suggested aquaculture and micro businesses as alternative options for people to look into. Making additional recommendations for the civil society at a Youth Focused Oil and Gas conference, he highlighted that the young people of the oil region should understand their roles as stakeholders in the oil and gas industry and use that to monitor the governance and heritage fund.¹⁶⁸ In the article titled “Oil and Gas Gurus Brainstorm in Accra,” Minister of Employment and Social Welfare, Honourable Moses Asaga, emphasized that a key theme of the current government is the creation of more jobs, especially in the oil and gas sector. He recognizes that the education system must focus on altering the curriculum at the universities to train Ghanaians in skills needed to work in this industry.¹⁶⁹ Thus, the intellectuals and politicians around the country understand the necessary measures that the government must implement in order to maintain enough jobs for Ghanaians with the emergence of the oil sector.

¹⁶⁸ “Government Should Institute Alternative Livelihoods for Oil Find Communities,” *Ghana News Agency*, March 18, 2012, <http://www.ghananewsagency.org/details/Economics/Government-should-institute-alternati...>

¹⁶⁹ Agnes Chukwu, “Oil & Gas Brainstorm in Accra,” *GhanaWeb*, March 31, 2012, <http://www.ghanaweb.com/GhanaHomePage/business/artikel.php?ID=234521>.

Apart from the cautionary steps of transforming the education system to prepare Ghanaians for the oil industry and creating jobs to replace those in the fishing industry, the Ghanaian government has already made progress in increasing its accountability and hopes to establish a cooperative relationship with the private sector. In an article posted on *Ghana News Agency*, Vice President, John Dramani Mahama, stresses the importance of a public private relationship in order to develop the downstream industry that will come out of oil production. Additionally, he states that the government's proposal to bring the Extractive Industries Transparency Initiative to its oil sector will provide more openness in the government's actions in the oil and gas industry.¹⁷⁰ By aiming to promote more government accountability in oil production and engaging the private sector with the public, Mahama realizes the need to create transparency and cooperation in this sector in order to successfully produce oil.

Not only do the autonomous media systems publish articles that suggest preventative measures that the country must execute in order to ensure job security and the positive steps of the government already taken, but the articles also highlight how the government and non-government organizations aim to avoid environmental degradation. In an article found on *Modern Ghana's* website, it discusses how the National Petroleum Authority and the Association of Oil Marketing Companies (AOMC), will come together to determine industrial safety in the oil sector. AOMCs Industry Coordinator, Mr. Kwaku Agyemang-Duah, states that the AOMC

...Would collaborate with the relevant regulatory authorities, including the NPA Environmental Protection Agency, Security Services and Ghana

¹⁷⁰ "Veep Urges Public-Private Partnership in Oil and Gas Industry," *Ghana News Agency*, March 28th, 2012, <http://www.ghananewsagency.org/details/Economics/Veep-urge...>

Revenue Authority, to enforce strict adherence to industrial safety requirements.¹⁷¹

Opposed to the steps outlined by Mr. Agyemang-Duah, Nigeria and Shell did not work together to assess the environmental conditions of the Niger Delta before producing oil. As J. Ato Kobbie writes as well, environmental experts already view Ghana as a potential hub for oil spill response in the West African region. Commenting on the 2012 three-day Ghana Summit meeting, Kobbie emphasized that the session also concentrated on building local relationships between oil companies and national authorities in order to address spillage problems.¹⁷² In connection with the cautionary steps taken to address environmental conditions, *Ghana Web* posted an article on the Ministry of Environment, Science and Technology (MEST) and its Norwegian partners intention to prevent environmental degradation. MEST and the Norwegian government discussed establishing a program focused on “Strengthening Environmental Management of the Oil and Gas Sector in Ghana” with the Environmental Protection Agency leading its execution.¹⁷³ Since Norway succeeded in its oil development projects without encountering the political and economic troubles of Nigeria, this partnership and its concentration on the environment places Ghana in good hands to produce oil. As shown through these three articles, Ghana continues to seek guidance in avoiding the environmental pollution that the Niger Delta experienced following oil production.

