

## Vexation and Militancy in the Niger Delta: The Way Forward

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**KEYWORDS** Vexation. Militancy. Youth Restiveness. Multinational Oil Companies. Insurgency. Marginalization

**ABSTRACT** The Niger Delta is richly endowed with abundant hydrocarbon resources that place Nigeria as the seventh largest producer of oil in the world. Paradoxically, however, despite its immense contribution to the up-keep of the Nigerian state, the region has suffered monumental neglect and deprivation over the years-this has resulted in widespread poverty, excruciating hardship, complete lack of basic socio-economic infrastructure, plundered environment and high rate of unemployment. This vexed situation has in recent times engendered youth restiveness, pipeline vandalisations, hostage taking, violent uprising and intensified militia activities in the region. Against the official position which tends to treat the Nigerian crisis in the Niger Delta as a security issue, the paper argued that the violent insurgency of the region is an inevitable product of the crisis of development and failure of the federal government to treat the peaceful demands of the people of the region with seriousness and sincerity. Hence, the paper is of the view that if there is going to be any hope for a reversal of the cycle of violence in the Niger Delta, there is need for a paradigm shift in the manner the Nigerian state engages the people of the region.

### INTRODUCTION

There are two incontrovertible facts about the Niger Delta region of Nigeria: First, it is a region of strategic importance to both the domestic and international economies. Secondly, it is a region of great and troubling paradox-it is an environment of great wealth as well as inhuman poverty. Niger Delta creeks and swamps which lie over one of the biggest reserves of oil on planet earth-about 34 billion barrels of black gold (Robinson 2006) plays a phenomenal role in the health of the global political economy especially that of the most powerful nation on earth, the United States of America. Presently, the hydrocarbon resources of the region have made Nigeria the largest oil producer in Africa and the seventh largest in the world (Ajanaku 2008). It is therefore less surprising that the region's security has become a major issue to the global community. This is the reason why mere whisper of unrest in the Delta has normally sent global oil prices spiraling upwards.

It is also instructive to note that the importance of the Niger Delta territory to the global economy goes beyond contemporary times: the region played a phenomenal role in the slave trade, and

later with the advent of trade in palm oil, it became a major lubricant of the Industrial Revolution in England in the 18<sup>th</sup> and 19<sup>th</sup> centuries.

The state of insecurity of oil exploration activities in the Niger Delta is even more telling on the socio-economic well-being and political stability of the Nigeria state. The Niger Delta is the base of modern day Nigeria. The region has been the main financial lifeblood of the Nigerian state for more than four decades. Oil and gas wealth produced in the region have made the country and multinational oil companies (MNOCs) such as Chevron, Shell, Agip and Exxon Mobil hundreds of billions of dollars. Nigeria currently earns more than US\$3billion a month from oil-this account for about 95 per cent of its export earnings and 40 per cent of its GDP. There is no doubt that oil has brought Nigeria to world reckoning. Since it was first exported in 1958, the black gold has ostensibly, catapulted the country from a struggling independent nation to an economically independent and buoyant country. With oil wealth, the country was able to build two capital cities of enviable standard-Lagos and Abuja respectively. But the bulk of the people of the Niger Delta still live in severe and visible poverty (Robinson 2006).

Secondly, another indisputable reality of the Niger Delta is that it is a region of stark contrast. The dilemma of the region is that its wealth and

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riches has become a source of poverty, squalor and curse to the people of the oil bearing communities. The truth is that despite its invaluable contribution to the sustenance of the Nigerian state, the Niger Delta is now home to some of Africa's poorest people and some of its worst cases of environmental destruction. In return for their generosity and patriotism, Nigeria has unashamedly paid Niger Deltans back with severe neglect and abandonment, political and economic deprivation, mindless looting of revenue generated from the region, joblessness, biochemical poisoning through pollution, brutal military assaults (as well as occupation) and extreme poverty. It is this grim reality of the Niger Delta region, coupled with the unreasonable refusal of the Nigerian state to respond to the peaceful and genuine agitations of the oil bearing communities that have created an environment of frustration, anger and desperation in the region. Today, this has snowballed into lingering and volatile restiveness and insurgency, resulting in the demand for local ownership and control of oil resources under a truly restructured federal system in Nigeria. Political agitations and violence in the Niger Delta is nothing new. But the criminalization of the Niger Delta struggle for justice by few unscrupulous individuals and cult groups especially since Nigeria returned to civilian rule has become a source of concern to a lot of people.

