

Policy Brief

April 2019

Dredging at the Expense of Nature and Indigenous People



1.0 Acknowledgment

This policy brief is a summation of recommendations made from our research and series of consultative meetings focusing on Mobilizing Community Action against Indiscriminate Sand Mining in Delta State, Nigeria. We want to sincerely thank Global Greengrants Funds for funding the project and this policy brief. We are also thankful to civil society groups, members of host communities in Isoko and Urhobo areas of Delta State and Directors of Environments from the four (4) Local Government Areas where the project took place. This policy brief is the outcome of their collective work.

We are grateful to Ubrei-Joe, M. Mariere for writing and putting the content of this policy brief together. We are also thankful to Idise O. Emma (PhD) for facilitating and sharing sessions in the various trainings. The efforts of the management and staff of CODAF in this project cannot be ignored also.

We hope that this document will aid government in environmental decision making by using the available legislation in the state to cushion the indiscriminate sand mining activities and its effects.

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2.0 Introduction

For thousands of years, sand and gravel have been used in the construction of roads and buildings and today, demand for sand and gravel continues to increase. Sand mining is an act that is used to extract sand, mainly through open pit, forestlands and swamps. However, in Delta State, sand is also mined from lakes, inland dunes and dredged from river beds. It is often used in manufacturing as an abrasive (a substance or material capable of polishing or cleaning a hard surface by rubbing or grinding) and it is used to make concrete and in building houses. Other uses of sand include road construction.

Sand mining is a direct cause of land degradation, deforestation and biodiversity loss and also impacts the local wildlife. Disturbance of underwater and River sand causes turbidity in the water which is harmful for such organisms that need sunlight. It also destroys fisheries, causing problems for people who rely on fishing for their livelihoods. Removal of physical coastal barriers such as dunes leads to flooding of beachside communities and the destruction of picturesque beaches causes tourism to dissipate. Sand mining is regulated by law in many places but is still often done illegally in Delta State.

The Niger Delta region is laden with sad stories of aggressive exploitation of its natural resources. Delta state has also had a fair share of these oil corporation atrocities on its environment. The Civil Society Organizations in the region have tightened their belts to campaign against Multinational Oil Corporations in matters relating to environmental degradation, not much, however has been done in the area of sand mining. In recent times, it has been observed that many of these corporations in Delta State are engaged in indiscriminate dredging of marine bodies either to create access for their huge equipment or for extracting sand for construction without considering or conducting any form of Environment Impact Assessment (EIA).

Over the years, CODAF has taken it upon itself to investigate the process of the sand mining activities and how the sand miners get access to the sites where they carry out their mining activities. Four (4) local governments (Ughelli North & South LGAs, Isoko North and South LGAs) and ten (10) communities (Oleh, Ozoro, Owhelogbo, Iyede, Afisiere, Ughelli, Agbarha-Otor, Agbahro, Ovwo and Otujeremi) have all been investigated by CODAF. This activity is not limited to these three local governments Areas, it's however notoriously rampant in other areas in the State. These regions have some unique wetlands that are rich in resources like fisheries, medicinal herbs, forest resources, wild animals and water supply sources that the inhabitants of these areas solely depend on as source of livelihood. These areas are highly populated with different class of people ranging from farmers to political office holders. In these communities there are more than 84 active dredging sites and about 60 have been decommissioned. In Ozoro – Owhelogbo road (less than 3 kilometers), we were able to count 10 active and 3 decommissioned dredging sites.



