

# Fresh Dimensions on the Niger Delta Crisis of Nigeria

Part of the *Conflict and Development Series*

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## Dedicated to

I dedicated this book to my late parents Mrs Oberhirhi Ojakorotu (16 June 2008) & Mr Omashaye Dickson Ojakorotu (12 March 2009) for their selfless efforts to see me through my educational career at Obafemi Awolowo University Ile-Ife, Nigeria. It was very unfortunate that I lost both of them at the time they should reap the fruit of their labour.



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I especially wish to thank my friend and brother Chris Isike for his intellectual support at short notice.

To Almighty God I give all the glory!

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# **Chapter I:**

## **Introduction**

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By Dr. Victor Ojajorotu

The crisis in the Niger Delta of Nigeria is attracting increasing international attention due both to the growing security threat it portends for the Nigerian state and, particularly, its impact on international oil prices. Although the Niger Delta problem has been around for several decades, the emergence of organized and militant pressure groups in the 1990s has added a new dimension to the crisis in the region. Protests and the threat of outright rebellion against the state are now ubiquitous. Environmental activism and militancy are a direct response to the impunity, human rights violations, and perceived neglect of the region by the Nigerian state on one hand and sustained environmental hazards imposed on local Niger Delta communities as a result of the oil production activities of multinational oil companies on the other.

From contemporary global perspective, the dramatic upsurge in violent confrontation and protests against the state and oil multinationals in the 1990s coincided with the end of the Cold War and the de-emphasizing of 'high politics' for 'low politics'. In essence, 'soft' issues such as the environment, gender equity and equality,



*Chapter I: Introduction*

human rights, democracy and good governance have attained primacy on the international agenda. International concern over the crisis in the Niger Delta, including its attendant social and humanitarian implications, can be located in the context of this global attitudinal shift.

The internationalization of the Niger Delta crisis derives partly from the systematic publicity and struggle of the environmentalist, the late Ken Saro-Wiwa. Saro-Wiwa not only succeeded in directing the attention of the international community to the plight of the people of the Niger Delta but also – through his advocacy – paved the way for robust international/civil society engagement with the issues at the core of the crisis in the region. This fact has been illustrated by the intervention of organisations such as Amnesty International, Green Peace Movement, Rainforest Action Group, the Commonwealth of Nations and the United Nations. Such intervention effectively internationalised the Niger Delta crisis.

More recently, the crisis has taken a new turn with increasing criminalization of the conflict, leading to questions as to why the problem is seemingly spiralling out of control. The spate of criminality (and possible external links to this phenomenon) has given rise to the question around the implications that the Niger Delta problem has for international (regional and global) peace and security.

Also worth probing is how the Nigerian government can (re)gain the initiative in finding sustainable solutions to the problem.

Within this context, the book provided an opportunity to critique past and present strategies/responses to the crisis. The overall concern was to formulate an appropriate strategy which, rather than pacify the ND, addresses the underlying causes of the crisis in the region. As has been the case, failure to understand thoroughly and to deal with the root causes of the ND problem has rendered statutory and institutional palliatives ineffective. Against this backdrop, the conference sought to engage with Niger Delta Question (NDQ) from perspectives that transcend the simplistic reading of the crisis as well as the symbolic or tokenist responses to it.

However, a major constraint arose in explicating the NDQ. This pertained to the definition of the ND, which a commentator on the region characterised as “the problem with the problem”. The reality is that some states in the Nigerian “federation” are oil-producing but, geographically speaking, are not located in the *delta* area. This raised the question of whether one should speak of the “oil-producing states/area” rather than the “Niger Delta” in the analysis of oil activities (exploration and exploitation) and their attendant ecological, social, economic, political ramifications. Although important, it was not necessary to belabour this definitional constraint as doing so was bound to hamper our understanding of the Niger Delta Crisis.

*Chapter I: Introduction*

For instance, Professor Amos Utuama, explores the legal dimensions of the ND crisis. Utuama outlines how the legal regime has contributed to the region's problem through the nationalisation of oil and gas resources. Rather than serve as a tool for "social engineering", law has been used as an "instrument of expropriation and denial" in the region. Utuama cites the provisions of the 1979 and 1999 constitutions and other legislations such as the Territorial Waters Act (1967), the Petroleum Act (1969), the Exclusive Economic Zone Act (1978) and the Land Use Act (1978) to buttress this point. These legal instruments entrenched the nationalisation policy which vested ownership and control of all land and the resources therein in the Federal Government. Utuama sums up the net effect of this legal regime: it divested the people of the region of their resources without compensation. This contravenes the common law doctrine of *quicquid plantatur solo cedit* ("what is attached to the land accrues to the land and belongs to the owner"). According to Utuama, the ND conflict is a revolt against the legislations that have effectively expropriated the land and resources of the region. Utuama also identifies the skewed fiscal regime – exemplified by the revenue allocation formula – as a fundamental variable in the perpetuation of the ND crisis. Revenue allocation, which encapsulates the principle of derivation, does not compensate for the region's losses occasioned by "obnoxious legislations". The current constitutional provision offers 13% of oil revenue in the Federation Account to oil-producing states. Agitations

*Dr. Victor Ojaborotu*

in the region for the revision of the revenue allocation formula point to the unacceptability of this fiscal regime. Utuama advocates an increase of the derivation principle to 50% as a panacea to the problem of revenue allocation.

Similary other chapters focused on the different dimension of the Niger Delta crisis especially after 1990s when the issue of the Niger Delta was globalized the MOSOP. I assume these chapters will chart a framework of action for the resolution of the ND crisis.As the ND crisis was an expression of the larger crisis of the Nigerian state and that the former could not be resolved meaningfully without addressing the latter in a holistic manner. Similarly the national question (of which the ND is “an extremely important subset”) could be resolved through a Sovereign National Conference.

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## **Chapter II:**

### **The Niger Delta Crisis: The Legal Dimension**

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By Professor Amos Utuama

#### **Introduction**

I am honoured by your invitation as a keynote speaker at the 2008 International Conference on the Niger Delta Crisis in Nigeria. I must thank you very profoundly for organizing this conference as your own initiative for articulating a framework for contributing to the resolution of the crisis.

The conference holds bright promises for the resolution of the crisis. South Africa, through sheer resilience, crushed the protracted regime of in justice Africa has ever experienced, the apartheid. Significantly, the holding of the conference in South Africa also shows that the crisis raises international concern due to the strategic position of the Region as an important part supplier of the world's energy needs for economic sustenance. This therefore makes the regions unrest, an African unrest and of the world. By extension socio-economic injustice in the region is an injustice in the rest of Africa and the world.

It is, therefore, a joint responsibility of all who is affected by the unrest in the region to contribute to its process of attaining permanent peace. It is against this background, I again thank you

and commend your effort for the conference initiative and quickly say that my keynote will attempt to educate participants on how existing legal regime, spanning a period of 40 years, has, ironically, contributed to the problem through a policy of nationalization of mineral oil and gas resources of the Region to the disadvantage of the area. It is my opinion that my distinguished listeners need to have an in-depth knowledge of the problem in order to appreciate its legal dimension.

The theme will be advanced by a story of my personal experience to bring out the twin problems of the facts of both under-development and associated poverty confronting the Region. This will be followed by examination of the role law has been engaged to play in this regard and steps that must be taken to restore and sustain the hope of the people of the Niger Delta Region in order to restore peace to the area and position it for more equitable and sustainable exploitation and development of its natural resources. In this way, the Region will be enabled to play a significant role in promoting economic growth, reduce poverty and launch the Nigerian economies onto a stronger, more sustained path of economic growth providing opportunities for all stakeholders.

## **Story of My Personal Experience**

I began to have some consciousness of my environment in the fifties. At that time, I was attending the Local Authority Primary School, Otu Jeremi, my home town. I observed that there was peace in the town. As children, we enjoyed moonlight plays as late as 12 midnight without any fear.

The people were essentially traders, farmers, fishermen, producers of palm oil and kernels and distillers of gin from raffia palm. The adult farmers cultivated cassava, palm trees and rubber trees. The youths were gainfully engaged in rubbers tapping. Women planted cassava and yam. The men caught fish in abundance. Some of the male adults specialize in the production of palm oil and kernels.

The trade in palm oil was particularly lucrative. As these economic and commercial activities were going on in my little town, similar gainful activities were also going on elsewhere even on a larger scale. The Ijaws were great fishermen and women who sold part of their catch to the Urhobos in exchange for cassava, starch, garri, plantain and oil.

The Itsekiris were also active fishermen. By this time, they were three Regions in Nigeria: Northern, Western and Eastern Regions. The Urhobos and Itsekiris and some of the Ijaws were in Western Region in South West of the Niger while their other kith and kins are

in the South East of the River Niger in Eastern Nigeria. The Ibibios and Kalabaris are also in the South East of the Niger.

Then of course, they were textile traders who traded with John Holt, GBO and UAC in their colonial trading stations of Warri, Okpare, Burutu, Sapele, Port Harcourt and Calabar to name a few. There was no idle hand; everyone was engaged in one occupation or the other. In economic parlance, there was state of full employment. This was the picture throughout the territory now known as Niger Delta Region located in Delta Region of the River Niger and politically referred to as the South-South Zone of Nigeria, comprising Edo, Delta, Bayelsa, Rivers, Akwa Ibom and Cross River States.

The roads in the area were earth roads and generally bad. There were a lot of floods but the environment was characterized by luxuriant forests and soil, free from environmental impairment. The air was fresh and safe. About 1956, then came a new promise with the influx of strange workers into Otu Jeremi. They came in Lorries and vans. They were busy making paths into the forests, across farms, rubber plantations etc. These activities were shortly followed by explosive blasts which I realized later to be seismographic activities.

As a curious ten-year old, I once summed up courage to approach some of the workers in my town to enquire what they were looking for. They told me they were looking for oil. I replied that oil was not found in or under the ground but on the palm tree. They said



the type of oil they were looking for was not palm oil but petrol used for driving their landrover jeeps. I was still arguing with them that they were wrong. They then put a jerry-can full of the liquid on my head which I could not carry. But what excited me most at the end of my encounter with them was the assurance that if they found the oil they were prospecting for, the community would become a land of milk and honey! A land of great abundance and development, where because of the sheer wealth associated with that oil mineral, nobody shall live in poverty. This was the new hope and soon oil was struck. The new oil workers were living in peace among the people until 1961 when I left the town. I believe this scenario represented the situation in every community where oil was found in the Niger Delta.

Three decades thereafter, precisely in 1988, I had returned to Otu-Jeremi for burial ceremony of my late father. My ten-year old son came with me to the ceremony. The people were displaced from their occupation of rubber, oil produce, palm kernel collections and fishing. They were looking agitated and listless. I wondered why a community hosting not less than six oil wells will look so blight. No public water system, roads remain untarred, the houses were old with roof tops darkened with carbons. There was perpetual heat emitting from gas flare day and night. The night is consumed by the high flames of gas flair.

Suddenly, in the course of the burial ceremony, my son ran to me and said, Daddy do you know our house is the most beautiful house in the town. I asked him how he came about that assessment.

He said that he went round the town. I wondered how two-room bungalow, built on parcel of land given to me by my father before he died, with savings from my salary as a Senior Lecturer at the University of Lagos, could be the most beautiful house in an oil community! What a paradox? Where is the promise of land filled with milk and honey if oil is discovered, I painfully recalled.

As I was recovering from the disappointment of this observation he added, the third world children are here scrambling for the remains of food and drinks. I asked myself again, Where is the milk and honey promised. This poverty stricken scenario of the oil producing community of the Niger Delta characterized with massive youth unemployment, environmental degradation and pollution, massive displacement of the people from their traditional occupation, poverty, infrastructure deficiency, lately militancy, pipeline vandalism, kidnapping and other social vices.

### **The Role of Law in the Twin Challenge of the Region**

The hope of good life and the promise of good fortune associated with the discovery of oil in the Niger Delta Region was dashed through the instrumentality of law. Professor Von K. Savigny in his sociological school of Jurisprudence tells us that, Law is an instrument of social engineering not the result of an arbitrary act of

the legislator but a development as response to the impersonal power to be found in the peoples natural spirit(Freeman,2001:905). I had understood this to mean that law would be used for the social good of the people, but ironically, law has been used as instrument of expropriation and denial in the Niger Delta such was the case in under the South Africa, Group Area Act 1953 to underpin the Apartheid.

As soon it became clear that revenue from oil was the mainstay of the Nigerian national economy, the Federal Government pursued the political policies of nationalizing the entire property of oil minerals and gas in, under, upon any land in Nigeria or in, under or upon the territorial waters and exclusive economic zone of Nigeria and unitary fiscal federalism.

## **Policy of Nationalization**

The cornerstone of the policy of nationalization was first given constitutional expression under 1979 Constitution and the succeeding the 1999 Constitution of The Federal Republic of Nigeria inherited it. Its Section 44(3) entrenched the nationalization policy in the following words: *Notwithstanding the foregoing provisions of this section, the entire property in and control of all minerals, mineral oils and natural gas in, under or upon any land in Nigeria or in, under or upon the Territorial Waters and the Exclusive Economic Zone of Nigeria shall vest in the Government of the Federation and shall be managed in*

*such manner as may be prescribed by the National Assembly*(*Otogbo v. Okeluwa* (1981) 6-8 S.C. 99 at 146, See also *Abraham v. Olorunfunmi* (1991) 1 NWLR (pt.65) 53 at 74-75; )

As it turned out, the natural resources of the Niger Delta Region were the target of the obnoxious enactments intended to divest the people of the Region of their God-given resources without compensation contrary to the common law doctrine of quicquid plantatur solo cedit - meaning, what is attached to the land accrues to the land and belongs to its owner.<sup>2</sup> Rightly so, the Interpretation Act,(The Interpretation Act, 1964 Cap. 192 LFN 1990.)had earlier defined Land to include any building and any other thing attached to the earth or permanently fastened to anything so attached but does not include minerals.

The enactment is also a clear contradiction of the regime of fundamental human rights entrenched in the independent 1960 Constitution and successive constitutions, including the 1999 to allay the fears of the minorities of the Niger Delta of potential oppression of the majority.

In pursuance of the above constitutional provisions, several enactments remain validated notwithstanding their respective expropriation undertones to both land and riparian resources of the Region.

The Petroleum Act, 1969,( Cap. 350 LFN, 1990) directly divested the owners of land the ownership of minerals in, on and under their land.

The expropriating undertone of the Land Use Act, 1978 cannot escape some remarks. Section 1 states that: *Subject to the provisions of this Act, all land comprised in the territory of each State in the Federation are hereby vested in the Governor of that State and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act.* Section 49(1) then reads:

*Nothing in this Act shall affect any title to land whether developed or undeveloped held by the Federal Government at the commencement of this Act and, accordingly, any such land shall continue to vest in the Federal Government or the agency concerned.*

The Act, however, conceded in sections 34 and 36 to previous land owners statutory or customary right of occupancy. This interest does not seem capable of sustaining a claim of its holder to ownership of natural resources embedded in the land comprised in the right of occupancy as they have been variously vested in the Federal and State Governments.

The riparian resources are equally taken away and vested in the Federal Government. The Territorial Waters Act, 1967,( . Cap. 428 LFN 1990 ) as amended in Section 1(1) *limits the Territorial Waters to be twelve nautical miles of the Coast of Nigeria or of the*

*Seaward limits of inland waters. This measurement applies for the purposes of any power of the Federal Government to make laws with respect to any matter applying to any part of the territorial waters of Nigeria.*

The Exclusive Economic Zone Act 1978( Cap. 116, LFN 1990 ) as amended taking advantage of the Territorial Waters Act, asserts the right of the Federal Government to exploit the natural riparian rights of the region under this Act. Section 2(1) therein provides that:

*Without prejudice to the Territorial Waters Act, the Petroleum Act or the Sea Fisheries Act, sovereign rights with respect to the exploration and exploitation of the natural resources of the seabed, subsoil and superjacent waters of the Exclusive Zone shall vest in the Federal Republic of Nigeria and such rights shall be exercisable by the Federal Government or agency as the Governmanet may from time to time designate in that behalf either generally or in any special case.*

## **Principle of Derivation**

The effects of the several divesting enactments examined were intended to be qualified by means of revenue allocation formula, that accommodate the principle of derivation to compensate mineral producing States with additional sums from the Federation Account.<sup>1</sup>

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<sup>1</sup> This has been a contentious issue since 1951. This led to the setting up of the Philipson Fiscal Review Commission of 1951 which was later replaced with the Sir Louis Chicks Commission which eventually recommended the Derivation Principle that made the regions to be more financially buoyant than the centre.

In 1957, the Sir Jeremy Raisman's Commission was set up to review the Derivation Principle. It recommended the creation of a distributable pool of federal collected revenue to be shared as follows:

- Northern Region 40%
- Western Region 24%
- Eastern Region 31%
- Southern Cameroons 5%
- The derivation principle has seen several mutations from the 50% provided for by the 1960 and 1963 Constitutions to be retained by the Regions. During military interregnum the principle of derivation was cut down to 1% of revenue accruing to the Federation Account derived from minerals under the Allocation of Revenue (Federation Account etc) Act Cap. 16 LFN. Subsequently, the Act was amended to provide for 3%. The proviso to Section 162 (2) of the 1999 Constitution stipulates a minimum of 13% of the proceeds accruing to the Federation Account directly from any natural resources.<sup>1</sup>

The Niger Delta States are demanding that 13% derivation principle be raised to 50% as was the case when the Western Region was producing cocoa and the Northern Region producing groundnuts. The current Niger Delta conflict is largely a revolt against these unjust expropriating laws that have been directed against their natural resources to deny them the means of sustainable development of the people and the region as a result of skewed revenue formula and reduced principle of derivation.

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<sup>1</sup> The Presidential Order of 2002 modifying the Allocation of Revenue (Federation Account etc) Act in line with the Judgment of the Supreme Court in the case of the Attorney-General of the Federation v. the Attorney-General of Abia, sought to implement the minimum of 13% constitutional derivation principle.

## **Conclusion**

Having examined the legal dimension of the Niger Delta in the process of impoverishment of the Region, it is now convenient to suggest some steps that must be taken to restore hope and peace to the Region for its effective development.

### **Adoption of Equitable System of Resource Allocation:**

In a democracy and federation, problems of resource allocation can hardly be resolved by the imposition of system of collective property to save a collective interest without first asking few pertinent questions. Some of such questions were brilliantly put forward by Professor Jeremy Waldron as follows:

*First, what is the collective interest? Is it to be understood in an aggregative welfarist way, or a statist way, or in some other holistic way or what? Secondly, given some conception fo the collective interests, what procedures are to be used to apply that conception to particular cases? Are we to have a central economic planning committee or the delegation of collective responsibility on trust to expert managers, or sort of national democratic structure of decision-making, a local decision-making with certain natural reservation, or what?*

It is our honest opinion that these questions have never been asked and answered before the 1979 and 1999 Constitutions nationalized natural resources of the people of the Niger Delta without payment of compensation. As Waldron stated a conception of



collective property is not clearly specific until these questions have been answered. The fact that the Constitution has appointed the National Assembly as the manager of these resources does not in anyway provide a just structure for dealings with the issues of rules of allocation of major productive resources determined with reference to collective interests of the Federation as this may have the practical effect of adoption by the nation of socialism through the back door.

We submit that social rules of access to the use of natural resources cannot be allowed to be determined solely by legislators who represent different and sometime conflicting interests without sacrificing the dignity and interest of the affected minority at the alter of democracy by the majority. For the proverbial adage is that in a democracy, the minority will have its say but the majority will have its way. The Niger Delta is particularly vulnerable in this regard as supply of oil in the ground is not infinite (Diffeyes, 2006:4) <sup>10</sup> and demand is likely to fall with the renewed quest for alternative energy source of power. The example of Oloibiri the community in Nigeria where oil was first discovered in commercial quantity in 1951, is a case in point.

A return to the pre-1960 or 1963 Constitution must be made. This will involve expunging all the obnoxious enactments nationalizing the natural resources of the Niger Delta must be expunged. They must be expunged because they are bad laws and morally condemnable.

### **Adoption of True Federal Structure:**

The next step that must be taken is to enthrone a true federal structure of government. The political agenda for this action had been set by the maiden meeting of the Forum of Governors and National Legislators of the South-South zone held on Friday 31<sup>st</sup> March, 2000 at Asaba. Welcoming his brother Governors and National Legislators of the South-South States, Chief James Onanefe Ibori observed:

*We have been able to identify that it is only under a true federal system that the interest of our people can be protected. This explains our call for genuine devolution of powers from the Federal to the States and also promotes the just clamour for the restructuring of the Federation. It is sad to note that in spite of the fact that the 1999 Constitution is christened a federal constitution, where, ideally the central government and the federating States are expected to be autonomous in certain respects, this has not been the case in Nigeria. The logic and dynamics of power-sharing in the present system still place preponderance of power in the Federal Government. This is definitely contrary to the basic principles of federalism. The obvious inadequacies of the 1999 Constitution, which is deliberately skewed in favour of the central government, has left the States prostrate in terms of powers and resource allocation. For us in the South-South States, we have been able to appeal to the conscience of the Nation that the long years of neglect have been compounded by a sustained oppressive legal regime*

*of oil exploration in the area. We have also stated loud and clear that collectivization of the resources of our region has been to further majoritarian interest without regard to the need for sustainable development of the Niger Delta and other mineral oil producing States. We resolved to embark on the struggle for constitutional review that would enable constituent States of the Federation gain control of their respective resources, subject to payment of taxes to the Federal Government to run and maintain collective facilities and services of the Federation.*

The advantage must be taken of the on-going review of 1999 Constitution to return to true federalism with true federal fiscal arrangement for the allocation of revenue.

### **Development of the Region:**

The adoption of a fairer system of resource ownership and allocation mechanism and true federalism is not an end by themselves. The end of both reforms is to release enough resources for the transformation of the Region into a modern economic hub, creating wealth and employment for the people. This will once again put all the idle hands in the Region back on deck as it was in the fifties but at a greater scale than ever. This will involve a massive infrastructural development of road network and bridges, galvanizing the seaports in the Region, such as Koko, Sapele, Warri, Burutu, Port Harcourt ports to boost export and import trades. Vital infrastructure

such as international airports must be built. The natural resources of the Region must be transparently managed for the good of all.

Intensive programme of human capital development must be embarked upon to implement the Millennium Development Goals in the Region.

The above three restorative steps taken should lead to the resolution of the Niger Delta Crisis in no time.

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3. The Interpretation Act, 1964 Cap. 192 LFN 1990.
4. Cap. 350 LFN, 1990
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7. This has been a contentious issue since 1951. This led to the setting up of the Philipson Fiscal Review Commission of 1951 which was later replaced with the Sir Louis Chicks Commission which eventually recommended the Derivation Principle that made the regions to be more financially buoyant than the centre.
8. The Presidential Order of 2002 modifying the Allocation of Revenue (Federation Account etc) Act in line with the Judgment of the Supreme Court in the case of the Attorney-General of the Federation v. the Attorney-General of Abia, sought to implement the minimum of 13% constitutional derivation principle.
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## **Chapter III:**

### **Corruption and Militant Groups in Delta State Nigeria: Implications for the Nigerian State**

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By Dr. N.B. Najibo and Nathaniel Umukoro

#### **Abstract:**

*Corruption is a pervasive and conventional word in Nigeria. Its manifestations can be seen in the family, community associations, business organizations and even religious groups. In spite of the pervasive nature of corruption in the country, the government and the people are interested in fighting the scourge. This paper examines one area in which corruption manifests itself in the Niger Delta area of Nigeria i.e. the role of corruption in the formation, management and sustenance of militant groups. The study is based on primary data collected from rural communities where militant activities are very common in the Delta State of Nigeria. Corruption and the formation of militant groups are so intertwined that it has become a part of the culture of some rural communities in Delta State of Nigeria. The study also shows that the relationship between corruption and militant groups accounts for the nefarious activities of these groups against multinational oil corporations. Their activities negatively affect the operations of the multi-national corporations, thereby affecting both global and national economies. There is, therefore, the need to diversify Nigeria's economy so as to reduce emphasis on the oil sector, which has attracted all kinds of nefarious activities in the Niger-Delta region of Nigeria.*

#### **Introduction**

The struggle to make the Niger Delta area of Nigeria a better haven for both Nigerians and foreigners has taken a long time but without success. Most of those engaged in the struggle claim to be humanitarians and upright in their cause. One way in which such struggle is carried out is through the activities of militant groups, which negatively affect multinational oil corporations operating in the country. These activities also hamper economic growth and development. This is because sustainable development cannot be

achieved in an environment characterized by corruption, rancor and violence. Corruption and militant activities have been a major impediment to the meaningful development of Nigeria including the Niger Delta area. This is because corruption reduces the money needed to provide social infrastructure and development projects. Corruption which perpetuates underdevelopment in the Niger Delta manifests in different ways such as corruption on the part of government officials and community leaders who fail to use public funds judiciously and militant groups who enrich themselves under the guise of fighting for the benefit of the people. Conflicts perpetuated by militant groups are often directed towards vestiges of multinational oil producing and servicing companies and sometimes against other communities. For example between 1988 and 1997 alone, Shell Petroleum Development Company (SPDC) recorded 180 cases of conflicts within its sphere of operation. Between March and October 1997 aggrieved youths took 19 hostages in Delta State (Ukaogo, 1999:18). Since 1999 hundreds of oil company workers have been taken hostage by militants while some lost their lives.

The proliferation of violent conflicts in the Niger-Delta has brought about new developments in oil company/community relations. This is done inter alia, through the appointment of community liaison officers and community liaison committees, which is complemented by the devotion of huge amount of financial resources to community

development. Such resources are often hijacked by greedy community and youth leaders. For example, Shell Petroleum Development Corporation (SPDC) claimed to have increased its expenditure on community development from about 2 million dollars a year before 1997 to about 32 million dollars presently. Mobil Oil claims to spend an average of about 8 million dollars on community development project between 1994 and 1997. Elf for its part, budgets about 5 million dollars a year on community development, while Chevron claims to have spent about 28 million dollars between 1990 and 1997 on community development (Ojo, 2002:3-8). In spite of the huge expenditure on community development, the Niger Delta area of Nigeria remains highly underdeveloped basically because of corruption and insincerity on the part of the government, community leaders and militant groups.

For some people, the basic reason for the activities of militant groups can be summed up with a Nigerian proverb which states: *“If a provoked houseboy cannot match his wicked master strength with strength, he maims the master’s favorite goat”*. This means that many people believe that the cause of militant activities in the Niger Delta is because the people are provoked over the slow response of the government towards the plight of people living in the area and the only way to publicize their plight is to cripple oil production. For example, the Governor of Rivers State Rotimi Amaechi stated that *“one cannot just talk about violence without considering what created*

*the violence*". He further postulated that "*the issue of violence did not just erupt; it was due to the long term neglect of the Niger Delta region beyond the level of human tolerance. The people have to fight back...*" (Sunday Vanguard, 2008). While it is true that the problems in the Niger Delta and the slow response of the government to these problems is really a reason to be angry, the manner in which the anger is expressed calls for a critical analysis. In other words, one may be compelled to ask, why militant activities in the Niger Delta?

Three explanations can be adduced. Firstly militants have decided to step up their attacks to keep the Niger Delta on the front burner so that the Nigerian government will not lose sight of the seriousness of the problem in the area. From the point of view of the Movement for the Emancipation of the Niger Delta (MEND) and its supporters, the people of the Niger Delta have suffered an unprecedented degradation of their environment due to unchecked pollution produced by the multinational Oil Corporations operating in the area. As a result of this policy of dispossessing people of their lands in favor of foreign oil interests, within a single generation, many people have been deprived of the natural job of farming and fishing. People living in the Niger Delta have found themselves in a situation where government and international oil companies own all the oil under their feet, the revenues of which are rarely seen by the people who are suffering from the consequences of it (Wikipedia Encyclopedia, 2008). It is



pertinent to mention that the oil companies cannot pretend that they do not know what is happening to the environment in the Niger Delta. In an attempt to maintain stability in the area, the Nigerian government obviously has abused the rights of individuals and communities, while the oil companies have become direct beneficiaries of these crude attempts to suppress dissent. This is because multinational corporations can use their economic power to influence the government to solve the developmental problems in the Niger Delta. Secondly, it is argued that militant activities have intensified in the Niger Delta because of the emergence of a splinter group from MEND as a result of disagreements over the sharing of ransom takings, a charge often denied by the group. This means that those who subscribe to this school of thought believe that corruption among militants is the basic reason for their actions. Thirdly militant activities are on the increase because of corruption on the part of the government, community leaders, and militant groups.

Corruption and insincerity on the part of government officials and community leaders is the main reason why the Niger Delta area of Nigeria is not developed. Militants in the area therefore use their activities as a means of getting their share of the national cake as they continue sounding the alarm for the need to develop the Niger Delta. Since the target of militants is mainly workers and installations of multinational oil corporations, it becomes very difficult for them to achieve their objectives. This also affects government revenue and the

economy in general. For almost fifty years since Nigeria gained independence from British colonial rule, oil has been produced in Nigeria and has been the mainstay of the economy due to the neglect of the agricultural sector. Since oil became the mainstay of the economy corporate politics has intersected with successive military regimes. Under these regimes the Nigerian government has signed laws that appropriated oil resources and placed these under the control of multinational oil companies, such as Shell and Chevron.

### **Corruption in Nigeria: An Overview**

One of the greatest problems militating against the development of Nigeria including the Niger Delta area is corruption. Corruption has been defined as the abuse of public trust for private gain; it is a form of stealing (Todaro and Smith, 2006:552). The Federal Government of Nigeria's Independent Corrupt Practices and other related offences Act (2000) states that corruption includes bribery, fraud and other related offences. Osoba (2000:80) also argued that corruption is a form of anti-social behavior by an individual or a social group which fixate unjust or fraudulent benefits on its perpetrators against established legal norms and agreed moral ethos of the society. The absence of corruption encourages investment and efforts to expand the pie rather than fight over its distribution and thus encourages growth; to this extent, improvements in governance in general and reduction of corruption in particular could be means to accelerate the process of

development (Todaro and Smith, 2006:552). Nigeria is ranked as one of the most corrupt countries in the world. Daily, low-level corruption is visible on the street; policemen extorting money from motorists to supplement their meager wages. In Nigeria, financial gain derived from corrupt activities is often called “*awuf*”. Nigerians have different attitudes towards corruption. Although they vaguely believe that corruption is not in the best interest of the nation, many hold the view that life is a grim battle for survival. For those who hold tenaciously to this belief, it is a waste of time to talk about corruption, they only smile when they come across opportunities to be corrupt (Amadi, 1982:82).

For decades the government has generated huge oil revenues, yet the country suffers from lack of basic infrastructure, while greater percentage of Nigerians lives in poverty due to corruption. In recognition of the harm corruption has been doing to the nation, several policies and institutions have been established to fight it. These include; War Against Indiscipline during the Buhari/Idiagbon regime (the only regime that showed seriousness in the fight against corruption), War Against Indiscipline and Corruption by the Abacha regime which was very corrupt and the Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crimes Commission, (EFCC) established by the Obasanjo regime which turned out to be the most corrupt.

## **Oil Politics, Corruption, and Militant Activities**

Nigeria was primarily an agricultural country after independence in 1960. First, prior to independence about 80% of the country's labour force was engaged in agricultural activities. Secondly, agricultural products accounted for 85 percent of Nigeria's foreign exchange earnings. The steady increase in the production and rise in the price of crude oil in the international market in the 1970's led to the neglect of the agricultural sector which provides employment for majority of the people. The proceeds from the sales of crude oil were not used to develop the various sectors of the economy. Corrupt political leaders used the oil wealth for their selfish interest thus impoverishing the greater populace (Ecker, 1981). The lack of diversification of the economy away from oil production is one of the main causes of the conflict in the Niger Delta. The domination of oil politics has resulted in a disproportional focus of efforts to gain employment and be associated with the oil industry. This has resulted in a mono-focus that fails to realize the potential for other economic activities based on local assets (Nkoro, 2005:7).

## **Conflict and Militant Activities in the Delta State of Nigeria**

Delta State is one of the states that make up the Niger Delta area of Nigeria. It was created out of the defunct Bendel State on August 27 1991. Violent conflicts in the state are very common among the three

major ethnic groups inhabiting the southern part of the state where oil production activities are mainly carried out. These ethnic groups are Ijaw, Itsekiri and Urhobo. Of the three ethnic groups, the Ijaws are known to have more militant groups that operate both on land and in the water.

The causes of violent conflicts and militant activities in Delta State cannot be given a strait jacket identification given the complexity associated with the problem of causation in the social sciences. In spite of this difficulty, understanding the causes of conflicts is the first step towards its prevention, management or resolution (Adekanye, 1999:107). A proper diagnosis of the causes of conflict in the Niger Delta area of Nigeria including Delta State requires a tripartite dissection of conflict. These are structural background conditions of conflict and conflict accelerating factors and the triggers. The structural background conditions of conflict at best only point to the existence of conflict potential but cannot explain the actual occurrence of a given conflict. They include differences in ethnic groups, languages, religion and culture. Other accelerating factors include democratization, rising cases of unemployment, rising poverty, marginalization (perceived or actual), the demands for empowerment, stress and strains of environmental cum human insecurity. The combined effects of the structural background conditions of conflict and the conflict accelerating factors produces

alarming social and ethnic tensions and conflicts ( Adekanye, 1999:105).

There is no gainsaying that Delta State is a harbor of conflict accelerating factors which ignite from time to time. First, rising cases of unemployment is a cause for concern in the area. Enahoro (2003:14) commenting on this situation states that a lot of youths including university graduates have resorted to bike riding (*Okada*) to make ends meet. The rising cases of unemployment in the area breeds rising poverty. According to the UNDP Human Development Report (1999), seven million out of twelve million people in the region sustain live with a daily total of less than 1 dollar a day. The World Bank Report (1997) also indicates that GNP per capita is below the estimated national average of 200 dollars per year. It further shows that 88 percent of households are illiterate, only 30 percent of the population has access to health care and some 85 percent lack access to safe drinking water. This indicates that the Niger Delta region is suffering from administrative neglect, crumbling social infrastructure and services, social deprivation, abject poverty, filth and squalor and endemic conflict (UNDP, 2006).