Hence it is pertinent that we make a distinction between militancy and criminality. To paraphrase the definition of Encarta (2006), militancy could be defined as an aggressive and active behaviour geared towards the defence and support of a cause (mainly politically), often to the point of extremism. Therefore, a militant could be described as a person involved in fighting (or a protest movement) in the defence of a cause. Understandably, there are several types of militancy: you could be an intellectual militant who believes that the Niger Delta struggle should be ideologically driven based on peaceful dialogue. Similarly, you could be a militant mobiliser who believes in enlightening and conscientising the people of the region on how to respond to the injustice of the Nigerian state. On the extreme, you can be a violent militant that believes in the power of the barrel of the gun; that the Nigerian political structure is so insensitive and deaf that it is only the logic of the fire power of the gun that can make it respond to the sufferings of the people of the region. In

addition, the paper also shares the position of Benjamin Okaba, a professor of Sociology in the Niger Delta University, that the excruciating and harsh socio-economic reality of the region has turned all Niger Deltans into militants. However, the militancy that is causing the Nigerian state so many headaches is the rise in violent insurgency which is adversely affecting the output of oil production. And this is the aspect of the Niger Delta militancy that has been corrupted and infiltrated by criminal minded individuals and gangs. These groups of unscrupulous individuals may use the same tactics of the genuine militant agitators, but they are always motivated by pecuniary interests.

There is no doubt that the spate of militancy in the Niger Delta has made Nigerians oil fields among the most dangerous in the world and has also increasingly become a major threat to the nation's main source of revenue. Nigeria has lost billions of dollars in oil revenue through the activities of the militants (Ekpu 2007). In addition, the activities of the criminal elements of the Niger Delta militancy have created a state of insecurity, anomie and distortion of the value system of the communities of the region. With the increasing spate of blood-letting, the recurrent hostage-taking, the sporadic shut-down of production facilities, and the panicky withdrawal of some foreign oil firms from the region, it is clear that the Niger Delta question deserves an urgent solution.

It is in the light of the foregoing that the paper will attempt to examine and present the interrelated and fundamental issues that have engendered the environment of deep anger, frustration and militancy in the Niger Delta region. The basic assumption of this paper is that the ever-escalating restiveness of the Niger Delta is more or less the people's expression of frustration and anger over decades of exploitation, suppression, marginalization and environmental degradation. The main objective of this academic exercise is to use our understanding of the nexus between hellish poverty, frustration, anger and resort to violence, to fashion out a way forward out of the Niger Delta palaver.

In order to give scope and direction to the paper, the following questions were examined: why has the Niger Delta remained neglected and underdeveloped for decades despite the fact that it accounts for about 90 per cent of the nation's wealth? What is the relationship between neglect, poverty, frustration and militancy in the Niger

Delta? How can we resolve this dilemma of a region that is rich and poor, whose squalor is the fallout of its splendour, whose poverty is a product of its wealth?" (Ekpu 2007). And is there a way that we can stem the tide of unrest and militancy in order to create an environment of peace and progress in the region? These questions underscore the focus of the paper.

This work is however divided into four parts. The first is the introduction and statement of problem while the second part examines the contribution of oil exploration to the underdevelopment of the Niger Delta region. The third part examines the instruments of domination, exploitation, anger and the vortex of militancy in the Niger Delta. The paper concludes with a fourth part which is the way forward.