¹⁷¹ “Association of Oil Marketing Companies Working to Ensure Safety,” *Modern Ghana*, March 7, 2012, <http://www.modernghana.com/news/382007/1/association-of-oil-marketing-companies-wor...>

¹⁷² J. Ato Kobbie, “Ghana Moves to Become Hub for Rapid Oil Spill Response,” *Modern Ghana*, April 6, 2012, <http://www.modernghana.com/news/387818//Ghana-moves-to-b...>

¹⁷³ “MEST and Norwegian Partners Hold Discussions on Management of Environment and Oil,” *Ghana Web*, March 22, 2012, <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=233563>.

Aside from the independent news sources providing information on the preventative and positive aspects of the government's actions within the oil sector and the communities it effects, the media also discusses the operations of the multinational oil company, Tullow Oil plc, that holds the greatest shares in the emerging Ghanaian oil industry. Opposed to Shell's complicity with the corrupt Nigerian government, Tullow appears to earn massive profits from the country's valuable natural resources, while also investing in the nation. Tullow Oil plc's profit increased by over 600 percent to US \$689 million in 2011, and revenue went up over 100 percent at US \$2.3 billion. The company spent about US \$1.6 billion on its Ghanaian ventures and plans to spend over US \$1 billion on the country's next large oil field, Mahogany Easy.¹⁷⁴ In addition to its expenditure on the nation's oil fields, Tullow aims to attract international investment throughout the continent and Ghana. Its initiative, "Invest in Africa," hopes to bring long term funding to support local economies and develop the job market.¹⁷⁵ Therefore, Tullow's interest and investment in the Ghanaian oil sector differs from Shell's debilitating business in Nigeria.

In addition to Tullow's contribution to the African and Ghanaian economies, the company aims to provide necessary education about oil production to Ghanaians. Recently, Tullow Oil Ghana Limited (TGL) organized a career fair on the campus of Kwame Nkrumah University of Science and Technology in order to teach students about job prospects in the oil and gas industry. The company also conducted road shows,

¹⁷⁴ "Tullow Oil plc's Profits Shot up by Over 600% Last Year," *Modern Ghana*, March 14, 2012, <http://www.modernghana.com/news/383424/1/tullow-oil-plcs-profits-shot-up-by-over-600-1...>

¹⁷⁵ "Tullow Oil Launches 'Invest in Africa' Initiative to Woo Investors to the Continent," *Ghana News Agency*, January 24th, 2012, <http://www.ghananewsagency.org/details/Economics/Tullow-Oil...>

exhibitions and other career fairs in order to supply students with knowledge of their operations.¹⁷⁶ Specifically, Tullow orchestrated a two-day road show for senior high school students to keep them interested in and informed of the job opportunities the emerging oil industry will present to them.¹⁷⁷ Tullow Oil Ghana recently contributed an assortment of engineering books to the College of Engineering in the Kwame Nkrumah University of Science and Technology as well in order to help train Ghanaians entering the oil and gas industry. Professor William Otoo Ellis, Vice Chancellor of the University, praised Tullow for its efforts in educating the students and faculty of the University.¹⁷⁸ In comparison with Shell Petroleum Corporation's complicity with the Nigerian government's misconduct, Tullow's business in Ghana appears more beneficial to the country's citizens. Although Tullow seeks to gain a large profit from its oil production, the Ghanaian media sources suggest that the company will aim to invest in the development and education of the nation as well.

In order to guarantee that the country witnesses beneficial relationships with multinational oil corporations, the Ghanaian government exercises strict regulations on potential oil companies operating in the country and only encourages the operations of reliable corporations. In J. Ato Kobbie's article posted on *GhanaWeb*, he discusses the Ghana National Petroleum Corporation's (GNPC's) search for a new partner to work

¹⁷⁶ "Tullow Augments Efforts to Deepen Students' Understanding of Jubilee's Operations," *Ghana News Agency*, March 7, 2012, <http://www.ghananewsagency.org/details/Economics/Tullow-augments-efforts-to-deepen-st...>

¹⁷⁷ "Tullow Schools Bolga Students on Operations at Jubilee Fields," *Ghana News Agency*, February 29th, 2012, <http://www.ghananewsagency.org/details/Education/Tullow-sch...>