Secondly environmental degradation and human insecurity is another conflict accelerating factor in the area that requires careful attention. The problem of environmental and human insecurity is basically due

to the activities of multinational oil companies. The exploration, refining and transportation of petroleum products result in social and ecological disturbance. These include explosions from seismic surveys, pollution from pipeline leaks, blowouts, drilling fluids and refinery effluents as well as land alienation and widespread destruction of the natural terrain from construction activities (Hutchful, 1985:81). The activities of oil companies have contributed to the marginalization of the peasantry in oil producing areas and threaten its conditions and existence. Oil exploration and exploitation have permanently alienated large tracts of land and accentuated land insecurity (Aluko, 1999:37). Pollution of terrestrial, atmospheric and marine environments is another aspect of environmental degradation. The dangers of pollution in this area is accentuated by three factors; an extensive coastline dominated by mangrove swamps, large numbers of offshore rigs and oil port facilities. These offshore activities pose particular danger to the sensitive mangrove ecology (Ake, 1985; Agbese, 1993; Human Rights Watch, 2002; Ojo, 2002; Uduaghan, 2008). Oil industry pollution arises from variety of sources. The first is crude oil from pipeline leaks, failure of equipment or tank overflow from excessive pressure, failure along pump manifolds, blow out of oil wells and sabotage to well heads and flow lines (Awobayo, 1981:105). Additionally, drilling mud and cuttings and gas flaring operations are also sources of environmental pollution (Hutchful, 1985:80).

There is no doubt that these conditions are causes for concern to the people of the Niger Delta area. Their aspiration is to have these problems ameliorated. That is why the people continually make claims on the government and oil companies. Such claims have been in the form of demands for compensations, increased revenue allocation to oil producing states, provision of adequate social and economic infrastructure, creating more job opportunities for the youths and the demand for resource control (Onduku, 2001; Saro-wiwa, K.1993). The slow response of the political system to meet most of the demands of the people can be related to the contradictions of the country's corrupt economy. The problems of rising poverty, unemployment and environmental decay with no real solution in sight have sown the seed of frustration in the minds of many. This makes them susceptible to aggression and militant activities. The quest for political redeemers or messiahs is also related to the ubiquity of violence during periods of election. In a nutshell, it is generally comprehended that the recurring crisis in the Niger Delta region is the product of the deep-seated sense of neglect and marginalization by the government and oil companies in supporting critical human development and provision of basic social amenities. The situation in the Niger Delta is indeed a paradox of poverty in the midst of plenty.



## **Militant Groups in the Delta Region**

The inter ethnic conflicts among the communities in the Niger Delta, such as those between the Ijaw and Itsekiri, coupled with an increase in the availability of small arms and other weapons, led increasingly to the militarization of the Delta. By this time, local and state officials had become involved by offering financial support to those paramilitary groups they believed would attempt to enforce their own political agenda. Ethnic and political unrest has continued throughout the 1990s and persists as of 2008. Before 2003, Warri was the regional center of violence. However, after the violent convergence of the largest military groups in the region, two militant groups namely; the Niger Delta People's Volunteer Force (NDPVF) led by Mujahid Dokubo-Asari and the Niger Delta Vigilante (NDV) led by Ateke Tom (both of which are comprised primarily of Ijaws) emerged and conflict became focused on Port Harcourt and outlying towns. Apart from the NDPVF and NDV a plethora of smaller militias supposedly numbering more than one hundred has been in existence (Wikipedia Encyclopedia, 2008). These groups are constituted mostly by disaffected young men from Warri, Port Harcourt, and their suburban areas. Although the smaller groups are autonomous from within, they have formed alliances with and are largely controlled from above by either Asari and his NDPVF or Tom's NDV.

The NDPFV attempted to control petroleum resources primarily through oil "bunkering", a process in which an oil pipeline is tapped and the oil extracted into a barge. This act is considered illegal by the Nigerian government and multinational oil corporations. Militants on the other hand justify bunkering, saying they are being exploited and have not received adequate profits from the profiteering but ecologically destructive oil industry. Bunkered oil can be sold for profit, usually to destinations in West Africa, but also abroad. Bunkering is a fairly common practice in the Delta but in this case the militia groups are the primary perpetrators (Wikipedia Encyclopedia). In 2004 the Niger Delta People's Volunteer Force was outlawed after it declared an "all out war" against the Nigerian government. This led to the formation of the Movement for the Emancipation of the Niger Delta (MEND). MEND reportedly seeks "a union of all relevant militant groups in the Niger Delta." From a poorly organized gang fighting with little more than sticks and machetes, MEND has grown to become a disciplined militant organization, using speedboats, machine guns and rocket-propelled grenades to carry out precise attacks on oil targets. Its attacks have been the main cause of an 800,000 bpd (25%) reduction in Nigeria's oil production output (Wikipedia Encyclopedia, 2008).

MEND appears to have fairly broad support across the Delta region, a factor that helps keep the identities and the whereabouts of its leaders secret. Although the group regularly attacks oil installations, their predominant tactic remains the kidnapping of foreign workers whom they usually release unharmed after they feel they have made their point. MEND's attacks involve substantially more sophisticated tactics than those of previous militant groups in the Niger Delta. MEND's recent tactics include:

- Swarm-based maneuvers: Guerrillas are using speed boats in the Niger Delta's swamps to quickly attack targets in succession. Multiple, highly maneuverable units have kept the government and Shell's defensive systems off-balance defending the sprawling network.
- Radically improved firepower and combat training: allowing guerrillas to overpower a combination of Shell's Western-trained private military guards and elite Nigerian units in several engagements. (One of Shell's private military operators was captured as a hostage.)
- Effective use of system disruption: Targets have been systematically and accurately selected to completely shut down production and delay and/or halt repairs, and the guerrillas are making effective use of Shell's hostages to coerce both the government and the company (Wikipedia Encyclopedia, 2008).

Another militant group operating in the Delta area is the Underdog. The objectives of this group are similar to those of MEND.

## Summary of Militant Activities in the Niger Delta, 2003-2008

Dates	Events
March 22, 2003	A group of Youths struck at the Total Fina Elf tank farm in Oponani village and killed five soldiers and destroyed property worth billions of Naira
April 7, 2004	<i>Five persons including two Americans were killed by militant youths. They were among the nine people travelling in a boat along Benin River, west of Warri, when they came under what was described as unprovoked attack. The two Americans were staff of Chevron Texaco.</i>
April 14, 2004	Ijaw youths attacked and killed four children including a 90 year old community leader in Koko, headquarters of Warri North Local Government Council, Delta state
April 23, 2004	About nine members of the Joint Security Task Force in charge of security in Warri, Delta State were killed by militant Ijaw youths
November 18, 2004	<i>Ijaw youths from Odioma community in Brass Council in Bayelsa State, protesting an alleged violation of a Memorandum of understanding by SPDC shut down and occupied its 8000 barrel flow station.</i>
December 24, 2004	Militant Youths kidnapped 16 oil workers including a Yugoslav at Amatu community in Ekeremoh Local Government Council in Bayelsa State. They were kidnapped from a vessel identified as Seabulk, owned by an oil servicing firm working with shell
January 12 2006	Pirates took four expatriates hostage
January 19, 2006	Federal Government opens talks with militants.
January 29, 2006	Oil Workers threatened to pull out of Niger Delta.
May 10, 2006	An executive with the United States-based oil company, <u>Baker Hughes</u> , was shot and killed in the south-eastern city of <u>Port Harcourt</u> . At the time of the shooting, it was not immediately known if MEND had any involvement or not. Witnesses say the attacker appeared to be specifically targeting the American executive.
June 2, 2006	A Norwegian rig offshore Nigeria was attacked and 16 crew members were kidnapped.
August 20, 2006	10 MEND members were killed by the Nigerian military. The members were working on releasing a <u>Royal Dutch Shell</u>

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	hostage. In an email MEND stated, "Our response to Sunday's killings will come at our time, but for certain it will not go unpunished."
October 2, 2006,	10 Nigerian soldiers were killed off the shore of the Niger Delta in their patrol boat by a MEND mortar shell. Earlier that day a Nigerian/Royal Dutch Shell convoy was attacked in the <u>Port Harcourt</u> region resulting in some people being wounded.
October 3, 2006,	A militant group abducted four Scots, a Malaysian, an Indonesian and a Romanian from a bar in Akwa Ibom State
October 4, 2006	Nigerian soldiers attacked a militant camp; in the ensuing battle 9 Nigerian soldiers were killed.
November 22, 2006,	Nigerian soldiers attempted a rescue of kidnapped oil workers which resulted in one soldier being killed.
May 1, 2007	MEND seized six expatriate workers from an offshore oil facility owned by Chevron. The group of six consisted of four Italians, an American and a Croat. On the same day, MEND published photos of the captives seated on white plastic chairs in a wooden shelter around the remains of a campfire.
May 3, 2007,	MEND seized eight foreign hostages from another offshore vessel. The hostages were released less than 24 hours later, stating they had intended to destroy the vessel and did not want more hostages.
May 8, 2007	Three major oil pipelines (one in Brass and two in the Akasa area) were attacked, shutting down oil production and cutting power to a facility run by Italian oil company Agip, part of the ENI energy group. An e-mail statement from a MEND spokesperson said, "Fighters of the Movement for the Emancipation of the Niger Delta (MEND) attacked and destroyed three major pipelines in Bayelsa state... We will continue indefinitely with attacks on all pipelines, platforms and support vessels."
September 23, 2007	A MEND spokesperson named Jomo Gbomo announced, through a communique to the Philadelphia Independent Media Center, that media reports of his arrest and detention were false; and then further informed, through the letter, that MEND had officially declared war, effective 12 midnight, September 23, 2007, and that they would be commencing "attacks on installations and abduction of expatriates."
May 3, 2008	MEND militants attacked Shell-operated pipelines in Nigeria, forcing the company to halt 170,000 barrels a day of exports of Bonny Light crude.

June 15, 2008	Militants from Egbema community in Delta and Edo States struck at Iyera village in Azaka community, bombing an NNPC pipeline.
June 17, 2008	A major oil spillage occurred at Shell Bomu Well 18 in Kpor, headquarters of Gokana Local Government area. Members of the community were aggrieved.
June 20, 2008,	MEND naval forces attacked the Shell-operated Bonga oil platform, shutting down 10% of Nigeria's oil production in one fell swoop. The oil platform, Shell's flagship project in the area capable of extracting a massive 200,000 barrels of oil a day, was widely assumed to be outside the reach of the militants due to its location 120km off-shore. This attack has demonstrated a level of prowess and sophistication never before seen by the rebels and it is now known that all of Nigeria's oil platforms are within range of MEND attack
July 19,2008	Over three soldiers were killed in Bayelsa State by militants on rampage.
July 26, 2008	Two civilians were reportedly shot and eight expatriates abducted when heavily armed men believed to be militants stormed the Liquified Petroleum Gas tanker at Bouy38-39 in Bonny Rivers State.
July 28, 2008	MEND militants bombed oil pipelines belonging to Shell in Rivers State.
August 2, 2008	Militants seized two military gunboats in a deadly duel with Nigerian soldiers around its Bomadi base on the Forcados River.
August 2, 2008	Militants under the name Movement for the Emancipation of the Niger Delta (MEND) kidnapped nine chieftains of the Peoples Democratic Party in Ondo State.
August 4, 2008	The Nigerian security forces ( Joint Task Force) allegedly searching for some militants devastated Agge community in Bayelsa State

**Source:** *Compiled by the author from selected National Newspapers between 2003 and 2008 and Wikipedia Encyclopedia (2008).*

## **The Effect of Corruption and Militant Activities on Multinational Corporations and the Nigerian Economy**

A multinational corporation is a firm that owns and manages economic units in two or more countries. The principal objective of Multi-National Corporations (MNS) is to secure the least costly

production of goods for world market (Gilpin, 1987:18). The goal of multinational oil corporations in the Niger Delta is to ensure the exploration and exploitation of crude oil at the most cost effective manner. The underdeveloped nature of the communities where these activities are carried out generates hostilities from the host communities. While it is true that some of the perpetrators of violence are aggrieved because of perceived marginalization, others are interested in enriching themselves. Therefore, the underdevelopment of the Niger Delta due to corruption on the part of political leaders and militants make it difficult for oil companies to perform efficiently and effectively. Apart from interrupting production, multinational corporations spend huge sums of money for the payment of ransom. The Niger Delta case is a topical issue that must be critically examined. The conflict in Niger Delta is due to the level of marginalization and degradation done to the region. However, it has led to the shut-down of many oil wells and production facilities (Human Rights Watch, 2005; Dokubo, 2004; Iyoha, and Adamu, 2002).

### **Discussion of Fieldwork Findings:**

From the tables below, the following are the major findings of the study:

1. The desire to improve the quality of life of people in the Niger Delta is one reason for the formation of militant groups and the perpetuation of their activities. This means that corruption on the part of political and community leaders and its concomitant effect on the neglect and underdevelopment of the Niger Delta is a major reason for militant activities. The absence of corruption encourages investment and efforts to expand the pie rather than fight over its distribution. To this extent, improvements in governance in general and reduction of corruption in particular could be means to accelerate the process of development (Todaro and Smith 2006:552-554). The result of the neglect of the Niger Delta is widespread poverty and penury in the area. This finding is corroborated by the view espoused by Aluko (1999:18) that poverty contributes to frequent cases of violent conflicts in the Niger Delta. This situation is aggravated by the perception of the people that the source of their problem is not the unavailability of resources to transform their lives from quantity to quality but the mismanagement of such resources. Nwachukwu (1999:10) posits that production and export of crude oil from the Niger Delta accounts for over 90 percent of Nigeria's total export earnings and about 80 percent of



federal revenue. In spite of this, corruption has caused massive unemployment among the youths particularly university graduates. Additionally oil prospecting activities have caused environmental degradation in the area, which adversely affects the traditional occupation of farming and fishing in the region (Ojo 2002:15-20). It also affects multinational firms and their workers. For example in 2006, militants kidnapped some expatriates and demanded the immediate payment of 1.5 billion dollars compensation by Shell Petroleum Development Corporation to some Ijaw communities who dragged the company to court over oil spillage which they refused to pay. The hostages were released after due negotiation between the government and the kidnapers (Ojie 2007:31).

2. The formation of militant groups and militant activities is a means for making money. In other words, corruption is another reason for militant activities. Most of the respondents believe that militancy is also a means of getting some share of the national cake which the Federal Government has refused to share equitably. In May, 2008, militants demanded N1 billion to release two kidnapped foreign nationals working for the Lone Star Drilling Company, a service contractor to Agip Oil company. May 9, 2008 (Ojie 2007:5).

3. Militant groups have leaders who control the behavior of their subordinates. Leaders of militant groups control the behavior of their subordinates through the use of threats and force. Some also believe that education of members and persuasion are other ways of controlling the behavior of militants by their leaders. The study also shows that recruitment and training of more militants is currently going on. This finding can be supported with the statement made by Asari Dokubo, deputy leader of MEND that many youths are availing themselves to be recruited as militants and that the initiation ceremony can be quickly performed even at a bar or a restaurant (see, Vanguard, July 10, 2008).
4. Militants do not want oil production activities to end permanently in the Niger Delta. This is because they are benefiting from their militant activities due to oil production. Majority of the respondents feel that oil production should only be disturbed in order to compel the federal government and multinational oil corporations to develop the Niger Delta. The activities of the militants are as a result of the continued denial of economic, social and cultural rights to the oil-rich communities in the area. Although the primary obligation for realizing the economic, social and cultural rights of host communities

rests on the government, multi-national corporations in developing countries, considering their awesome resources and influence on government policies, should be similarly obligated to respect, promote and protect those rights (Yusuf 2008:37).

5. The militants believe that the use of force by the federal government cannot stop militant activities in the area. They are resolved to continue fighting no matter the security measure put in place by the government. This finding is in agreement with the view espoused by Iyayi (2008:29) that 'militarization of the Niger Delta will not work; deploying more forces there will not work... a military solution to a political problem will not work'. In the same vein, the Ijaw National Human Right Organization (INGRO) has warned the federal government against the proposed deployment of British military experts to the Niger Delta in the guise of curbing militancy in the withdrawal of full military approach to solving the problem in the Niger Delta (Vanguard, July 10, 2008). Additionally, a Yoruba socio-cultural organization, Afenifere, expressed worry at the rate in which war ship and gun boats are being deployed to the Niger Delta. The group further states that the attempt to militarize the Niger Delta makes no sense since a good government cannot be expected to take up arms against

its people (Vanguard, 2008). Nwabueze (2008:62) in his reaction to the threat made by the federal government to declare war on the Niger Delta asserted that 'the Niger Delta militants are fighting for justice. War is an inappropriate response to the demand for justice. It only aggravates the injustice complained of and arouses the aggrieved citizens to a deeper feeling of disaffection and alienation'.

6. The solution to militant activities in the Niger Delta should begin with the eradication of problems associated with the underdevelopment of the area, such as poverty and inadequate infrastructure. Oil companies should be community friendly. They should employ unskilled, semi-skilled and skilled labour from the communities in order to solve the unemployment problems in the area (Uduaghan, 2008:27). This will make it difficult for any individual to justify the activities of militants. For us to have peace in the Niger Delta two conditions are needed. One oil companies should ensure that their operations conform with necessary health, safety and environmental standards so that our environment are not polluted because when our environment get polluted communities become very angry and disturb the activities of oil companies. According to a militant group called

underdogs operating in the Egbema area of Warri North Local Government area of Delta State, peace can only be restored to the state if the government develops oil producing communities, employ the youths and give political appointments to qualified indigenes of the area (Vanguard, 2008).

## SECTION A: Reasons for the formation of Militant Groups

*Table A1: To improve the welfare of the community*

Responses	Number	Percentage
Yes	74	86.0
No	12	14.0
Total	86	100

**Source:** Field Work

*Table A2: To Make Money*

Responses	Number	Percentage
Yes	61	70.9
No	25	29.1
Total	86	100

**Source:** Field Work

*Table A3: To Increase One's Popularity*

Responses	Number	Percentage
Yes	32	41.9
No	54	62.8
Total	86	100

**Source:** Field Work

*Table A4: To Exploit People*

Responses	Number	Percentage
Yes	69	80.2
No	17	19.8
Total	86	100

**Source:** Field Work

*Table A5: Because Political Leaders and Oil Companies are not Willing to Develop Oil Producing Communities*

Responses	Number	Percentage
Yes	77	89.5
No	9	10.5
Total	86	100

**Source:** Field Work

Table A1-A5 show that majority of the respondents agree that there are different reasons for the formation of militant groups. These reasons are; improving the welfare of the community, the attitude of political leaders and oil companies towards the development of the area, the desire to make money and to exploit people. Few respondents are of the view that militant groups are formed to increase one's popularity.

## SECTION B: Management of Militant Groups

*Table B1: Do freedom fighting groups have leaders?*

Responses	Number	Percentage
Yes	86	100
No	0	0
Total	86	100

**Source:** Field Work

*Table B1: Are freedom fighting groups currently recruiting and training more fighters to make the struggle successful?*

Responses	Number	Percentage
Yes	86	100
No	0	0
Total	86	100

**Source:** Field Work

## SECTION C: How Leaders of Militant Groups Control the Behaviour of their Followers:

*Table C1: The Use of Persuasion*

Responses	Number	Percentage
Yes	11	12.8
No	75	87.2
Total	86	100

**Source:** Field Work

*Table C2: The Use of Threats and Force*

Responses	Number	Percentage
Yes	79	91.9
No	7	8.1
Total	86	100

**Source:** Field Work

*Table C3: Educating Members in order to Influence their Values*

Responses	Number	Percentage
Yes	57	66.3
No	29	33.7
Total	86	100

**Source:** Field Work

Table C1-C3 indicates that leaders of militant groups control the behavior of their subordinates through the use of threats and force. Some also believe that education of members and persuasion are other ways of controlling the behavior of militants by their leaders.

## **SECTION D: Sources of Finance to Militant Groups**

*Table D1: Ransom Paid for those Kidnapped*

Responses	Number	Percentage
Yes	71	82.6
No	15	17.4
Total	86	100

**Source:** Field Work

*Table D2: Bunkering Activities*

Responses	Number	Percentage
Yes	66	76.7
No	20	23.3
Total	86	100

**Source:** Field Work

Table D1 and D2 show that the major sources of finance to militant groups are money realized from ransom paid for those kidnapped and bunkering activities.

## SECTION E: Attitude of Militants towards the Permanent Closure of Multinational Corporations

*Table E1: Oil production should be stopped permanently in the Niger Delta*

Responses	Number	Percentage
Yes	14	16.3
No	72	90.7
Total	86	100

**Source:** Field Work

Table E2: Production activities should be Disturbed in order to Compel the Government and Oil Companies to solve the problems in the Niger Delta

*Table E1: Oil production should be stopped permanently in the Niger Delta*

Responses	Number	Percentage
Yes	78	90.7
No	8	9.3
Total	86	100

**Source:** Field Work

It can be observed from table E1 and E2 that majority of the respondents do not want oil production activities to end permanently in the Niger Delta. This is because they are benefiting from their militant activities due to oil production. Majority of the respondents feel that oil production should only be disturbed in order to compel the federal government and multinational oil corporations to develop the Niger Delta.



## SECTION F: Attitude towards the Use of Force by the Federal Government

Table F1: The use of Force by the Federal Government Can Intimidate Freedom Fighters and End their Activities

Responses	Number	Percentage
Yes	4	4.7
No	82	95.3
Total	86	100

Source: Field Work

Table F2: Will Freedom Fighting activities continue in spite of Federal Government Security Measures?

Responses	Number	Percentage
Yes	83	96.5
No	3	3.5
Total	86	100

Source: Field Work

Table F1 and F2 indicate that majority of the respondents believe that the use of force by the federal government cannot stop militant activities in the area. They are resolved to continue fighting no matter the security measures put in place by the government.

### Conclusions

From the forgoing there is an urgent need for decisive action to be taken to solve the developmental problems in the Niger Delta area since it is the root cause or justification of militant activities and violent conflicts in the area. If the situation in the Niger Delta is not properly handled urgently, what happened in countries such as Liberia and Sierra-Leone may happen in Nigeria. This is because militant groups are already preparing for the declaration of war through the recruitment and training of more militants. For example MEND advised President Yar' Adua that he should not be deceived by

those it described as criminal within the military who were allegedly pushing him into cul de sac. It further stated that the president should not be deceived by the military to enter a fight for their selfish interest because they do not see how the military can emerge victorious in guerrilla warfare and tactics. MEND called on all patriotic youths in the region to sabotage oil facilities in their communities while those who are willing to come for training are invited to their training camps. MEND is empowering youths in the Niger Delta with more sophisticated weapons and new techniques to destroy additional pipelines inside Delta State (Vanguard, July 10, 2008). If the present situation persists, multinational corporations will find it difficult if not impossible to operate in the area, and this will have adverse effect on the Nigerian economy and global output at large.

## **Recommendations**

1. Efforts should be directed towards the diversification of the Nigeria economy. This will help to reduce the dependence on the petroleum sector. The development of the agricultural and other sectors of the economy will help to provide job opportunities for the teeming population.
2. Rural industrialization should be encouraged. This will help to check the problem of unemployment and rural-urban migration. It will also contribute to poverty reduction.
3. Multinational corporations should take active part in developing the Niger Delta area. They should create job opportunities for all categories of labour i.e. skilled, semi-skilled and unskilled.

4. There should be effective communication among the various parties to the conflict. Such communication should focus on the values and perception of the militants. Roadblocks to communication such as ordering, threatening, preaching, judging and excusing should be avoided. The government and multinational oil corporations in the area should listen actively to the militants. The goal of active listening is to discover the other person's perspective.
5. Efforts of government and multinational oil corporations should be directed towards social peace building i.e. putting in place deliberately consistent and proactive steps that could lead to positive social transformation (attitudinal, behavioural and environmental change. The transformation of individual needs to reach out to those who need change more because of their peculiar nature in the conflict situation. These include youths, children, women, and members of civil society organizations.
6. Strict environmental standards for air, land and water pollution should be enforced. The environmental protection agency should be strengthened for this task. Market based instruments like pollution taxes and effluent charges should be utilized. Revenue obtained from pollution taxes should be plough back into developmental projects or used to compensate inhabitants of the Niger Delta who have suffered as a result of environmental damage. An attempt should be made to mainstream environmental concerns in national economic policies. This will promote visibility and sustainability of environmental policies.
7. Information on how funds are being disbursed, the amount, projects meant for and those entrusted with the funds. Furthermore, where the projects are to be sited and date of implementation and completion should be made known to the people, in order to ensure accountability and transparency. This process comes after the people have been consulted about their needs and aspirations. Thus, collation and dissemination of information as regards to the region should be given considerable attention in order to achieve a permanent conflict resolution in the Niger Delta region.

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## **Chapter IV:**

### **Relative Deprivation and Hostage-Taking in Nigeria's Niger-Delta Region**

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By Dr. N.B. Najibo and Barile Nwiline (Doctoral Candidate)

#### **Introduction**

The Niger-Delta region has been on the front burner of the Nigerian state since the colonial period. It first came to limelight with the Willink's Commission of 1957 which recommended a special board to take care of the needs of the region. Most importantly, the Niger-Delta came to the centre stage of Nigerian government and politics with the discovery of oil in large quantity in 1956 in Oloibiri, a community in the present day Bayelsa state. Before now, Nigeria's economy was diversified but relied mostly on agriculture. However, with the discovery of oil there was a gradual shift from agriculture, from a more diversified economy, to the mono-economy of oil.

During the colonial era, especially after the Lyttleton's constitution of 1954, revenue formula was based on 50% derivation principle, where the various regions, in line with the federal principles controlled their resources. This practice continued until 1966. The Nigerian civil war of 1967 provided the military government the excuse to abolish the region governments, created twelve states out of the former four regions and at the same time centralized both power and resources.

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From then on, items on the executive list increased while diminishing those on the concurrent and residual list, and the end result was that the central (federal) government assumed more social, political and financial responsibilities leaving the states and local governments as mere dependents. Furthermore, the military character of authoritarianism crept into Nigerian politics where the tyrant became the state and the state became the tyrant. Therefore, successive Nigerian constitutions continued to favour the military style of administration, not minding the adverse consequence they would have on civil and democratic governance and the citizenry at large.

The Land Use Decree (now an Act) of 1978 conscripted the authority by individuals to have control of the land and vested such on the central government with the states acting as custodians. This decree tyrannically stripped local communities and even the state of the powers to control resources within their domain. The centralization of power and resources paved the way for the extreme exploitation of oil and gas resources in the Niger-Delta by multinational oil corporations, not minding the adverse effects such activities have on the lives and environment of the people. Land, water and vegetation are destroyed in the in the process of oil exploration and exploitation to the extent that the natural ecological niche of the people, which is mainly farming and fishing, is being destroyed by the day. This has pauperized the people of the region to an abject level. Worse still, a

region which accounts for about 90% earnings for the Nigerian government receives less attention from both the central and state governments. This unconcerned attitude of government toward the region and its people became the bedrock of the incessant crises often witnessed in the Niger-Delta region, beginning with civil protest and culminated in hostage-taking.

This paper posits the argument that although there is the relative deprivation of the people of the Niger-Delta region, especially with regards to neglect by successive regimes to address the critical issues in the region, lack of good governance and corruption in the various states of the region are the bane of peace and development of the Niger-Delta. Furthermore, even the militants who claim to be fighting for the people do not channel resources into developing the people and communities, despite huge sums of money they realize from oil bunkering and paid ransom to secure the release of hostages.

### **Relative Deprivation Against the Niger-Delta People**

The free encyclopedia Wikipedia (October, 2007), has offered a body of literature on the term Relative Deprivation drawing inspiration from the works of such scholars as Gurr and Bayertz. These include: Relative deprivation as the experience of being deprived of something to which one thinks they are entitled to (Walker & Smith, 2001). It is a term used in the social sciences to describe feelings or measures of



economic, political, or social deprivation that are relative rather than absolute. Relative deprivation refers to the discontent people feel when they compare their positions to those of others similarly situated and find out that they have less than they deserve. It is a condition that is measured by comparing one group's situation to the situations of those who are more advantaged. Similarly, Ted Robert Gurr cited by Wardlaw (1989:213), defined relative deprivation as "*actors perception of discrepancy between their value expectations and their value capabilities*". Gurr defined value expectations as the goods and conditions of life to which people believe they are rightfully entitled; and value capabilities as the goods they think they are capable of getting and keeping. Deriving his logic from Gurr, Eriksen (1993), noted that relative deprivation reflects a perception by a people that the circumstances or their lives are not providing benefits to which they are justly entitled.

Eirksen pointed out further that feelings of relative deprivation intensify, not only when benefits (including political, religious and language rights, as well as economic well-being decline, but also when expectations increase). For Eriksen, when an ethnic group experience relative deprivation, the potential for spontaneous outbreaks of violence directed at rival groups intensifies. Eriksen's position is in reality with the present situation in the Niger Delta where decades of economic, political, environmental and social

deprivations have forced the youths into militancy and violence as manifested in the subject of study (hostage taking). For Walker and Smith (2007), the term relative deprivation is used especially to understand processes of social identity and responses to disadvantage by both disadvantaged minorities and privileged majorities.

Runciman cited by the Wikipedia (2007) noted that there are four pre conditions of relative deprivation (of object X by person A):

- A does not have X
- A knows of other persons that have X
- A wants to have X
- A believes obtaining X is realistic

According to the Wikipedi (2007), Runciman distinguishes between egoistic relative deprivation (caused by unfavourable social position when compared to other, better off members of specific group A is the member of), and franternalistic relative deprivation (caused by unfavourable comparison to other, better off groups). We also agree with the assertion by Rose as cited by Wikipedia that the emphasis of the relative deprivation theory is that “social movements”, including ethnic militias as manifested in hostage takings in the Niger Delta, arise when people feel deprived of what they perceive as their ‘fair share’. It is the view of relative deprivation theorists that violence results from the social frustration that occurs in the wake of relative deprivation. They reason that it is the inconsistency between

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outcomes and expectations and/or the prevalence of outcomes that are regarded as unjust that constitutes relative deprivation. Violence occurs when the individual feels deprived because income fails to match expectations and/or is regarded by the individual as being so low as to constitute an injustice.

With reference to the crisis in Nigeria's Niger Delta and for the purpose of this study the hostage taking situation involving the Niger Delta youths, mostly of the Ijaw ethnic group; decades of relative deprivation by the Nigerian state in alliance with the multi-national oil corporations could be said to have given rise to this phenomenon. Hostage taking has emerged to awaken public consciousness and force it to pay attention to the Niger Delta problem, after peaceful protests in the past yielded no positive response from both the Nigerian state and the international community. The Niger Delta is richly endowed with abundant petroleum found in almost all the creeks and oceans in the area. This has afforded the Federal Government to generate over 90% of its revenue from petroleum exploration, exploitation and marketing by foreign oil companies. The Federal Government revenue from oil sales shot up from N4,733 million in 1975 to N1.12trillion in 2005 (Aghalino, 2007), and N1.3tn in 2006, while taxes from oil fetched N1.14tn in 2006 alone (*The Punch*, January 9, 2007, p. 2).

The strong contention has been that the government does not use part of the revenue generated to provide the oil-bearing communities necessary infrastructure and other social needs. It is contended further that during the colonial rule, and before the discovery of oil in Nigeria, agricultural products were the main foreign exchange earnings for the region, but as a result of reckless oil exploratory and exploitation activities in the area, land has become uncultivable and other agricultural activities made difficult, thus affecting the people's standard of living negatively. Thus, as Douglas, et al note, to the people of Niger Delta... resources are not limited to oil and gas, despite the corporate and governmental scramble for control over those riches (Douglas et al. 2003). For the indigenous people, resources mean primarily land for agriculture, water for fishing, forests for harvesting, and air for breathing, as well as physical and spiritual bio-data. They explained that resource control is the term used to describe decision-making power over a people's source of livelihood. And that in the case of the Niger Delta, these sources of survival have been taken away violently, undemocratically, and unjustly. For them resource control denotes the need to regain ownership, control, use and management of resources primarily for the benefit of the communities and people on whose land the resources originate and secondarily for the good governance and development of the entire country. However, resources accruing from the federal government to the Niger-Delta region rose from 3.8% to

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11% and currently to 13% of the total earnings of the federal revenue. Considering the topography of the area, it would seem that a mere 13% derivation may not be able to sustain development in that region

Obi (2001) noted that the backbone of the Niger Delta crisis in the post independence era is centered on the concentration of power and resources on the Federal Government through the instrumentality of constitutions and decrees by military fiat. The oil minorities are denied access to oil wealth and the control is beyond their power; they have to depend on the Nigerian State for their share of oil revenues. Thus, the hostage taking phenomenon in the Niger Delta, which constitutes our subject of study, can be analyzed based on Runciman's egoistic relative deprivation (caused by unfavourable social position when compared to other better off members of a specific group) and fraternalist relative deprivation (caused by unfavourable comparison to other better off groups), noted earlier in this discourse.

From the fraternalist relative deprivation perspective, the Petroleum act of 1969 and the Land Use Act of 1978 are seen by the people of the Niger Delta as instruments of oppression and dispossession. As noted earlier, it is the desire of the people of this region to control the resources from their area or, at worst a significant part of it as against the present 13% derivation formula. Similar to this is the regions

clamour for equitable development programme by the Federal Government as justification for the huge oil revenue generated from the region. As Mudiaga-Odje noted, tension can be doused in the region if the people are assured through proper and more transparent husbandry of oil revenues, that resources are not just being plundered or carted away to develop other parts of the country (see, *The Guardian*, June 7, 2006).

Chief E.K. Clark, an Ijaw leader, and former Federal Minister of Information shares this fraternalist perspective when he observed:

*At our level as leaders, we have always appealed to the Federal Government to do something, provide facilities, develop the area, provide educational facilities, health facilities, for these youths. For instance, when you realize the situation whereby our youths when they finish their university education, they are sent to the North, West, East for youth corps service as required by law. Other boys and girls from other zones come to our area. After the end of the one year, the youths from the Yoruba, Igbo and Hausa-Fulani, are integrated into the various oil companies in our area with our youths returning with no jobs (see, *The Punch*, September 25, 2005, p. 20).*

## **Corruption in the Niger Delta Region**

A better understanding of the phenomenon of hostage taking in the Niger Delta will also involve Ruciman's 'egoistic relative deprivation'. The oil wealth of the region has created corrupt and greedy political elites. Thus, many people from within and outside of the region have questioned the impact of the 13% derivation accruing to the region on the people. Tek Olomu, the commander of the dreaded Movement for the Emancipation of the Niger Delta (MEND), in an interview with *Saturday Sun*, December 26, 2006, admitted this much. According to him, when he stumbled on the figures of the Jumbo allocations the State Governors of the Niger Delta region receive monthly, he could not but agree with analyst that the Government administrations of the zone were their major problem. He alleged that from 1999 to 2005, the River State Government received a total of N286.395bn; Delta, N331.2b; Bayelsa N259.8bn; Akwa-Ibom N238.5bn from the Federation Account; and wondered why there was still abject poverty and lack of basic infrastructure in the region (*Saturday Sun*, December 16, 2006, p. 50).