#### **OIL EXPLORATION AND THE UNDER-DEVELOPMENT OF THE NIGER DELTA**

Nigeria's Niger Delta region is erroneously considered as a political area made up of nine oil producing states of Abia, Akwa-Ibom, Bayelsa, Cross-River, Delta, Edo, Imo, Ondo and Rivers. This implies that the region traverses the South-South, South-Eastern and South-Western geopolitical zones of Nigeria. Not surprisingly, this is the position of the Nigerian state as reflected in the Niger Delta Development Commission (NDDC) Act. This broader and elongated delimitation of the region by the NDDC Act which smuggled in Abia, Imo and Ondo States as part of Niger Delta has been vehemently faulted and criticised by several authorities. It is seen as a ploy and grand design by the political class of the majority ethnic nationalities of Igbo and Yoruba descent to lay claim to the benefits accruing from the vast hydrocarbon resources located in the heart of the Niger Delta.

The position of this paper however is that the scope of the Niger Delta is defined by geography though with vast political implications. This is in line with the World Bank view which described the region as "...one of the world's largest wetlands, and Africa's largest delta covering some 70,000km", formed by the accumulation of sedimentary deposits transported by the Niger and Benue Rivers (Ibaba 2005: 10). It is also seen by Nyananyo (2007: 2) as an area that stretches over a continuous rainforest characterized by a beautiful pattern of creeks, streams, rivulets,

canals and rivers. The Niger Delta region also contains the largest mangrove forest in the world (5,400-6,000 square kilometers] (Nyananyo 2007: 2). In the same view, the Willink Commission Report also locates the Niger Delta within the Ibo Plateau and the Cross River valley. The Report describes it thus:

To the east of Ibo Plateau lies the valley of Cross River, which is fed by streams from the Cameroon as well as from the Plateau. This forms a broad vertical strip containing people who are not Ibos. Across the South of the region from the Niger is the West to the mountains in the East, stretches a broad horizontal belt of swamp and low-lying country. These two strips of the coastal belt and the Cross River valley together make together a piece of country, the shape of a rather sprawling reversal "L" which encloses the Ibo Plateau. In the swamp and creek country of the South West there is an area in which the predominantly tribal group is that of the Ijaws...towards the mouth of the Cross River are the Efiks...and the Ibibios...Further north on the Cross River are many tribes intermingled in a confusing multitude (Ibaba 2005: 11).

The region is inhabited by several minority and micro-minority nationalities such as the Ijaw, Ogoni, Ibibio, Kalabari, Itsekiri, Urhobo, Eket, Ikwerre, Isoko, Andoni, Ndokwa, Oron, Etche, Ogba, Ibeno and Efit people. The inhabitants of this geographical zone also speak about 51 languages and inhabit 185 out of the 774 local government areas in the country. Its population is estimated in 2005 to be over 30 million people accounting for more than 23 per cent of Nigeria's total population. The population density of the region is also among the highest in the world with 265 people per square kilometer (Nyananyo 2007).

The Niger Delta region is endowed with unimaginable natural and human resources, including the majority of Nigeria's oil and gas deposits, good arable land, rich forest and water system filled with different species of fishes. Prior to the discovery and exploration of its oil and gas resources, the primary occupations of the people consisted of fishing and farming. Fishing which took place in land waters near shore and offshore encouraged thriving markets which sprang up along river banks where catches of several species of fishes were either traded or simply bartered for other farm-produce staples like garri, cassava, starch, cocoa-yam, kpokpo garri and tapioca.

During this pre-oil era as a result of the low cost of living the people of the Niger Delta were healthier and life expectancy was long. The rich arable land also made it possible to cultivate without fertilizers countless cash crops (such as cocoa, oil palm and rubber) and as well as food crops such as cassava, yams, plaintain, banana and pepper. According to the account of Okoh (Bassey, Oshita 2007: 221) about Urhobo towns. So luxuriant was its tropical rainforest vegetation that the United African Company (UAC) established the African Timber and Plywood (AS and P) Industry during the colonial period. With the establishment of AP and P, a port was built for the export of plywood and various types of timber such as abura, mahogany, mansonina, opepe, etc., from Sapele to Europe. As a result, Sapele became the most important coastal city east of Lagos even before the oil era.