¹⁷⁸ "Tullow Oil Donates Books to KNUST," *Ghana News Agency*, April 25th, 2012, <http://www.ghananewsagency.org/details/Social/Tullow-Oil-don...>

with on its South Deepwater Tano Block (SDWT) project. The GNPC aims to partner with an international company "...with a proven technical competence to operate in deepwater, and which has financial capability and a proven track record."¹⁷⁹ Thus, Ghana aims to enter business with a reliable corporation that possesses the funds and expertise to successively extract oil in the country. In another article titled "Why Ghana Bounced Kosmos," Kobbie focuses on Ghana's rejection of the US oil company's (Kosmos's) plan of development. The Minister of Energy, Dr. Joseph Oteng-Adjei, did not hesitate to decline Kosmos Energy's plan of development when the company failed to follow the terms of the West Cap Three Points Block Petroleum Agreement. Under this agreement, the Minister is to be informed of discoveries made and the contractor will then determine whether there exist commercial quantities of the oil found.¹⁸⁰ With the ability to regulate the operations of multinational companies and only recruit corporations with sufficient funds and proven expertise, Ghana proves to prevent itself from encountering a debilitating relationship with a multinational company, such as Shell's business in Nigeria.

Regardless of the overwhelmingly optimistic online articles that inform the Ghanaian public about the success of Tullow's and the Ghanaian government's involvement in the oil industry, the news sources also include a critical analysis of the potential failures of Ghana's government throughout the process. Despite the country's promising future with oil production, the Ghana Energy Summit report of 2011 acknowledges that "...a national framework in Ghana for continuing education and

¹⁷⁹ "GNPC Shops for JV Partner," *GhanaWeb*, April 7, 2012, <http://www.ghanaweb.com/GhanaHomePage/business/artikel.p...>

¹⁸⁰ J. Ato Kobbie, "Why Ghana Bounced Kosmos," *GhanaWeb*, March 23, 2012, <http://www.ghanaweb.com/GhanaHomePage/business/artikel.p...>

training for generations needs to be established.”¹⁸¹ With the recent demand for skilled labor in the oil sector, not implementing a policy geared towards education and training in this field will prove detrimental. Another article on *Modern Ghana* titled “Ghana’s Oil Must Benefit Education and Agriculture” by Samuel K. Obour, highlights that the low literacy rate of Ghanaian society, only 57.9% of the population, remains an issue for the country’s development. Obour continues to insist that the government needs to direct more oil money into the education system in order to address the lack of educational infrastructure and personnel in the country.¹⁸² Therefore, the Ghanaian free press remains critical of the government’s ability to address the education deficit that pervades the country.

In connection with the publications that stress the government’s inadequate appropriation of oil money towards national education, *Modern Ghana* and *Ghana Web* also post articles on the government’s need to provide more transparency on its activities in the oil industry. Nana Adinkra Apau in her article “Ghana Oil-Seeking national or Some Person Selfish Interests?” stresses that there exists ambiguous information to the public on the revenue sharing agreements in the contracts signed between the state and the multinational oil companies. Since the 1992 Constitution of Ghana states that the oil resource belongs to all Ghanaians, there should exist more detail to the public regarding

¹⁸¹ “Ghana: the New Land of Opportunity for Oil & Gas Investment: An Overview of the Potential for Ghanaian Oil and Gas Investors” (paper presented at Ghana Energy Summit 2011, Accra, November 2011), <http://img.modernghana.com>.

¹⁸² Samuel K. Obour, “Ghana’s Oil must benefit education and agriculture,” *Modern Ghana*, January 30, 2011, <http://www.modernghana.com/news/314391/1/ghanas-oil-must...>

the sharing of revenue between these two bodies.¹⁸³ Additionally, J. Ato Kobbie reveals in his article that parliament currently undergoes an issue with reliability in its oversight role. Mr. Albert Kan Dapaah, the Chairman of the Public Accounts committee, comments “while we hail the victory of democracy in our country, Parliament which is the central institution of democracy...suffers from crisis of credibility.”¹⁸⁴ Through free press articles such as this, Ghanaian civil society becomes more informed of the flaws in government and therefore, it can demand more accountability from it. Similarly to the critique of the government’s transparency and dependability in the oil sector, *Modern Ghana* published an article declaring that there still exists a “...high prevalence and pervasiveness of corruption in the Ghanaian society” and that the government must put in place regulatory measures in the oil industry.¹⁸⁵ Therefore, Ghana’s autonomous media sources allow authors to present negative views of the government’s actions in the oil industry, opposed to state owned news sources that can conceal government corruption.