Anayochukwu Agbo writing in the *Tell Magazine* of August 27, 2007, noted that to achieve the much-needed grassroots development Abuja certainly has to do more to tackle corruption and greed among the political elite in the Niger Delta. Agbo noted further stated that:

*Investigation reveal that the Governors, commissioners, local government chairmen, traditional rulers, student activists and youth leaders continue to corner funds accruing to the states from the internally generated revenue. And that after that, the youths are empowered to say that it is a family affair and that outsiders should mind their business (see, Tell, August 27, 2007).*

From Agbo's analysis it could be observed that from 1999 to 2007, over N3 trillion flowed from the Federation Account to the Niger Delta. Seventy percent of this went to the state governments, 22 percent to local government and eight percent to the Niger Delta Development Commission (NDDC). From available data, what NDDC did with the eight percent is more visible than what was done with 92 percent between the state and local government.

Agbo concluded by asserting that most of the contracts awarded to traditional rulers, government supporters and party strongmen were either not completed or badly executed; and that traditional rulers and leaders of community association also steal money accruing to the communities from Government and oil companies, generating crisis often repackaged as disaffection with the Federal Government. That was why when the Niger-Delta leaders were canvassing for resource control during the National Political Reforms Conference of



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March 2005, delegates from the north resisted the demand insisting that the leaders of the Niger-Delta could not justify the huge amount they get as special allocation from the federation account. In fact, Shehu Sani, a delegate from Kaduna state said emphatically that leaders of the Niger-Delta were “the immediate oppressors of their own people” (see, *Newswatch*, June 13, 2005, p. 24).

From the above, we can see that both the fraternalist and egoistic relative deprivation frameworks are appropriate for analyzing ethnicity and hostage taking in the Niger Delta. However, critics of the relative deprivation theory like Kendal as cited by Wikipedia (2007) have pointed out that this theory falls to explain why some people who feel discontent fail to take action and join social movements. For example, Ekpang (2005), noted that there is no link between economic decline and violence, but observed that individuals living in poverty are vulnerable to manipulation. He stressed from this standpoint that when governments are unable to ensure that the needs of the population are met, individuals have been compelled to rely on their ethnic group for assistance and protection. Opportunist politicians quite simply exploit these divisions and frustrations and above all, what is perceived as a lack of consideration on the part of governments concerned only with the interests of the rich. Citizens in

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fact, begin to perceive these problems only from this perspective especially if the government is dominated by one ethnic group.

**Hostage Taking in the Niger Delta Region (2003 – 2007)**

According to Feek (cited in Schmid, 1998: 46), hostage-taking can be viewed as the act of being held by coercion under the control of an adversary in order to obtain specific result which can be the quest for ransom, the release of prisoners, and cancellation of military operations, etc. The act of hostage-taking has emerged to become an important weapon in the hands of the perpetrators in order to alter political, social, economic and ethno-religious and cultural imbalance. Grant Wardlaw (1989:147) has noted that during the 1960s and 1970s, hostage-takings became an important part of the terrorists' tactical arsenal as many groups developed a degree of skill in mounting successful kidnappings of diplomats and corporate executives. He went further to say that kidnappings became more important in the 1980s in both proportionate and absolute terms as in 1985 alone 90 incidents of kidnappings constituted 10.6 percent of acts of international terrorism. In Nigeria's Niger Delta, hostage-taking emerged as a phase in the prolonged history of protests and resistance by the people of the region against political and economic marginalization. Besides, the grievances of the people of the region are based on environmental damage of the area by oil exploration and exploitation; their rights to fair share of the oil revenue and against the collective oppression of their minority status by dominant ethnic groups of Hausa/Fulani, Yoruba and Igbo.

According to Ojakorotu (2007), the fundamental cause of the present Niger Delta crisis could be traced to the colonial period within the context of the inability of the colonial government to address the issue of the minorities, which has become an enduring phenomenon in the Nigerian state. Within the political order created by colonialism and nurtured by the Nigerian ruling class, the people of the Niger Delta region have been victims of institutional tyranny. The problem became aggravated when the post-colonial state has further expropriated all rights to ownership and control of land and resources from the people (Osuoka, 2003). To facilitate exploitation of oil and gas resources, the Land Use Act of 1978 vests ownership and control of all land and mineral resources on the central government, with state governments serving as custodians. Government, without having to make any reference to communities, gives away communal lands and forests to transnational oil companies for exploration and exploitation of crude oil and gas. The oil industry creates conditions for social dislocation and communal violence as land expropriation by the state for oil activity creates scarcity of farming land. Also, reckless operations of the transnational oil and gas companies have led to oil spillages and gas flaring resulting to the pollution and degradation of their environment.

Series of protests and resistance by the people of the region in the past to correct these perceived anomalies were met with serious

oppression and suppression by the Nigerian state in alliance with the multi-national oil corporations.

The first major resistance was on February 24, 1966 when Isaac Boro, an Ijaw man led what is now known as the "twelve day revolution" against the Federal Government, with the intention to end marginalization of the Ijaw and other minorities in the Delta . He died in the struggle. The second major struggle was the one championed by the late Ken Saro-Wiwa, an environmentalist and writer who brought an intellectual angle to the struggle, especially with the formation of the Movement for the Survival of the Ogoni People (MOSOP). He died by hanging, no thanks to the regime of the late military Head of State, General Sani Abacha (see, Saturday Vanguard, September 2, 2006, p. 13). There was a tactical withdrawal during the General Abdulsalami Abubakar transition. However, this is not without the incidents of military crackdown in Bayelsa and Delta States in December 1998 and early January 1999, which led to the death of several people and probably more than one hundred; the torture and inhuman treatment and the arbitrary detention of several other victims by security agencies in Nigeria (Human Rights Watch Report, 1999). This took place as a response to demonstrations held by Ijaw youths in Yenagoa, the capital of Bayelsa state, and Kaima community. The demonstrations were initially peaceful, and majority of those killed were unarmed. In another incident, two communities

in Delta States were attacked by soldiers, using helicopter and boats commandeered from a facility provided by the Chevron oil multinational, following alleged confrontation that took place at a nearby Chevron drilling rig. More than fifty people died in the incident (Ibid).

On December 11, 1998, the Ijaw youths came up with a Bill of Right popularly known as the Kaiama Declaration. The youths requested for more local control of oil revenues and better environmental policies. Some of the demands in the declaration read:

- (1) All land and natural resources (including mineral resources) within the Ijaw territory belong to Ijaw communities and are the basis of our survival.
- (2) We cease to recognize all undemocratic decrees that rob our peoples/communities of the right to ownership and control of our lives and resources, which were enacted without our participation and consent. These include the Land Use Decree and The Petroleum Decree, etc.
- (3) We demand the immediate withdrawal from Ijaw land of all military forces of occupation and repression by the Nigerians state. Any oil company that employs the services of the armed forces of the Nigerian state to “protect” its operations will be viewed as an enemy of the Ijaw people. Family members of military personnel stationed in Ijaw land should appeal to their

people to leave the Ijaw area alone (see, *The Guardian*, December 30, 1998).

The Tell Magazine, also cited by Ojakorotu noted that more importantly, the statement gave a December 30 ultimatum to both the government and the oil companies to respond positively to their demands. It added that if the deadline was not observed, all multinational oil corporations operating in Ijaw lands and territorial waters, and indeed in the larger Niger Delta would fold up (Ojakorotu, 2007).

Ojakorotu further noted that to actualize their threat, Ijaw youths and other people who joined them marched in peaceful protest towards Government House in Yenagoa in traditional Ijaw dancing steps, chanting songs. Their main purpose was to convey their grievances through the State Governor, Lt. Colonel Paul Obi to the Federal Government. However, hell was let loose when fire was opened on the protesters, leaving some of them dead and many others injured in the pandemonium that followed. This marked the beginning of hostilities between Ijaw youths and the security forces. Following this ugly incident, the Egbesu Boys regrouped and declared war on Nigerian security forces. They engaged both the Nigerian Navy and the Army in fierce battles, with heavy casualties on both sides. In some cases, the militant youths ransacked military formations, terrorized fleeing soldiers and policemen and became warlords in strategic locations.

Apart from this, the militant youths were able to close down oil installations in the Niger Delta, thereby grounding oil production. One of such remarkable scenario was the death of eleven policemen in Odi (a town in Bayelsa state) and the subsequent response of the Nigerian state. In November 1999, President Olusegun Obasanjo ordered an army invasion of Odi as reprisal for the killing of the eleven policemen who had been drafted to the area to quell some riots. The destruction of Odi by the Nigerian Army was very enormous.

Before the Odi episode, however, a group had kidnapped two foreign helicopter pilots working for oil multinational in the Niger Delta in the month of June 1999. A spokesman for Royal Dutch Company, Shell Petroleum, said the two men were sized by a group called “Enough is Enough”, who surrounded the helicopter after it landed at the Enwhe oil platform. Shell officials identified both men as employees of Bristol Helicopters, a contract firm working for Shell. The two kidnapped workers were believed to be an Australian and a Briton (Group 19 class work, 2007). Also in that same month of June 1999, 64 hostages were taken. All 64 hostages were held for two days and were later released without any injuries, a Shell spokes woman said. The workers were 57 Nigerians and seven foreigners. The incident was blamed on Isoko youths who were demanding better access to resources.



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In other occurrences, Shell Petroleum said 200 youths seized and shut down a gas plant in the Niger Delta and took its staff as hostages in the month of March 2000. The gas plant serviced power plants in Southern Nigeria. Reports had it that over 100 women hijacked an oil terminal for a week in the month of July. In March, 2000, 32 persons were held hostage by youths in the Niger Delta creeks. Some one hundred young men in Ekeremor Local Government Area of Bayelsa state held 165 oil workers on a drilling gas contracted by Shell's Nigerian subsidiary captive between July 31 and August 5, 2000. An oil worker from Liverpool was among the forty-crew members who were taken hostage off the coast of Niger Delta in July 2002. Hostage taking continued in the succeeding years and became more pronounced in the year 2003. This was as a result of the massive rigging that characterized the 2003 general election which the militants and the people of the Niger Delta had hoped to use in electing their true leaders. Unfortunately, the powerful politicians who rigged their way into elective positions aborted the plan. The result was a massive protest, which culminated into kidnapping, blockade of oil installation and even blowing of same in some cases.

The year 2003 was intended to be a year of change when the militants had decided to come together as one and monitor the election which was to usher in a new set of rulers. According to Alhaji Asari Dokubo, the people had decided to choose their leaders and we (the militants)

have as usual given our support to the wishes of the people. The elections were to be monitored at every polling station in the Niger Delta so as to ensure that the true representatives of the people emerged winners at the end (*Saturday Punch*, August 18, 2007, p. A27). Unfortunately, the militants collaborated with politicians to disenfranchise the electorate through acts of violence. This was the case in Rivers state when the NDVF led by Asari Dokubo helped to secure victory for Governor Peter Odili. It was when Odili could no longer service the militants financially that the latter resorted to arson and series of hijacking and kidnappings, especially in Rivers state (*Saturday Punch*, *Ibid.*). Therefore, the incidences of 2003 to 2005 were more of revenge mission than the much talked about fighting for the people. It was a personal agenda to revenge a betrayal rather than liberation struggle that was publicized. Two major incidents occurred in 2005 which heightened youth restiveness and hostage-taking in the Niger Delta. These were the arrest and trial of former Governor of Bayelsa state, Chief Diepreye Alamiesegha, for money laundering, and the arrest of Alhaji Asari Dokubo, the leader of the Niger Delta Peoples Volunteer Force (NDPVF) on September 20, for alleged treason. The militants demanded their release as a condition for peace in the region. They accused the Federal Government of favouritism towards Obasanjo's kinsmen such as former Inspector-General of Police, Mr. Tafa Balogun and the leaders of the Odua

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Peoples Congress, Dr. Frederick Fasahun and Gani Adams (Gbemudu, 2006; Ebiri, 2007).

With the demand for the release of Alamesiegha and Dokubo unheeded and the larger Niger Delta question unresolved, kidnappings/hostage-taking began in earnest in 2006 when on January 10, gunmen abducted four Shell Petroleum Development Company workers from the EA oil field and cut production by 115,000 barrels per day (bpd). The four foreign workers were freed after 20 days in captivity. On the same day, the attackers blew up a major oil pipeline in the Forcados, cutting crude supplies to the export terminal by 100,000 bpd.

On January 11, four expatriate workers of Tidex Nigeria Limited, a contracting firm with Shell Petroleum Development Company (SPDC) were kidnapped on the latter's facility at a community close to Ekeremor. The expatriates namely, Milko Nichev (Bulgarian), Harry Ebanks (Honduran), Nigel Clark (British), and Patrick Handry (American), were diverted to a community in Delta state for about three days before their captors released them. The Movement for the Emancipation of the Niger Delta (MEND) claimed responsibility for the attack and warned of more of such incidents in the coming days. In the month of February alone, the militants struck on oil facilities in the Niger Delta twice, taking nine expatriates hostage. The nine

workers were taken when the militants stormed an American barge operated by Wilbros on February 18, 2006, but were all set free at different times in March. On June 2, another incident occurred at the Bilabiri community also in Ekeremor Local Government Area. This time eight expatriates working for Conoil limited were kidnapped around 3a.m. The militants had invaded the flow Station after firing gunshots to scare the military men on guard. The hostages include Ian Metcalfe, Wallace Ali, Lawrence Richards, peter Vermeulen, Phil Morris John Steward (all British). Others were Peter Sheppard (Canadian) and Texas Richards (American). They were released after two weeks.

On June 20, 2006, two Filipinos with Beaufort International were kidnapped in Port Harcourt and freed five days later. On July 5, more than 50 Sanga community youths stormed the Conoil Limited platform and took hostage a retired Naval Officer while carting away four military rifles. The armed youths reportedly over-powered the military men during the exchange of gunfire. The next day, July 6, militants kidnapped Michael Loss, an expatriate from Holland at the Shell Petroleum Development Corporation (SPDC) Gas gathering site in Gbarian, Yenagoa Local Government Area. A previously unknown group, the Movement for the Niger Delta People (MONDP) struck on August 3, abducted a 62 year old German oil worker, Guide Schaffer. The German, who was a top management staff of Bilfinger and Berger

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was abducted from his car in Port Harcourt by armed men dressed in military fatigues along School Road, near Amadi Ama roundabout. Shortly after he was taken captive, MONDP issued a statement claiming responsibility. In return, the group demanded for the release of impeached former Bayelsa Governor, Diepreye Alamiesegha and the leader of the Niger Delta Peoples Volunteer Force, Mujahid Asari Dokubo, who was standing trial for treasonable felony. Schiffarth was released on the 16<sup>th</sup> of August. On August 4, another group of gunmen abducted three Filipinos, Cornello Fallaria, Daniel Monteagudio, and Alberto Torres, employees of a foreign company, Baker Overseas Technical Services, which renders technical services to the Nigerian Liquefied Natural Gas project, from a bus near Port Harcourt. They were released days later. On August 9, youths of Agge, Orobiri, Ozamaza and Ogbointu communities abducted expatriates – two Norwegians and two Ukrainians – on the SPDC platform along the Ekeremor Sea, about 28 nautical miles offshore. On August 10, a Belgian and Moroccan contractors were kidnapped in Port Harcourt. They were released four days later. On August 13, five foreign oil workers (two Britons, a German, an Irish, and a Pole) were kidnapped from a nightclub in Port Harcourt. An American was also kidnapped earlier the same day.

Barely twenty-four hours later, unidentified gunmen kidnapped a Filipino, staff of M. Baker/OTS on contract to National Liquefied

Natural Gas (NLNG) Company at Liaison Road, Bonny Island close to the Monkey village creek. One of the Filipinos managed to escape. On August 16, Lebanese, staff of Homan Engineering, Mr. Daniel Khonry, was kidnapped along East-west Road close to Mbiama by gunmen in a Niger Delta Development Commission bus, who disguised as army officers. The gunmen described their militant group as the Niger Delta Enlightenment Expedition Force (NDEEF). He was released on September 1, 2006. But the kidnap saga suffered its first fatal casualty on August 21, 2006, when 10 Ijaw youths who had embarked on a rescue mission of an SPDC staff, Mr. Nelson Ujeyan, were mistaken for militants and killed with the SPDC staff by soldiers from the Joint Military Taskforce (JTF) in the Niger Delta. The youths had reportedly engaged the soldiers in a gun duel on their way from a community near Ekeremor, where they had rescued Ujeyan after he was held by the community during a visit with some state government officials. The outrage that greeted the incident forced the Federal Government to condemn the action of the soldiers, more so the youths were on a peaceful and commendable mission.

At about 10.00pm on August 24, an Italian oil worker employed by Siapem was kidnapped by gunmen at Aker base Rumolumeni near Port Harcourt. One soldier was shot dead, one wounded; two militants wounded, heavy gunfire was reported. The next day, irate soldiers stormed the area where the Italian was abducted and their

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colleague killed and razed down houses in reprisal attack. The Italian was released four days later. A day after Nigeria's Independence celebration in 2006, the Joint Revolutionary Council (JRC) comprising NDSPVF, MEND and The Martyrs Brigade, attacked a Shell diesel convey between Bille/Krakama and Sambreiro River. 15 soldiers were killed and 24 Nigerians working for a local contractor to Shell were taken hostage. They were released two days later.

The tail end of the year 2006 witnessed no fewer than four similar incidents in quick succession. On November 2, 2006 two expatriate staff of Norway Oil Services, a contracting firm with SPDC were kidnapped along the coastal water at Bilabiri community. This was also another case of the militants over-powering the security men at the SPDC facility. On November 9, an undisclosed number of soldiers, Naval personnel and 30 company workers were held hostage at the Tabi Daba flow station of Agip Oil Company. The invasion of the flow station was as a result of the Italian oil firm's alleged refusal to honour the Memorandum of Understanding it signed with the host community about two years ago and complete the Olugbonibi's internal road project it started some years ago and the review of the MOU it signed with the community, among other things. It was the same commando style on November 12, when some expatriate oil workers attached to the Nigerian Agip Oil Company (NADC) were abducted from the creek station of the company in Ekeremor. The

militiamen also overran the facility, sacking the military men. The Movement for the Emancipation of the Niger Delta (MEND) struck at the NAOC Brass Terminal on December 7, and whisked off four expatriates – three Italians and one Lebanese – who were moved to a community in Rivers state. The militants reportedly invaded the terminal in nine speedboats. It was also reported that a lady lost her life when she was hit by stray bullets during the attack.

On December 14, two SPDC staff and a soldier were abducted from the River Nun flow station in Oporoma community while two of the soldiers at the facility sustained bullet injuries during the gun exchange to secure the facility (*The Punch*, May 9, 2007, p. 2). Indeed the year 2006 seemed to be the most active for the Niger Delta militants in terms of hostage-taking. The *Punch* Newspaper of May 9, 2007, reported that well over 150 foreign workers were kidnapped since the start of 2006, most but not all of them, connected to the oil industry. It went further to say that the vast majority had been released unharmed; noting, however, that one or two had been injured or killed by the military during rescue attempts. The orgy of hostage-taking has continued in 2007. On January 5, 2007, five Chinese telecommunications workers were kidnapped at Emohua, Rivers state. Gunmen had broken into the rented apartment where the Chinese workers were staying and forced them away at gun point. They later demanded for ransom (*The Punch*, January 9, 2007, p. 12).



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On January 10, nine Koreans and Nigerian were taken hostage at about 4am in Mbiama, border town between Rivers and Bayelsa. The Koreans were messrs. M.S. Lee; N.S Kim; Y.M. Park; V.I. Yoon; and J.C. Choi, with the Nigerian identified as Mrs. E. Augustine. They are all employees of Daewoo Nigerian Limited. Daewoo is an oil servicing company working for Shell Development Company, and was laying (40 inches) pipes from Gbarain in Yenagoa Local Government area of Bayelsa state to Soku in Rivers State (*The Punch*, January 11, 2007, p. 9).

On January 20, a ship on the fleet of Bacoliner heading towards Delta Port, Warri, was hijacked and the 24 Filipinos on crew were taken hostage in Okerekoko in Warri South-West Local Government Area of Delta State. The general cargo ship was accosted at Chanomi creeks before it was diverted to the den of the militants in Okerenkoko. The MEND claimed responsibility. It gave the government a 72-hour ultimatum to meet its four-point demand, which included the immediate release of the former Governor of Bayelsa state, Chief Alamiesegha detained for money laundering and Asari Dokubbo, held for treason. The group also sought the immediate payment of \$1.bn judgment debt imposed on Shell Petroleum Development Company and the probe of the 13 percent derivation funds by former Governor Peter Odili of Rivers State and Chief James Ibori of Delta State (*The Punch*, January 22, 2007, p. 12).

On January 25, 2007, nine Chinese working for the Chinese National Petroleum Company, an oil servicing outfit involved in Seismic activities for the National Agip oil company were kidnapped in Sagbama Local Government Area of Bayelsa. They were released on February 4, 2007, without ransom (*The Punch*, May 17, 2007, p. 20). And on February 6, a Filipino was kidnapped along Owerri Airport road and the next day a Filipino woman, Josiebeth Gregorio Foroozan, married to an Iranian was reported kidnapped in Port Harcourt precisely a month later. The Filipino man was rescued by the Joint Task-force at Buguma in Asari Local Government Area, while it was later disclosed that the purported abduction of Foroozan turned out to be a hoax. The Filipino foreign under-secretary, Esteban Conejos Jnr. said the woman's name appeared to be in the flight manifest of Lufthansa Airlines on February 7, leaving Nigeria for Frankfurt, Germany. He further stated that immigration records in Manila showed that she disembarked from an international flight at Manila Airport on February 10. Also, the same February 7, 2007, MEND took hostage two Italians and one Lebanese, in Bayelsa state.

On April 7, 2007, unspecified gunmen kidnapped two Turkish engineers from their car in Port Harcourt. One of the victims worked for Merpa, a Turkish firm that maintains telecommunications on oil platforms. The kidnappers later called their company and demanded

a ransom running into millions of dollars. Twenty days later gunmen killed two policemen in Port Harcourt during a failed attempt to kidnap the expatriates they were escorting to work. In the evening of May 5, 2007 gunmen attacked and abducted a Belarusian woman as she attempted to enter her home along Birabi Street, Port Harcourt. The kidnappers had demanded for ransom. She was freed eleven days later. On May 16, 2007, some gunmen stormed a private school in the New Government Reservation Area, and kidnapped a child whom they had mistaken to be the son of an American oil worker. The kidnappers were alleged to have demanded N150 million ransom. The militants on May 17, 2007, took their offensive to Otu, Oke, the sleepy town of Nigeria's Vice President (then, Vice president-elect) Dr. Jonathan Goodluck. They blew up a sizeable portion of the ultra-modern house of Jonathan in the town. Jonatha's mother fled to a neighbouring town in a canoe. As the attack at Otu Oke was going on no fewer than 40 militants were destroying the Divisional Police Headquarters in Ogbia (The Punch, Ibid.). The kidnappers on May 19, 2007, shifted their hostility to Eleme where two Indian workers of Eleme/Indorama Petrochemical Company were kidnapped. On June 1, 2007, gunmen kidnapped three senior managers of the company and seven others, including two women and two children. Following intense pressure from security agents and the state government, the kidnappers released the hostages on June 16 2007.

On the same day, June 1, 2007, gunmen stormed Schlumberger residential compound at Rumuogba in Port Harcourt where they kidnapped four workers from Britain, France, the Netherlands and Pakistan. Movement of Niger Delta People (MONDP) claimed responsibility. Three weeks later, the militants released them. On the evening of June 3, 2007 the police successfully rescued two Filipino hostages from Elemenwo waterfront in Port Harcourt. In an attempt to rescue the Filipinos, one of the kidnapers was shot dead while his partners escaped with bullet wounds. The second case of child kidnap was recorded on June 26 2007. Some unknown gunmen went to a private school at Elekahia Housing Estate and kidnapped a three-year old son of a Rivers Female lawmaker. The boy was freed after over N5 million was paid to the kidnapers. A Syrian construction worker was abducted from Port Harcourt in July 3 2007 by gunmen who later demanded for ransom. The man died few weeks later in Bayelsa state in the custody of the kidnapers.

Five expatriates- one Australian, one Venezuelan, one Lebanese, and two new Zealanders, all staff of a local oil firm, Lone Star, were kidnapped from their drilling rig at Soku on July 4 2007. The next day, gunmen again abducted a three-year old Nigeria-British girl, Margaret Hills on her way to school. The kidnapers demanded over N10 million as ransom. Following pressure from the Federal Government, the British authorities and security agents, the girl was

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released three days later. Residents of Port Harcourt were in the early hours of July 12 2007 jolted by the report of the kidnap of another child, this time a two and half year son of the monarch of Iriebe, Francis Samuel Amadi. The gunmen called the father of the boy and demand N50 million as ransom. Though the boy's parent denied paying ransom to secure his son's release, this could not be ascertained by independent sources. On July 25, 2007, the over 70 year old mother of the speaker of Bayelsa State House of Assembly, madam Hansel Seibanugu, was kidnapped by the militants. A ransom of N50 million was demanded. She was released on August 3, 2007. Two expatriate engineers with Aviation Development Company (ADC) Engineering Company were kidnapped by militants at Akenfa, a suburb on the outskirts of Yenagoa, as they were mounting a communication mast (see, *Saturday Punch*, July 28, 2007, p. 9). On July 31, a Pakistani working for Gritto an Italian multinational construction firm was kidnapped at Bodo. He was released 27 days later. The amount paid to secure his release could not be ascertained. On August 1, 2007, a staff of Elf was abducted in Port Harcourt close to his church premises.

On August 8, 2007 unknown gunmen kidnapped Daniel, 11-year-old son of Rubie Benjamin, the only female member of the Bayelsa House of Assembly. On August 13, 2007, John Hana-Daher, a Syrian oil worker with Googpar Nigeria Limited, contractor with Agip, who was

kidnapped in July died in captivity in Bayelsa State. The police in Bayelsa say five of the kidnappers have been arrested. After a lull, gunmen again invaded the residence of the Chairman of the Independent Petroleum Marketers Association of Nigeria in Rivers State, Mr. Ben Dumbari Dimka on September 10, 2007, at about 9.20pm at Nwigwe Road, Woji waterfront and kidnapped his cousin, Fito. His captors demanded a N10 million ransom. Two days later, gunmen kidnapped a two and half year old girl, Miss Nuseiba Usman from the Nigerian National Petroleum Corporation (NNPC) quarters at Akpajo Eleme and demanded N5million ransom. She was released three days after.

Four days after, Nuseiba Usman was released, marauding gunmen abducted thirteen year old son of a former Rivers State Deputy-Governor and Monarch of Evo kingdom, Echemadu Eke. The father of the boy, Eze Gbakagbaka of Evo kingdom, Eze (Dr) Frank Eke, confirmed to security agents that the hostage takers demanded for N50 million as ransom. The boy was released after three days (Ebiri, op. cit.). Meanwhile, the State Security Services (SSS) have arraigned one Mr. Prince Amadi before a Magistrate Court in Port Harcourt on a two court charge of kidnapping a banker at Ogbogor village in Obio-Akpor Local Government Area of Rivers State. The suspect and others who are presently at large are accused of kidnapping one Mr. Phillip Osuji, a staff of Afribank on August 21, 2007. Again, on October 9,

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2007, militants kidnap the mother of the member of Bayelsa State House of Assembly representing Southern Ijaw constituency III, Hon. Delight Igali. On October 19, 2007, militants abducted the 70 year-old madam Goldcoast, mother of the House of Representatives member representing Sagbama/Ekeremor Federal Constituency Hon. Dickson Seriake, at her river Settlement of Toru-Orua.

An expectant mother was killed on November 12, 2007 when suspected militants attacked the Ibeno Jetty, in the Eket Council area of Akwa-Ibom state. But an armed attack on Exxon Mobil, Nigeria's largest oil export terminals in Qua Iboe was repelled by troops deployed to the Niger Delta region. The militants who struck at the Ibeno Jetty had overpowered some Naval personnel mounting security on the facility. The attack was the third of such raid on major oil facility in Nigeria, arguably Africa's largest oil producer, since the arrest of Mr. Henry Okah, the leader of MEND in Angola in September 2007. MEND, the major militant group ended a five-month cease-fire in September when militia leader Okah was arrested on arms trafficking offences in Angola. It had called off attacks when President Umaru Musa Yar'Adua was inaugurated in May, 2007, with Goodluck Jonathan from the Niger-Delta region as his deputy. Indeed, a look at the hostage-taking incidents in the year 2007 shows that unlike previous years when expatriates were the major targets, the year

witnessed increased cases of the kidnap of Nigerians and this may likely be the trend in subsequent hostage-taking activities.

## **Conclusion**

The act of hostage-taking is morally condemnable especially the fact that the victims are usually innocent persons. However, perpetrators usually use hostage-taking as a political weapon to reach out to governments with deaf ears and to effect change in policies. In the case of Nigeria, hostage-taking in the Niger-Delta has transformed from the registration of discontent by militant groups against injustices meted out to the people of the region to a kind of business entrepreneurship sometimes involving militants and government security agencies. It is not just enough to continue to demand more attention from the central government. As long as the states and local governments in the Niger-Delta are not responsive to the needs of the people, even with the 'meager' resources they receive from the federation account in terms of the 13% derivation, conflict in the region will continue to endure. There is a nexus between corruption in governance and hostage-taking activities in the Niger-Delta region, and unless government is serious with the fight against corruption by making sure that resources meant for the development of the region are judiciously utilized, hostage-taking will continue to be an excuse for the militants.



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## **Chapter V:**

### **From Political Mercenarism to Militias: The Political Origin of the Niger Delta Militias**

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By J. Shola Omotola

#### **Introduction**

The Niger Delta question has been on the front burner of academic discourses for decades and may remain so for decades ahead. This is because despite some official responses from the state and oil multinationals, most of the issues that elevated the problem from local to international concerns remain largely the same, if not worse off. These issues include environmental disequilibrium and the struggle for environmental justice, general underdevelopment, rising poverty amidst increasing oil revenues and attendant contradictions. For these and related reasons, 'the recent history of the Niger Delta', as Omotola (2009:141) has argued, 'is that of dissent on the part of the people and excesses on the part of the state'. The recent proliferation of dissent movements of various persuasions in the Niger Delta, some community based, youth associations, pan-ethnic, and issue oriented (Ikelegbe, 2006), is an added source of worry.

There is already a substantial literature on the Niger Delta problem in general and an emerging body of knowledge on the activities of militias in the region (Omotola, 2009; 2008a; Watts, 2007; Zelinka, 2008; Osaghae, et al, 2007; Hanson, 2007). Still, the

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pertinence as well as the fluidity of such a phenomenon (militia activities) continues to merit deeper attention. Not only does the problem give birth to various dimensions of interests, but have also been subjected to diverse interpretations by diverse actors in the underlying politics and power relations (Omotola, 2008a). But the attempt to engage the problem in the literature has not adequately reflected these dynamics, the same way they have not been sufficiently rooted in political theory. Moreover, limited or no scholarly attempt, as far as is known today, has been made to underscore the political origins of the Niger Delta militias. Yet, there are sufficient evidences on the ground, which this article will marshal, to suggest that most militias in the Niger Delta have political origins.

The article primary attempts to trace the political origins of Niger Delta militias, with specific emphasis on how they metamorphosed from politics into militias, and how they have managed to sustain their latter/current status. The transition from politics to militias raises some fundamental questions. What form of politics were they engaged in before the sudden transition? What account for the metamorphosis from politics to militias? How do the militias sustain their current status? Are there possible ways of future transformation from militias into a much more productive engagement with the state and oil majors? One way to engage these questions is to reflect on the politics of democratization underway in Nigeria since 1999. While the problem actually transcends this period,

the period constitutes the formative years of the most prominent militias in the Niger Delta today particularly the Niger Delta People's Volunteer Force (NDPVF) and the Movement for the Emancipation of the Niger Delta (MEND).

Essentially, this article argues that the most prominent actors in the leadership of these militias such as Alhaji Mujahid Dokubo-Asari of the NDPVF and others functioned as electoral mercenaries for top politicians in the Niger Delta during the transition to civil rule. Given the delicate and sensitive nature of the services, they must have been recruited at a very high cost, well equipped with arms and ammunition and subjected to some Para-military trainings. The collapse of the rapprochement between these electoral mercenaries and their erstwhile allies, the politicians, shortly after the electoral victory of the latter, dealt a deadly blow to a flowing and an otherwise reliable source of income. The search for an alternative coping strategies that will be as 'lucrative' as the former, if not much more lucrative, may have played significant role in the transformation from electioneering mercenaries to militias. This way, the militants not only continue to get 'security contracts' from both the politicians and oil companies to protect their political and business interests, but also able to venture into some underground dealings such as oil-bunkering and kidnapping for ransom payments, both of which help to sustain them and their activities.

## **Theoretical Issues**

The literature on resource-based violence has attempted to account for violent insurgencies especially in Africa (Kaarsholm, 2006; Richards, 1996; Chabal and Daloz, 1999; Clapham, 1998; Abdullah, 2004; Diouf, 2003; Collier and Hoeffler, 1998; 2001). Some have argued powerfully that greed and grievance are at the very heart of violence (Collier and Hoeffler, 1998; 2001). There are some validity in this claim. For, as Reno (2006: 34) rightly argues, in all conflicts, 'motives of personal gain and political grievance are inter-mingled'. Even at that, it is not in all cases that greed serves to instigate violent conflicts. Moreover, not all grievance motivated protests are easily hijacked by greed. Reno (2006:34) was quick to add this qualification when he writes that 'most of these groups, however, are cohesive enough and articulate political programmes that should help them to follow the paths of revolutionary insurgencies instead of predatory bandits'. In his attempt to apply this mixed model to the Nigerian situation, William Reno found a sharp contradiction between the Odua People's Congress (OPC), which despite all odds and its seeming proclivity to predation, endeavoured to maintain some autonomous posture and the Bakassi Boys of Eastern Nigeria that was grossly enmeshed in a system of patronage network and predation. Specifically, Reno (2006: 27) writes about the OPC thus:

Its members occasionally reject opportunities for predation, and leaders over time prove able to discipline individuals who violate this restraint. They show some consistency in their devotion to a political programme and pursue it against the interests of strongmen and politicians who could offer them greater rewards for compliance...In any event, they consistently provide some public goods to communities, usually security, redistribution of commandeered resources and some enhanced level order and predictability in everyday life. This distinguishes them from the exclusive pursuit of self-interest in the “looting model” analysis...

Concerning the Bakassi Boys, Reno (2006: 34 & 38) writes:

The Bakassi Boys in Eastern Nigeria also fight armed criminals... have a good name because they protect the people from daily humiliation and severe losses from armed bandits that operated freely in the markets and streets in general posing a threat to lives and property... The political use of the group undermined ideological discipline among local Bakassi Boys. As powerful patrons came to determine how and when the group would get resources, “the leadership of the group was soon

embroiled in a bitter tussle over who take ownership of the sleek silver colour Mercedes Benz Car belonging to (the slain) Nwosu-Igbo...