However, the entry of Nigeria into the prestigious club of oil producing nations in 1958 following the discovery of oil in commercial quantity by Shell BP (present day Shell Petroleum Development Company- SPDC) in 1956 at Oloibiri (Bayelsa State) has effectively put an end to the meaningful and fruitful relationship between Niger Deltans and their natural habitat. All over the world, because of the invaluable role oil plays in the economy and industrial advancement of nations, it is seen as a veritable tool for development. Hence, it was expected that with the discovery of large crude oil deposits in the Niger Delta, it should have transformed the area into one of the most developed places in the world, and its people into the best sheltered, best fed, best clothed, best educated and most fulfilled in the world. But the reverse has been the reality in the Niger Delta.

Unlike other oil producing nations of the world, oil has been a curse to the people of the Niger Delta. Its exploration and exploitation since 1958 has set in political, ecological and socio-economical conditions that generate abject poverty, misery and backwardness in the region. The region has over the years been deprived of peace, progress, justice and its resources that were expected to bring about good life to its inhabitants.

The unbridled exploitation of crude oil and natural gas beneath the lands of the Niger Delta over the past fifty years has cause indescribable and irredeemable ecological devastation to the Niger Delta land. Oil related environmental multi-

dimensional problems that have made life unbearable for the people of the Niger Delta includes water and land pollution as a result of spills and drilling activities; destruction of vegetation, deforestation, destruction of farmlands and human settlement as a result of installation and location of exploration facilities such as crude oil and gas carrying pipes that criss-cross most communities in the Niger Delta; loss of biodiversity such as fauna and flora habitat; destruction of mangrove swamps and salt marsh; air pollution and acid rain from gas and oil processing evaporation and flaring; industrial solid waste disposal; and several others (Azaiki 2003; Ibaba 2005).

Oil related ecological problems are not only a dysfunction of the ecosystems but they have also snow balled into a chain of harsh socio-economic conditions such as crippling poverty and unemployment; run-away inflation and high cost of living; prevalence of strange health conditions; decay in societal norms and values; and youth restiveness, intra and intercommunal conflicts, general fear and insecurity of the region. These entire interrelated problems have taken their toll on the Niger Delta.

This avalanche of oil industry engendered ecological, socio-economical and political problems confronting the Niger Delta communities is less surprising when one considers the linkage between the environment, sustainability and security. Under this reasoning, the main source of poverty and underdevelopment in the Niger Delta is attributable to environmental destruction. Several years of oil exploration, exploitation and production has witnessed systematic debasement and assault on the Niger Delta environment "leading to the collapse of the ecosystem in some areas, leading to negative impact in terms of livelihood of the people and the survival strategies that they have designed for generations. So at this moment, the Niger Delta environment is no longer what it used to be" (Oronto 2007) This is understandable because the sustainability of human development and survival is interlinked with and anchored on the environment. Unsustainable mining of crude oil and natural gas in the Niger Delta, have systematically degraded its lands, rendering them barren, and making its waters inhabitable for fishes and other marine lives as well as unusable to the people of the region. Economic activities such as farming, fishing and hunting which were

the mainstays of the Niger Delta economy can no longer be practiced profitably as a result of reckless mining activities in the area. The industrial poisoning of the rivers, streams and creeks of the Niger Delta has rendered the regions fishermen jobless, useless and hungry. They can no longer carry on with their profession because the water is polluted and the quantity of fishes depleted. It is a sad and painful commentary that imported iced fish is now the main source of protein to the Niger Deltans. These pollutants have also rendered farm lands uncultivable. The pollution of farmlands by spills of hydrocarbons over the years has led to poor farms yields which now act as disincentives for farming activities (Adeniran 2007).