3.0 Dredging/Mining at the Expense of Nature

The impacts of sand mining in the study areas are not far from what is experienced in other parts of the World because there is an observed disturbance to ground and surface water quality and loss of aquatic and forest biodiversity. The government actions to end this activity has yielded no positive results and they lack the understanding of the pattern of deforestation and land degradation as well as its impacts on climate change. Post dredging environmental changes such as landslides and gully erosion further removes tree covers around the affected areas in most decommissioned sites. Aregbo Okagbare, an indigene of Agbarha-otor, in Ughelli North local Government Area of Delta State confirmed the activities to have negative impacts on fish species as a result of fluctuation in the temperature of the water bodies. Increased temperature affects the reproduction and the laying of eggs of these fishes. Invasive species like the *Nypa* palm can displace the native plants of that area. In this case, our florae are being affected. Again, our normal forest trees like *lacunera* racemose, *Avecinna netida* which are used for building reinforcement are all affected. Erosion caused by this effect affects the mangrove swamps which may have caused the disappearance of the white mangroves. The white mangrove can only be available when red mangrove is there because of the pneumatophores which will help to aerate and consolidate the soil to allow the white mangrove to survive. Thus, all of these have affected us directly and indirectly in all ramifications.

Our findings at the Urhobo area of our research, showed that sand is mined in river/stream course. The suction/dredger dredges as deep as 19ft from the depth of the water course unlike the Isoko axis where swamps are dredged as deep as 22ft down the earth. This activity leads to ground subsidence that brings down trees around the dredging sites causing other part of the stream to become shallower. In some cases, this creates artificial water ways in swamp. Once a depth of about 19ft (water course) and 22ft (for swamps) are dredged continuously, an area measuring about 50 to 60 acres is caused to sink underground without control of the quantity and quality of sand being dredged. A regulation can be enacted to provide guideline to dredgers to aid them in ascertaining the quantity of sand to be extracted from an area, the number of years it will take for the sand to be extracted and a comprehensive environmental management plan to control post dredging environmental challenges.

4.0 Perspective of the Host Communities

Between October and December 2018, CODAF visited more than ten communities in the Niger Delta with special focus on two senatorial districts in Delta State where the activities of sand dredging are quite indiscriminate. Information gathered from the communities visited, confirmed that some powerful individuals in the society are the ones engaged in these activities. In some communities the leadership and families receives royalty from the sand dredging business while in other communities, sand dredging is done at free will. But based on the output of the sand mining activities on the environment the people are dissatisfied with it and hence want a stop to it. We confirmed this when some persons spoke to CODAF team about the menace, and the grievances of the people are not different from one another.

Mr. Godwin Omohiro a resident of Ozoro Community, confirmed that the dredging activity in their community has done to them more harm than good. The activities have in many ways affected them negatively and noted that the roads that serve as access to their farm lands are now damaged due to constant plying of heavy duty trucks that are used to convey the already dredged sand. Trees are constantly being felled to create accessibility for trucks, other machineries and for sand mining site constructions. He also said that the locations of these mining sites are not major streams or rivers that the people just choose a spot that is close to a swamp that has the quality of the sand they want and start mining. Unuafe Sunday Edewor who is also from Ozoro Community confirmed that Indiscriminate Sand mining in Ozoro started since the inception of the Delta State Polytechnic and many business men and women have been attracted into the venture. These people acquire the lands from individuals and sometimes families depending on the size of the land without any benefit to the community. They carry out this indiscriminate activity without conducting any form of EIA and stressed that pools of water along the roads have been created which gives room for insects to breed, which further give room for the wide spread of diseases and infections.

Hon. David Omotor of Oteri community described the activity as a total menace. He said since the advent of these activities, life has been unbearable as it has negatively affected infrastructural, environmental and social activities of the area. He further said that streams that were functional in terms of providing water for both domestic and other uses have now cried up; roads are no longer accessible, noise pollution from both heavy duty trucks and dredgers, trees are no longer available to shield houses from strong winds and serve as homes to variety of birds. He also noted that as an engineer, he feels that this excessive dredging will affect the geologic formation of the entire area in a few years' time. In similar vein Mr. Ogbe who has lived in Afiesere for over 8 years, confirmed to have enjoyed only 2 years of peace and quietness while noting that the past 6 years has been hell as the roads are nothing to write home about. The bridge that

connects Afiesere community to Ughelli main town was before now a death trap, as the bridge collapsed due to constant plying of heavy duty trucks. He also confirmed that their river is now heavily polluted due to excessive dredging.