These suggest the possibility of two-in-one, that is, both grievance and greed. By implication, those championing a popular cause, for example, mobilization against bad governance and socio-economic inequality can, for a number of reasons including political maneuverings, easily get derailed and implicated in the very problem they originally intend to counter. Again, Reno (2006:26) alluded to this possibility when he argues that there was the tendency for politicians to migrate into violent clandestine rackets and to use control over this realm of economic opportunity to build political networks and manage opposition. In enforcing this game plan, politicians may have to rely on violent gangs, which 'have long played a role in enforcing this political and commercial authority and have tended to occupy the social space in which armed opposition might otherwise be likely to develop' (Reno, 2006:26-27).

In the circumstance, some have suggested that it would be more rewarding to focus on contextual factors. As Reno (2006:28) puts it, 'what matters more is the social context in which resources are used'. Vlassenroot (2006:51) re-echoes this point when, following the lead of Crummey (1996:2), he writes that 'the real challenge is to see violence within its social setting, to appreciate its roots in social conflict, and to understand why and how people turn into it'. For

Kaarsholm (2006: 15), 'more insightful historical and sociological accounts are needed to understand how reasons for conflict emerge within local societies, and how violence takes root in everyday life as the "solution" to conflict'.

Nigeria's Niger Delta offers a fertile research site to test these contrasting models of resource-based violence. This is done with particular respect to the increasing flowering of militant movements in the region. While these movements do have valid grounds (grievances) to oppose the state and the oil majors, including the marginalization of the region in oil and environmental politics, they hardly emerge and organize as an autonomous entity united by a common cause. Their actions and inactions are often closely intermingled with politics, where external patrons (politicians) serve as the main drivers. The collapse of the alliance between the two only served to propel the resort to violence and predatory dispositions such as kidnapping, oil bunkering and the like to rescue and sustain a hitherto well lubricated politico-economic and cultural outfit from total collapse. The import of this is that the militias are a social category for the renegotiation and reintegration of a collapsing/collapsed system of power relations between the politicians and helpless youths. The existence of valid grievances only served to expedite action, while the resort to predation helps sustain the movements.



## **‘Liberation Movements’ in the Niger Delta**

The Niger Delta is awash with diverse groups purportedly involved in the struggles for the liberation of the region from the internal colonization of the Nigerian state and oil multinationals (Omotola, 2009). The first in the series was attempt to secede from Nigeria, which took place on 23 February 1966 when Issac Boro declared the Niger Delta Republic (NDR) (Akinwumi, 2004; Ikporukpo, 2002). The declaration was made at *Tantonabau* in the Riverrine areas of the former Eastern region with about 150 volunteer forces. The development was a response not only to the travails of the Niger Delta people, epitomized by their exclusion in the politics and policy processes of the government, but also the attempt by the Eastern regional government to frustrate the realization of their struggle for autonomy. Although, the revolt failed as the NDR lasted only for 12 days before it was quashed by the federal government, it, however, succeeded in awakening the ethnic consciousness of the minorities of the Niger Delta as much as the establishment of several civil society groups of various types notably the Ijaw National Congress and the Ijaw Youth Council. Indeed, the 12 day revolution marked the beginning of the Niger Delta’s struggle for autonomy, resource control and development.

The Ogoni uprising perhaps represents the most outstanding of all struggles ever made against inequitable power relations in the Nigerian federation by the ethnic minorities. It started as a peaceful

movement seeking redress for the excruciating conditions of the Ogoni people due to oil exploitation and attendant environmental dislocations in 1990 when leaders of MOSOP and traditional heads of various Ogoni clans presented what they called the *Ogoni Bill of Rights* to the federal military government of General Babangida. The bill not only detailed and lamented the suffering of the Ogoni people, as well as their marginalization in the politics and policy processes of the country, but also made several demands on the Nigerian state. It demanded, among others, for “political autonomy to participate in the affairs of the Republic as a distinct and separate unit”, as well as the right to control and use a fair share of the economic resources derived from Ogoniland, the protection, use and development of local languages and the protection of their oil-producing environment from further degradation (Saro-Wiwa, 1992: 93-96; Osaghae, 1995:326-327). These demands suggest that what the Ogonis wanted was a right to self-determination through the creation of an exclusively Ogoni state.

The Ogoni uprising, which started peacefully, however, soon degenerated into violence for obvious reasons. One was what Osaghae called “the apparent failure of extant strategies to bring about desired ends,” a development that drove the Ogonis to frustrating height and informed their decision to boycott the government and deal directly with the oil companies. Second was what he called the radical orientation of the leadership of MOSOP and other movements involved

in the struggle such as the National Youth Council of Ogoni People (NYCOP) and the Ethnic Minority Rights Organization of Africa (EMIROAF). Coincidentally, Ken Saro-Wiwa, who assumed the presidency of MOSOP after Garrick Leton, also doubled as the leader of EMIROAF. He was an astute and renowned defender of minority rights, an internationally acclaimed environmental activist and playwright, all of which made him have connections with the international media, human rights community and environmental protection organizations across the globe (see Eyinla, 2003; Rowell, Marriot and Stockman, 2005; Omotola; 2006b).

The change of strategy by MOSOP marked a significant watershed in the Ogoni uprising. In December, 1992, MOSOP made new and direct demands from the three principal stakeholders in oil in Ogoniland – Shell, Chevron and the Nigerian National Petroleum Corporation (NNPC) – and demanded for: payment of US6bn for accumulated rents and royalties for oil exploration since 1958; payment of US4bn for damages and compensation for environmental pollution, devastation and ecological degradation; immediate stoppage of environmental degradation and in particular gas flaring in Yorla, Korokoro and Bomu; immediate covering of all exposed high pressure oil pipelines; and initiation of negotiation with Ogoni people. The crux of the matter was the 30 days ultimatum given to meet these demands. The manner in which the oil companies responded to these demands was certainly going to be a decisive factor in the uprising.

Rather than learn from the people's loss of confidence in government, which necessitated direct confrontation with the oil companies in the first instance, the oil companies seemed to have a misreading of the whole situation. They, therefore, opted, in alliance with the federal government, to beef up their security, rather than meet the demands or negotiate with MOSOP. The federal government also resorted to further repressive measures, including the imposition of ban on all public gathering and mobilization and the proclamation of a decree that declared demands for a right to self-determination and disturbance of oil producing activities as an act of treason punishable with death.

The resort to state violence, rather than weaken the Ogoni, appeared to be a new source of strength. This was exemplified by the way the Ogonis responded disdainfully to the government's threats. At the expiration of the 30 day ultimatum, the Ogonis held a mass rally at Bori on 3 January 1993, with a full expression of their demands for self-determination and an equitable federal order. The struggle became spiritualized when on 12 March, 1993 MOSOP organized a mass vigil in churches across Ogoniland, where prayers were held for the deliverance of Ogoniland. The mass action climaxed when MOSOP mobilized the Ogonis not to vote in the 12 June 1993 presidential election and they totally boycotted it. The violent response from the state forced a massive exodus of thousand Ogonis who were displaced as a result of the violent conflict that ensued between them and their

neighbour, the Andonis between July and September 1993. Although, the real causes of the conflict remain unclear as both parties denied ever having anything serious against each other, there were suggestions that it may have been induced by the government, after all. As Osaghae (1995:338) argues; “These attacks virtually brought the mass action phase of the uprising to an end (which would seem to have been the objective of state involvement in these attacks”.

The IYC, a confederation of youth associations of the Ijaw ethnic group of Rivers, Bayelsa and Delta states of the Niger Delta, which was formed in late 1998, also represent another popular movement in the region. It is the apex and coordinating body of Ijaw youth associations and comprises numerous youth groups of different communities and associations. Its main objectives were to fight against the marginalization, neglect, underdevelopment, militarization and repression of the minorities in the Niger Delta by the federal government and multinational oil companies. It also included demands and struggle for compensation, development, resource control, national conference and federal restructuring (Ikelegbe, 2001a:12; 2001b:46).

Although it has ever been in constant engagement with the state and oil companies since inception, the most notable of its activities till date was its famous Kaiama Declaration of 11 December 1998, made at a meeting of 5,000 youths drawn from 500 communities, 40 clans and 25 organizations held at Kaiama in

Bayelsa State (IYC, 1998). In the declaration, the IYC affirmed unequivocally that the Ijaws own all natural resources in Ijawland and that henceforth, they ceased to recognize all decrees which denied them of the right to ownership and control of their resources. They also demanded for the immediate withdrawal of what they called “military forces of occupation” from Ijawland, and that “all oil companies stop all oil exploration and exploitation activities in Ijawland”. For the IYC, “any oil company that employs the services of the armed forces of the Nigerian State to ‘protect’ its operations will be viewed as an enemy of the Ijaw people” (Dokubo, 2000:9). The declaration, however, felt short of undertaking to secede but stated that it would work for “self government” not only for the Ijaws, but also for other ethnic nationalities predicated upon the principles of “equity and justice”. It therefore called for the convocation of a Sovereign National Conference (SNC), democratically constituted to address the national question where the Niger Delta crisis ranks very high, if not first.

Above all, the IYC gave the oil companies 19 days to meet these demands failing which it threatened to disrupt their activities. As the oil companies failed to accede to these demands, the IYC especially through its militant wing known as the Egbesu Boys of Africa became violent. It began to work, as it had promised in 1999, towards the “closing down of the remaining oil facilities in Ijawland as a step towards reclaiming their destiny and resources” (Ikdegebe, 2001a:14).

Further to this, the IYC, with the active connivance of other Ijaw Associations Abroad, Ijaw National Congress and so on, embarked on a prolonged conflict with the state and oil companies. In the ensuing battle, the IYC violently engaged the military and police, shut oil stations and installations, and kidnapping of oil workers especially the expatriates. A typical example was the killing of twelve policemen in Odi, a small market village in Bayelsa state in November 1999. These forced repressive responses from the state.

### **The Uses of Mercenaries During Democratic Transitions in Nigeria**

The use of political mercenaries is not new to Nigerian politics. Indeed, it has been part and parcel of the democratization process in the country. It, however, became a major issue under the Abacha's transition programme particularly with respect to his self-succession bid. The most notable representation of this during the era was the infamous one million man march organized under the auspices of Daniel Kanu's Youths Earnestly Ask for Abacha (YEAA) to feign a sense of popular acceptability for the widely discredited military Head of State (Omotola, 2008b). This was apart from his military killer squad headed by Sergeant Roger, through which several high profile political assassinations, bombing and related vices were executed.

In the march towards the fourth republic in general and electioneering politics during the period in particular, the resort to

political mercenerism has been pervasive. The attempt to arm-twist the legislature by ex-President Obasanjo to amend the constitution in a way that would allow him a third term in office remains one of the most decisive resort to political mercenerism. Certainly, the third term agenda was offensive to public interest at all levels, given the level of societal disquiet about it. This is exemplified by the fact that while the agenda lasted, the country was perpetually at boiling point, almost at the verge of collapse. The agenda also remains a high point in civil society activism and engagement with a high-handed government in Nigeria, who were grossly engaged in intellectual debates on the matter. These were carried out through academic conferences/workshops, publications, press conferences, media and publicity (Siddique, 2006, Olurode, 2006). Moreover, the level of polarization it created among lawmakers in the national parliament was unprecedented (Omotola, 2006a). The most eloquent testimony about the unpopularity of the agenda, however, was the fact that it was eventually defeated in both chambers of the National Assembly, the Senate and the House of Representatives.

The situation seem worse at state levels, where politics has degenerated into a form of war. Though a national phenomenon, it is much more pronounced in states with an entrenched system of godfatherism (Albert, 2005; Omotola, 2007a). Notable states in this category include Anambra, Kwara and Oyo, where for a very long time now the states were held captive by the over deployment of political



mercenaries on the political landscape. In Anambra state, for example, Chris Uba, the then acclaimed godfather of the state, almost successfully executed the first civilian coup in the country against a constituted government. It was such that the then Governor of the state, Dr Chris Ngige, was abducted with the active connivance of the Nigeria police led by then Inspector Raphael Ige. The abduction of the governor lasted for over 48 hours before the coup was aborted. In Kwara state, the contestation for power between two antagonistic blocs, an off-shoot of irreconcilable differences between a godfather, Dr Abubakar Saraki and his estranged godson, Alhaji Muhammed Lawal, almost degenerated the state into a complete state of anarchy in the march towards the 2003 gubernatorial election. In the ensuing political battle for supremacy in which both camps deployed their foot soldiers into the field, about 40 people were reportedly killed<sup>1</sup>. Oyo state almost became a no-go area as political mercenaries were let loose over the Ibadan, the state capital. In the crises, the transporter's association featured prominently with the backing of security operatives and Alhaji Lamidi Adedibu, the acclaimed godfather of the state.

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<sup>1</sup> Personal communication with Joseph Yinka Fashagba, a PhD candidate at the University of Ilorin, the Kwara state capital in his office on 31/03/2009 at Redeemer's University, Nigeria. He told me that he, along with some other members, followed and monitored closely the incidents. His account reveals that 38 people were killed in the process. As an interested observer who also followed the protracted crises closely, I told him it could be more, given the usual practice of governments to conceal the real figure of casualties for various reasons, including human rights concern and image crisis.

In all these cases, certain things stand out clearly. One, the centrality of power. The incumbents resort to mercenarism to consolidate its power while those out of power do same to capture power. Two, highest political authorities especially the federal government usually support the incumbents provided they belong to the ruling party and vice versa. In Anambra and Kwara states, the incumbents did not belong to the ruling People's Democratic Party and were therefore rigged out of power. In Oyo state, it was a case of intra-party conflicts in which the federal government supported the dominant godfather, Adedibu against all other factions. Three, the federal government has been able to do this because of its total ownership and control of the police. The desire to continue to wield such a leverage may be why the federal government has always resisted all calls for the establishment of state police in line with the spirit of federalism, which allows for substantial regional autonomy.

### **Political Mercenarism in the Niger Delta**

While the foregoing appears grievous, they amount to child's play when juxtaposed with the Niger Delta experience. The region is completely awash with diverse groups that offer services in political mercenarism. Although the high level of brigandage and violence that usually characterise successive elections in the region since 1999 are indicative of these tendencies, the expansive scope and depth of the

problem were not known until recently (Amaechi, 2009). Specifically, the establishment of the Justice Kayode Esho led Rivers State Truth and Reconciliation Committee (RSTRC) in 2009 by Rotimi Ameachi, the Rivers state governor, opened a can of worm. The RSTRC, which was inaugurated on 27 November 2007, commenced its sitting on 2 June 2008 and submitted its reports on 10 March 2009 (Oboh, 2009, *Daily Independent*, 23 March 2009).

The reports made startling revelations about the political origin of Niger Delta militants and their continued fraternity with the powers that be in high places. For example, the report identified 116 cult groups in Rivers state that operated in various parts of the state. All these groups enjoyed some form of patronage from both Governor Peter Odili and President Olusegun Obasanjo (Isine, Fabiyi and Utebor, 2009). It was such that Ateke Tom, whom the report described as the ‘undisputed generalissimo of insurgents’, was said to be ‘in and out of Aso Rock during the presidency of Chief Obasanjo and this was a period when insurgency was being hunted. Such hub-nobbing, of course, made Ateke Tom to become larger than life and Asari Dokubo a national hero’ (quoted in Azuatalam, 2009:1). The report blamed this development on the fact that the politics was ‘turned into business which the politicians believed must be protected at all costs’ (quoted in Azuatalam, 2009:1).

For this and related reasons, politicians did everything they could to enarmour the militants groups. It was reasoned in some

quarters and corroborated by the report that ‘most of the youths acquired their arms from politicians, who in themselves were in government and so, could not call to order, the monster they had created. Some people believed that the gunmen were on the payroll of the government’ (Oboh, 2009: 4). This may be valid given the high level of indifference exhibited by the government in dealing with these insurgencies. The report, drawing on the evidences of the State Security Service (SSS) and the Police, submitted that Odili deliberately ignored his security responsibilities at critical moments (Oboh, 2009; Azuatalam, 2009).

### **From Mercenarism to Militias: Two Cases from the Niger Delta**

**a. The NDPVF:** The NDPVF was established in 1998 under the leadership of Asari Dokubo. Its grievances and demands are generally built around the question of the underdevelopment of the Niger Delta, lack of benefits from oil exploitation, political and economic marginalization and environmental insecurity. The NDPVF has as its primary objectives the mobilization and organization of the youth against the state and oil companies in a violent manner.

Pursuant to these objectives, the NDPVF has, over the years, engaged at various times in armed confrontations with the state-the military and police-and oil companies (Omotola 2006b, 2008; 2009). Specifically, the NDPVF had on many occasions organized the youths for seizure of oil facilities, kidnapping of oil workers and direct exchange of gun-battle with security operatives. This was made

possible with the number of armed men in its fold and the amount of deadly small arms available to them (See, Dokubo, 2005). Recently in September 2004, Asari Dokubo, the leader of the NDPVF publicly claimed that the NDPVF already had 10,000 men “ready to reclaim the resources of the Niger Delta” (Quoted in Omotola, 2006b:13). The eventual arrest and protracted detention of Asari Dokubo, in defiance to the persistent call for his release not only by his NDPVF, but also by civil groups in the Niger Delta, may have contributed to the increasing violent assault on the oil companies, workers and security personnel in the region. His eventual release by the new Yar’Adua government in June 2007 has, disappointingly, not been able to stem the tide of violence in the region.

Some have argued that the government was able to cripple the NDPVF because of its centralized organizational structure, which made its leadership easily identifiable. It is possibly for this reason that the NDPVF was seen as ‘a one-man show’ typified by Asari Dokubo (Hanson, 2007:2). The fact that the arrest of Dokubo almost sounded castrated the organizations lends some credence to the claim. Nevertheless, its membership is reportedly large, numbering some thousands.

**b. MEND:** The MEND, formed in late 2005, initially emerged to demand for the release of two key Ijaw leaders – Asari Dokubo and Diepreye Alamieyeseigh and total control of their resources. Toward these ends, MEND sought to create a union of all relevant groups in

the Niger Delta into a much more holistic and formidable movement. This is why it has been seen as ‘an umbrella organization for a loose affiliation of rebels groups in the Delta’ (Africa Report, 3 August, 2006:2). Its demands were, however, expanded to include political issues such as resource control.

As a way of accomplishing these, MEND threatened to cut Nigerian oil output by 30 percent and had made efforts to fulfill its threats. This has manifested through repeated attacks on oil installations and abduction by oil workers beginning in December 2005 and January-February 2006 (Watts, 2007). According to a source, within the first three months of 2006, over 29 Nigerian military had been killed and \$1 billion in oil revenues had been lost due to the uprising generated by MEND. By July 2007, ‘700,000 barrels per day were shut (deferred) by growing political instability and insurgent attacks’ (Watts, 2007: 637). Another source claims that beginning from January 2006; there were at least four kidnappings a month and numerous battles between the state security services and militia groups, with significant impact on world oil prices by locking 800,000 barrels per day. In another account, it was reported that in early 2006 alone, ‘nearly 70 foreigners and many more Nigerians’ were taken as hostage. The incessant attacks resulted in a 25% drop in Nigeria’s oil exports.

Such attacks/kidnappings were followed by intense negotiation via intermediaries and demand for compensation and/or ransom

money. The MEND, for example, demanded that Shell comply with a Nigerian court order and pay \$1.5 billion in compensation for pollution in the Niger Delta. This forced the federal government into the negotiation table with MEND in April, 2006, and brokered a truce that lasted for only four months. The collapse of the ceasefire in August 2006 was attributable to the incident of 20 August, when the Nigerian military units ambushed and killed 15 MEND guerrillas who were reportedly on their way to negotiate the release of kidnapped Shell worker (Daly, 2006).

More recently especially since Yar'Adua came to power, the situation has degenerated. It is important to note that the new government has attempted to intervene in many ways. These include the establishment of a 25 man committee known as the Presidential Committee for Peace and Conflict Resolution in the Niger Delta (PCPCRND). Good enough, the PCPCRND was headed by Senator David Brigidi, who is from the Niger Delta (Oladoyinbo, 2007). Others were the establishment of a separate Ministry of the Niger Delta with a substantive minister appointed from the region, Ufot Ekaette and the establishment of the Niger Delta Technical Committee (NDTC), also headed by an indigene of the region, Ledum Mitee. Despite these interventions, however, no significant improvement has been made. For example, on 20 June 2008, MEND attacked the Shell-operated Bonga oil platform, reportedly shutting down 10 per cent of Nigeria's oil production. On 14 September 2008, MEND inaugurated Operation

Hurricane Barbarossa with an ongoing string of militant attacks to bring down oil industry in Rivers state (Wikipedia, 2009). Between September and December 2008, there were about 53 hostage issues out of which 40 people were abducted. During the same period, 27 people were reportedly killed. There were also reported cases of clashes between the Joint Task Force and militias in the Niger Delta. In these incidents, MEND was mainly fingered (Democracy and Governance in Nigeria, 2009: 3-10).

The relative success of MEND, measured by the inability of the government to cage its leadership as it did NDPVF's, has been attributed to some factors. First, MEND's decentralized organizational structure has allowed it some flexibility in operation. Second, the failure to disclose its leadership has also helped MEND to maintain some degree of anonymity. This is why it is not easy to identify a particular individual as the leaders of MEND. It is such that some of its members so identify themselves and operating under other names (Hanson, 2007). John Robb, a former US 'counter terrorism expert corroborated this in an interview with *Wired Magazine* that MEND 'doesn't even field its own guerillas. They hire their experts and fighters mostly from criminal gangs and tribal warrior cults to do their operations' (quoted in Wikipedia, 2009). Three, despite the anonymity, its leadership has been seen as much more enlightened and sophisticated than most of other groups in the past. Four, MEND enjoys some high degree of legitimacy among the indigenous



population. Ike Okonta, a research fellow in contemporary African politics at the University of Oxford alluded to this when he averred that MEND 'has managed to win broad sympathy among the Niger Delta community' (Hanson, 2007: 2). This generalization confirms the result of a comprehensive study by Ikelegbe (2006) that found a high level of societal support for these militias in the Niger Delta. The rapid increase in its membership, currently estimated as ranging from the lower hundreds to the lower thousands also attests to this. These factors, in addition to the acquisition and training to use more sophisticated weapons has ensured that MEND's attacks have been seen as substantially more sophisticated than previous ones.

### **Factors Enhancing Transformation to Militias and their Sustainability**

Several factors help explain the transition from political mercenarism to full-time militancy. The same set of factors also help understand the sustainability of the insurgency. First and foremost, the factors that precipitated the initial uncontaminated agitations for an equitable power sharing arrangement, revenue allocation and later outright power over the control of resources remain essentially the same. These factors are located in the political, economic and environmental domains. In specific terms, the grievances of the Niger Delta have been predicated upon the undue marginalization of the region in the system of power relations in oil and environmental

politics (Amaechi, 2009). Despite increasing oil revenues, all the region had to show for it are rising unemployment and poverty as a result of denial of their means of livelihood, notably farming and fishing, environmental dislocations, and general underdevelopment. There is a pervasive fear that if they do not act now, the entire Niger Delta may get 'Oloibirilised'. The metaphor of Oloibirinisation is an illustration of a situation whereby the:

... decline in economic importance of a town, community or region leads to its political oblivion, social obscurity and developmental neglect... This derivative concept from Oloibiri provides us a useful handle for a scientific inquiring and prediction of the future of a post oil Niger Delta region... If the oil dries up or oil ceases to be important in the Nigerian and global economy... would her non-oil resources as presently known accord her the same pride of place as oil... Even if such resources and economic opportunities... could yield more revenues than oil, would they still be available... given their massive destruction and degradation as a result of oil exploration, exploitation and marketing?... (Ehwarieme, 2008:158).

What is more, official interventions by both the government and the oil companies have been largely cosmetic, politicized and corrupted

(Omotola, 2007b; 2006b). Even the most recent interventions –the Ministry of the Niger Delta and the NDTC- are held in suspect (Agbo, 2008; 2009).

The lessons learned while collaborating with politicians to manipulated the electoral processes violently is also relevant here. During the period, political mercenaries must have realised the enormity of money available to the region, which the state governors and their cronies threw around anyhow in order to retain power at all costs. When the goings were smooth, political mercenaries enjoyed high life in terms of the huge return they get, both in cash and kind, for their contributions to the electoral success of their benefactors. Such offers an opportunities for self enrichment within the shortest period of time. As such relationships are threatened, the search for an alternative mode of survival on such a high scale became inevitable. Thus, the result to criminality.

But the straining of relations and consequent resort to insurgencies did not mark the absolute of end of interactions between the politicians and the mercenaries. Politicians will always need them to settle some political scores at anytime they crop in the democratisation process, including future elections. As such, both politicians and oil companies continue to engage the services of the militias for protective and security purposes. The international crisis group has documented instances where ‘oil companies pay companies owned by militant leaders to provide “security” to oil installations’

(quoted in Hanson, 2007:3). *Africa Report* (3 August, 2006:2) expresses this tendency thus:

Another source of funding are the discreet payments oil companies make to militant leaders in return for “surveillance” and protection of pipelines and other infrastructures. This practice, frequently cloaked as community, has fueled conflict through competition for contracts and by providing income to groups with violent agenda. Oil companies also pay allowances, perks and sometimes salaries to “supernumerary police”, as well as regular duty police and soldiers deployed to protect oil installations. Security forces consider these plum postings and are alleged to use excessive force to protect facilities and their jobs.

The militants also engage in criminal activities such as kidnapping, hostage taking, demand for ransom payment, and oil bunkering to raise funds for their activities. Asari’s NDPVF was so notorious for oil bunkering that its product became known as ‘Asari fuel’ (Hanson, 2007:3). MEND has, however, always denied involvement in this particular form of deal. It has equally accepted responsibilities for several other incidents including attacks on oil installations and hostage taking.

Other important factors aiding the sustainability of the militias include increasing local popularity and the fact that it provides a distinct basis of identity in a different world of its own. Moreover, violence seems the best language understood by the Nigerian government, given that ours is not a listening government. The few concessions the Niger Delta have been able to wrestled from the federal government were not granted until after protracted struggles (Frynas, 1998; Omotola, 2007b, 2006b; 2009).

## **Conclusion**

From the preceding analysis, the metamorphosis of political mercenaries to militias cannot simply be understood in a unidirectional way. It is a complex process that embraces a multiplicity of factors. In this particular case, what operates is the interplay of several forces: politics, grievances, greed and opportunity for predation. There may be variations in degree, as the contrasting experience of the NDPVF and MEND suggest. While these movements do have valid grounds (grievances) to oppose the state and the oil majors, including the marginalization of the region in oil and environmental politics, they hardly emerge and organize as an autonomous entity united by a common cause. Their actions and inactions are often closely intermingled with politics, where external patrons (politicians) serve as the main drivers. The decline in the alliance between the two only served to propel the resort to violence and predatory dispositions such as kidnapping, oil bunkering and the

like to rescue and sustain a hitherto well lubricated politico-economic and cultural machine from total collapse. The militias, therefore, should be seen beyond their insurgencies as a distinct social category (identity) for the renegotiation and reintegration of a collapsing/collapsed system of power relations between the politicians and helpless youths. The existence of valid grievances only served to expedite action, while the resort to predation helps sustain the movements. Following Chabal and Daloz (1999), the Niger Delta works. The activities of the militias only represent an important aspect of its working process. It is an instrument through which a sustainable process of adjustment and readjustment in the system of power relations in oil and environmental politics has been predicated. Violence seems to be the best language understood by the Nigerian government.

Be that as it may, this should not be interpreted as an open invitation to anarchy. The militias can be demobilized if the government shows genuine interest in redressing the contradictions of the region. While institutions matter, the ultimate thing is what these institutions are able to do to concretely better the lots of the Niger Delta people. There are already many proposals on the ground, the latest being the recommendations of the NDTC. Among others, the NDTC recommends that the government should:

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- Immediately increase allocation accruing from oil and gas revenues to the Niger Delta to 25 per cent (that is additional 12 per cent)
- Within six months, complete initial steps to support a disarming process for youths involved in militancy
- Improve the operational integrity of security forces and the police in the Niger Delta to a level that assures communities and business organizations of safety without harassment and disruption
- Establish by mid-2009, a direct labour youth employment scheme (YES) in conjunction with state and local governments that will employ at least 2, 000 youths in community work in each local government areas of the nine states of the Niger Delta;
- Establishment by 2010, a regulation that compels oil companies to have insurance bonds against environmental pollution, strengthening independent regulation of oil pollution and work towards an effective environmental impact assessment mechanism, among others (Agbo, 2009).

Certainly, these hold a lot of promise for the resolution of the crises. However, a major reservation has been the commitment of the government to effectively implement these recommendations. This fear is genuine because in the past there have been several reports with lofty recommendations that were never implemented. Notable

examples included the Justice Alfa Belgore Judicial Commission of Inquiry of 1992 which recommended among other things, a 30 year development plan for the oil producing areas; and the famous Ogbemudia Report of 2001, among others (Agbo, 2009). What will become of this latest report? Only time will tell.

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## **Chapter VI:**

### **Revenue Allocation in the Nigerian Federation: The Niger Delta Question**

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By Dr. Akpomuvire Mukoro

#### **Abstract**

*Fiscal Federalism in Nigeria is faced with a lot of problems. It has been used by government to alter the allocation of resources amongst the federating units, thus giving rise to lack of fairness, injustice and failure in governance. Communities and people that are endowed with natural resources do not have a say in the expropriation of their natural resources by the state Nigeria.*

*Through the adoption of socio-political and economic consideration of public good, this paper argues that government can logically adopt a viable fiscal policy where stake holders of original owners of resources are taken into knowledge while policies on fiscal management is being made.*

*This, it is hoped would not only promote national growth, development and equity, but would put a stop to the incessant cases of strife, political unrest and communal agitations replete in the Nigeria federation*

#### **Introduction**

In political/economic considerations, the management of responsibilities without authority and capacity is an invitation for failure. Matured democratic societies practicing federalism according to Ola Vincent (2002:32) “have somehow managed to evolve a

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satisfactory balance among the federal, state and local tiers of government and the sharing of the available resources among them to fulfill the respective functions prescribed for each tier in their countries constitution". This exercise operates in the spirit of equity, justice and fairness in a polity that aspires for progress, stability, peace and egalitarianism within its human community.

A general problem amongst federating units in a nation in the view of Eme Awa (1976:62) is that of "how to allocate revenue between the levels of government and among the units so that each government may have the financial capacity to perform the functions assigned to it". Fiscal policy is used to achieve the desired objectives of allocation, redistribution, stabilization and economic growth. It is a useful tool employed in the pursuit of social and political objectives, especially those which aim to reduce inequalities of wealth and opportunity (komolafe 1999:1).

The inchoate state of democratic governance in Nigeria makes the operation of fiscal federalism to be fraught with a lot of problems. It is the position of this paper that fiscal policies in Nigeria have been used indiscriminately to alter the allocation of resources which has resulted into the promotion of inequality of wealth, opportunities, injustice and lack of fairness amongst the federating units. The government can therefore use its instrument of fiscal policy to alter the shape of Revenue Allocation to promote growth, equity in the redistribution of resources and stabilization within the polity.

## **Fiscal Federalism and Revenue Allocation**

Extemporically, Nigeria operates a federal system of government with inter-relationships at the federal, state and local levels. Each of these units of government have their statutorily assigned sphere of responsibilities and influence. These levels of government therefore require a stable and dependable sources of revenue with which they can prosecute their responsibilities to the citizens and participate in the act of governance.

The underlying demand of federal system of government ensures that each political subunit of a sovereign state should possess the constitutional guarantee to operate independently within the state. But as a member of a National body, each unit or level of government (infra-sovereign units) should remain co-ordinate and interdependent with one another within the national scheme of things or nation (where 1963:183). Relatedly, Bello Imam (1992:250) posited that

“the federal government has exclusive constitutional responsibility for some functional subjects under the exclusive legislative list, while the state government have control over the concurrent legislative list of functional subjects...the fourth

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schedule of the 1979, 1989 and 1995 (draft) constitutions outlined the functions that should be performed by the local government. “

In a federal system of government, there are usually different levels of government that are assigned different constitutional responsibilities. These responsibilities create different expenditure obligations on each of these units of administration which leads to the allocation of tax powers. However, there is always a mismatch between the expenditure obligations and the revenue sources of these levels of government. This is the reason why revenue allocation has been evolved as a mechanism for redressing this imbalance or mismatch between expenditure obligations and revenue sources. In this light, we can refer to the allocation of the country's financial resources among the different tiers of government in the Federation as Revenue Allocation. This is with the overall objective of enhancing economic growth and development, minimizing inter-governmental tension and promoting national unity. On his own part, Komolafe averred that fiscal policy is used to achieve the desired objectives of allocation, redistribution, stabilization and economic growth. It is a useful tool employed in the pursuit of social and political objectives especially those which aim to reduce inequalities of wealth and opportunity (Komolafe 1999:1)

Having expressed these opinions, what must not cease to agitate the minds of concerned federalists is the question of the impact of a given revenue allocation structure on the nature of Nigerian federalism. Since it is federalism that creates the need for revenue allocation, it is appropriate to worry about what a revenue allocation system does to the federation. A particular revenue sharing formulae adopted at any one particular point in time may appear antithetic to the desires of a particular group of people. Note for example, the recent clamour, court cases and political tension over resource control mounted by the Southern Governors of Nigeria. Those in the oil producing States are laying claim to natural resources located offshore which the sharing formulae allocates to the Central Government and as enshrined in the 1999 constitution Section 162, sub-section 2 (Constitution, 1999). From the position of the presidency to abandon the ruling of the Supreme Court and seek a political solution means that the laws of the land need to be reviewed.

In a Federal System of Government, three reasons are usually given for allocating revenue from the Federal to the other units of government at the State and local levels. The first reason according to Olaloku (1979:109-110) is balancing. That is transfer that is necessitated by an imbalance between revenues and responsibilities. It then becomes the duty of the higher level of government to make good such an imbalance by making transfers of financial resources which are referred to as deficiency transfer or balancing. The second



reason according to the same scholar is equalization transfer necessitated by variations in the revenue-raising capacities of the lower levels of government, such that heavier tax burden in the lower levels of government is eliminated. The third reason adduced by Olaloku but similar to the opinion expressed by Maxwell (1969: 67) is that of stimulation, incentive or promotional transfers made with specific directions as to their disbursement. They are, therefore, of necessity conditional upon their being spent for the purpose for which they are meant. In the subsequent part of this paper, we shall adopt a framework of analysis and see how fiscal federalism has and should fare in Nigeria.

#### *Framework of Analysis*

Nigerian federalism behoves that decentralization must become an inevitable ingredient of governance. This is so as to ascertain the extent to which power sharing amongst the three levels of government determines the adequacy (public good) or otherwise (public bad) of the funds allocated, and its relationship to whether such funds are judiciously allocated or whether they match sub-regional or local government responsiveness to participation in the process of governance. That is whether local governments or the States or the communities for that matter are getting enough funds from the system based on their overall contribution to it.