Ironically, in spite of the devastating effects of hydrocarbon pollutants on the habitat and traditional means of subsistence of the people of the region, oil spills and gas flaring has come to be accepted and tolerated by the Nigerian state as inevitable part and parcel of oil production in the country. This in a lot of way explains the absence of an effective countervailing environmental protection and compensatory measures instituted by the Nigerian government and the oil multinational companies that are the principal beneficiaries of these resources.

There is no doubt that this ugly phenomenon of systematized ruination of the eco-system of the Niger Delta that sustains livelihood of millions of people is akin to "eco-cide" (Bassey and Oshita 2007) It is a form of warfare or green war carried out by the Nigerian state in collaboration with profit seeking oil multinational firms to destroy the survival base of a group of minority ethnic-nationalities. In his lamentation of this tragic situation, Ken Saro-Wiwa, the Ogoni leader, film-maker, writer and environmental right activist, had this to say before he was gruesomely and extra-judicially killed in 1995: "In this most sophisticated and unconventional war, in which no bones are broken, no blood is spilled, and no one is maimed...yet men, women, and children die, flora, fauna, and fish perish; the air and water are poisoned, and finally the land dries up" (Bassey and Oshita 2007: 216).

Testimonies from various quarters lend credence to the claim that environmental degradation occasionally by oil spillages has made life extremely difficult for the local people. The destruction of farmlands and fishponds and rivers has radically altered the economic life of

this once self-reliant and productive region for the worse (Okonta and Oronto 2001: 108) The region's vibrant nature has been eroded and its survival strategy weakened as a result of oil mining activities. Invariably, the region's natural wealth has become its main source of poverty, misery and want. Its productive population is rendered jobless and unemployed as a result of the ruination of its natural habitat and economy by activities of oil multinational companies.

As such it is of no surprise that despite its enormous natural resources, the Niger Delta represents one of the extreme situations of poverty and underdevelopment. Everywhere in the Niger Delta, people are left in low, dry and uncomfortable need. The poverty level is about 80 percent, and unemployment level ranks 70 percent. When placed against all indices of development, the Niger Delta represents a pathetic paradox. Quoting from a recent World Bank document, Iyayi has the following to say on the Niger Delta dilemma:

.....Despite its vast oil resources, the (Niger Delta) region remain poor. GNP per capital is below the national average of US\$280. unemployment in Port Harcourt is 30 percent and is believed to be equally high in rural areas...Education levels are below the national average and are particularly low for women while 76 percent of Nigerian children attend primary school, this level drops to 30 percent in some parts of the Niger Delta. The poverty level in the Niger Delta is exacerbated by the high cost of living. In urban areas of Rivers State, the cost of living index is the highest in Nigeria (2006: 7).

Touching data from the National Policy on poverty Eradication indicate that Iyayi assertions are made without exaggeration. The table 1 demonstrates the situation.

### **Poverty Levels by Geo-political Zones**

From the table 1, the poverty level in the Niger Delta in 1997 is one of the highest in Nigeria. Despite years of oil boom and subsequent era of oil wind falls, the Niger Delta possession of vast reserves of the black gold has failed to translate into greater prosperity, increase employment, reduced poverty and sustainable development in the region. What is apparent is that with each barrel of crude oil produced from the Niger Delta, the region is further drag deeper into the abyss of poverty, want and misery.

**Table 1: Geo-political zone**

	1985\6	1992\3	1997
North-East	53.62	N\A	68.0
North-West	48.4	N\A	62.0
North-Central	48.4	N\A	53.0
South-East	30.9	N\A	79.5
South-West	42.0	N\A	74.1
South-South	38.0	N\A	78.6
Nationwide	43.0	N\A	69.2

Source: National Policy on Poverty Eradication.