Other judgmental articles of the Ghanaian oil sector posted on these websites suggest that Ghana’s relationship with China and the government’s neglect of the people in the oil-producing region remain obstacles in the country’s oil production development. Although China provides scholarships to African students and aims to avoid interference in Ghanaian national politics, the countries’ relationship could negatively affect Ghana’s economy in the long run. Chinese foreign investment to Ghana includes cheap and poor

¹⁸³ Nana Adinkra Apau, “Ghana Oil-Seeking National or Some Personal Selfish Interests?”, *Modern Ghana*, January 23, 2010, <http://www.modernghana.com/newsp/260587/50/pagenum2/gha...>

¹⁸⁴ J. Ato Kobbie, “Parliament Suffers Credibility Crisis,” *GhanaWeb*, March 8, 2012, <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artik...>

¹⁸⁵ “Ghana’s Oil Find: Benefits and Nightmares,” *Modern Ghana*, April 30, 2009, <http://modernghana.com/news/213863/1/ghanas-oil-find...>

quality products whose manufacturing processes may not meet health and safety standards. Additionally, the Chinese investors in oil explorations have illegally seized lands after conspiring with local authorities.¹⁸⁶ Thus, the article presents a commonly viewed mutually beneficial partnership between China and Ghana as one that could prove detrimental to the Ghanaian economy in the future.

Highlighting the possibility of Ghana to follow Nigeria's negligence of human rights during oil production *GhanaWeb* and *Ghana News Agency* publish articles that reflect on the Ghanaian government's disregard for the communities living in oil-producing regions and their livelihoods. In Richster Nii Amarh Amarfio's article, "The Oil Production and Ghana's Fishing Industry; A Case of Another Dutch Disease?," the author remarks on the country's institutions and politicians shifting their focus from the fishing industry to the oil industry. Although the oil sector's economic promise has placed more national attention on this growing sector, continued neglect for the fishing industry, which remains a popular livelihood for Ghanaians, could evolve into a human rights issue.¹⁸⁷ This article brings to light the government's need to support other industries in order to avoid Nigeria's economic dependence on the oil sector and ignorance of human rights. Similar to the government's unconcern for the future of the fishing sector, the Ghanaian government must pay more attention to the oil-producing Western Region in order to avoid Nigeria's 'oil curse.' Posted on the *Ghana News Agency* with the subject "Western Region Deserves More Attention From Government,"

¹⁸⁶ Majeed Abdul Rahman, "Political Economy of China's Foreign Direct Investment," *GhanaWeb*, April 17, 2012, <http://www.ghanaweb.com/GhanaHomePage/features/artikel.ph...>

¹⁸⁷ Richster Nii Amarh Amarfio, "The Oil Production and Ghana's Fishing Industry; A Case of Another Dutch Disease?," *GhanaWeb*, April 22, 2012, <http://www.ghanaweb.com/GhanaHomePage/features/artikel.ph...>

one article chastises the government for not investing in the infrastructural development of the Western Region. For example, thirty percent of the region's population does not experience access to potable water and the doctor to patient-ratio in 2011 was estimated at 1:35,991.¹⁸⁸ Through publishing articles that underline the government's inadequacy in providing infrastructure for the oil-producing region and ignoring the future of the fishing industry, Ghanaian media sources show that the country still has areas to improve on in order to avoid the 'resource curse' experienced by Nigeria. Similar to the Nigerian government's neglect of the Ogoni people's concerns, these articles show that Ghana must immediately deal with these issues in order to develop an oil production model within a human rights framework.