The main idea of public good or public bad means that things which are good for some persons may simultaneously be bad for

others. This elementary fact of life provide the starting point for any meaningful discussion of collective or group action, including that of individuals who organize themselves into political units. According to a commentator, Adam Smith's legitimate claim to being the founder of scientific economic theory and as expounded in his *Wealth of Nations*, Smith's thought lied precisely in his convincing demonstration that the self interested, independent behaviour of individuals in a competitive market process produces socially desired results. 'Socially desired' in this sense is defined strictly in terms of the mutually attainable benefits for all members of the community (Buchanan, 1970: 51).

Put more simply, the theory of public good in politico-economic consideration, provides that a fiscal system will be said to be relatively decentralized if lower tiers of government exercise a relatively high degree of freedom in raising taxes or revenue required to carry out their expenditure responsibilities, since such responsibilities expand over time (Orubu, 1999: 45). A decentralized system of Revenue Sharing in the views of Anyanwu (1997:81), means that the other tiers of government becomes empowered and responsible for the management of huge financial resources that would have gone to the centre under a regime of faulted fiscal practices as it obtains in Nigeria.

In a federal structure, the powers to perform certain functions should be regarded as assigned agency functions. The revenues or

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resources concerned belong to the community and the taxing cum collecting agency is acting on behalf of the community. Therefore the National Assembly should seriously consider the allocation of revenue to be collected by the federal and other tiers of government on behalf of the communities. The states and local governments should not be made to go cap-in-hand to collect donations from the Federal Government.

The Federal Government does not own the revenues. It belongs to the Nigerian federation and all the tiers of government have a stake in it. The assignment of the responsibility to collect revenue should not be taken as making the collecting agent the exclusive owner of such resources. According to Ola Vincent (2002:31) "It is all a matter of administrative convenience".

*History of Revenue Allocation in Nigeria*

The effective period from where we can refer to as the starting block for revenue sharing in the Nigerian federation began with the Richard's Constitution of 1945. Governor Richard declared certain revenues as regional and instituted an ad-hoc expert Commission to draw up a workable method of fiscal administration (Adebayo, 1987: 2). According to Olaloku in Akinyemi et. al. (1979:115), the development of federal finance in Nigeria is nothing but the history of the various attempts made to contain the financial consequences that

accompanied all the constitutional changes, which took place in the country since World War II. A graphical representation of these fiscal reviews is presented in table 1 below.

**Table I:**

**Revenue Allocations in Nigeria and their Principles**

<i>S/N</i>	<i>Statute</i>	<i>Year</i>	<i>Principles &amp; Bases</i>
1.	Sir Sydney Phillipson Commission	1946-50	Derivation
2.	Professor J.K. Hicks and Sir Sydney Phillipson Commission	1950-53	(a) Derivation (b) Needs (c) National Interest
3.	Sir Louis Chicks Commission	1953-58	Derivation
4.	Sir Jeremy Raisman - Tress	1959-65	(a) Derivation (b) Distributable Pool Account (D.P.A.) Based: (1) Continuity (2) Minimum responsibility (3) Population (4) Balanced development
5.	K.J. Binns Commission	1965-68	Adopted the Raisman-Trees Report but had to enlarge funds to the Distributable Pool Account.
6.	Dina Interim Report	1968-69	(a) States Derivation Account. (b) States Joint Account. (c) Special Grant Account (S.P.A.)
7.	Federal Military Government Decrees due to Military Intervention	1970-78	(a) Equality of States (b) Population
8.	Aboyade Commission Report. Not accepted and was therefore modified by the Constituent Assembly.	1978	(a) Equality of States (b) National Minimum Standard for Development. (c) Absorptive Capacity. (d) Independent Revenue (e) Fiscal Efficiency.
		1982-	(a) Equality of States

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9.	Okigbo Pius N. Commission	1986	(b) Population (c) Social Development Factor (d) Internal Revenue Effort.
10.	National Revenue Mobilisation, Allocation and Fiscal Commission for reviewing revenue allocation formulae and principles from time to time. A fall out from the Okigbo Report.	1986 to date	The principles have been changing and responding to the desires of the government in power.
11.	Constitutional Review of sharing formulae by the National Assembly. Bill sent by presidency	2001 & 2002	Comprehensive report and white paper not yet out.

**Source:** Review of all Revenue Sharing Formula's in Nigeria compiled by A. Mukoro.

The Phillipson Commission report divided regional revenues into the declared and non-declared revenues. Declared revenues being those locally collected by regional authorities. These included Direct Taxes, Licenses, Fees, Income from property, mining rents etc. Non-declared revenues were those collected by the Central Government. The Phillipson Commission applied the principle of derivation as the bases of revenue for the simple argument that in using it, financial responsibility will be inculcated in the regions (Review of Revenue Allocation in Nigeria, 1992:9). Each of the regions was to share from the non-declared revenues in a ratio of 46% for the Northern Region, 30% to the Western Region and 24% to the Eastern Region. The derivation formulae allowed for a lot of room for the regional governments to manage their own resources together with what comes from the declared revenues.

After four years of the Phillipson scheme, the Macpherson Constitution of 1951 introduced a quasi-federal structure. Macpherson then appointed the John Hicks and Sydney Phillipson Commission to develop new formulae of revenue sharing in order to achieve a progressively more equitable sharing of the nation's wealth. The Commission adopted four general principles based on independent revenue (internal sources), derivation, need and national interest. By this scheme the regions started enjoying some degree of autonomy. The fall out of this was that agitation soon built up from the west to push the derivation principle to the limit by applying it to all items of federally-collected revenues, the east pressed for the extension of the principle of national interest, while the north pressed for the deepening of the application of the need principle (Review of Revenue Allocation in Nigeria: 14).

With the Constitutional Conference of 1953, Sir Louis Chick was appointed to review the Hicks-Phillipson proposals on revenue sharing. The Commission recommended derivation and virtually ignored other principles. This defect now led to the inauguration of the Raisman Commission in 1958. To avoid allocation system that depended too much on derivation and to take into account differing needs of the regions, the Commission created a Distributable Pool Account into which would be paid 30% of revenue from mining rents and royalties and 30% of the revenue from other import duties. The Raisman Commission recommended the following percentages as

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being equitable for the sharing of the Distributable Pool Account. Northern Region 40%, Western Region 24%, Eastern Region 31% and Southern Cameroon's 5%.

The Binns Commission report of 1964 focused on the Distributable Pool Account and rejected sharing among the regions on the basis of derivation. It however increased the share of revenue that should be paid into the distributable pool account of the Central Government.

When the Military came to power, they created 12 States from the four existing regions and promulgated the Financial Provisions Decree of May, 1967. Though this decree was intended to be temporary, the civil war extended it to last till 1970 - when the war ended. During the Civil War, the Military made use of the Dina Interim Committee Report which renamed the distributable pool account as "States Joint Account". The Committee reduced the weight given to derivation and concentrated on basic needs, balanced development, minimum national standard etc.

With the end of the civil war, the Federal Government promulgated decree No. 13 of 1970 with the effect that the bulk of federally-collected revenues shifting to the centre thus reducing the distributable shares to the States. Accordingly, in 1971, the Federal Government decreed the transfer of rents and royalties of off-shore petroleum mines from the States to the centre. This move accelerated a trend set by Decree 13, 1970 of transferring greater revenues from

the States to the Federal Government. Monies from the federation account were to be shared on the bases of 50% population and 50% equality of States (Review of Revenue Allocation in Nigeria, 27).

As part of the transition programme to the Second Republic, the Military Government appointed the Aboyade Technical Committee on Revenue Allocation in 1977. The report of this Commission was turned in, in 1978. The government did not feel comfortable with it and therefore sent it to the Constituent Assembly for ratification. The formulae recommended for revenue sharing was 57% for Federal Government, 30% for States, 10% for Local Government and 3% for Special Grants Account. The principles to be used were based on equality, national minimum standard, absorptive capacity, independent revenue and fiscal efficiency.

For the first time, Local Governments became involved in the share of national revenue as well as their respective States Revenues. However, the idea of paying federally collected revenue into the federation account to be shared by the three tiers of government owes its origin to the Aboyade Commission Report.

By 1979, the Civilian Government in power decided to institute the Okigbo Revenue Allocation Commission to review the existing revenue sharing formulae and to come up with a workable modality. The Commission submitted its report on June 30, 1980. It came up with the share formulae of 53% for the Federal Government, 30% to the States, 10% to the Local Government and 7% for Special Fund.



This approach was hinged on the principle of population, minimum responsibilities of government, social development and internal revenue efforts. It was the Okigbo Commission that recommended the discontinuation of ad-hoc commissions on Revenue Allocation and averred that a permanent fiscal commission with well-defined function be established. This was what gave birth to the National Revenue Mobilisation, Allocation and Fiscal Commission by the Babangida Government. Although this commission is still functioning, its imperfections and bureaucratic tendencies has made the presidency to recommend a bill to the National Assembly for the operating revenue formulae to be reviewed to calm the frayed nerves of the littoral states.

### **An Analysis of Nigeria's Fiscal Management**

An examination of the Nigerian fiscal management experience displays a high degree of unevenness, distortions and inequality. The earlier experience shows a high degree of centralization because Nigeria was under colonial rule. And the distribution of revenue among the regions was based mainly on the principle of derivation. As a result of nationalist agitations, the colonial power decided to introduce measures of rapid transition which gave the regions considerable autonomy within 1952 to 1959. This is shown by the fiscal decentralization which became apparent in the dealings of the colonial masters (Olaloku, 1979: 116).

The Raisman Commission Report formed the basis for playing down the principle of derivation and instead placed great emphasis on population. This period incidentally coincided with when emphasis on crude petroleum products became the mainstay of the nation's economy. Inadvertently, the people in the oil producing communities became short-changed in the scheme of things. Since such an arrangement suited the non-oil-producing States, the government in power controlled mainly by majority of people from non-oil producing States stuck to the principles of revenue sharing based on population and need. The military that has been in power for a greater part of the nation's history believed and operated on the basis that the federal military government owned the country, her resources and all that dwell in the land. They centralized and concentrated the country's revenue in the hands of the federal military government which facilitated the plundering of the national coffers thereby denying the oil bearing states the wherewithal to carry out the development of their devastated communities (Vincent 2002: 21). This is the reason why agitation for resource control by the oil producing communities and States is becoming more and more intense with the passage of each day.

What must not stop agitating the minds of many Nigerians are these questions: -

1. What lessons has been learnt from the various revenue allocation schemes that have been adopted?

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2. Have the objectives for revenue allocation meant the same thing to the various Commission and government that set them up?
3. What yardstick for arriving at a workable formula must be adopted?
4. What criteria for revenue allocation, formula for sharing among the different tiers of government, the principles for inter-state and inter-local government sharing, and the formula for the disbursement of special funds can be considered workable?

When the volume of money that has so far been disbursed to local governments since she became a formal player in the exercise of national revenue sharing arrangement is put together, it will be discovered that it (money) has been on the increase. From a share of 5% in 1975, to 10% in 1982. And from 15% in 1989, to 20% in 1992. Consequently, between 1995 to the year 2001, the percentage allocation to local government hovered between 23% and 25%. Also, actual allocation was ₦100 million in 1976, by 1996, total allocation to local governments from the federation account has gone up to N180 billion.

Also, a look at the federation account between 1995 and 2000 shows an upward trend in the amount of fund distributed to the tiers of government. Table II presented below explain this more explicit.

**Table II**

**Distribution of Revenue from the Statutory Allocation and VAT from**

**1995 to 2000 in ₦ Billion**

Year	Statutory Bill	VAT Bill	Total Bill
1995	153.975	19.411	173.384
1996	171.908	31.345	203.253
1997	207.865	33.707	241.572
1998	266.851	37.585	304.436
1999	509.730	47.636	557.366
2000	1174.163	58.029	1232.192

Source: Accountant General's Office.

The states and local governments selected from the six geo-political zones of Nigeria are presented in table III for clarity. This is to represent the geographical spread of Nigeria.

**Table III**

**Geo-Political Composition, Chosen States and Local Government**

S/N	Geo-Political Zone	States Covered	Local Government
1.	North East	Borno Adamawa	Yola/Girei Bama/Jere
2.	North West	Kano Zamfara	Dala/Sumaila Gusau/Gummi
3.	North Central	Kogi Plateau	Okene/Ajaokuta Jos North/Wase
4.	South West	Lagos Osun	Apapa/Epe Osogbo/Egbedore
5.	South East	Imo Enugu	Owerri Municipal/Oguta Nsukka/Enugu East
6.	South/South	Edo Delta Bayelsa Rivers Cross Rivers Akwa Ibom	Oredo/Etsako West Ughelli South/Warri Central Brass/Yenagoa Eleme/Port-Harcourt Bakassi/Calabar Municipal Eket/Uyo
Total	6	16	32

Source: Study Survey

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Also Tables IV and V show in specific terms what quantum of money has been leaving the centre to the local governments between 1999 and 2000. A close look at the tables show that actual allocation to the Councils have been on the upward swing. But this is disproportionately apportioned when the actual amount that each State get from the federation account is matched with their total contribution to the central purse. Table V for example show that Adamawa, Kano and Zamfara States get far higher allocation to their local governments than Bayelsa, Rivers and Delta State, that are oil producing.

Table IV

Gross Statutory Revenue Allocation and V.A.T., to State Governments, May - December, 1999 and January - December 2000

<i>S/N</i>	<i>States</i>	<b>Volume of Fund Allocated</b>		<i>Distribution of V.A.T.</i>	
		<i>May - Dec. 1999</i>	<i>Jan. - Dec. 2000</i>	<i>May - Dec. 1999</i>	<i>Jan. - Dec. 2000</i>
1.	Adamawa	2,456,103,000.08	6,458,325,839.99	352,077,081.21	1,228,664,103.88
2.	Akwa Ibom	3,110,754,296.81	19,483,601,203.93	367,516,575.60	1,270,958,841.55
3.	Bayelsa	2,438,206,132.15	15,741,831,854.69	318,872,762.40	1,058,307,473.90
4.	Borno	2,886,996,176.14	7,563,668,858.96	383,096,319.03	1,322,463,827.76
5.	Cross Rivers	2,392,916,171.12	6,270,425,229.86	350,181,811.91	1,188,361,748.05
6.	Delta	3,390,631,631.04	24,310,170,636.88	500,100,352.28	1,925,202,824.77
7.	Edo	2,420,127,988.36	6,638,761,170.22	373,707,975.18	1,314,003,320.09
8.	Enugu	2,093,360,331.81	5,484,695,129.18	376,314,046.09	1,281,738,252.09
9.	Imo	2,332,325,476.66	7,406,322,616.66	374,287,188.86	1,311,471,033.19
10.	Kano	3,557,200,216.82	9,319,584,228.20	633,962,577.03	2,148,490,266.80

11.	Kogi	2,280,281,717.78	6,192,168,647.86	348,310,326.63	1,224,642,280.09
12.	Lagos	3,543,261,426.92	9,283,085,070.62	2,316,959,296.22	7,313,355,536.55
13.	Osun	2,355,919,625.35	6,172,216,634.62	354,966,268.05	1,207,610,645.33
14.	Plateau	2,291,479,024.78	6,002,582,937.80	377,819,131.49	1,207,610,645.33
15.	Rivers	3,101,717,104.16	17,480,174,746.24	686,169,428.78	2,333,029,564.64
16.	Zamfara	2,152,777,237.98	5,640,066,561.36	338,139,337.11	1,160,001,754.70

**Source:** Office of Accountant General of the Federation, Abuja.

Table V

Net Statutory Allocation to Local Government on State Bases

<i>S/N</i>	<i>Local Government</i>	<i>May - Dec. 1999</i>	<i>Jan. - Dec. 2000</i>
1.	Adamawa	1,294,434,092	3,698,054,853.33
2.	Akwa Ibom	1,447,398,776.75	4,119,100,419.72
3.	Bayelsa	538,629,791.81	1,474,841,870.25
4.	Borno	1,905,058,223.34	5,259,883,603.07
5.	Cross rivers	1,103,194,803.16	3,084,921,216.26
6.	Delta	1,266,723,858.35	2,950,866,383.01
7.	Edo	1,066,375,370.39	3,051,339,083.21
8.	Enugu	592,508,570.72	1,926,750,357.92
9.	Imo	1,087,307,241.95	3,672,865,788.85
10.	Kano	2,727,072,686.92	7,671,891,606.81
11.	Kogi	796,052,598.45	2,421,359,253.98
12.	Lagos	1,093,316,141.05	4,016,510,194.58
13.	Osun	1,050,114,170.53	3,363,542,622.77
14.	Plateau	721,757,028.02	2,153,206,189.67
15.	Rivers	1,271,705,092.40	3,313,709,658.20

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16.	Zamfara	1,050,197,325.54	2,867,690,702.09
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**Source:** Office of the Accountant General of the Federation, Abuja.

A look at the volume of net statutory allocation to individual local government (Table VI) from the federation account shows that in 1999 and 2000 financial years, Bama and Jere Local Governments of Borno State respectively received more than twice what Eket and Uyo in Akwa-Ibom State, received from the federation account for the financial years of 1999 and 2000. Also, compare what was allocated to Yola and Gerei Local governments of Adamawa State and Brass and Yenegoa of Bayelsa State, it will be noticed that the figures are tilted in favour of the non-oil producing States in the North than the oil producing States in the South.

**Table VI**

**Net Statutory Allocation to Local Governments from May - Dec. 1999 and Jan.-  
Dec. 2000**

<i>S/N</i>	<i>Local Government</i>	<b>Total Allocation</b>	
		<i>May - Dec. 1999</i>	<i>Jan. - Dec. 2000</i>
1.	Bama	102,924,826.94	294,829,529.35
2.	Jere	121,682,944.06	350,325,218.35
3.	Eket	45,849,898.27	124,992,416.43
4.	Uyo	19,025,195.57	56,024,820.56
5.	Brass	87,983,095.25	237,532,634.41
6.	Yenegoa	27,978,636.01	86,231,712.72
7.	Yola	61,082,833.51	14,966,203.36
8.	Girei	79,937,443.61	230,223,011.98
9.	Bakassi	73,095,525.71	1988,529,494.05
10.	Calabar Municipal	67,812,097.96	178,539,705.90

11.	Ughelli South	56,711,558.56	14,376,461.98
12.	Warri Central	40,635,695.48	80,617,207.94
13.	Oredo	3,793,084.24	34,153,859.79
14.	Etsako West	56,772,036.62	169,879,360.77
15.	Nsukka	16,111,601.89	81,420,117.86
16.	Enugu East	32,939,485.81	95,029,935.42
17.	Owerri Municipal	32,991,553.80	59,717,054.75
18.	Oguta	55,223,232.21	150,553,084.12
19.	Dala	78,631,637.15	206,968,312.40
20.	Sumaila	80,887,086.70	224,337,381.82
21.	Okene	44,761,790.07	135,875,485.60
22.	Ajaokuta	50,033,636.46	136,124,608.95
23.	Apapa	0,892,909.46	195,101,869.28
24.	Epe	83,369,387.06	248,103,486.76
25.	Osogbo	17,041,531.13	70,900,384.53
26.	Egbedore	49,706,063.29	139,668,140.30
27.	Jos North	49,423,082.00	169,089,656.44
28.	Wase	62,489,668.29	190,932,182.77
29.	Eleme	50,265,427.85	115,061,316.01
30.	Port-Harcourt	31,270,590.55	92,719,721.75
31.	Gusua	81,341,90.05	226,633,540.30
32.	Gummi	100,651,802.24	275,844,880.37

**Source:** Study Survey.

Just as table VI above points out, table VII below speaks of the disproportional allocation of resources to the different tiers of government, and favoring the federal government at the disadvantage of the state and local government. This is particularly worrisome because the revenue bearing communities are predominantly located in the local governments. Therefore, creating special fund which is



then channeled to the states for the sake of fighting pollution and environmental degradation affecting the communities is wrong.

**Table VII**

**Gross Statutory Allocation to all Tiers of Government, Special Fund and Value Added Tax , May - Dec. 1999 and Jan. - Dec. 2000.**

S/N	Beneficiary Summary	Total Gross		Total VAT	
		May - Dec. 1999	Jan. - Dec. 2000	May - Dec. 1999	Jan. - Dec. 2000
1.	Federal Government	179,116,353,425	469,255,686,101.30	4,899,821,515.60	8,701,262,978.
2.	State Government	91,612,056,155	291,422,573,187.71	16,332,738,385.34	29,025,997,148
3.	Local Governments	73,862,413,782	193,534,216,502.04	11,432,916,869.73	-
4.	Special Funds	82,556,208,532	219,924,242,155.32	91,966.00	-
5.	Total	428,147,208,532	1,174,13,747,946.47	32,665,568,756.67	37,727,260,126

**Source:** Extracted from Accountant General's Office, Abuja.

The conclusion one can draw from this imbalance is that the issue of revenue allocation in Nigeria is not apportioned according to what each state or community contribute to the national coffers. Instead, other extraneous factors like population, land mass, needs etc. are used as yardstick for the allocation of revenue. When the amount of degradation, poverty, primary school enrolment and development needs are taken into consideration, we see the amount of injustice and neglect that accompany the issues of revenue allocation in Nigeria. See table III and compare the gross statutory revenue allocation to Kano and Zamfara States for the period of 1999 and 2000 fiscal year against that of Delta, Bayelsa and Rivers States

respectively. Also, compare the net statutory allocation to local governments on state bases for the year 1999 and 2000 fiscal year on Table V above and the gross allocation to all tiers of government in Table VI, it will be discovered that the net share of allocation to oil and non-oil producing States has no bases for comparison. The question has to arise again that what degree of justification can be adduced to explain these palpable inequity in the nation's revenue allocation posturing?

The Revenue Allocation Act passed by the National Assembly in 1982 provided these formulae for revenue sharing:-

- |     |                    |   |     |
|-----|--------------------|---|-----|
| (1) | Federal Government | - | 55% |
| (2) | State Governments  | - | 35% |
| (3) | Local Governments  | - | 10% |

A slight amendment to the 1982 Act came up in Amendment Decree 1984 which stipulated 2% revenue to be paid to mineral producing areas on the basis of derivation and 1.5 percent of revenue to be set aside for the development of mineral producing areas. This provision has survived several administrations and apart from little tinkering here and there, the formulae for revenue sharing has remained comparatively the same. Even the setting up of the National Revenue Mobilisation, Allocation and Fiscal Commission by the Babangida Administration is made hamstrung because it can not go beyond the limit of the provisions of the constitution. It took

persistent agitation, strife and threat to national peace for the 1999 Constitution to now allocate 13% of national revenue to oil-producing States on the basis of derivation. Between 1999 and 2003, the obtaining revenue formulae are presented in table VIII below.

**Table VIII**  
**Revenue Sharing between 1999 to 2003**

<b>Year</b>	<b>Federal %</b>	<b>State %</b>	<b>Local Govt.%</b>	<b>Ecological %</b>	<b>Others %</b>
1999	48.5	24.0	15.5	7.0	5.0
2000	41	31	16	--	12
2001	„	„	„	--	„
2002 to May 2003	48.5	24.0	20.0	--	7.5
June to Dec. 2003	46.63	33	20.37	--	--

**Source:** *Collated from Annual Budget 1999-2003.*

However, by the realities on ground and the need to pacify the oppressed people of the Niger Delta, these recommended formulae could not hold. That is the reason why the bill sent by the Presidency to the National Assembly emphasized the principle of Derivation. See year 2002 and 2003 in table VII for emphasis.

Now, there is a loud cry from the local government level over shortfalls in the monetary allocation that comes from the federation account. This therefore goes to show that the issues of fiscal management in Nigeria do not suit the federal arrangement that Nigeria is supposed to be operating. The National Assembly has to without delay revisit the constitution and review the existing formulae for revenue sharing in the nation. This is with the view to compensating States and Communities that contribute highest to the national purse, empower oil and mineral or agricultural producing States and to ensure that the polity operates what can be termed as true federalism. The system of governance in Nigeria seems to imply that neither the legislation nor the constitution can be amended, as if

they are immutable. What then is the purpose for having a legislature?

### **Noticeable Problems with the System**

All along, revenue management matters have been subjected to ad-hoc commissions. This is especially the case because of the centralized system of administration used to govern the nation. The assignments that most of these commissions carry out are based on estimates rather than actual data. It would have been more objective to use a base selected from the five most recent years for which proper data were available. The government in power normally do have an over bearing influence on the Commission. This attitude obviously affects the end result of the Commission's efforts.

Population as a factor is being given undue importance. In Nigeria, population figures are most unreliable. Even the figures in use swings between the figures of 1963 census and that of 1991, which are subjects of controversy. Although population is important for the provision of certain basic amenities and for political purposes, it hardly warrants the excess weight assigned to it in the revenue sharing formulae.

The issue of primary school enrolment is making many local governments to get zero allocation from the federation account. Using this measure as a solo indicator of social development is grossly inadequate. Data on other elements of social development which are

available are ignored. The same goes for the principle of need and even development.

In many of the ad-hoc Commissions that have been set up by government, the principle of derivation for revenue sharing has been handled with ambivalence. Instead they have often proposed a kind of special fund to tackle problems of mineral producing areas. And rather for this measure to calm frayed nerves, it has rather been inflaming anger from affected communities.

There appears to be controversy about what actually constitute the totality of federally - collected revenue. All that States and Local Government know is that monthly, quarterly or yearly, money is allocated to them from the centre. What volume of contribution comes from the states and local governments to the pool account is shrouded in mystery. An arrangement built on transparency should be worked out where every party is made aware of individual contributions to the national coffers and what is expected back in return through allocation. In Canada for example, the central government has no access to natural resources. They are collected by the provinces (Ola Vincent: 2002).

On the issue of assigning weights to the sharing formulae on the volume of money to be disbursed for particular purposes, a lot of bias and arbitrariness is adduced. The criteria or yardstick adopted has to be well defined, has to be realistic and scientific. Some States argue that they are relatively under-developed and newborn; hence

they would require greater proportion of Federal Revenues to catch up. The logic behind this argument is lost to reason because such a stand is only an excuse to be lazy and continue to depend on the centre.

Tax powers should be assigned in such a way as to reflect proper fiscal federalism rather than lopsided arrangements that create administrative problems and make States and Local Governments greatly dependent on the centre.

A last and final problem is that attention has always been focused on revenue sharing to the neglect of revenue generation or mobilisation. People tend to neglect baking of the national cake and concentrate on sharing the national cake. Sharing can not take place if nothing has been generated. The National Assembly must of necessity consider these lapses while trying to come up with workable legislations.

## **Conclusion and the Way Forward**

There is no longer arguing the fact that statutory allocations from the federation account continue to account for between 75 and 90 percent of total local government revenue (Ikhide, 1999: 180). This phenomenon has negatively impacted on the internal revenue generation efforts of local governments. The criteria for allocating revenue from the federation account to local governments depend on

minimum responsibility, population, social development factors, land mass and contingencies. These criteria when applied, yield different amounts to local government and could severely impact on the ability of some local governments to implement their policies (Ikhide, 1999).

The main objectives for allocating revenues to the local governments, from the standpoint of the various Commissions that had been constituted derive from the needs to correct the imbalances in the system, to provide for merit or required services, to enable society reap the advantages of central taxes over local taxes and to internalize external costs and benefits (Taiwo and Afolabi, 1986: 18).

Research has shown that local governments in most of the developed countries do not depend on external sources of funds. Atoyebi and Odedokun (1986: 10) stated categorically that while the U.S. local governments rely more on internally generated revenue, nigerian Local Governments rely heavily on financial charity from the higher level governments.

A comparative survey of international fiscal federalism carried out by Bade Onimode is quite revealing. In his contribution to Sunday Tribune Newspaper on Resource Control in World Federations, he contended that most of the federations share revenue and expenditure between Federal and sub-national governments in a decentralized way (Onimode, 2001: 16). He went further to State that in some federations, expenditure sharing is done through the sharing of constitutional powers e.g. over education at different levels, health,

roads etc. It is also essential that expenditure sharing should synchronize with revenue sharing so that a healthy balance can be maintained between both.

Fiscal federalism in Nigeria is heavily distorted on the account that most of the principles applied for revenue sharing have been wrongly implemented. This has resulted into the distorted and uneven development of the country. It has even led to large-scale agitation, strife and mutual suspicion amongst the citizenry. This is in spite of the various changes that have been introduced into the management of revenue in the Nigerian federation. When these factors are considered, one can not help but to advise that the federal government should have a rethink on the pattern of revenue management presently in operation in Nigerian, so as to ensure even development of the country.

Another serious flaw is that sufficient efforts have not been committed to address the issue of the real purpose and manner of using special funds. These funds are meant to achieve a national minimum standard in some essential services, to correct fiscal imbalance among different geographical areas, to redistribute wealth for balanced growth, to compensate for adverse effect of national policies in some areas, to encourage uniformity in the polity and respond to proven cases of emergency and disaster in parts of the country. It therefore makes sense to advocate for concrete efforts on the part of government so as to eliminate arbitrariness, partiality,



discrimination and inequality in the distribution of resources in the economy.

Again, the criterion of derivation principle has to be revisited and organized to favour mineral producing communities. This will help to dampen tension, reduce agitations by States for resource control and put an end to the activities of militia groups especially in the Niger Delta regions.

The government should as a matter of urgency adopts a comprehensive policy aimed at fiscal equalization that would incorporate both the resource element and the need element of each State. This is so as to practice fairness and equalization to the federating States. It would not be healthy for a section of the nation to feel being milked to fatten other sections that contribute little or nothing into the national coffers.

The National Assembly should learn to become flexible and dynamic. A major portion of their job is for them to be able to change or amend policies that have become anachronistic. For them to be able to make laws that would foster harmony amongst the federating units that makes up Nigeria. This call is very important and urgent because the National Assembly needs to divest itself of the military tango of authoritarianism and centralization that characterized governance for the past 29 years when the country was under military rule before 29<sup>th</sup> May, 1999.

Lastly, it is being advocated here that the weighting system for each of the criteria adopted should be modified for them to become more equitable, just and fair so that all will have a sense of belonging. In matters of proper governance, political considerations should not be allowed to becloud economic objectives and the welfare of the people. These recommended measures will not only bring fiscal relief to the system of fiscal management, they will also provide the vital missing ingredients to revive the smooth operations of the nation's fiscal federalism.

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## **Chapter VII:**

### **Niger Delta Ruling Elite and the Under-Development of the Niger Delta Region of Nigeria**

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By Dr. Atare Otite

#### **Introduction**

There have been a lot of write ups as regards the underdevelopment of the Niger Delta Region of Nigeria. Some of these write up by Scholars, such as Nwankwo and Ifeadi (1988). Eteng (1997); Gbadegesin (1997); Watts, Okonta and Kemedi (2007) amongst others tends to concentrate on the area of oil exploration and its effects on the environment, with special reference to the degradation of the environment and which tend to affect the agricultural output of the region; moreso, since it is the main story of the people of the Niger Delta Region of Nigeria. Some others such as Owobukeruyele (2000) concentrated on the hydrocarbon emission as produced by the activities of oil exploration and exploitation in the area and the aftermath effect of this on the life of the people in the Niger Delta Region, especially as it affects the health of the people's actions towards carrying out progressive activities that will aid development in the area. Furthermore, some others, such as Sagay (2000), Onokerhoraye (2000) amongst others concentrated more on the revenue allocation formula structure of the country and how this

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affects the development of the area; especially since the Niger Delta Region, according to them is not getting enough revenue to carry out most getting enough revenue to carry out most of their developmental activities, as it were. And scholars, such as Darah (2008) amongst others, especially those from the Niger Delta Region of Nigeria tend to blame the under development of the region on the nature and character of the Nigerian state that favours certain class of people, especially those from the three major ethnic groups vis-à-vis the Hausa/Fulani, Yoruba and Igbo speaking class of people. According to them, this advantageous class of people use this advantageous position of theirs to exploit the other ethnic group from the Niger Delta Region of the country.

Inasmuch, as we agree that these various contributions and views has their own merits towards understanding the underdevelopment of the Niger Delta Region of Nigeria, they don't seem to make for a comprehensive understanding of the underdevelopment of the Niger Delta Region, especially when viewed from the internal perspective and how the various leaders vis-à-vis the elite group from the various states level that make up the region to the local government and community levels are critically viewed. This is because, people are beginning to ask questions as regard the use into which the allocations from the Federal Government to the Niger Delta Region are been put into by the various leaders from the oil producing area of Nigeria.

## Theoretical Framework

The theoretical framework used to carry out this study is mainly based on the elite theory as stated by scholars like Llyod (1966), Parry (1969) and Pareto (1975) amongst others. The core of the elitist doctrine is that there may exist in any society a minority of the society that controls and makes decisions for the people. And because these decisions are of such wide scopes, affecting the most general aspects of the society, they are usually regarded as political decisions, even where the minority taking them are not politicians in the usual sense of members of a government or legislature. The government elite may also embrace the leaders of business, and to a large extent maintaining some sort of control over the governance of the society at different levels.

The governing elite tend to be a highly corporate group. According to Llyod (1966), the most significant component of the concept elite influences the behaviour of the masses, it is inimitable body of persons. The elite scholars tend to bring out the argument that whatever democratic mechanisms used the dominant minority cannot be controlled by the majority. As Michel (1958) phrased it:

*Historical evolution mocks all the prophylactic measures that have been adopted for the prevention of oligarchy. If laws are passed to control the dominion of the leaders, it is the laws which gradually weaken and not the leaders.*

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Because of this dominant position of the ruling class and their control over the decision making of the society, they are able to mobilize the masses of the society to toe their own line with little or no resistance, to the favour of the ruling class. And since they control the government, they are able to as well to determine the manner and way that the resources in the society are distributed, especially to their own benefit at the detriment of the masses.

We are quite aware that a lot of criticisms has been levelled against the elite theory as formulated by distinguished scholars. One of such criticisms is that the elite theory did not come out with precise definition and boundary of the elite group, and that the theory is hardly applicable, empirically, amongst others. But for this purpose of this analysis, we concern ourselves with the elite within the framework of Pareto's (1975) "Optimal Constructs", that is in the process of formulating and implementing political decisions for the society ether.

- (i) Every individual in the group is made better off, or
- (ii) At least one individual in the group is made better off and not one is made worse off.