Another related issue that has contributed to the ever increasing rate of unemployment in the Niger Delta region is the deliberate refusal by oil multinational companies to employ and engage Niger Delta indigenes. The reason for this is that the management and senior cadre of these companies are dominated by Nigerians from non-oil producing states. And to make matters worse for the Niger Deltans, most of these companies have their corporate Headquarter offices mainly located in Abuja and Lagos respectively. It is therefore not strange that the people of the region see these oil prospecting companies as predators whose aim is to milk the region of its resources and abandon it.

The impoverished state of life in the Niger Delta is also a product of criminal neglect of the region by the Nigerian government. In spite of their contribution to the economic wellbeing of Nigeria, the oil producing communities have continued to borne the brunt of oil production and so far have gained very little for their pains and sacrifices. The politics of power and oil revenue sharing has been consistently designed and implemented to short-change the oil producing areas, thus depriving them of opportunity for growth, development and progress. Through the instrument of unjust and undemocratic legislation, the Federal Government commands absolute control of the oil sector-this includes appropriating and allocating rents and deciding policies as it deems fit. Because the oil producing ethnic minorities are cut from power at the national level, the Nigerian government has failed to provide infrastructural amenities such as roads, electricity, drinkable water, health-care or quality education for the ethnic minorities of the Niger Delta while it provides such necessities for other Nigerians with proceeds from the Niger Delta wealth. In essence, the proverbial goose that lay the golden egg is left uncatereed for, deprived and underdeveloped. For its abundance and generosity, the

region is being annihilated through massive pollution. As such, the people continue to live in pristine conditions in the absence of basic infrastructural necessities. For instance, over 80 per cent of the riverine communities of the region source water for drinking and domestic uses from rivers, streams and lakes that are equally used for disposing of human and other forms of waste (Ibaba 2005: 11).

Again, the continuous and unregulated flaring of gas in the Niger Delta, besides being a reckless waste of this valuable natural resources, has severally poisoned the air the people breathe and produces acid rain that is extremely hazardous to the health of the people and ecosystem. And, of course, the consumption of food and water from this poisoned environment has led to the emergence of new disease that is devastating to the health of the people of the region. The result of this is poor fecundity and lower life expectancy in the Niger Delta.

Prostrate condition of poverty, want and backwardness of the Niger Delta has also engendered socio-cultural problems. The social harmony within and between communities of the region has been destroyed by the antiquies and divided and rule tactics of the both the Nigerian state and its collaborators-the oil and gas multinational companies. The federal government through its politically dubious demarcation exercise has caused so much acrimony and hatred among the Niger Delta communities who now engage themselves in fratricidal conflicts over ownership and location oil bearing lands. Oil mining companies on their own part have also contributed immensely to inter and intra communal conflicts in the Delta through their insincere and patronizing employment, contract and "community development" policies. Because of such gestures are mere tokenism, individuals and communities in most instances would have to engage themselves in battles in order to benefit from such rare opportunities.

The unprecedented and uncontrollable influx of other Nigerians and foreigners in search of the opportunities created by the black gold have also led to the denigration and decay of much cherished traditional norms and values that used to hold the Niger Delta societies together. Coupled with harsh socio-economic conditions and high cost of living, the people of the region especially its youths have been forced to engage in dehumanizing livelihoods such as prostitution,

children and women trafficking (Niger Delta has the highest incidence) and violence and crime as evidenced in the reoccurring cases of hostage taking, gun-running, cultism, pipe line vandalism and illegal oil “bunkering” or theft. To make matters worse, the generous salaries paid by oil companies (whose staff is mainly non-indigenes of the Niger Delta) have put inflationary pressure on rural peasants as well as youths- pushing them to anger, frustrating and despondency.