With a free press that can publish negative, positive, and preventative information about oil production, Ghana possesses an important tool for achieving a more educated and aware civil society. Unlike the majority of African countries, the Ghanaian press remains independent from the government, and therefore does not provide one-sided perspectives of the oil industry. The Ghanaian press's engagement with civil society also supplies citizens with the resources to ensure government accountability throughout oil sector policy-making. Although Ghana's independent media systems can publish pessimistic facts about the country's potential to develop oil within a human rights framework, the fact that the majority of articles project positive images of Ghana's progress show that the nation remains able to avoid the 'oil curse.'

¹⁸⁸ Godwill Arthur-Mensah, "Western Region Deserves More Attention From Government," *Ghana News Agency*, January 27, 2012, <http://www.ghananewsagency.org/details/Features/Western-Reg...>

Conclusion: The Future of Ghana's Oil Industry and the 2012 Presidential Elections

*...The connections between development and human rights are not automatic; they have to be fought for conceptually and concretely, intellectually and politically.*¹⁸⁹ – Paul Tiyambe Zelezu

As Paul Tiyambe Zelezu conveys through this quotation, Ghana's potential to overcome the 'resource curse' seen in Nigeria's oil production model is not guaranteed. A historian, literary critic, and renowned professor, Zelezu argues that the positive association between democracy and effective human rights comes from the understanding that a democratic government provides more accountability to its citizens. Democracy gives leaders less power to dominate the state and economy, and thus, it allows for a greater respect for civil society rights. Despite democracy's correlation with stronger human rights, these institutions can still obstruct the voice of minority groups. As the Ogoni Uprising shows, marginalizing an ethnic minority residing in the area of oil production can lead to a country's economic and political instability. Even with this possibility, democracies, such as Ghana, possess the power to implement policies that can protect the rights of minorities.¹⁹⁰ Therefore, Ghana's potential to defy the Afro-pessimistic theory of the 'oil curse' and demonstrate how Africa can turn this valuable commodity into a blessing remains probable, if the country will work with its citizens to fight for this outcome.

Through the advice and models of other oil-producing nations, Ghana can learn how to effectively produce oil while engaging with civil society and keeping the

¹⁸⁹ Paul Tiyambe Zeleza, "The Conundrum of Development and Human Rights in Africa," in *Africa's Human Rights Architecture*, ed. by John Akokpari and Daniel Shea Zimber, 24-40. (South Africa: Fanele, 2008), 40.

¹⁹⁰ *Ibid.*, 27.

government accountable. Countries such as Norway and Botswana provide examples of effective natural resource sectors that Ghana should follow, in addition to Alaska's model for oil development. Botswana, a country rich in diamonds, and Norway, a country rich in oil, both possessed stable state institutions and decentralized governments prior to developing their resource industries. These countries maintain transparent allocation of funds between the state and central governments, and their open parliamentary systems contribute to transparency in the allocation process as well.¹⁹¹ Although Botswana, Norway, and Alaska all use different policies for their natural resource sectors, they all "...[foster] a constituency for responsible resource management and found mechanisms to hold government accountable."¹⁹² Possessing a democratic system for over 150 years when it discovered oil in the 1970s, Norway addressed the issue of paying pensions for Norway's elderly population with the Sate Petroleum Fund.¹⁹³ Similarly, Alaska established the Permanent Fund quickly after the discovery of oil in the 1970s in order to guarantee revenue after oil production slowed down. In order to spend the principle of this fund, one must amend the state constitution with the majority vote of the population.¹⁹⁴ Therefore, Alaska and Norway's histories of democratic bodies and ability to provide wealth to the citizens through funds contributed to their individual successes. Alaska, Norway and Botswana, all allowed civil society groups interested in the flow of oil wealth to participate in its policy-making, which Ghana should aim to do as well.¹⁹⁵

¹⁹¹ Van Gyampo, 57-58.

¹⁹² Moss and Young, 8.

¹⁹³ Ibid., 9-8.

¹⁹⁴ Ibid., 9.

¹⁹⁵ Ibid., 13.

With a stable democracy established, Ghana can look to these models in upcoming years for policy recommendations.