Godwin Sadjere from Owor Community who is also involved in dredging activities in Akwa Ibom State, advised members of the host communities not to give out their land for dredging on freehold to whoever is dredging because something has to be given back to the community as their benefit for such project. He called on communities to work hand-in-hand with regulatory bodies as they oversee the activities of sand mining in the Niger Delta. Regulatory bodies are supposed to give dredgers guidelines to aid them in their operations so that they do not constitute any danger or harm to the environment and the community.

Benedict Okpolua, an indigene of Iyede community in Isoko North Local Government Area, also affirmed that aquatic lives in his community are presently endangered while some are already going into extinction. In some communities including Iyede, the leaders benefit because the dredgers give money to them for using their community and its environment for dredging business. This is sad, because after collecting the money, they are blinded towards the negative impacts of the dredging activities in their communities and some powerful people in these communities get loyalty fee in the form of "Deve" (form of financial inducement by members of host communities on sand dredgers)for every trip of sand that leaves that place they get a commission, hence they can't enforce any measure to sanction those destroying the environment. He then advised community leaders to stop the act of collecting money all in the name of "Deve" from these operators.





PHOTOS FROM COMMUNITY / POLICY DIALOGUE



5.0 Intervention by CSOs and Responses from Policy Makers

Between 2016 and 2018, CODAF has carefully monitored the activities of sand dredgers and the manner in which sand is dredged in some communities in the Niger Delta with special focus on Delta State. From October 30th to the 4th day of November 2018, we made a second visit to more than 30 dredging sites in 10 communities in three different local government areas of Delta State. The field visit gave CODAF the opportunity to verify and understand the problem that had been created. We used this medium to identify with our targeted audience and gather testimonies which were useful to us during the implementation of the project.

One month later after our field visit we organized a town hall meeting which was held at Ughelli town. At the meeting, community representatives x-rayed the challenges and opportunities involved in sand dredging while pushing bulk of the blame on government inaction to monitor the activity in the state. The people accused government, community leaders and some powerful individuals for backing dredgers to continue to dredge sand, while the people and the environment continue to suffer. This meeting gave the opportunity to the participants to select few of their members that represented them at other spaces to speak on their behalf.

As part of the intervention made by CODAF to address some of the issues raised by the communities, their representatives were invited alongside other civil society actors and government officials to a policy dialogue on the 21st day of December 2018. The policy dialogue was aimed at engaging policy makers, CSOs and the target communities to use available legislation in the state to cushion the indiscriminate sand mining activities and its effects. Participants at the policy dialogue were drawn from ten (10) impacted communities in Isoko, Urhobo and Bayelsa areas of the Niger Delta. Directors of Environment and Supervising Councilors in four (4) different Local Government Areas (Ughelli North and South, Isoko South and North LGAs). Civil Society Organizations, media and the academia were fully on ground. Others that were invited but did not attend the policy dialogue were representative from Delta State Ministry of Environment and Delta State Environmental Protection Agencies.

At the event an outcome of research on the sand dredging situation was presented, communities' representatives were given space to make presentations on the case of sand dredging in their communities. Pathways to resolving the problems created by the activities of sand dredging were developed and adopted at the meeting which has been used to develop this policy brief to aid policy makers and community actors in decision making.

Participants observed that Corporations and some powerful individuals in the society are engaged in indiscriminate dredging of water course which has severely impacted community's farmlands and the people's source of livelihoods.

Community representatives also demonstrated strong resistance to this activity and

confirmed that it has resulted to crises among the people.

Feedback from both field survey and testimonies collected during the policy dialogue confirmed that communities are losing their forests and vegetations and swamps to the activity of sand dredging which has severely affected fishing activities because the wetlands that serve as spawning and breeding ground for fishes are altered, the water is polluted and the people are helplessly subjected to drinking from polluted streams within the wetlands.