### **The Role of the Niger Delta Elites in the Under-Development of the Niger Delta Region**

The Niger Delta Region of Nigeria had established societies before the coming of the British colonial masters in the 19<sup>th</sup>

century. When the Portuguese explorers arrived on the Guinea Coast in the middle of the 15<sup>th</sup> century, they met well settled and organised polities with systems of civilization comparable to that in Western Europe. Coupled with this, organised societies in the Niger Delta Region of the country at that time, were the presence of economic features and resources, such as nearness/access to the sea, availability of economic produce, human resources and so on, that made for the development of the region then. Like Darah (2008) will put it;

*For some years when the Niger Delta nations interacted with the global community, many areas of present-day Nigeria were still in the dark ages. For certain, the Oyo Empire in Western Nigeria had not been founded. The Sokoto caliphate hat started in 1804 had not been contemplated. When you consider the anteriority and age of the Niger Delta civilizations, it is not an exaggeration to say that the region. Delta is the foundation of Nigeria.*

This advantageous position of the Niger Delta Region occupied during the pre-colonial and colonial periods by virtue of its economic reserves is still very much in place in the present era because of the role that crude oil and gas from the region is contributing today to the national income. But unfortunately all these economic contribution to the national economy has not led to the expected economic development of the Niger Delta Region. Scholars like Sagay (2000), Onokerhoraye (2000), Darah (2008) and some others, mostly blame



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the underdevelopment of this region despite is economic wealth on the Federal Government and the elite class that are in control of the central government. This is done without reference to the role played by the state, local government and community setup and their elite class in the underdevelopment of the Niger Delta Region of the country. This, the scholars mostly blame on the percentage share of petroleum proceeds of the Nigerian state, as can be summarised in table 1 below, which shows that the amount of money that accrues to the Niger Delta Region with percentages across time is not commensurate to the quality of mineral/oil mineral extracted from the Niger Delta Region of Nigeria.

**Table 1**

**Federal – State Percentage Share in Petroleum**

**Proceeds 1960-1999**

Year	Producing State	Federal Government	Distributable Pool
1960-67	50	20	30
1967-71	50	50	-
1969-71	45	55	-
1975-79	45 minus off shore proceeds	55 plus off-shore	-
1979-81	-	100	-
1982-92	1 and half minus	98 and half plus	-

	offshore proceeds	offshore proceeds	
1992-99	3% minus off-shore Proceeds	97 plus off-shore proceeds	-
1999	13% minus off shore proceed	87 plus off-shore proceed	-

Source: Sagay , I (2000)

In as much as we agree, that this position has its own merit that the proceeds that accrue to the Niger Delta Region is too small, that is not enough reason for the underdevelopment of the Niger Delta Region of Nigeria. The Niger Delta Region would still have been able to achieve some reasonable level of development if the various elite class at different levels of leadership in the region are able to manage the little that accrues to the region from the Federal/Central Government. But rather what we witness at the different levels of leadership in the Niger Delta Region (i.e from state – community levels) is misappropriation and outright looting of the small amount of money that comes from the Federal Government. Thereby, leading to little or non availability of the required resources for the development of the Niger Delta Region by this time, especially taking into consideration the volume of money that have been allocated to the Niger Delta States since the increase of the revenue allocation formula of derivation to 13% since 1999. Like Omotola (2006:17) will put it:

*The increase in the revenue allocation formula of derivation to 13% since 1999 also meant more financial allocation to*

*the Niger Delta. For example, available statistics reveal that between 29 May, 1999 and 31 December, 2005, the Niger Delta received a total of N1,767,500,000.00 as federal allocation to the coastal states of the region. The breakdown is such that Delta, Rivers, Akwa Ibom, Bayelsa, Ondo, Edo and Cross Rivers States received N384.4 billion, N357.5 billion, N313.6 billion, N285.6 billion, N165.5 billion, N131.5 billion and N126.7 billion respectively.*

Despite the increase in the amount of money that accrued to these states of the Niger Delta Region, sustainable development that is needed in the area is yet to manifest because of corruptive attitude of the elite class that are more concerned with their various selfish gains than what comes to the generality of the people of the region. And because of this, the elite class end up stealing, misappropriating and outright looting of the different states funds, to a large extent. Take for instance, the Economic and Financial Crimes Commission (EFCC) through investigations, with assistance from the British Metropolitan Police, was able to establish some level of corruption carried out by the former Governor of Delta State, Chief James Onanefe Ibori, while he was in office to manage the affairs of the state between 1999 and 2007, and alleged brazen looting of Delta State treasury, with the aid of his family members and his personal aids. Like Aiyetan (2008) pointed out, that in August 2007, Ibori's assets worth over \$35 million was ordered frozen by the Southwark Crown court, London, United Kingdom. And back home, Chief James

Onanefe Ibori, was charged to court on charges of stealing, corruption and money laundering.

Chief James Onanefe Ibori's close friend and associate, the former Governor of Edo State, Chief Lucky Igbinedion, can as well be described in the same manner as Ibori. Sources at the EFCC put the amount so far recovered from Chief Lucky Igbinedion at over N400 million, while his accounts in various banks in Nigeria, said to run into billions of naira were also frozen. It is also learnt that he acquired homes in more than eight countries, with two in South Africa alone (one in Cape Town and the other in Johannesburg), with others in United Kingdom, Chicago, Parkhead, Atlanta, all in the United States and some other countries of the world. This is not to mention the billions of naira that he invested in his Capital Airlines, that he started in 2003, with a fleet of four Brazilian made Embraer Jet aircraft, that plies the Enugu-Lagos-Benin-Abuja routes and his investment in petroleum haulage vessels allegedly acquired in Asia during one of his numerous business trips to woo investors to Edo State, as well as investments in refineries in Venezuela. Added to these, are the Ex-Governor's many investments in properties and exotic cars in Abuja and other major cities in Nigeria. All these, alleged acquired through public fund stolen or looted from Edo State treasury, through tactics and aids (Ero, 2007).

Other good examples of Governors from the Niger Delta Region that can be seen from the same angle of corruption like Ibori and

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Igbinedion that are said to have cases to answer before the EFCC are Dr. Peter Odili, former Governor of Oil rich Rivers State. But Dr. Peter Odili, quickly obtained a court order from Port Harcourt banning EFCC from prosecuting him for alleged corrupt practices while in office. As for D.S.P Alamiyesieigha, the former Governor of Bayelsa State, he was tried and found guilty of looting his state of several billions of naira that was meant for development of Bayelsa State.

The same picture can also be painted of the different local government area Chairmen in the different states of the Niger Delta Region who collect million of naira from the Federal Government as Federal Allocations to them, and no adequate economic infrastructure on the ground in their different local government areas to show for the amount collected. And in the community level, the various community leaders that constitute the ruling class at this level are not exonerated from this manner of looting of oil producing community fund. And because of this attitude of theirs, they prefer oil companies operating in their areas to give them cash instead of carrying out or constructing developmental projects in their various communities. Good example of this can be seen from the large amount of money that was misappropriated and some outrightly stolen by the executive members of the Ugborodo Community Trust amongst others, that was put in place to manage the fund given to the community by Chevron Nigeria Limited, that is the major oil company operating in the area, for their selfish ends, instead of using same to develop the community

as expected. There are a lot of examples of this that can be cited in oil producing communities in the Niger Delta Region, that has led to wanton destruction of life and properties in different communities of the Niger Delta Region (Otite, 2004).

With the corruptive examples of the ruling class at different levels given above, amongst others, it will clearly be seen that the underdevelopment of the Niger Delta Region of Nigeria cannot be totally blamed on the Federal Government alone. This is because, inasmuch as we agree that the sum of money allocated to the Niger Delta states are not enough to actualize the much expected sustainable development in the region, we still feel that if sizeable part (even if it is half) of the money that comes to region are properly utilized by the ruling elites at various levels for the development of the region, some level of development would have been achieved by now.

## **Conclusion**

We have been able to establish that inasmuch as the Federal Government has its own portion of the blame, as regards the underdevelopment of the Niger Delta Region of Nigeria, the ruling elites at the state, local government and community levels of the oil producing states of the Niger Delta Region has their own part of the blame as well, by virtue of the excessive looting of the fund meant for the development of the region.

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In line with the above, we therefore recommend, amongst others, the following in order to checkmate this trend of stealing of the fund meant for the development of the Niger Delta Region that:

- \* Men of credible character interms of leadership at the various levels should be given the opportunity to serve.
- \* Various monitoring measures should be put in place at all levels to make sure that money meant for developing the area is used for that purpose.
- \* Furthermore, very stiff disciplinary measures must be put in place to deal with any erring leader at whatever level connected to the leadership of the Niger Delta Region.

This is because, it is only a sustainable focused good governance at all levels, that is efficient and development – oriented that can lead to sustainable development of the Niger Delta Region.

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## **Chapter VIII:**

### **The Crisis of Environmental Degradation in the Niger Delta Region: How Effective is the Law and its Enforcements**

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By Clement Odiri Obagbinoko

#### **Introduction**

In consonance with the principles of environmental conservation and sustainable development and in order to realize the individual's right to a healthy environment, June 5 of every year is celebrated as world environment day by the United Nations [UN]. To this end series of global efforts have been made in the past towards ensuring a healthy environment for mankind. For instance, in recognition of the dangers posed by the continued depletion of the ozone layer, countries of the world came together in 1985 in Vienna to establish a Convention for the protection of the ozone layer. There was also the adoption of the protocol on substances that deplete the ozone layer in Montréal, Canada in 1987. The protocol, which is a legally binding instruments defined measures that parties have to take to limit the production and consumption of ozone depleting substance (ODS). (Mande, 2005).

Nigeria signed the Montréal Protocol Amendment on 23<sup>rd</sup> July 2001 and as a signatory to the protocol, it is obligatory for Nigeria to

fully comply with the provisions of the protocol Nigeria has also subscribed to the Charter of the Earth summit at Rio De Janeiro, Brazil in 1992, whose outcome is the Rio Declaration on Environment and Development. Against this background, it is expected that the Nigerian state should adopt a more pragmatic and people oriented approach towards the preservation of the environment and the entire ecosystem especially as far as oil exploration in the Niger Delta is concerned.

The issue of the environment and its impact on mankind did not attract genuine concern in Nigeria until 1988 when some Toxic wastes were deposited in Koko, a coastal town in Delta State. This development intriguingly, did not arouse enough commitment on the part of the Nigerian government to ensure the protection of the environment. Government's non-committal disposition to environmental protection has persistently led to the destruction of the wonderful ecosystem that have sustained mankind.

In the Niger Delta region, a major incidence of the age long oil exploration is environmental degradation which by the day threaten the socio-economic lives of the inhabitants of the region. This is largely due to lack of governments concern for a healthy environment for its citizenry. Government's lukewarm attitude towards environmental protection is a reflection of government prevarication to protect the lives of the citizenry. Ironically, government constantly finds itself making great strides in recognizing that development must

co-exist with the environment, yet the same government is constantly entangled in the contradiction of searching for economic progress in ways that erode the ecological foundation of our existence.

Interestingly, the bogus urgency by government to fast track economic development has not been met with similar zeal in the areas of environmental protection. What then could be responsible for these lapses?

Against this background, this section therefore seeks to examine the activities of oil exploration in the Niger Delta, the impact of oil exploration on the environment, the adequacy of existing laws and the enforcement of same in ensuring a healthy environment for the people of Niger Delta.

### **The Nature and crisis of Environmental Degradation in the Niger Delta Region**

The environment consist mainly of the lands, waters and air. All of these make up the ecosystem and are directly affected by the exploration of oil in the Niger Delta. No doubt, the act of oil exploration in the Niger Delta amounts to contributing to the economic development of the country. However, in the process of making such contributions, the industries involved in the exploration of oil may by act of commission or omission cause damage to the environment from pollution emanating from industries by way of effluents, noxious fumes, wastes, interference with leisure activities,

offensive smell or noise etc. (Okukpon, 2000/2001). Most of the industries whose activities cause environmental degradation are owned by Transactional Corporations (TCNs). These include the Shell Petroleum, Exxon Mobil, Chevron Texaco, Agip, and Elf. Of these, the Shell Petroleum Development Company (SPDC) is primarily responsible for most of the oil exploration activities which have caused the greatest environmental degradation in the Niger Delta region. (Idowu, 1999).

Much of the damage to the environment is caused through gas flaring and oil spillages. Oil spillages degrade both water and land. The impact of oil exploration on water in the Niger Delta is considered to be very massive because the Niger Delta region is the largest wetlands in Africa and the third largest in the world. It covers an area of about 70,000 square kilometers and consist of distinct ecological zones which are characteristic of a large river delta in a tropical region, coastal ridge barriers, mangroves and freshwater swamp forests, and lowland forests whose boundaries vary according to the patterns of seasonal flooding. The impact of oil exploration on water has also been accentuated by the fact that oil is concentrated in on-shore and off-shore deposits in the Niger Delta, in the far south which is one of the worlds largest wetlands and mangrove forest. (Stewart, 2006).

There are two main ways oil exploration impacts on water environment – disturbance of marine life and pollution to the marine

environment. Disturbance of marine life is usually caused during the process of seismic exploration; and this occurs when a ship or boat tows a sound source, usually an “air gun” to detect the presence of hydrocarbons. The noise created impacts negatively on fish schools, causing them to disperse. The noise also affects calls between fishes as they may not hear one another. Larva or eggs may be destroyed if the air gun passes very close to them (Emeseh, 2003).

According to Emeseh (2003), the oil industry also directly affects the quantity of both surface and underground water as a result of the release of pollutants into the water at various stages of its operation either through the discharge of produced water and other effluents or through oil spills and or blowouts. These are the most highlighted problems of the impact of the oil industry in Nigeria and there exist a plethora of cases on the issue. In the exploration stages, the industry uses drilling mud. Though it is alleged that the drilling mud is not particularly toxic, it is however agreed that in very high quantities this could be harmful to the marine environment if it is introduced into it.

Oil spills and blowouts are another major source of water pollution in the Niger Delta. In its over 45 years of operation, the sheer volume of spills into the Niger Delta environment including its waters has been quite enormous. Oil forms a film over the water and prevents aeration, leading to death of fish and other marine life. Also when fish ingest these pollutants, it becomes poisoned and could

become dangerous for human consumption. All these have significant impact on human health particularly because of the reliance of people on these waters for their domestic needs and also as a source of subsistence. (Emeseh, 2003).

The consequences of environmental pollution resulting from oil exploration is also considered to be very severe because crude oil contains thousands of different chemicals, many of them toxic and some known to be carcinogenic with no determined safe threshold for human exposure. In many villages near oil installations, even when there has been no recent spill, an oily sheen can be seen on the water, which in fresh water areas is usually the same water that the people living there use for drinking, bathing and other domestic needs. (Stewart, 2006).

In the oil producing states of Nigeria, an average of one oil spill occurs every week. In the delicate ecosystem of the Niger Delta, these oil related accidents cause grave damages to the environment and all that it harbours. Protected by the might of the federal government the oil companies accuse the impoverished victims of being the cause of their tragedy. Over 1000 youths, women and children perished in the Jesse inferno. The figure of the dead in the Odi invasion has been estimated to be about 2000. In all the cases of major calamities associated with oil, the Nigerian government has not taken the pains to calculate the casualty figures nor has it bothered to rebuild the devastated communities.

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One of the most disturbing ironies of the Niger Delta is that crude oil for export is transported to Bonny and Forcados through a network of pipelines covering 6000 kilometers. The pipelines are laid across farms, waterways and fishing quarters. Not enough care is given to the technical integrity of the pipes and so they corrode, burst and cause a deluge of oil spills and fires that consume plant and human life.

In the Niger Delta , there is overwhelming evidence of environmental pollution through gas flaring. The average rate of gas flaring in the world is 4%. In Nigeria over 70% of associated gas are flared. Nigeria has the notorious record of 25% of all gas flared in the world, and the main victims of this ecological genocide are the people of the Niger Delta. As far as the power brokers in the country are concerned, the resources blessed people of the Niger Delta are fair game, they do not deserve the protection of their national government. The deadline for an end to gas flaring was fixed for 1985. A policy of gas re-injection was put in place. Pressure from oil companies forced the government to abandon the policy. Shell canvassed 2008 as another deadline; this deadline could not also be realized. What is more, non of the gas flaring sites has been discontinued. (<http://www.nigerdeltaawareness.com>, 2008).

The exploration of oil in the Niger Delta has no doubt resulted in the growth of many industrial concerns which produce harmful wastes and effluents. These wastes and emission are usually toxic in

nature and have devastating effects on life forms when inhaled. Acid rains have also become nightmare to those who live in the vicinity of industries that generate toxic emission. It has been reported that more than 11million hectares of forest are destroyed every year by acid rain. The discharge of industrial waste effluents into streams have been known to kill marine life and damage crops irrigated with water from such streams. (Newswatch, 1988).

Oil producing areas in Nigeria have been identified as danger zones of pollution arising from toxic waste. Higher incidents of birth defects and cancer are becoming more rampant in such areas as a result of gas pollution from the gas flaring activities of oil companies. The incident of oil pollution in the oil producing areas of Nigeria has its effects on agricultural land and streams thereby making them unsuitable for biotic life. On January 17, 1980, there was the Texaco Finima 5 oil blowout in the Niger Delta. It was curtailed after 30 days at which time it had caught fire and emitted poisonous gases into the air. About 200,000 barrels of oil was lost. Four villages including marine life in the town of Finima and Sangama River were polluted, leaving 350 hectares of mangrove dead. In November 1982, there was also a major oil spillage at Abudu. The oil flowed into the nearby villages withered the crops, got the soil dried up and render marine life lifeless. (Kalu, 2006).

The crisis generated by oil exploration and the concomitant environmental degradation in the Niger Delta is very palpable. In the



Niger Delta there has been a growing economic crisis accentuated by increasing exploitation of oil and gas resources occasioned by the state's search for greater revenues and the multinational oil companies bid for higher profits. The consequence has been disastrous as the region has suffered massive pollution of land, water, flora and fauna, which has decimated the resources on which the region survives. The local economy of the region has been totally decimated and destroyed, and this has aggravated poverty, unemployment and hunger, and has fuelled a regime of anger, bitterness and frustration. (Ikelegbe, 2005).

## **ENVIRONMENTAL POLLUTION IN THE NIGER DELTA AND THE POTENCY OF THE LAW**

This segment shall examine the laws and all the legal instruments that regulate the activities of oil exploration as they relate to environmental pollution and degradation especially in the Niger Delta. We shall also look at the effectiveness of such laws and other socio-economic circumstances that may have vitiated environmental laws in Nigeria.

No doubt, there abounds both local and international laws that regulate activities that constitute threat to the environment. However, all of such laws appear to be hinged on the United Nations (UN) charter of Human Rights which stipulates man's right to life. Moreover, the Stockholm Declaration declares "man has the

fundamental right to freedom, equality and adequate conditions of life in an environment of a quality that permits a life of dignity and well being, and he bears a solemn responsibility to protect and improve the environment for present and future generation...” Since the Stockholm declaration the interdependence of the right to a healthy environment and other Human Rights has been repeatedly acknowledged. (Rockefeller, 1996). Based on this the UN Charter also mandates member countries to comply with all relevant international environmental laws. Articles 17 and 35 for example provides that “states shall take individually or jointly as appropriate, all measures necessary to prevent, reduce and control pollution, giving special attention to the disposal in an environmentally safe manner of radioactive, toxic and other hazardous wastes that cannot be refused or recycled.

In Nigeria various legal instruments have been put in place to regulate the activities of Multinational Oil Companies and also to check environmental degradation that has ravaged the Niger Delta without respite. Among the statutes that regulate environmental pollution with particular reference to oil spillage, include the Federal Environmental Protection Agency Act 1988, which was revised in 1992, the Harmful Waste (special criminal provision) Act, cap 165, Laws of the federation of Nigeria, 1990, the Minerals and Mining Act, 1990; the Oil in Navigable Waters Act 1968, cap. 337 Laws of the Federation of Nigeria 1990, the Oil Pipelines Act, 1956, Cap 338 Laws

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of the Federation of Nigeria, 1990, Petroleum Act, 1968, Cap 350, Laws of the Federation of Nigeria 1990, the Petroleum (Drilling and production) regulations, 1969, and the Preventive of Pollution of Water Courses Act 1969.

With the commercial discovery of oil in Nigeria, the Petroleum Decree (now Petroleum Act) 1969 was promulgated to regulate the exploration and exploitation of oil resources with particular reference to the grant concession licences and leases to the oil companies. The Act also empowers the minister of petroleum resources to make regulations geared towards the prevention of water pollution, atmospheric pollution and other environmental damage associated with oil exploitation activities. In pursuance to this power, the minister of petroleum resources made the petroleum (Drilling and production) regulations, 1969.

Regulation 25 of that 1969 statute makes it mandatory for a license or lessee to adopt the best of procedures in their operation. The provision states as follows:

The license or lessee shall adopt all precautions, including the provision of up-to-date equipment approved by the Head Petroleum Inspectorate to prevent the pollution of inland waters, rivers, water courses, the territorial water of Nigeria or the high seas by oil, mud or other fluids or

substances which cause harm or destruction to fresh water or marine life and where any such pollution occurs or has occurred shall take prompt steps to control and if possible end it.

Unfortunately, the punishment and penalty prescribed by this Act seems to have led to disenchantment. The imposition of a mild fine of one hundred naira or imprisonment for a term of six months on defaulters is considered too insignificant, since the oil companies would be swayed to opt for the payment of fines rather invest heavily on pollution prevention measures. (Ojukwu, Ogba, 2005).

The oil pipelines Act, 1956, provides for licenses to be granted for the establishment and maintenance of pipelines incidental and supplementary to oil fields and oil mining and for purpose ancillary to such pipelines. The holder of a permit is required to take all reasonable steps to avoid unnecessary damage to any land entered upon and any buildings, crops or profitable trees thereon, and shall pay compensation to the owners or occupiers for any damage. (Oil pipelines Act, 1956).

However, the language of the Act as it relates to taking steps to prevent destruction of vegetation and economy property appears rather subjective. For example, it does not specifically state who determines the reasonableness of the steps to be taken or the extent

of destruction that would qualify as “ unnecessary damage” hence worthy of being compensated. To that extent, the communities of the Niger Delta have had to abandon their fate to the whims of the oil companies to determine when damage resulting from construction of oil pipelines merits compensation (Ojukwu-Ogbe, 2005).

The oil in Navigable Water Act, 1968 is perhaps one of the most detailed environmental friendly legislation, made to prevent the pollution of Nigeria’s waters. The Act which adopts the terms of the international convention for the prevention of pollution of the seas by oil, 1954 and 1962, criminalizes the discharge of oil into the waters specified in the Act. Essentially, the Act relates to prevention of pollution of water by marine vessels (Nigerian or foreign) (Ojukwu-Ogbe, 2005; Emeseh, 2003).

However, one of the perceived shortcomings of the Act is in the inadequacies of its penalties, limitation of prosecution (which is subject to the consent of the Attorney General of the Federation), the numerous defenses available to violators and inadequate enforcement. Section 3 of the Act provides as follows:

- (1) if any oil or mixture containing oil is discharged into waters to which this section applies from any vessel, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), then

subject to provisions of this Act... shall be guilty of an offence under this section (2) This section applies to the following waters, that is to say (a) the whole of the sea within the seaward limits of the territorial waters of Nigeria, and (b) all other waters (including inland waters) which are within those limits and are navigable by sea-going ships.

By virtue of the provisions only waters navigable by sea going-ships are covered. Also only pollution occurring in the process of loading on or transferring of oil to the ships or pollution arising from discharged in the course of water transportation is covered. Meanwhile quite a lot of the area where the oil industry operates in the creeks and floodplains of the Niger Delta is not navigable by sea going ships. Furthermore, most of the spills in the region arise from rupture of pipelines and from effluents and not necessarily in the process of transportation as on the high seas. The act also grants jurisdiction only to Magistrate Court which is a court of summary jurisdiction and hence is not well equipped to grasp the intricacies of oil pollution matters.

Perhaps what would have been one of the most laudable environmental legal instruments ever put in place is the Federal Environmental Protection Agency (FEPA) Act 1988 (now Cap. 131,

laws of the federation of Nigeria 1990). This legislation was described by Atsegbua et al, (2004) as a great step towards improving other laws governing pollution and other forms of environmental degradation in the country. The FEPA Act was enacted following the public concern and new awareness created by the infamous Koko waste dump incident. The Act which has been amended by the Federal Environmental Protection Agency (Amendment) Act of 1992 is charged with the responsibility of protecting and managing the environment. The Act prohibits the discharge of hazardous substances in harmful quantities into the nations air, land and waters. Sections 15 and 16 empower the agency to make recommendations to the president establishing water quality standards and effluents limitations for both new point and existing point sources. (Emeseh, 2003).

A part from the exemption clause contained in the provision of the Act the persecution will be required to prove not just that the substance is harmful but also that it is in harmful quantities. This however, does not undermine the fact that the Act is a comprehensive piece of environmental protection statute in Nigeria. Under the Act, unlike the other environmental statutes, this legislation provides for both criminal sanction and civil liability for its breach and consequent damage. The influence of the Act is instructive in the recent decision of the Nigeria Supreme Court in the case of *Shell Petroleum Development Company V. chief G. B. A. Tiebo VII & 4 others*, where the polluter was held liable for the resultant damage to the environment.

The Environmental Impact Assessment Act 1992 is another legislation made to regulate the operation of activities which may directly or indirectly impact on the environment. It places restrictions on the commencement of public or private projects without prior consideration of the likely effect on the environment. The requirement of the Act for an environmental impact assessment is a structured process for gathering information about the potential impacts on the environment of a proposed project and using the information, alongside other considerations to decide whether such project should proceed either as proposed or with modifications or otherwise. The controversy about this Act is whether the Agency may carryout its function without input or opportunity given to interested personal or groups to comment on the environmental impact assessment. *In Oronto Douglas V. Shell Petroleum Development Co. and others*, the court held that the right to comment does not carry with it the competence or standing to seek a judicial review of a decision of the agency on an environmental impact assessment.

A part from the legislations mentioned above, there are a lot of others which pertain to ensuring a healthy environment for citizens of Nigeria and especially those of the Niger Delta region. As laudable as these legislations appear to be, they also have visible shortcomings which infact make their real objectives appear very hazy.

In addition to all the enactments discussed above, there are the received English Common Law, equity and statutory law which also



dealt with the problem of pollution of which industrial pollution is one. But of more paramount importance to this study are the torts of nuisance, negligence, the rule in *Rylands V Fletcher* and trespass. Although these torts deal with general problems, their elasticity, resilience and versatility have made them as veritable instrument in the hands of individuals whose rights have been violated as a result of industrial pollution.

But the pertinent question that arises is whether the common law remedies of nuisance, negligence, and trespass have fared better in protecting the right of the individual against industrial pollution.

Nuisance is a condition or activity which unduly intefers with the use and enjoyment of land. Trespass is a direct interference with possession of land, while nuisance takes the form of indirect interference with the owner's convenience (Odigie, 2003). There are two major types of nuisance-public nuisance, which is an act which intefers with the convenience or inflicts damage to the public or a section of a public which comes within its sphere of operation and private nuisance, which consist of continuous, unlawfull and indirect interference with a person's use or enjoyment of land, or of some right over or in connection with the use or enjoyment of land, or of some right over or in connection with it. Under the tort of private nuisance, any industry in Nigeria which causes any form of industrial pollution will be held liable if it proved that the pollution has substantially ad unreasonably interfered with the use and enjoyment

of the land which is in the possession of an individual. Despite this rule, it is not all forms of private nuisance that are actionable as minor inconvenience is not sufficient to justify a cause of action (Okukpon, 2000).

Negligence according to Lord Wright, means more than heedless conduct, whether in omission or commission, it properly connotes the complex duty, breach and damage thereby suffered by the person to whom the duty was owing. In order for the plaintiff to succeed in action for negligence against a company which caused industrial pollution, the plaintiff must prove that the defendant company owed him a duty of care, that the duty has been breached and that the damaged of which he complained was caused by that breach of duty.

## **MATTER ARISING**

Attempts have been made to explain some salient environmental laws and their shortcomings. From the preceding analysis, it has become obvious that there exist extensive legislation on the impact of the oil industry on the environment. There is however, no comprehensive legislation on the issues as the relevant provisions are scattered in various laws.

We can also see that the problem of regulation of the environment in Nigeria is not that of the absence of legislation on the subject but has more to do with enforcement constraint. Regulatory authorities in Nigeria have, over time, been inclined to exhibit

indolence and disinterest in the performance of their functions. This attitude is also manifested in issues of the environment (Emeseh, 2003; Ojukwu-Ogba, 2005).

Complementary to constraint of enforcement is the constraint of non-compliance. There is overwhelming evidence indicating that oil companies do not comply with environmental regulations such as the effluent limit set by law or deadline set for gas flaring. This high rate of non-compliance is reinforced by the increasing inability of regulatory organs to enforce environmental laws and sanctions.

Political, social and economic factors have also been identified as major constraints to the regulations of the environment in Nigeria. With reference to Nigeria's federalism the charter of state and society, the relationship between various institutions charged with the management of the environment, the economic weaknesses and narrow technological bases of Nigeria, extensive poverty and the environmental crisis of the urban centres are key suspects in our enforcement problems. Nigeria is a federation and based on its structure, the responsibilities for managing the environment are dispersed amongst the three tiers. (Atsegbua et al, 2004). This no doubt is capable of causing conflict of compliance. For instance, the Lagos state government Environmental Protection Agency recently accused nine industries of violating environmental laws. (The Punch, 2009, 11).

Other social factors identified by Atsegbua et al (2004) are corruption and lack of environmental consciousness. According to them, environmental issues are perceived differently by the ordinary man in both developed and developing countries. In developed countries, “everything” is biodegradable and “everyone” is conscious of endangered species and the “greenhouse effect”. In the averaged developing countries especially in Africa, these are all matters largely unknown, not just because of government indifference or a lack of the basic education necessary to comprehend such concepts. It is simply that the average man does not have that luxury. He cannot afford the time, effort and expense that environmental concerns entails. His immediate concerns are how to survive; how to exist on his meager salary ..., how to sleep in his dirty airless room and so on.

Economic factor is also responsible for constraint to regulation on environmental issues. With no regular source of income, the people of Niger Delta region have been rendered abjectly poor as their farmlands are rendered sterile by persistent oil spillage and gas flaring. Therefore being thus impoverished, they are incapable of bringing civil action or sustaining same whenever they suffer injury from oil spillage. This is coupled with the fact that the pursuit of litigation in Nigeria can be quite expensive especially in environmental claims.

Above all, the administration of justice in Nigeria in respect of environmental matters really gives serious cause for concern. In most

cases when the claimant succeeds, the fruit of his success is somewhat a travesty of justice. In *Mon V Shell BP Petroleum Development Co.* the trial court found as a fact that the oil spill from the defendant's oil pipelines caused devastating damage to the plaintiff's fish pond and farm crops but awarded an incredibly low sum of N200 as damages for the plaintiff loss. In contrast, in the American case of *In re Exxon Valdez* the court awarded a whopping 5 billion dollars in punitive damages against the defendant, the Exxon Oil Corporation.

The overall effect of the foregoing is that communities and individuals who suffer environmental damage are now more disposed to negotiating for compensation rather than go the tortuous journey of getting justice at the law court.

Attempts to get redress under the common law remedies of nuisance, negligence, the rule of *Ryland V Fletcher* and trespass have not brought any succor to individuals who suffer industrial pollution. For instance there is often the problem of the lack of standing to sue in cases of nuisance. This is brought about by the problem of distinction between private and public nuisance. Nigerian courts often insist that before a person can bring an action under public nuisance against a company which caused industrial pollution, such a person must prove that he sustained specific or special damage which was distinct from the damage suffered by other members of the public. The courts are too eager to hold that any act which affects more than one person amounts to public nuisance. (Okukpon, 2000).

Although the tort of negligence is a useful tool for protecting the right of the individuals against industrial pollution it is bedeviled with the problem of proof. The courts in Nigeria often insist that the plaintiff must prove the defendants lack of reasonable care. This burden is a Herculean task to discharge as the individuals who live in areas where industries are located may not be knowledgeable enough about manufacturing processes as to determine the actual operation which caused the discharge of the fumes, effluents or wastes from such industries. This was demonstrated in the case of *Chinda and Ors. V. Shell BP Petroleum Company of Nigeria*. The plaintiff sued the defendant company for heat, noise and vibration resulting from the negligent management and control of the flare set used during gas flaring operations which resulted in a lot of damage to the plaintiff's property. The court held that the plaintiff could not prove any negligence on the part of the defendant in the management and control of the flare set.

## **Conclusion**

From what has been said so far, the point has been made clear that the environment is very crucial to the existence of mankind. So much so that the right to a healthy environment is equated to the fundamental right to life, and this right has been acknowledged and recognized by international conventions and charters, the same way it is recognized by domestic law.

*Chapter VIII: The Crisis of Environmental Degradation in the Niger Delta  
Region: How Effective is the Law and its Enforcements*

It is also true that the Niger Delta region has suffered unimaginable environmental degradation arising from the exploration and exploitation of oil in the region. Unfortunately, the magnitude of environmental degradation and the injustice suffered by the victims of environmental pollution has not been adequately addressed. Both the legal and institutional framework put in place to ameliorate the incidence of environmental degradation have been reluctant to address the environmental genocide in the Niger Delta.

What has become very evident is that, although laws have been promulgated to address environmental pollution in Nigeria and in the Niger Delta in particular, such laws are to say that least are “Barking” not “Biting”.

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## **Chapter IX:**

### **Dividends of Democracy and the Rural Population: The Case of the Niger Delta in Nigeria**

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By Fagbohun, Francis Oluyemi

#### **Abstract**

*The advent of democratic rule in 1999 after several years of military rule in Nigeria brought succor to the Nigerian populace. They were of high hopes that a democratic government will impact positively on their lives especially with the introduction of the phrase 'dividends of democracy' to imply the expected benefits of democratic rule to the masses of the citizens. After years of democratic rule, the dividends are not forthcoming making for disillusionment on the part of the average citizen that after all, the dividends may ever remain a mirage. The failure of the dividends is unfortunately more pronounced in the Niger-delta region where the bulk of the crude oil that has since the early 70s remained the mainstay of the Nigeria economy come from. Instead of dividends in this region poverty, squalor and despondency is the order of the day making the people feel neglected and more often than not turn the youth to want to use violence in claiming their own dividends of democracy from government. This work shall look at the origin of the problem, why the government (even the local government that is closest to the grassroots people) has not been able to do much in the area of making life better for the people. We shall attempt to chart a way forward so that the case of the dwellers of*

*this region will not look like the proverbial killing of the hen that lays the golden egg.*

## **Introduction**

Prior to 1999 when a civilian administration took over the rein of government in Nigeria, after almost sixteen years of military dictatorship; Nigerians have suffered greatly the benefit of having a participatory government. It was not that the military dictators did not, in one way or the other impacted on the lives of the people, especially at the grassroots level. It is on record that, through such agencies as DFRRI, MAMSER and Better Life for Rural Women tried to engage in activities that aim at improving the lives of the rural populace.

However, Military governments, no mater how benevolent, are noted for being paternalistic in the rendering of social services to the people. It prides itself as knowing what is 'good' for the people most often than not without carrying them along, and not being responsible to them. This is where a democratic government makes the difference. This is because the attraction of democracy is not simply in the multiple freedoms it gives the citizens of a country, but also in the moral burden it imposes on elected leaders to satisfy the yearnings and aspirations of their people and, at the same time account for this.