Opposed to the paradigms set forth by Botswana, Alaska, and Norway, Ghana's neighbor, Nigeria, teaches the country to avoid a 'resource curse' by including its civil society in policy-making and preventing corrupt government and multinational corporation complicity. The minimal cooperation between the Ogoni people of the Niger Delta and the Nigerian government led by Sani Abacha eventually resulted in the political turmoil of the region and the execution of Ken Saro-Wiwa. In addition to the already existent MOSOP movement, The Movement for the Emancipation for the Niger Delta was created upon this human rights violation in order to fight for the Ogonis' justice. By listening to the demands set forth by civil society, the government of Nigeria could have avoided the terrible outcomes that took place in this region.¹⁹⁶

Additionally, Ghana can learn from Shell's complicity with the Nigerian government how to evade destructive relationships with multinational corporations that do not embody corporate social responsibility. Instead, the Ghanaian government must seek collaboration with multinational oil companies that will benefit the country's people. Thus, the resource industries of these three nations and Alaska demonstrate Ghana's need to engage with civil society in oil sector policies, create a fair system of distribution based on inclusiveness and cooperation, and steer clear of greedy multinational oil companies.

One policy Ghana can implement in order to achieve an attentive civil society that keeps tabs on the oil sector and the government is direct cash distribution. By issuing

¹⁹⁶ Van Gyampo, 67.

Ghanaian citizens oil revenues through direct distribution, the state will further its relationship with civil society and create an economic benefit for Ghanaians. In addition to receiving welfare from the government, the citizens will become more interested in a watchdog role of oil revenue distribution because of their share of the profits. The government will also need to raise taxation to obtain a portion of the oil money back, which will force it to use the taxes to invest in public services:¹⁹⁷ “taxation is not just desirable, but essential to building a responsive state.”¹⁹⁸ Therefore, the system of direct cash distribution will create fair and transparent allocation, and encourage the government and the citizens to account for good governance.¹⁹⁹

Not only should civil society possess a critical role in national policy-making, but it also should become integrated in continental bodies of human rights development in order to secure good governance in the oil sector. The African Union’s (which replaced the Organization of African Unity) Constitutive Act of 2000, with 53 African member states, contained aims of preserving and advocating human rights in Africa.²⁰⁰ With the creation of the Economic, Social, and Cultural Council (ECOSOCC) in 2005 by Kenya’s Wangari Maathai, the AU progressed further in its mission to achieve greater participation from civil society.²⁰¹ This council remains that only “institution at the AU that allows direct civil society participation in meetings of member states.”²⁰² Despite the potential for civil society bodies such as NGOs to participate in different divisions of the

¹⁹⁷ Moss and Young, 11.

¹⁹⁸ Ibid., 14.

¹⁹⁹ Ibid., 13.

²⁰⁰ Nobuntu Mbelle, “Civil Society and the Promotion of Human Rights in Africa,” in *Africa’s Human Rights Architecture*, ed. by John Akokpari and Daniel Shea Zimble, 163-179. (South Africa: Fanele, 2008), 163.

²⁰¹ Ibid., 173.

²⁰² Ibid., 174.

AU, their involvement in advocating for Human Rights through these organs remains inadequate. Therefore, civil society organizations in Ghana should become acquainted with the ECOSOCC in order to promote the country's human rights at the continental level.²⁰³ Even though involvement in national policy-making continues to be a necessary feature of Ghana becoming an effective human rights model of oil production, Ghanaian civil society can strengthen their desire for transparent and fair government through this continental organization.

Aside from the models Ghana can look to and the action civil society can take in order to prevent Nigeria's 'oil curse,' the country already possesses necessary qualities that enable it to become a successful model for oil production within a human rights framework. Although Ghana and Nigeria both witnessed political and economic instability following independence, Ghana's ability to adapt to macroeconomic policies and less violent nature placed the nation in a better position to develop a successful oil production paradigm. Unlike Nigeria, Ghana also did not discover oil until it possessed a relatively stable democracy. The Biafran War in Nigerian also created a more violent state with successive military regimes. Through the militarization of its country after this war, Nigeria experienced authoritarian governments that capitalized on the country's oil wealth and misappropriated these funds. By placing all of the oil money in the hands of the political elite, the Nigerian Federal Government lost the trust of its civilians. With the benefit of avoiding a violent civil war, discovering oil later in its development, and implementing macroeconomic policies that appealed to Western donors, Ghana's post-independence history allowed for a more favorable environment for oil production.