It is this prevailing desperate reality in the Niger Delta that has given birth to an environment of perpetual agitations, youth’s restiveness, insurgency and general insecurity. In other words, the perennial strife and violence of the Niger Delta region is better understood in the context of the age-long neglect and underdevelopment of the area, occasioned by the exploitation and exploration of its rich oil and gas reserves. It has been a conflict that involves oil bearing communities, community based organizations (CBOs) and Non-Government Organisations (NGOs) often on one side, with the government and MNOCs on the other. The Niger Delta crisis has resumed a cyclical violent and criminal nature as a result of a wrong perception of the Niger Delta situation and heavy-handed mode of engaging the region by both the federal government and MNOCs. Years of the Nigerian state trivialization of the genuine and peaceful agitations of the Niger Deltans is what has metamorphosed into its present day violent phase of militancy. Armed insurgency is a product of the government suppression and intimidation of the moderate voices of the Niger Delta and the refusal of government to address those fundamental issues that have been raised over the years. The federal government sees the agitations and environmentally-induced conflicts as manifestations of sabotage and separatist elements in the oil-producing communities. This informs the basis of the state sponsored military repression, invasion and occupation of Niger Delta communities such as Umuechem, Ogoni, Opia, Kaiama, Opia, Soku, Ikenyan, Odi and Odioma (Azaiki 2003: 153) This frequent use of military force against its own citizens by the Nigerian state coupled with the recent emergence of criminal elements sponsored and armed by both unpatriotic politicians and MNOCs have turned the Niger Delta into a region of perpetual crisis and cyclical violence.

Evidently, from the foregoing, state-backed

oil activities in the Niger Delta have impacted negatively on the psychosocial and physical environment, causing so much poverty, stress, anger, violence and insecurity. We can conclude this section by arguing that the lack of environmental protection, absence of adequate compensatory regime, alienation of the people from their natural endowment and unsustainable exploitation of the Niger Delta natural resources have arrested and vitiated the path of development in the region.

### **STRUCTURES OF INJUSTICE, ANGER AND THE VORTEX OF MILITANCY IN THE NIGER DELTA**

There are several instruments, processes and policies the Nigerian states have devised over the years to justify and legalise its mode of engaging the people and communities of the Niger Delta. These are what we refer to as structures of injustice. Reason, they have been used to suppress, disempower, alienate and underdeveloped the people of the region. And for us to thoroughly understand and appreciate the pain, anger and volatile nature of the agitations of the Niger Deltans for justice, it is imperative that we examine these structures.

One major instrument for the disempowerment of communities in the Niger Delta is the several unjust and obnoxious laws enacted by the Nigerian government to govern the oil industry in the country (Nna 2003:13) These laws constrain Niger Delta development in two ways. One, it strips the people of the ownership of their oil and gas resources, thereby jeopardizing their destiny. Second, the law fails to adequately protect the Niger Delta environment; giving rise to environmental degradation, which impedes sustainable development. Some of the oppressive laws include the following:

- ❖ The Petroleum Act of 1969 (CAP 350) by which the Federal Government appropriated all minerals in the continental shelf of the coastal or littoral states. In other words, this piece of legislation vests the ownership of all onshore and offshore revenue from resources derivable there on the Federal Government.
- ❖ Lands (Title, Vesting, etc.) Decree recognizes the Federal Government as the sole proprietor of any land within 100 meters of the coast or water- course or river throughout the country. What this implies is that most of the riverine

communities of the Niger Delta have all become tenants to the Federal Government.

- ❖ The National Inland Waters Authority Decree 13 of 1977 makes all navigable waters the property of the Federal Government. The implication of this law is that the Federal Government has not only usurped the ownership of all oil minerals but it has also taken over the regions water resources. The implication for the Niger Delta is huge when one considers the central role water plays in the lives of inhabitants of the region.
- ❖ Land Use Act of 1978 expropriated the ownership and control of all lands in Nigeria and vested it in the Federal Government (Azaiki 2003 and Ibaba 2005). Through this inhuman law, the Nigerian state has effectively dispossessed the Niger Delta people of their lands and the benefits thereof. As a consequence of the land Use Act the Niger Delta communities were stripped of the right to grant permission to MNOCs for the use of their land, and participation in the determination of rates of compensation for their destroyed resources (Okoko and Ibaba 1999).