Although, it should be appreciated that in the provision of social services for the population, the Nigerian government cannot be said to be socialistic or capitalistic in its approach, rather it exhibits some element of the two opposing ideologies of socialism and capitalism.

The need for government to provide social services is informed by the prevalence of poverty, ignorance, disease and social deprivation in the land. This is notwithstanding Sanda's (1981) assertion that 'the content of social services systems vary widely between societies and are determined by each society's dominant values and the policy preferences of the government elites.' This perhaps might be the mindset of the 1979 constitution drafting committee that 'the welfare of the people us the principal purpose of government.'

Not only this, Onokherhoraye (1981) noted that; In many developing countries, there has been a rapid change from a society dominated by laissez-faire principles to one where state intervention is accepted at varying degrees in many aspects of everyday life. Therefore, since it is generally accepted that every citizen of a country is entitled to the enjoyment of a minimum level of social services from government, although there is no universal agreement as to what constitutes minimum, or social services, especially at the grassroots level.

### **Conceptual Clarification**

For the purpose of this paper, the following words need to be clarified to put them in perspective within this work. They are dividend, rural populace and social services.

## **Dividend**

The word 'dividend' did not creep into the political lexicon of Nigeria, and gained its current usage – 'dividends of democracy' – until the advent of the current political dispensation. In the near forty-six years of the country's existence as an independent entity only sixteen of these were spent under a civilian government. The remaining years were spent under military jackboot, to the extent that some writers have argued that a generation of Nigerians have known no other form of government than military's and have found it difficult to comprehend or appreciate democratic governance and how it works.

This is the reason why governments at the three levels – federal, state and local have been drumming it from the roof tops that the kind of democracy currently being experienced in the country has its own 'dividends'; which the Webster dictionary defines as 'something extra or beyond the expected.' This goes to say that for us to say that Nigerians have enjoyed the 'dividends of democracy' will mean that government has performed beyond what the constitution assigns to it as its responsibilities to the people. Such functions are as expressly stated in Sections 7, Second (Parts I & II) and Fourth Schedules of the 1999 Constitution. Again, we have to bear it in mind that the reason for the existence of any government is to work to meet the welfare of the people.

## **Rural Populace**

Although there is some form of agreement on what is rural, which the Webster dictionary defined as ‘pertaining to the country, as distinguished from a city or town.’ Bamidele (1990) drew a distinction between what constitutes rural populace in Nigeria compared to the United States of America. According to him the rural populace in Nigeria is a community of less than 20,000 inhabitants while in America it is less than 2,500 persons. Bamidele goes further to quote Mbagwe that the rural populace are

‘the background human community of very low economy, low standard of living, migration of the young educated people to the urban centres, low purchasing power and appalling conditions of living.’

The rural populace is characterized by extensive use of land for agricultural and forestry purposes, with spatially distinctive settlements (Falade, 1990). The rural populace can therefore be said to be the inhabitants of the background of the urban centers, who are the producers of what the urban dwellers live on in terms of food and primary products for their industries.

## **Social Services**

There is an array of definition on what constitute social services though they seem to have been influenced by the socio-ideological orientation of each author. To Rodriguez (1976) they are:

*Programmes directly contributing to a rise in the standard of living of the majority of the population, leading to an increase in civic participation, and to a better satisfaction*

*of basic needs.*

The objective of the social services provided, and in consonance with the Constitution Drafting Committee's position on the purpose of government Rodriguez says is 'to help people in both an individual and cooperative way to eliminate the causes of social inequality, and to strengthen or change basic structures.' He goes on to identify such programmes to be in relation to health, education, land reform and labour; including services in the areas of human development, treatment and rehabilitation.

Also, the Encyclopaedia of Social Works gave an all encompassing definition of social services as the:

*Full range of organized activities of voluntary and governmental agencies that seek to prevent, alleviate, or contribute to the solution of recognized, social problems or to improve the well-being of individuals, groups or communities.*

To Titmus (1986), social services are those services that are concerned with different types of moral transactions embodying the notion of gift – exchange – which have developed in modern societies in institutional forms to bring about and maintain social and community relations. However, Stretten (1981) attempted a definition that narrows down the foregoing broad definitions of social services. He says that:

*In the widest sense social welfare denotes well-being. More narrowly, it refers to the comfort and improvement of people, over and above money income earned, in so far as they are affected by the central or local government, private firms or voluntary institutions.*

To Awa (1981) it refers to ‘the welfare of human beings as members of society.’ While it can also be defined as:

*Services provided by the government or government agencies or by other bodies, with the consent of government, for solving present problems facing the people of a given society or preventing imminent future problems that faces or may face a given society.*

In essence, social services are those provided by governments or non-governmental agencies with the objective of acceding to the identified needs of the people or community to address their immediate or future problems.

### **Provision of Social Services in the Rural Areas**

If it is taken that the principal purpose of any government is to see to the well-being of its people then it can be safely argued that where the government meets with this responsibility then it can be guaranteed maximum citizen’s participation and cooperation. This is why the United Nations (1968) said that when the rural populace ‘can reach an urban standard of living in their place of residence, they are likely to remain there, becoming a constructive element.’ i.e shy away from migrating to the urban centers and be constructive and productive in their rural setting. The achievement of this, Kasali (2006) asserted is what people should clamour for. He hinged his argument on the premise that “government has not expressed enough commitment to rural development.”

Sanda and Awa identified those social services that can improve the quality of life of the rural populace, and ultimately lead to accelerated development to include, among others; health and family

life, education, housing, social welfare/security, roads, water, etc. Adejuyigbe (1981) opined that the provision of these services should be the citizens' way of measuring 'the concern of particular administrations for the public by the distribution and quality of the social service centers provided'.

Kasali corroborates Adejuyigbe's argument that *the essence of politics is how values are allocated. According to him 'You talk about good roads; you talk about health scheme; you talk about education; you talk about water.... Goodies, which people describe as dividends of democracy.'*

He argued further that the provision of these would make a citizen to be patriotic:

*For a Nigerian to be patriotic, it should be a symbiotic relationship between the governed and the government in such a manner that when you care for a person, there is a positive response that that person will appreciate it.*

Adedokun however draws out the inherent danger in the non-provision of the basic social services needed by the rural populace. He suggested that:

*'The inadequate provision of rural infrastructure has led to a massive rural-urban migration with attendant social-economic problems that pervade rural areas and the urban centres. This rural exodus depopulates the effective age group in the rural area which results in low agricultural output and consequently low rural income'.*

Olowu (1981) while corroborating the above statement asserted that social services are 'provided to foster integration and discourage alienation among the members of the society.' Thus, it is only when government is alive to its responsibility that the citizens, conversely,



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can be expected to be patriotic, with a feeling of being a part of the whole.

As earlier said, the 1999 Constitution assigns certain functions that are related to the provision of social services to the three tiers of government in the country- Federal, State and local governments. However, since the purview of this work is the rural populace, predominant in the local governmental agencies in the provision of social services for the rural populace will be de-emphasized in the works since the focal point are those mentioned by the constitution.

The provision of social services at the local government level is underscored by the symbiotic relationship that Kasali canvassed. This is because those at the lowest rung of the ladder will only see development to be taking place only in the provision of such amenities and services that are life enhancing- as being enjoyed by those in the urban areas.

The provision of essential social services had been a campaign issue in all recent elections in Nigeria. The UPN, NPN, NPP and others used free education (qualitative or quantitative) provision of water etc as campaign issues while – Alliance for Democracy, All Peoples Party and People’s Democratic party – with varying manifestos contested the 1999 general elections promising the electorates grandiose social services which include healthcare services, education, rural infrastructure, housing, electricity, etc.

The role of the local government in the provision of the social services needed by the rural populace is underscored by Olowu. He argued that:

*They are services, which often require individual, and humanitarian -handling services in the advantage of large-scale mass organization at higher levels of governments could be dysfunctional.*

Those areas, spelt out in the Fourth Schedule of the 1999 Constitution, upon which the local government is expected to meet the social services needs of the rural populace include market and motor parks; sanitary and public conveniences; burial grounds; community and local recreation centers; parks; gardens; open spaces and security.

## **AN APPRAISAL OF THE PROVISION OF SOCIAL SERVICES FOR THE RURAL POPULACE IN NIGERIA SINCE 1999**

Although Brown (1969) maintained that the objective of providing social services is to ensure that particular individuals within the society do not suffer deprivation; an assessment of the success of the local government in this regard has to be anchored on Gboyega's (2005) observation that:

*Any assessment of the extent to which...governments have succeeded in satisfying the aspirations of citizens in the delivery of democratic dividends in terms of poverty alleviation, provision of basic necessities of life, development of social infrastructure, employment, and healthcare... has to make allowance for the poor state of the economy.*

Another indicator is that drawn out by Ibrahim (1992) that:

*Most of the problems and the unfortunate situation of the ordinary*

*Nigerians have emanated from misplaced economic policies and programmes pursued by Governments. Such policies and programmes pursued do not always reflect the interest of the masses who have remained exploited, dominated, manipulated, cheated and poor.*

In the areas of finance; which is the only factor that could translate whatever plans any local government has towards providing social services into action; revenue accruing to the local government has been on the decline. It is an open secret, that state governments have taken it upon themselves to executive programmes and projects on behalf of local governments within their states. Payments for such projects are usually deducted from source, thus leaving the local government with little or nothing to cater for the populace after paying staff salaries and other sundry expenses.

Again, in spite of the fact that local governments, among the three levels of government spend a disproportionately large chunk of their budget on provision of social services, statutory allocation from the federation account allotted to them has been slashed in favour of the state governments. This, according to Yale (2002) was 'certainly unfair for the greater majority of Nigerians that dwell in the rural areas'.

In the area of service provision one observable trend is that this is done along party manifesto/electioneering promises. In a country where little attention is paid to research into what people need in terms of social services party manifesto/campaign promises cannot be

said to be people oriented. Yet, it is the basis upon which service provision for the people is made. This in part explains the divergence in the needs and aspirations of the people and the programmes/projects of government.

## **THE SITUATION OF THE NIGER DELTA**

The region is on the atlantic coast of Nigeria and is the bedrock of oil production in Nigeria. The region extends along the coast from the Benin river on the West to the Imo river on the East. The states of the Niger-Delta include; Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo, and Rivers states. The peculiar problems of these states include the following among others:

As a result of its capital-intensive production structure, oil production generates high levels of income inequalities, unemployment and other low income-related social inequalities. All these have the tendencies to aggravate tension in the area

The problems like environmental degradation, pollution of land and rivers tend to increase with oil production leading to loss of income-earning opportunities for the population.

The dependence on oil revenues can be perilous, and because of the volatility of oil prices, oil dependence poses a constraint that hinders growth. Evidence of oil price volatility abound in the past decade. For example, annual average oil prices, which surged by nearly 30percent in 1995/96, declined by 36 percent in 1997/98 and,

more than doubled in 1999/2000. In 2001/2002, it fell by 11 percent while in 2002/2003 (*January to April 2003*) it surged by 20 percent, thanks to the Gulf War. The boom-burst cycle of oil revenues, which results from oil price volatility, therefore makes budgetary planning difficult.

Oil-related conflicts have lately become a channel through which oil production impacts negatively on the economy. **Collier and Hoeffler (2002)** show that natural resources considerably increase the chances of civil conflicts in a country. **Salamartin and Subramanian (2003)**, estimating growth equations found that oil and minerals generate negative impact because they generate rents that are easily appropriated.

Conflicts over compensation/ownership claim of land/oil location and protests over loss of income earning opportunities all result in loss of oil output. These conflicts and protests may be inter-communal or undertaken against oil-producing companies and government. Their prevalence have led to the argument that but for the presence of oil such conflicts would not have arisen in the first place. Loss of output, lives and property associated with such conflicts constitute what scholars have described as a '**curse**' from oil. From the early 1990s there has been a cycle of protests and conflicts in the Niger Delta, notably in Bayelsa, Delta and Rivers States.

Youth restiveness was for most part the major factor in these protests (**Okecha 2003, Okojie and Ailemen 2003**). Some estimates

suggest that these protests have cut onshore production by a third in 2001/03. Another dimension was also introduced with the protest and occupation of Chevron-Texaco oil terminal at Escravos by Itsekiri women from Ugborodo community in Delta State. The occupation ended when the company acceded to some of the demands by the women which included hiring of youths, building of schools and provision of electricity and water supply in the community.

According to ***Human Rights Watch (HRW 2002)***, the presence of oil companies in the Niger Delta exacerbates communal tensions of the type seen across Nigeria. The weakness of conflict resolution structures means that many disputes in Nigeria, and the Niger Delta in particular, are settled violently instead of through peaceful means. In Nigeria, generally, the level of state corruption means that government positions are highly sought. In the Niger Delta, the stakes are higher, including even at the local government levels, because of the amount of money that flows to the region from both the federal government and oil companies. For example, allocations to oil - producing states have increased markedly since 1999, rising from 12 percent to 25 percent of the amount paid out to states from the Federation Account in 2001 from the second half of 1999. Neighbouring communities clash over claim of ownership of areas where oil drilling takes place. For example, the Kalabari/Bille conflict in Rivers State in late 2000 and early 2001, among the Ijaws but who belong to different clans, was a dispute over two shell flow stations.

Thus, the channels through which negative outcomes of oil production arise outnumber those of positive outcomes. It has, however, been argued that these negative outcomes are not inevitable since they can be avoided or at least minimized in an atmosphere of good governance, public accountability and transparent resource management.

The inability, or the unwillingness of countries to transform oil revenues into positive development outcomes, especially in sub-Saharan Africa (SSA), with Nigeria and the government of the oil producing states as classical examples has resulted in the economic syndrome which has been called '*paradox of plenty*'

Today, there are about 606 oil fields in the Niger Delta, of which 360 or 60% of them are onshore and 246 or 40% are off-shore. **Moffat and Olof (1995)** observe that despite the abundant natural resources, the region's potentials for sustainable development remains unfulfilled while crisis there is exacerbated by environmental degradation. The situation today remains the same. Some critics would even argue that it has worsened. Studies have shown that the environmental base of oil-producing areas has been seriously depleted as a result of oil production activities. **Anyakwe Nsirimovu (2000:97)**, for instance, argues that;

*'during exploration, drill cuttings, drilling mud and fluids are used for stimulating production. The major constituents of drill cuttings such as barytes and bentonitic clays when dumped on the ground prevent local plant growth until natural processes develop a new topsoil. In water these materials disperse and sink*

*and may kill local bottom-living plants and animals by burying them...In addition to the pollutants introduced into the environment from exploration and exploitation operations, refinery wastes also have characteristics which constitute potential land, water and air pollutants...Further, flaring of natural gas has also been identified by several studies to damage the environment.'*

It is instructive to note that in 1983 the Inspectorate Division of the Nigerian National Petroleum Corporation (NNPC) accepted that environmental problems were caused by the activities of oil companies in the Niger Delta. The inspectorate, for instance, spoke of *'the slow poisoning of the waters and the destruction of vegetation and agricultural land by spills which occur during petroleum operations*, and went on to observe that *"since the inception of the oil industry in Nigeria, there has been no concerted effort on the part of the government, let alone the oil operators, to control the environmental problems associated with the industry"* (Adebanwu 2001),

The summary of the situation in the Niger-delta is that the states in the area are facing a lot of problems emanating from the gift of nature bestowed on the area while the citizens are also living in abject poverty and despondency. This is a direct result of the effects of oil production in the area coupled with what has been described as bad governance in the whole of the area since the advent of democratic rule in 1999. In the view of scholars, the lack of development in the Niger-Delta is an evidence of state failure common to a predatory state.( Ohiorhemuan 1980 and Adebanwu, 2001 ) In their views, Nigeria since 1999 has become a fractional democracy which explains while democratic governance has recorded only a little efforts at delivering benefits of oil wealth to the Niger-Delta and dividends of democracy to the citizens



Given the existence of the non-developmental regime types and weak institutional features in Nigeria in general and Niger Delta in particular, it is little surprising that **Human RightsWatch (2003)** notes:

*Little of the money paid by the federal government to state and local governments from the oil revenue is actually spent on genuine development projects; there appears to be virtually no control or proper audit over spending by local and state governments.*

Pipeline vandalism, a consequence of youth restiveness, has been on the increase in the Niger Delta. From seven cases in 1993, it rose to 33 cases in 1996 and 57 cases in 1998. There was a dramatic increase of 497 reported cases of pipeline vandalism in 1999 and over 600 cases in 2000 (**Okecha 2003:9**) Some consequences of pipeline vandalism are deforestation, destruction of vegetation, pollution, and loss of revenue. Nigeria lost an estimated N4.4 billion in 400 pipeline damages in oil-producing states between January and August 2000. Loss of lives has also been a tragic consequence of pipeline vandalizations. In 1998, about 1000 lives were lost in Jesse village and in 1999 over 12 persons died in Ekakpamre in Ughelli Local Government Area, both in Delta State. In 2000, over 50 persons were also reported killed at Nngiji and Umuegbede in Abia State, 60 persons in Atlas Cove Jetty in Lagos and 300 persons in Egborode village in Okpe Local Government Area of Delta State (**Okecha 2003:8**). Inter-ethnic and inter-clan conflicts have also increased with oil exploration in recent years.

## **THE WAY FORWARD**

In order to address the problems of poverty, rural neglect and the general despondence situation of the Niger-delta area, there is need for a concerted effort of all stakeholders in the region to confront the problems headlong. The state governments, oil companies, the federal government and other relevant bodies; governmental or otherwise.

Along this direction, it is not just enough to create agencies for the development of the region as done in the past but efforts must be made to ensure through regular monitoring as well as personnel overhaul, that the body does not deviate from their objectives and become money making avenues for members, at the expense of the communities in the area who are supposed to benefit maximally from the establishment of such agencies.

Development planning should also be from below, that is, the various tiers of government; federal, state and especially local as well as other intervention agencies should ensure that the people are carried along when plans are made about their welfare. This will ensure that plans are not at variance with the hopes and aspirations of the people. Planning should be with the people and not for the people.

The establishment of the Niger Delta Development Commission (NDDC) that has succeeded the moribound Oil Minerals Producing area Development Commission (OMPADEC) had been a welcome idea with positive results. It is however important that government should

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ensure that the body should not be made rudderless because of political power play. There is no reason why anyone who is not from the area should be a member of the agency for two important reasons. First, only residents of the region can know what the problems of their people are and secondly for purposes of accountability, such that the people can always know who to hold responsible in their local communities in case of failure.

Other oil producing states should borrow a leaf from Ondo State and set up their own counterpart state intervening agency to complement those established by the central government.

Since the major reason for youth restiveness in the area is the perception of the youths about the general hopelessness of their communities, as well as the issue of mass unemployment of the indigenes of the area. The governments of the states as well as the various local governments should embark on mass education and propaganda to enlighten the local populace in the area and disabuse their minds as well as create a future hope in them through creation of employment.

Equally important is the vigilance of the people. Instead of creating warlords in a few militants who are mere opportunists, the people should be vigilant; monitor their representatives at all levels of governance as well as the members of the various intervening agencies to make sure that they live up to the responsibilities bestowed on them. The local communities should not allow a few

miscreants to take advantage of the peculiarities of the region to make millions from the oil companies using the name of the people whereas such ransomed monies end up in private pockets without any benefit to the larger society.

## **CONCLUSION**

This work has tried to show that the people and communities in the Niger-delta region have problems that are not insurmountable. Every stakeholder from the individual citizen of the area, politicians, the government, governmental and non- governmental agencies as well as the oil producing communities should work together to see that poverty and the causes of poverty are eradicated in the Niger-Delta.

There is also the need for those at the helm of affairs in the region to imbibe the culture of good governance that goes together with probity and accountability. The political leaders of the zone should also ensure that government is placed in the hands of those who understand that democracy is about the people and their welfare such that the dividends of democracy will not continue to evade the people especially those at the grassroots.

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## **Chapter X:**

### **Stand-off between Shell and the Ogoni: Turn-around Strategy Towards a Win-win Situation**

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By Dr Ndinda Cathrine

#### **Introduction**

This paper discusses the on-going stand-off between Shell in Nigeria and the Ogoni people of the Niger Delta. In view of the fact that the conflict is causing irreparable reputational damage to shell, we take the position of an independent business advisory group and our purpose in this document is to achieve the following objectives:

1. To assess the current situation relative to current global best practice
2. To develop a turn-around strategy towards a win-win situation, leveraging from global best practice and modern global business science on how to deal with country and cultural differences.

In addressing these objectives our analysis is based on information drawn from the public domain on Shell's operations in Ogoniland as well as theoretical frameworks in global business. We have also tried to anchor the debates and recommended strategy on theoretical frameworks on how to deal with country and cross-cultural differences. Much of the scholarly information on the internet about



Shell's oil drilling operations is inaccessible and this paper largely relies on the available internet sources most of which are produced by environmental activists. While this bias is evident we have tried to provide a balanced perspective in our analysis.

Globalization has meant that firms expand their production and distribution activities outside their countries of origin. In expanding business to other countries, firms have to take into account a number of issues such as where to base production, think about transportation and logistics issues. Hill (2007) notes that the political economy, culture and relative factor costs vary from country to country and some countries have a comparative advantage over others for producing certain products due to differences in factor costs. Companies that are globalizing their production have to take into account issues related to the political economy and cultural differences as these influence the benefits, costs and risks of doing business. To survive international competition and trade barriers and transportation costs permitting, 'a firm will benefit by basing each value creation activity it performs at the location where economic, political, cultural conditions, including relative factor costs, are most conducive to the performance of their activity' (Hill 2007:371). Firms that pursue such a strategy can realize location economies 'which are economies that arise from performing a value creation activity in the optimal location for that activity, wherever in the world that might be

(transportation costs and trade barriers permitting)' (Hill 2007:371). The choice of an optimal production location must consider country factors, technological factors and product factors. Country factors include the political economy, influence of culture on production costs and the presence of location externalities (Hill 2007:468). Technological factors on the other hand include the fixed costs of setting up production facilities and the availability of flexible manufacturing. Production factors include the weight ratio of the product and whether the product serve universal needs.

Location strategies can either centralize or decentralize manufacturing. The choice of location strategy should take into account the country, technological and production factors but as Hill (2007) notes, all location decisions involve trade-offs. This paper draws on the ideas around the globalization of production in analyzing Shell's oil operations relative to global best practice.

## **Current Situation Relative to Global Best Practice**

### **Socio-economic Context**

Petroleum was discovered in the Niger Delta in 1956 when Nigeria was still a British colony. In 1958 Shell which was by then partly owned by the British government got mining rights to extract oil in the Niger Delta. The Niger Delta is a stretch of land along the

Niger river and the Delta alone accounts for about 75% of the total oil production in Nigeria. Ogoniland represents only 3% of the oil production in the Delta. Under the rubric of 'free-trade' Shell and other multinationals were given carte blanche to expand oil exploration and production activities in Nigeria, with little provision for ecological and social accountability (Turner, 2001). Shell is the third-largest oil company in the world in terms of its revenues and profits. The mission of Shell is to prospect for oil and extract it from the earth via pipelines or tankers, refine it (into kerosene, petrol, diesel etc) and sell it (Friends of the Earth Europe [FEE] 2007).

This area which has an equatorial climate is fertile and is dotted with creeks, an equatorial rain forest, and streams that feed into the main river. The streams and creeks have for a long time been the main source of water for the inhabitants of the Niger Delta. The Niger River is also the source of livelihood for the inhabitants, supplying them with fish, transport and other resources for their sustenance. The rainforest and fertile land have for centuries provided the inhabitants of the Delta with a source of livelihood, sustained the autonomous existence of the people and strengthened their cultural resilience. Yet the survival of the inhabitants of the Niger Delta, including the Ogoni, has since the discovery of Oil been threatened by the wanton environmental destruction arising from the extraction and operations of the oil multinationals. While a number of multinationals

have been operating along the Niger Delta, Shell has been extracting oil in Ogoniland hence it is the main target of the Ogoni in their struggle for environmental justice.

Shell in Nigeria operates by the name Shell Petroleum Development Company (SPDC) in a joint venture with the Nigerian National Petroleum Corporation (NNPC). Nigeria represents Shell's largest operation outside the USA. Shell alone accounts for over half of the crude oil production in Nigeria. Petroleum accounts for 90% of Nigeria's export earnings and 80% of Nigerian government's revenue (Fact Sheet, 2008; Project Underground, 2008).

The Ogoni live in an area of 404 square miles. Despite the extraction of crude oil worth over USD\$ 30 billion, Ogoniland, an oil-rich region is aptly described as an area that is "completely impoverished" (Project underground, 2008). There are over 100 oil wells in Ogoniland owned by Shell. Between 1976 and 1991 there were over 3000 oil spills of 700 barrels each, which flowed into the Niger Delta (Fact Sheet 2008). The area is characterized by increasing levels of poverty, pollution of the air, water, and soil as a result of oil drilling operations of Shell.

The environmental destruction wrought by Shell in its oil extraction activities led the Ogoni to mobilize and call for environmental justice in 1990 through the formation of the Movement for the Survival of the Ogoni People (MOSOP), led by Kenule Saro-Wiwa, commonly known

as Ken Saro-Wiwa. Other communities that live along the Niger Delta, such as the Igbia, Igbide, Ijaw, Etche and Izon, all have similar grievances to those of the Ogoni.

The marriage of convenience between the Nigerian government and Shell has resulted in the most gross violation of human rights, including the summary executions of Ogoni activists (Ken Saro-Wiwa and eight others executed in 1995); indiscriminate beatings, killings by the military, arbitrary arrests, unfair trials and detentions and the less reported rape of women by the military. Shell finally admitted to financing military operations in Ogoniland, armed soldiers and bribed witnesses at the Ken Saro-Wiwa's trial and provided logistical support to military operations in Ogoniland (Rowell, 2005).

Turner (2001) notes that 'Shell and other transnational oil companies and the Nigerian state have visited upon oil-traumatized communities in the recent past the most terrible retribution for imagined and actual resistance to oil company presence and to oil company destruction'. The extreme poverty in the Niger Delta has resulted in violent conflict and a spiral of violence in which the militias have siphoned off and sold oil in the black market for the purchase of arms' (Rowell, 2005).

The impoverishment of the Ogoni not only arises from the pollution caused by oil extraction and oil spillage into the rivers, but also by the wanton destruction of their crops by Shell contractors. An

oil spill that occurred at Ebubu (Ogoniland) in 1970 so completely destroyed the area that there are still oil leaks into the surrounding water supplies. Not surprisingly, Shell has recorded this oil spill as having been cleaned twice. Oil spills are just but one of the environmental disasters that the Ogoni have to contend with on a daily basis. More current data suggests that ‘an estimated 1.5 million tons of oil has spilled into the Niger Delta ecosystem over the past 50 years, representing about 50 times the estimated volume spilled in the Exxon Valdez oil spill in Alaska in 1989’ (FEE, 2007). It is notable that these oil spills did not draw international attention and outrage until the emergence of the so-called Ogoni crisis. The FEE correctly notes that an oil spill in Europe or America draws more attention than one in a developing country like Nigeria (FEE 2007).

Since oil extraction began in 1958, the Ogoni have had to live with gas flares situated near villages burning 24 hours a day every day. As a result the area is covered in thick soot which contaminates the sources of drinking water in the area. The seriousness of the situation is depicted in an Ogoni song that goes

The flames of Shell are flames of Hell,  
We bask below their light,  
Nought for us to serve the blight,  
Of cursed neglect and cursed Shell- Ogoni song (in Fact Sheet 2008).

Air pollution has resulted in abnormal acid pollution and acid rain in the area. Respiratory illnesses as a result of the high levels of air pollution are common in Ogoniland and throughout the Delta region where petroleum is extracted. In contravention of good practice, oil pipelines above ground traverse Ogoni villages and agricultural land. Whereas crude oil refineries in developed countries run on clean gas, those in developing countries like Nigeria run on fuel oil, thus polluting the air that neighbouring communities have to breathe.

In 1993 an American Shell sub-contractor, Wilbros began bull-dozing crops in order to lay the Trans-Niger pipeline, an act that drew the fury of the Ogoni who called a demonstration to protest this destruction (Kretzman, 1995). The response of Shell was to call in the military to quell the protest, which resulted in the shooting and killing of a protestor. Unlike in developed countries where environmental impact assessments (EIA) are conducted before any type of land development is carried out, in Niger Delta and Ogoniland specifically, Shell has not been conducting EIA, an omission that is viewed as “Shell’s environmental racism in Ogoni”. The Ogoni have never seen an EIA conducted by Shell. Ken Saro-Wiwa in leading the protest against environmental destruction, racism and injustice clearly told the Ogoni’s “We either win this war to save our land, or we will be exterminated, because we have nowhere to run to’ (Fact Sheet 2008).

The operations of Shell in the Niger Delta and the increasing presence of the American military have raised concern among the Ogoni, a situation which Ledum Mitee, leader of MOSOP has described in the following terms:

The American policies that have had a doubtful effect in the middle East have therefore focused their attention around the Gulf of Guinea'. In describing the growing tension and increasing militarisation in the Gulf of Guinea Mitee notes that 'it is not people-centred. It is just barrel-centred. It could become so bad that in five year's time it will be very difficult to get a barrel of oil without a life" (Rowell, 2005).

### **Ogoni Demands**

The demands of the Ogoni from 1990-1993 can be summarized as follows:

1. clean-up of oil spills
2. burial of oil pipes
3. provision of basic infrastructure such as clean piped water, electricity, and roads
4. construction of social services such as health and education facilities in Ogoniland.

These simple demands would in other contexts be considered reasonable if the Ogoni were a community in the US or Europe. The failure of the Nigerian government and Shell to heed to the demands



of the Ogoni led to the denunciation of shell as “persona non grata” in Ogoniland in 1993.

## **Shell's Response**

In an analysis of public discourse about the activities of Shell in the Niger Delta, Holzer (2007) notes that ‘once the corporation is framed as a moral actor, it gets difficult for the corporation to deny its responsibility for human rights – even though the actual influence of the corporation may be limited’ (Holzer 2007:281).

Shell like other oil multinationals operating in the Niger Delta perceive the protests and sabotage of their operations in Ogoniland as criminal activities rather than a struggle for environmental justice. Although Shell acknowledges the underdevelopment of the Niger Delta and Ogoniland in particular, the company sees this as government responsibility and believes that the community should be grateful for the few investment that it (Shell) has made in Ogoniland. Furthermore Shell feels unfairly blamed for the repression, human rights violations and executions arising from military action to stop protests by the Ogoni

Although Shell initially denied funding the police and military to stop protest against its operations in Ogoniland, in 1996 it admitted having paid the military fixed allowances to protect SPDC’s facilities

and personnel. It also gave the Nigerian military what it termed 'field allowances' for its operation in Korokoro (HRW 1999:156).

When Shell came under international pressure to intervene on behalf of the "Ogoni Nine", the firm distanced itself from the trial stating that doing so would be "dangerous and wrong" and for it to "intervene and use its perceived 'influence' to have the judgment overturned" and that "a commercial organization like Shell cannot and must never interfere with the legal processes of any sovereign state" and made a plea to "those who currently advocate public condemnation and pressure...to reflect on the possible results of their actions... What is needed from all parties is quiet diplomacy" (HRW 1999:157). Although an international tribunal of the UN had found the trial of the 'Ogoni Nine' was a travesty of justice, Shell did not see it fit to state that the trial was unfair and in violation of international standards. It is notable that Shell only realized how its reputation had been damaged after the execution of the Ogoni Nine and only then did it change its tune and begin issuing statements to the effect that "trials must be fair. And they must be seen to be fair" (HRW 1999:157).

Since the execution of the Ogoni Nine, Shell maintains that it stopped its operations in Ogoniland although pipelines carrying oil from other areas still cross the area. Shell has since made attempts to

engage the community leaders with the aim of resuming production in Ogoniland but this engagement has been accompanied by attempts by the River State Internal Security Force to coerce people to sign statements “inviting” Shell to return to Ogoniland. This suggests that attempts to negotiate with the Ogoni for shell to resume operation are accompanied by the use of extra-judicial means to get the consent of the community.

Shell has subsequent to all the negative international publicity and pressure for the boycott of its oil changed and began to invest in development projects in Ogoniland, which is rather ironical considering that Shell saw investment in the development of the community as the sole responsibility of the Nigerian government. Some of the projects include a ten-month “Ogoni Youth Training Scheme” launched in 1997 aimed at imparting skills in carpentry, welding, computer studies, and soap-making. Shell also took over the running of Gokana Hospital in 1996 and is involved in the rehabilitation of three clinics and the provision of drugs in Ogoni. It is notable that the quality of these programs has been questioned and MOSOP has dismissed these efforts by Shell as mere Window dressing which does not deal with their main concerns of environmental degradation of their region, compensation and the payment of royalties for the extraction of oil from their land.

Shell in response to the protest action by the Ogoni decided to import weapons for use in its operations in the Niger Delta. In 1996 Shell negotiated the import of arms for use by the Nigerian policies and it reiterated its intentions by stating that Shell “cannot give an undertaking not to provide weapons in the future, as due to the deteriorating security situation in Nigeria, we may want to see the weapons currently used by the police who protect shell people and property upgraded” (HRW 1999:160). Shell contractors have continued to threaten the communities of the Niger Delta should they obstruct the repair and construction of oil pipelines in their land. Shell also continues to use

In response to the international attention that Shell drew following the protests of the Ogoni and subsequent execution of Ken Saro-Wiwa and his co-accused, Shell led the initiative to establish an environmental monitoring agency in the Niger Delta in 1995, known as the Niger Delta Environmental Survey (NDES). According Human Rights Watch (HRW). Although NDES was initially funded by Shell, the need for independence resulted in the establishment of NDES as an independent corporate entity, a company limited by guarantee. The members of the Oil Producers Trade Section of the Lagos Chamber of Commerce, the River State and Delta State governments all agreed to fund the NDES.

The initial conception of NDES by Shell was that the organization was going to be involved in the collection of environmental data in the delta region, but the steering committee expanded this mandate to include an evaluation of the socio-economic and human dimensions of environmental degradation in the delta region. The change in the focus of the NDES was largely influenced by two members of the steering committee, one of whom was Prof Claude Ake of the Centre for Advanced Social Science in Port Harcourt and Struan Simpson of the Conservation Foundation in London. Whereas the initial mission of the NDES as envisaged by Shell was to “catalogue the physical and biological diversity of the 70, 000 square kilometer Niger Delta” and document “population growth, migration, farming, deforestation, soil degradation, oil activities, road building, and other factors over time” (HRW, 1999:80), the NDES’ steering committee devised a mission statement that was anthropocentric in its philosophical underpinnings and methodological approach. The mission and aims of the NDES were outlined as: ‘In concert with communities and other stakeholders to undertake a comprehensive environmental survey of the Niger Delta, establish the causes of ecological and socio-economic change over time and induce corrective action by encouraging relevant stakeholders to address specific environmental and related socio-economic problems identified in the course of the survey, to improve the quality of life of the people and achieve sustainable development in the region’ (HRW 1999:80). The steering committee of the NDES set

lofty aims such as recommending the reform of policies and practices that contributed to the social dislocation, environmental degradation and the accompanying poverty and social tension.