- ❖ Members of CSOs expressed that the program revealed that, officials of government are handicapped because they are unable to bring the powerful individuals in target communities whose activities poses threats to our environment and ecosystem under the law.
- ❖ If our environment must be protected, then government should ensure that every individual in our society is brought under the law when he/she violates environmental regulations. But regrettably, this is not the case in our society today.
- ❖ Prominent individuals in our communities engaged in indiscriminate sand dredging and the relevant government agencies in this sector are unable to bring these people under the law. What we expect the government to do especially those at the top is to ensure that no man is bigger than the law.
- ❖ The policy makers harped on the need for them to fashion out new ways to ensure that there is synergy between all the levels of government.
- ❖ Policy makers at the local government levels urged the Federal Ministry of Solid Mineral and Mining not to issue license to sand dredgers without obtaining information from the local government level.
- ❖ Community leaders and politicians should not interfere with the activities of government because some communities and their leaders have a way of shielding sand dredgers from facing the law after receiving some level of financial inducements.
- ❖ They advised community leaders to speak to their youths to desist from this act so that government officials can have the free hand to do inspection, monitoring and enforcement of possible environmental regulations.
- ❖ They urged the CSOs for more sensitization programs while noting that the level of awareness to environmental protection at the community level is low and that sand dredgers must abide by relevant remedial measures to ensure that there is a balance ecosystem there and after their operations.
- ❖ The intervention made by the policy makers at the dialogue showed that government's actions against these activities have yielded little or no results and they also lack the understanding of the pattern of deforestation and land degradation as well as its impacts on climate change in these areas.
- ❖ Most available environmental regulations are made without adequate participation of communities and local environmental regulators, hence this make enforcement at the local level more difficult.
- ❖ In this regard, a bottom to top approach should be followed. In some cases, Permit and operational license from the ministry of environment or Environmental Impact Assessment (EIA) is never conducted before dredging is carried out.
- ❖ It was recorded that post dredging environmental changes such as landslides and gully erosion further remove tree covers around the affected areas in most decommissioned sites.

6.0 Recommendations

Community

1. Communities should demand for government approved license from intended sand miners and where the sand miners proved to have satisfied the relevant authorities, they can demand for an Environmental Impact Assessment reports.
2. Communities should strive in unity so that the sand miners will not use divide and rule tactics to infiltrate them.

Sand Miners

3. Sand miners should cease activities immediately and conduct environmental impact evaluation
4. Dredged sites should be reclaimed with full participation of the host communities.

Government

5. Government should be more informed to step up their monitoring strategies and enacts policies that will BAN illegal sand mining activities in the Niger Delta,
6. Government should make post EIA mandatory for all sand miners to come up with a robust environmental management plan to tackle post dredging environmental changes and degradation,
7. There is need for government to institutionalize a common sand dredging procedures and a total review of existing laws



About CODAF

Community Development Advocacy Foundation (CODAF) is a non-governmental organization that registered in Nigeria with focus on environmental advocacy work to bridge the communication gap between policy makers and the grassroots. CODAF is working towards the attainment of sustainable rural development with rural community people to defend their rights to development and the thriving environment.

CODAF's commitment in promoting local struggles for environmental justice won its recognition as the Non-Governmental Organization (NGO) of the year award by Jewel Affairs, a movie industry at the Isoko Award Night in December 2018. CODAF is well known for criticizing the government constructively on issues of environmental governance while providing recommendation to aid government in environmental decision making.

CODAF Publications

The following are some of CODAF publications to date.

1. How indigenous people revolted against gas flaring in the Niger Delta;
2. Youth engagement in environmental decision making; and
3. Development options for the Niger Delta

COMMUNITY ACTION

- ❖ Community Health Advocacy
- ❖ Education Right Advocacy
- ❖ Community Development Advocacy
- ❖ Conflict management
- ❖ Participatory Budgeting



ENVIRONMENT

- ❖ Environmental Governance
- ❖ Energy Democracy & Governance
- ❖ Oil and Gas
- ❖ Climate Change
- ❖ Waste management
- ❖ Land Degradation
- ❖ Climate/Environmental Refugees

AGRICULTURE

- ❖ Land grabbing
- ❖ Deforestation
- ❖ Sustainable/Organic Farming
- ❖ Persistent Chemicals



GENDER AND YOUTH ACTION