²⁰³ Ibid., 177.

In addition to its preferable history for developing an oil industry within a human rights framework, Ghana can look to the downfall of Nigeria that occurred after oil production and the method that MOSOP took to vocalize their concerns to the public. Through the founding of the MOSOP movement, Ken Saro-Wiwa created an organization that voiced the concerns of the oppressed Ogoni minority. Drafting the *Ogoni Bill of Rights* and appealing to the international community in order to express the corruption of the Nigerian Federal Government and Shell allowed MOSOP to become an exemplary civil society organization that Ghanaian citizens can imitate. The environmental degradation, lack of infrastructure, political and economic marginalization that Shell and the Nigerian Federal Government bestowed upon the people of the Niger Delta instruct Ghanaians of the negative outcomes that stem from a corrupt government's collusion with a multinational oil giant. Therefore, Ghana possesses the advantage of observing the mistakes of Nigeria's oil production model as well as learning to establish an effective civil society organization.

Ghana's embodiment of the necessary political and economic characteristics that will give it the potential to combat the 'oil curse' show how much more preferable the country's path to producing oil within a human rights paradigm is than Nigeria's. By maintaining a stable democracy and witnessing consecutive peaceful transitions of governments, Ghana already proves capable of diverging from Nigeria's governmental corruption. Additionally, the nation's proven oil reserves are minimal compared to Nigeria's and will not allow the country to rely only on this sector for economic gain. Ghana maintains a diversified economy with exports such as timber, cocoa, and gold, as well as a strong agricultural sector. Through adapting to macroeconomic policies in the

1980s, the country appealed to foreign investors that plan to implement necessary infrastructure the Ghana currently lacks. Aside from strong democratic and economic qualities that enable the country to produce oil through a human rights framework, the nation's relationship with the multinational oil corporation Tullow proves mutually beneficial. Through investing in Ghanaian education, Tullow will equip Ghanaian citizens for jobs in the oil industry. With vital economic and democratic values for overcoming the 'oil curse,' Ghana stands to prove that an African country can produce oil while promoting human rights.

In addition to Ghana's favorable history, political and economic qualities, and ability to learn from Nigeria, the nation possesses autonomous media systems that publish negative, positive, and preventative information on the Nigerian government and the multinational oil giants' operations in the oil industry. Through analyzing a myriad of articles from three Ghanaian websites, one finds that the free press allows for a multitude of perspectives to report on the oil sector. Although there exists critical analysis of the government's accountability throughout the process, the overarching theme of the articles remains optimistic about Ghana's ability to successfully develop its oil industry. Many articles inform civil society of necessary measures that the government should and must take in order to reach its goal of becoming a model of oil production within a human rights framework. Thus, after studying the Ghanaian and Nigerian post-independence histories, Nigeria's failure to effectively produce oil, the economic and political qualities Ghana already possesses, in addition to its autonomous media, Ghana's potential to overcome the 'resource curse' remains great in contrast to Nigeria.

With the 2012 presidential elections taking place at the end of this year, the plans for oil production will remain hot topics in the debates and campaigns, as well as following the election. Current president, John Atta Mills of the National Democratic Congress, will face a competitive election in 2012 between his opposition, Nana Akufo Addo of the New Patriotic Party.²⁰⁴ Although Mills already faces the difficulty of managing the oil revenue since production began, whoever becomes the next president will face the same issue in addition to fighting potential corruption. With the inability to implement policies and reforms due to the nature of the election, Ghana's "government faces a difficult task in managing public expectations as to what can be achieved with oil revenue."²⁰⁵ Although the focus of the government on the upcoming elections may divert attention from the oil sector, the two parties must prepare to implement immediate oil policies following the election in order to create a successful human rights model of production. As a vital determinant of the future of oil production in Ghana, the winner of the 2012 presidential elections must equip himself to execute reforms in the oil industry because the pre-election delay of policies will already impede the country's progress. If the next president can execute the obligatory regulations and policies that Ghana needs to establish in order to develop its oil sector within a human rights framework, then the country will prove its ability to overcome the African 'oil curse.'

²⁰⁴ *Country Report: Ghana.*

²⁰⁵ *Ibid.*

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