The NDES was indeed a project that promised to change relations between the communities and multinationals drilling oil in the Niger Delta. However the agency was set to fail from the start. Given that the funders were the same multinationals and federal government that had been involved in environmental destruction and social dislocation of communities in the Niger Delta, these stakeholders knew what they wanted from the survey. It is notable that a Dutch consulting company – Euroconsult -conducted the first survey for the NDES and produced a report on “the definition, description of the Niger Delta and the assessment of data” echoed the initial intentions of Shell which wanted the NDES to provide descriptive scientific data without going into the specifics of engaging the Delta communities. This report was heavily criticized by Nigerian environmentalists, for failing to clearly delineate what had been achieved and what the next phase of the survey should be and as a result the contract of Euroconsult was terminated. It is notable that the NDES was intended to last 2 years it continued operation until 1997. Although the NDES was intended to be an autonomous agency, its independence from the oil industry was questionable as it was funded by the Oil companies. Given that no assessment of the impact

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of the oil industry on the communities and ecology of the Niger Delta, such as assessment is still required. Despite the failure of the NDES to accomplish its stated mission and objectives, its creation was an initial attempt by Shell and other Oil multinationals in the Niger Delta and the Federal government to address concerns around environmental destruction and accompanying tensions arising from oil extraction in the Niger Delta (HRW 1999).

From 1995 Shell began an internal transformation process that has seen it begin to focus more on corporate social responsibility, environmental protection and forging of partnerships with the communities in which it operates. The change of strategy in Shell's operations in the Niger Delta is illustrated by Chris Finalyson, Chairman of Shell companies in Nigeria who in said,

We remain committed to corporate social responsibility, one aspect of which is our contribution towards the development of the Niger Delta and the reduction of poverty, but recognise that our development in the past has been less than perfect. Our community spend has gone down this year for various reasons but we remain committed to improving our processes for developing future projects, examining our impact on communities and the environment in which we operate and taking corrective action (Finlayson quoted in SPDC 2004).

Despite Shell's poor record in Ogoniland and Nigeria as a whole, the articulated change in the strategic direction of the company is important. However the difference in Ogoniland will only occur when the articulated strategy is implemented. Like Grant (2006) this paper argues that the implementation of the articulated strategic changes in Ogoniland is important if the oil drilling operations of Shell are to be successful.

### **Turn-around Strategy towards a win-win situation**

In discussing globalization, Hill notes that 'free trade encourages firms from advanced nations to move manufacturing facilities to less developed countries that lack adequate regulations to protect labour and the environment from abuse by the unscrupulous' (Hill 2007:30). Shell, an oil multinational with headquarters in London operates all over the developing countries exploring for and drilling crude oil wherever it may be found. The corporation in Nigeria is mainly involved in the extraction of oil along the Niger delta and a major concern has been its failure to engage in value-adding activities that would benefit the country and local communities. The uninterrupted operation of Shell in Ogoniland since 1956 was made possible by a federal government which despite formulating environmental protection policies, failed to enforce these as long as



the 'petrol-dollars' were forth-coming despite the cost to human life and the ecology of the Niger Delta.

Shell, a multinational that operates in many developing countries in the world does have the benefit of understanding that different cultural contexts call for specific approaches acceptable in those contexts. The decades of drilling petroleum alongside other multinationals involved in different industries has obviously taught Shell lessons on how to bridge the interface between business and communities through corporate social responsibility. The distance between multinationals in developing countries and the communities in which they operate is illustrated by Sir John Brown, Chief Executive of BP from 1995 who in giving the example Trinidad said, "Take the case of Trinidad...They used to be a big producer of sugar and they couldn't afford to buy the boiled sweets that were made in the UK..." (Brown Quoted in Rogan 2002:18). The same can be said about Nigeria a major exporter of Petroleum and gas where the communities cannot afford fuel for household use.

Sir John Brown who was involved in the transformation of BP from 1995 underscored the importance of working together with communities to build capacity and small and medium enterprises for the distribution of gas in countries where BP was operating. A similar strategy needs to be adopted in Ogoniland where Shell forges a

genuine partnership with the community and invests in capacity building as well as in development of small and medium enterprises for the distribution of gas and petroleum. Given that strong partnership that Shell has with the Nigerian federal government, Shell is in a position to influence the federal government to invest in basic infrastructural services in Ogoniland. Given the billions of Dollars that Shell has already earned from the area, the multinational should be in a position to use some of the profits and through a private public partnership with the federal government, provide the basic infrastructural services in Ogoniland. The reputational risk that shell faces in not forging such a partnership and investing in the community is too great. Shell needs to strengthen its corporate social responsibility in Ogoniland by investing in social services, such as schools and health facilities. Shell needs to compensate the families of people killed for protesting against its activities in Ogoniland and the Niger Delta as a whole. This includes compensating people maimed as a result of clashes between the police/military and the Ogoni. Compensation should include women raped in the conflict between Shell and the Ogoni. The federal government that has supported Shell in the atrocities committed against the people of the Niger Delta should be involved in all these processes.

The 'ecological war' and 'environmental terrorism' (Tobi 1997) by Shell in Ogoniland characterized by oil spills, gas flares, air

pollution and wanton destruction of farmland, rivers and forests, led to the closure of Shell's operations in Ogoniland. The area is known for the richness of its oil deposits and the high quality of its light, sweet crude oil. While it would be in the interest of the multinational to resume drilling in this area, environmental concerns raised by the Ogoni have to be adequately addressed. Shell can embark on a clean up of the oil spills in partnership with the communities. Training the community in clean up operations would not only ensure a clean environment but also provide the much needed income that has over the years been lost as a result of the spills and general environmental devastation arising from Shell's drilling operations in Ogoniland.

Another of the concerns of the Ogo is the disregard for their land and crops by American companies contracted to put install oil pipes in Ogoniland. Given the enormous human resource base of Nigeria, there are obviously local companies with the expertise that can conduct such work. Even if such companies might not have the full technical expertise, joint ventures that allow local companies to work with the American contractors would ensure that profits from oil are not all repatriated to the developed countries but that the country and local community shares in the wealth extracted from their land. Through joint ventured, the local companies can acquire technical expertise and the foreign companies can learn how to operate in a culturally acceptable manner that does not antagonize the local

community. Among the tasks that need to be carried out in the short-term is the re-routing of oil pipes that traverse villages and burying them to ensure the safety of the community and workers.

For all the years that Shell has drilled oil in Nigeria, the firm has never invested in petrochemical industries or other value-adding industries deriving from crude oil and gas. While such industries would initially have to rely on foreign expertise and expertise from communities outside Ogoniland, the location of such industries in Ogoniland would lead to the training of people from the local community and those in the Niger Delta as a whole.

Royalties and the payment of these is a major bone of contention between Shell and the Ogoni. Whereas Shell may not be able to pay royalties for the crude oil that was extracted between 1958 and 1990, the multinational needs to work out a formula for the payment of royalties from 1990s onwards. This will not only put money into the community for local economic development but also ensure the safety and smooth operation of Shell in the area. The payment of royalties would also help repair Shell's reputation. Shell has been portrayed as a multinational that is exploitative and one that cares only about profits. Sharing these with the Ogoni would give them a sense of ownership and help ensure that the drilling of petroleum and its transportation through Ogoniland is safe.

Giving the Ogoni a stake in crude oil production would help create dialogue with the community and enrich the decisions that Shell takes with regard to petroleum exploration and extraction. Giving community representatives positions on the board of Shell would contribute to wealth of ideas on how best Shell can operate in Ogoniland and the Delta region as a whole without antagonizing the communities. The payment of royalties to communities in mining areas in South Africa since 1994 has worked in creating a peaceful existence between the mining companies and the local communities. A good example is that of the Barolong who receive royalties from the platinum mining companies in the North-West province (Rustenburg area).

Friends of the Earth Europe Recommend that 'Oil industries should be sure their projects have a social license to operate (including local communities' free and prior informed consent) and best environmental practices are applied. Free prior consent means that an equal and respectful relationship with local communities (including women) is entered into. It starts with respecting the rights of local communities to their lands and resources. "Free" means that nobody should be forced or manipulated. "Prior" stands for consultation in advance of planned activities. "Informed" means that planned activities are fully disclosed in accessible and understandable

forms. “Consent” means approval of planned activities by the community’ (Friends of the Earth Europe 2007). The development of petrochemical industries would greatly benefit the community and address the issues around unemployment of the local people. This should be a long-term strategy for addressing poverty and unemployment.

### **Conclusion: The way Forward in the Shell-Ogoni Conflict over Petroleum Extraction**

This paper set out to discuss the context in which Shell, an oil multinational conducts its business of oil exploration and extraction in Ogoniland, one of the areas in the Niger Delta. The paper also set out to develop a turn-around strategy for dealing with the crisis between the Ogoni, one of the communities that has protested against environmental destruction of their land and human rights abuses arising from Shell’s oil drilling activities. Drawing from international experience and information available on the Ogoni crisis, the paper has outlined the demands that the Ogoni people have made as well as Shell’s responses to these demands. The paper concludes that corporate social investment, environmental protection and conservation must be a key consideration of Shell in its operations in Nigeria. While the Ogoni bear the brunt of Shell’s disregard for the environment, the environmental pollution contributes to global warming which affects the whole of humanity. The failure of the

Nigerian government to enforce environmental regulation does not excuse Shell in observing the same high standards of environmental protection that it observes in the developed countries. Shell wants crude oil in Ogoniland and the Ogoni want a share of the profits that Shell makes from their land. The expectations of the two are reasonable and justified but how to reconcile these remains a challenge that Shell has to rise up to.

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## **Chapter XI:**

### **Security of Neighborhood in oil Communities in River State: The Role of Professional Architects**

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By Fidelis Allen & Arc Wilson A.P Agbonta

#### **Abstract**

*Security of lives and property in typical neighbourhood communities in modern cities is to say the least one of very important responsibilities of government. This explains current focus on security among the seven point agenda of the Federal Government of Nigeria. The case of Rivers State in Nigeria is complicated and made unrealisable by poor architectural practice, poor planning and lack of layout (location drawing), resulting in serious lack of synergy between professionalism and state security provisioning to residents of communities. This study examines the role that professional architects may play in the security of lives and properties using the example of Rumuoke New layout of Mgbuoba in the Port Harcourt area of Rivers State. The paper argues deeper connection between professional architecture and provisioning of security through prevention of “slum mentality”<sup>1</sup> and “prison walls”<sup>2</sup> now associated with property owners who achieve their desire through some unprofessional architecture. Night armed robberies and many incidence of street violence are facilitated by poor road network due to “slum mentality” and “prison walls.” The answer partly lies in government intervention to strictly regulate building practice based on architectural best practice.*

#### **Introduction**

The seven point agenda of current administration of the Federal Republic of Nigeria include: Power and energy; food security; wealth

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<sup>1</sup> “Slum mentality” refers to the culture of building without regards for architectural advice and town planning. It also refers to the erection of plywood structures by urban migrant menial workers in building cites (many of them finally house unsuspecting criminals) in built neighborhood communities.

<sup>2</sup> “Prison walls” refer to the culture of high block wall fencing as security measure in many urban neighborhoods in Nigeria. The negative health implications always join

creation; transport sector; land reforms; security and education. The government takes these sectors as defining directional areas of budgetary allocation in response to social problems in Nigeria. Security is highlighted, indeed identified as key in the overall development process. Unfortunately, the idea of security seems predominantly understood and presented by the government from the classical military perspective.

At the Rumuoke New Layout community Mgbuoba, located at the western axis of the city of Port Harcourt, bordering Choba communities, residents and property owners face incessant attacks from criminal groups. Resultant theft of valuable goods and cases of rapes by these criminals compelled residents and property owners to consider establishing informal security groups. Usually not armed with guns but machetes, flashlights, whistles, rain boots, raincoats and sticks; this type of security group is common among various communities in the city. Employees are paid between eight to ten thousand Naira each.

Given this background, the main objective of this paper is to examine the role of professional architecture in security provisioning in urban communities in Rivers State, using the example of Rumuoke

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with the inability of passer-bys to notice cases of armed robbery in such walled properties. Therefore, security is worsened for such property owners.

New Layout, Mgbuoba. Specifically, there are two goals the paper seeks to achieve: to identify and explain how lack of professionalism in architecture contributes to insecurity of lives and property in neighbourhood communities; and to explain why security provisioning and early response by the Nigerian Police to calls in cases of armed robbery/burglary is difficult.

The question is, why is insecurity prevalent at the Rumuoke New layout neighbourhood community? How does poor architectural practice contribute to security provisioning by the Nigerian Police?

The chapter draws from data obtained from interviews with property owners, residents, architects and members of the Nigerian Police Force to provide answers to the above questions. The design is qualitative. We used simple random sampling procedures to draw samples from the various target populations.

## **Security**

Review of literature shows that scholars have done substantial work on the concept of security (Ronnfeldt, 1997:473-482; Obi, 1997:1-24; Dabelko, 1996:2 Homer-Dixon, 1991:78). Several explanations, such as socio-economic, political, cultural and more have also been given to the problem of security by researchers. In fact, International Relations scholars pioneered studies in the area and emphasised security of states in inter-state relations. The classical

understanding was that of military security of sovereign states from both domestic and external threats.

Over the years attempts have been made by scholars to redefine security to include non-military elements. The process has now yielded *human-centred security*, which incorporates several dimensions-economic, psychological, environment etc-to security (Beths, and Eagleton-Pierce, 2005:16; Alkire, 2003:3; Obi, 2000:1-18). The aim of human security is to preserve the hub of human lives from key caustic threats such that stimulate sustainable human accomplishment. Even so, there exist gaps, in terms of how creative exploration of activities of professional groups such as architects may contribute to the problem of security. This has not been adequately explored within the context of Nigerian neighbourhood communities and public policy.

## **Assumption**

Architectural best practice is a factor in the security of lives and properties in urban neighbourhood communities.

## **The Role of the Architect**

It is usually interesting to begin with conceptualising the key concept(s) in this type of paper. Who is an architect? Within the

Nigerian context, he is a professional, registered under Decree number 10, 1969, authorized by the Architects Registration Council of Nigeria (ARCON)<sup>1</sup> to undertake practice of architecture in Nigeria. Theoretically, it 'refers to practice of design, erection, commissioning, maintaining, management and coordination of related activities of professionals required in the building or partly needed in constituting a building or set of buildings pursuant to the establishment of a community.'<sup>2</sup>

The traditional role of the architect in the making of organised communities of human space for habitation is embedded in the definition above but not anything directly in relation to physical security of lives and properties. Often, the architect is seen as the master builder upon which other professionals in the built environment evolve. The harmony of the built environment consists in the expected role of the architect. *Quarks*<sup>3</sup> and others who fake this role have in the past disturbed the built environment. For example, in the past five years, the cities of Lagos and Port Harcourt have recorded cases of collapse of buildings which had devastating

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<sup>1</sup> See Federal Ministry of Information (1969) *The Architects Registration Council of Nigeria*, Lagos

<sup>2</sup> See Federal Ministry of Information (1969) *The Architects Registration Council of Nigeria*, Lagos

<sup>3</sup> Those without formal professional training.

consequences of deaths and trauma for friends and acquaintances of victims.<sup>1</sup>

Already, there are various existing laws and regulations meant to achieve the built environment and ensure professionalism in architectural practice in Nigeria. For example Decrees number 10 of 1969 and 88 of 1992 (amended in 1999) are meant to serve aforementioned purpose, but beyond that is the underlying security role that they are meant to engender.

Modern architecture in the city of Port Harcourt can be traced to the colonial era. Development planning under colonial administration in the old administrative eastern region was not meant to build communities of indigenous city or urban dwellers. As such the case of Port Harcourt was no different. Infrastructural development and planning at the time was therefore to further the interest of the colonial project. The colonial state did not see any need for consultation with local professionals or stakeholders. Still, part of the legacy of colonial rule remains some of architectural edifice that quickly remind anyone of colonialism or advent of the Europeans on the soil of Africa centuries ago.

Following transition from colonial rule to political independence, state structures carried over huge aspect of practice in

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<sup>1</sup> See report of the second Port Harcourt Town Meeting on the theme: “Restoring the Garden City” held on the 27 and 28<sup>th</sup> of November 2006 at the Alfred Diette Spiff

the colonial administrative machinery. Rivers state inherited colonial administrative centres, including Ahoada, Brass, Degema, Yenegoa and others. By 1970 there were already 35 Master Plans meant for control of development in Rivers state but this was not reinforced by successive regimes. The result has been the lack of synergy between professionals and relevant government ministries and agencies in the management of urban migrant populations. To be sure, professionals, developers and the public cannot be left out of the process of making the built environment. <sup>1</sup>

The city of Port Harcourt was the most endowed at political independence among other administrative centres inherited from colonialism in the old Rivers State(predominantly Niger Delta). Many years after colonialism the city has expanded in population. The city has long become the centre of the oil and gas industry, which incidentally has contributed to the influx of people into the city. Managing these people and consequent pressure on facilities have received inadequate attention from relevant government ministries. The architect should partly play the role of collaborating with relevant government ministries to provide professional advice on building and maintenance of built communities and to promote mutual understanding on government regulations and laws meant to ensure harmony and security in built communities.

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Civic Centre

<sup>1</sup> *ibid.*

The trend in the city of Port Harcourt for over two decades now is the expansion in settlements. This has come to pose security challenge in many ways.

### **Insecurity**

Why is insecurity prevalent at the Rumuoke Newlayout, Mgbuoba area of the city of Port Harcourt? This question can be asked regarding nearly all areas of the city. In the case of said community, residents and home owners can only be said to be very new in the area. Expansion of the city resulted in development of the area. To be sure, by 2003 only a handful of houses had their owners physically resident. At the time, both electricity and access road were unavailable. Indeed, only a few actually opted to move in because of fear of armed robbery attacks coupled with the lack of electricity and good access roads.

Insecurity in the area seems partly due to poor architectural practice that accepts promptings of home owners regarding how land is developed. For instance, several houses have been built with high block fences without regards for security concerns. Implications are that when armed robbers attack, passers-by will hardly be able to notice any robbery activity that demands immediate alert or police intervention. Architecture in the advanced countries of Canada and the USA, including those of countries of Africa such as South Africa reveal integrated approach to handling



security problems in built communities. Indeed, practitioners in those societies work closely with town planners and relevant government authorities in ways that incorporate security needs of home owners and residents.

Insecurity takes many forms at the Rumuoke Newlayout area. The most common is the regular incidence of armed attacks of residents at nights. At other times, it involves cases of jumping over the fence on Sundays when family members would have gone to church for the Christian homeowners.

In the last quarter of 2007 records of cases involving rape after stealing from victims ran dangerously alarming. In all of these, the police was visibly absent, essentially due to poor road network and many other factors related to how architects have failed in their professional social responsibilities to the public. At least this is one of the explanations offered by participants at the interviews with architects concerning the objectives of the study.

## **Data Analysis**

The main concern of this paper is to examine the role of professional architecture in security provisioning in neighbour communities in Rivers State, using the example of Rumuoke New Layout, Mgbuoba. The paper seeks to achieve two specific objectives: to identify and explain how lack of professionalism in

architecture contributes to insecurity of lives and property in neighbourhood communities; and to explain why security provisioning and early response by the Nigerian Police to calls in cases of armed robbery/burglary is difficult. The question is, why is insecurity prevalent at the Rumuoke New layout neighbourhood community? How does poor architectural practice contribute to security provisioning by the Nigerian Police?

### **Prevalence of Insecurity/Poor Architectural Practice**

We interviewed a total of fifteen persons drawn through purposive sampling technique from residence, homeowners and architects at the Rumuoke Newlayout/Mgbuoba area of Port Harcourt.

Threat to security emerging from architectural practice in the area assumes four specific forms. One, practice of involving in developments process that completely excludes any social responsibility to the public in terms of advice, awareness creation on pertinent building regulations and laws, environmental laws, layout plans, government regulations on development of properties and compliance to standards set by town planners. Home owners in the area purchased their land from the customary land title holders. The process is confused and made complex often by the interest of individuals and families that initially sold such land.

Often, they continue to have perpetual sense of ownership to land already sold by them. This thinking obstructs relevant government intervention to monitor development activities since original layout plans submitted by customary title holders to such lands at the relevant ministries or government agencies would usually contain much of vacant lands. Since by law the government owns all land, and in any event where governments' interest in such land is declared for the public good, payment of compensation to original customary title holders with structures on the land would also normally go to the ones reflected in the layout plan submitted to the government. Only a few property owners at the area are aware that they need to personalise their properties and reflect accordingly on the layout plans and submit to the relevant government ministries in order to ensure their security in terms of government interest in the land upon which they have built houses.

Therefore, architects ought to go a step beyond mere helping homeowners build their houses for a fee to professionally provide needed information that helps government realise its town planning goals. For instance, at the area under study, little regard is given to ethical and security implications of building houses with high wall block fences. Indeed this is a practice found in nearly all urban environments in Nigeria. But architects and other allied professionals have never taking it up as a problem to query the practice, let alone refuse to be part of the design of houses with such type of fences.

Houses with such high block fences make it difficult for passers-by to notice cases of robberies. Since most armed robbers that visit homes wait close by to attack victims on their return, and since many times they also visit at nights, an open or transparent fence would have security implications. First, police patrol teams can easily notice house environments where robbers might possibly be operating at any particular time. Secondly, passers-by at night or day time would help provide linkage effect to other neighbours and the police finally.

*Interviewee 1:* The way architects help do their jobs in terms of helping people to build their houses can have impact on security of lives and property in built environments. For instance, when architects close their eyes to layout plans and government laws concerning development in order to please homeowners for money.

One of the problems identified by the Nigerian Police is the lack of access roads into areas where residents have been victims to armed robberies. This has been complicated in the process of time where architects continually, through their professional associations failed to call on government ministries of urban development and town planning to intensify or adequately monitor violation of relevant laws by developers. The case of community under study has had

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devastating security consequences. There are many access roads off the main Rumuoke/Ogunka Eruwa road that are near extinct because of infringement or violation or original layout plans by homeowners who were assisted by architects for a fee. The result is that in the event of call on the police because of threat to lives and property by armed robbers and burglars entry or accessibility becomes difficult. Police patrol is also made difficult in those environments. Apparently, when a built community takes the shape of decency in terms of respect for pertinent laws and regulations regarding development of properties, ancillary government services such as provisioning of security is facilitated.

*Interview 2: If people have build their houses without respect for land development or building codes , tendency would be to have also affected network of roads in terms of building to close roads or reduce road provision meant for accessibility.*

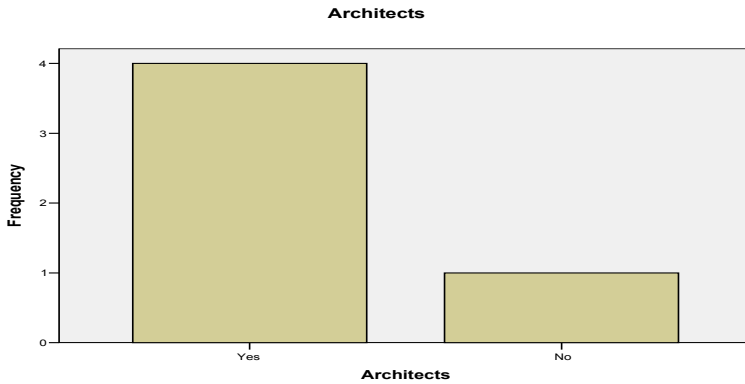
*Interview 3: Theives de hide for all these uncompleted houses. Na them de build all these batcha houses where police eye ne de go and even people ne de suspect se thieves go de for those houses.*

*Interview 3 (Architect): Architects need to offer professional advice that include include influencing the government to enforce relevant regulations and laws regarding land acquisition, developments and layout plans of communities in the extended*

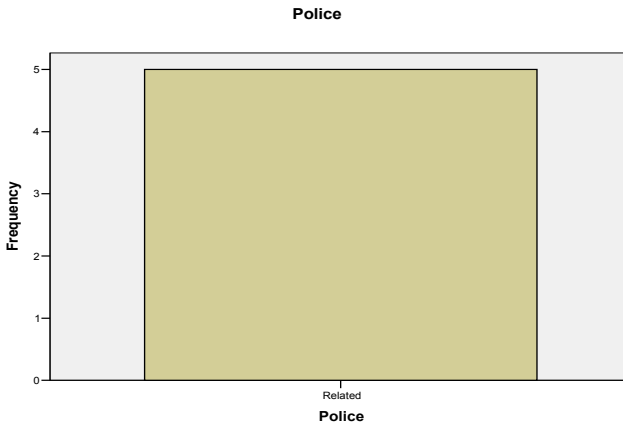
*areas of Port Harcourt. Security is an integrated phenomenon that requires the input of architects.*

The above statements by interviewees are samples of various similar comments made regarding the objectives of this paper.

### **Graph number one: Architecture and security**



### Graph number 2: Architecture and security



**Graph number three: Architects and security**





**Table One: Case Processing Summary:Architects and security**

	Cases					
	Included		Excluded		Total	
	N	Percent	N	Percent	N	Percent
Architects	5	33.3%	10	66.7%	15	100.0%
Police	5	33.3%	10	66.7%	15	100.0%
Residents	5	33.3%	10	66.7%	15	100.0%

**Table Two: Case Summaries: Architecture and security**

		Architects	Police	Residence
1		Yes	Related	Yes
2		Yes	Related	Yes
3		No	Related	Yes
4		Yes	Related	Yes
5		Yes	Related	Yes
Total	N	5	5	5
	Mean	1.20	1.00	1.00
	Grouped Median	1.20	1.00	1.00

## Public Policy Implications

Undisputedly, some architects have played roles that engendered insecurity in built communities. It is therefore logical to think that architects generally should be relevant in reversing the trend. The assertion is reflected in discussions and interviews with various stakeholders of architects, the Nigerian Police and residents at the Rumuoke/Mgbuoba area of Port Harcourt.

Professional architecture should be more socially responsible to the dreams of good security for built communities. One way to do this is voluntary offer of consultancy to relevant government agencies and ministries. Indeed, the issue of building houses with high block fences should be discouraged with architects through their professional

Association initiating it at the National Assembly. The cities of Johannesburg, Paris, Hawaii and many others in the advanced countries are marked by architectural practice that as a matter of law discourage high rise block fences. The security implication is not only in terms of threat to physical security from armed robbers but also from the point of view of health. Adequate ventilation and oxygen are severely hampered by the culture of high rise block fencing. The consequences might have been devastating for some unsuspecting ailments suffered by individuals with such fences around their houses. This remains to be researched, but what remain sure are the esthetics and physical security merits that might accrue from any possible law or regulation that stops developers from using high rise block fencing for so called security.

Already, there are various existing laws that are yet to be fully domesticated in individual states in terms of enforcement such as the Decree No 10 of 1969 and the Urban and Regional Planning Decree 88

of 1992. These decrees should be more well articulated by the state government in Rivers State for the security benefit of built communities in the state. The National Building Code also aims to “to set minimum standards on Building Pre-design, designs, construction and post-construction stages with a view to ensuring quality, safety and proficiency in the building Industry.”<sup>1</sup> Building code is well articulated and documented but remains to be enforced in many states of Nigeria.

To free key stakeholders from “slum mentality” architects should specifically create awareness programmes in collaboration with the government on why no one should condone practices, behaviours and attitude that support or promotes the phenomenon.

Therefore, the following recommendations are here made:

1. Government should outlaw building of houses with high rise block fences
2. Government should create machineries for enforcement of Federal Government of Nigeria’s Building Code.
3. Violation of Building Code should be treated seriously by relevant government ministries in terms of penalty

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<sup>1</sup> : Federal Ministry Housing and Urban Development (2006)*Federal Republic of Nigeria National Building Code*, Butterworth

4. Government should encourage formation of land lords'associations and use them for consultation and as access point for implementation of certain architecture related policies.
5. Government should criminalize unethical architectural practice especially ones that lead directly to collapse of buildings and threat to the security of lives and properties in built communities.

## **Conclusion**

We have argued a link between poor architectural practice and security of lives and properties. When we posed questions bordering on the prevalence of insecurity, defined essentially in terms of threats from armed robbers on residents at the Rumuoke Newlayout/Mgbuoba area of one of extended parts of Port Harcourt, one of the explanations as it relates directly to the concern of this paper was the role that architects might play towards development of the built environment. Particular, is the issue of professional lukewarmness towards a now accepted trend of erecting high rise block fences referred to in this paper as “prison walls.” The time is now for professional architects through their association to sponsor bills at the federal and state levels of government for the ban of building houses with high rise block fences. Architects have ethical obligation to be socially responsible.

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## **Chapter XII:**

### **Prospect of Peace in the Niger Delta of Nigeria**

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By Dr Victor Ojaborotu & Allen Fidelis

Conflict in the Niger Delta transformed into violence at the dawn of the 1990s. At the moment, travelling in the creeks of the region and transportation of oil equipment by marine vessels has become costly. The oil business that sustains the Nigerian state is under threat. No prophet is needed to predict the situation there as on nearly daily basis stories of one attack or the other by armed groups against government security personnel or oil facilities are told. Poverty, environmental degradation by oil companies, lack of development and political marginalisation are often cited by these groups as grievances for their actions. It appears that while the trade in violence between government forces and those of local armed groups is already having a toll on security of lives and properties in the region, the bigger picture of insecurity for the Nigerian state looms dangerously. What is now hanging over the nation is the need to overcome this threat in a way that does not at the same time pronounce doom for the federal government of Nigeria as the sole hegemonic force over matters of control of the oil resource in Nigeria.

Given the above background, this piece aims to reflect on the specific modes of reaching peace in the Niger Delta. It takes off from

the vague notion that peace is desirable but its differing conceptualisation by the parties in conflict can hinder real peace that promises justice and promotes nonviolence as an approach to resolving conflicts.

Although peace is desirable, the understanding of its value for development is often played down. Instead, perception and practice of peace is afflicted by dominant elite material, economic and political interests. A genuine effort and approach in the case of the Niger Delta appears to be lacking. Peace is far from being mere absence of violence in a society. Such negative peace (as understood by Galtung). Realist and liberal scholars and practitioners of international relations gave impetus to the idea of peace being the absence of violence. Such traditions have proposed the imposition of peace by force as ethical for the purpose of protecting a threatened state. Of course, in the eyes of such scholars, the state occupies legitimate sphere of authority and influence that must be preserved in the face of threats by individuals. In the event of external threat, it needs to mobilise coercion to assert and preserve its sovereignty and the powers associated with it. Such idea of peace contradicts the notion that peace is creative redesigning of relationships among groups in violent conflict during, before or after such conflicts in ways that that address the crucial or core issues that informed the conflict.<sup>1</sup> The

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<sup>1</sup> B.K. Amisi (2009) "Indigenous Ideas of Social and Conceptualising Peace in Africa," *Africa Peace and Conflict Journal*, Vol.1. No. 1, pp.1-18

structure of power in relationship will be altered in the direction of peace when pertinent spaces of justice and general mutual advancement or progress of groups in conflict are guaranteed. The need for deployment of violence as an approach for seeking justice or maintaining an unjust system is less attractive in societies characterised by justice. Unfortunately there are not many instances that can be cited with regard to this.

The Niger Delta crisis pre-dates the era of oil as a key economic commodity with national and international appeal. As early as 1957, political elites who tried unsuccessfully to deploy politics as instrument or peaceful way of seeking representation and adequate development attention from the Nigerian state at independence became sceptical of the Nigerian state to satisfy the region's yearnings. Peace between people from the region and the rest of the country bordered on these issues. It less sure of what role oil was to later play in fuelling sense of frustration and disappointment with the Nigerian state over crucial matters of economic and political advancement of the region. Initial response in 1957 when these elites sent representation to the Secretary of State in London over ethnic minority fears of the region was handled with care and attention. The fears were adjudged well founded.



As result, the Niger Delta Basin Development Authority was created with specific mandate to respond to the peaceful aspirations of development in the Niger Delta. This effort was later discovered to be incapable of delivering the public good. The aim was defeated by lack of adequate funding for the agency and its proliferation in other parts of Nigeria. Creation of similar bodies later (such as the Oil Producing Development Commission, OMPADEC, Niger Delta Development Commission, NDDC) as well as gradual increase in the amount of money allocated to states and local governments, and creation of new states and local governments have failed to bring substantial progress in relationship among key actors in the Niger Delta violence conflict. The issue is that genuine peace-building require constructive engagement with key groups in the crisis. If as argued by many peace conflict researchers that if the relationship is antagonistic or violent from the dominant party of the state, a circle of violence will ensue as groups will react to state violence. It is ironically for the Nigerian state to be committed to addressing restiveness in the Niger Delta by creating the aforementioned agencies for the development of the region while at the same time committed to deploying the armed forces against groups in the region who were in the beginning essentially nonviolent. As it stands right now, the federal government will need to withdraw the military gradually from among innocent rural civilian populations in the region.

*Dr Victor Ojatorotu & Allen Fidelis*

The question of development remains critical for peace in the Niger Delta. What is relevant here is to understand how perceptions of parties in the conflict can be harmonised at least in principle by commitment of all to deliver development to region as a basis for peace.

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## About the Contributors:

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## **About the *Conflict and Development Series***

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By Otto F. von Feigenblatt, Series Editor

The Conflict and Development Series is published by the Journal of Alternative Perspectives in the Social Sciences with the twin goals of promoting the fruitful exploration of the relationship between conflict and development, and to provide a suitable medium for the diffusion of marginalized perspectives. Moreover, the Series aims to help promote the formation of an alternative epistemic community of scholars and practitioners. Some of the principles of the previously mentioned alternative community are: a more egalitarian access to research findings, a democratization of the publication process, and an increased openness to alternative paradigms and perspectives.

One of the concrete ways in which the Conflict and Development Series aims to help in the creation of an alternative epistemic community is by making all of the publications openly available at no cost for download. Print copies will also be available for a nominal fee with all the proceeds going to help cover the costs of publishing more works by scholars in need of financial assistance. In terms of the content of the works to be included in the series, contributions by scholars from the developing world will be prioritized as well as critical research. Conflict and Development are probably the two most important concerns for both the populations and leaders of the developing world and thus their exploration was chosen as the topic of this series.

In summary the Conflict and Development Series of the Journal of Alternative Perspectives in the Social Sciences aims to complement the Journal as well as promote the trend away from the commercial model of publication and towards the “open access” movement. Readers are encouraged to share our publications with their colleagues and students as well as to propose new volumes and projects.