Essentially, by the provisions of the Land Use Act, Niger Deltans are the only Nigerians who cannot make decisions over the use of their own lands. Nigerians from the non-oil producing regions dictate the management of land in the Niger Delta. The oil companies ignore them after making secret deals with the power wielders in Abuja and Lagos. Commenting on the unjust and draconian legislation, Oronto Douglas stated that:

*...Now you can be given licence in Abuja, and that licence immediately translates to a decree that you can go and uproot houses and pollute land, and take away the oil, that's what it amounts to. No body given a licence can just walk in and say we discuss, there's no discussion. An oil licence is equal in effect to the military decree, backed by military action, to take away whatever land that you have and take the oil and returned to Abuja. That is unjust, that is dispossession that is denial, that is deprivation and it has to stop. We are saying the best way to go about it is to sit down and let us discuss...*

What this means is that the Niger Delta communities have been cut off from the control and management of the upstream and down stream operations of the oil industry. Indigenes of the Niger Delta hardly ever benefits from the

allocation of Oil Prospecting Licences (OPL) and are totally excluded from crude oil sale. However, it is the Niger Deltans that suffer from oil spillage, gas flaring, acid rain, fire disaster due to leakages from corroded and broken oil pipelines, environmental degradation and pollution, among other ecological disasters taking place in the region (Dafinone 2007: 28). And because the people of the region have no say on how their lands should be used, the oil companies have become insensitive to the environmental cost of their activities. This is evidenced by the sub-standard technology they use and their nonchalance to the negative impact of their production activities on the environment and the people.

Again, the devastating impact of the Land Use Act on the very existence of the Niger Delta people becomes more obvious when one considers the sociological relevance of land to any society. The relationship of a people with their land determines what they are socially, economically and politically. By the provisions of the Act, the people of the Niger Delta have become tenants as well as subjects of the Nigerian state. It is strange that the powers that be in the Nigeria state will make strangers of the landowners- the minorities of the Niger Delta and turn them into beggars in their own land, drive them from their land and dot the place with pipelines, oil wells and oil rigs. Then rest of their land is polluted, made inhabitable, the soil and water to a level where fishing and farming becomes impossible. With the means of livelihood of these people taken away from them and no compensation coming their way, poverty sets in and idleness becomes a way of life. And this act of injustice, deprivation and recolonisation by few elites of the majority ethnic groups is what the Niger Deltans have vehemently opposed and challenged over the years.

The existence and application of these unjust laws that have divested and alienated the people and communities of the region of their natural right to ownership, control and management of their land and resources is largely a product of the defective federal structure. This is also directly related to the contradictions of ethnic based power sharing arrangement in Nigeria. The crisis of the Niger Delta can be traced to 1960 when the country gained its independence and the three regions each under the control of the three dominant ethnic nationalities agreed to live in a

federation with a constitution that recognized the derivation principles. At the time, the economy depended on cotton and groundnut from the North, cocoa from the West and palm produce from the East. As such, a revenue allocation formula was designed by the elites of the dominant ethnic nationalities that allowed the component units (the states) to retain 50 per cent of its derivation. But with the discovery of oil in the Niger Delta, the Nigerian state jettisoned the derivation principle. In place of derivation, Federal Government introduced equality of states, national development and population as the basis for allocating funds from the Distributive Pool Account. Consequently, the principle of derivation dwindled from 50 per cent to 0 per cent and then moved up to 1.5 per cent, 3 per cent and the current constitutional minimum of 13 percent. This centralization and concentration of resources and powers at federal level as well as the dependence of the federal government on extra-legal ways to short-change the oil producing communities, effectively led to the demise of fiscal federalism in Nigeria. The whittling down of the authority of the component units (the state) and strengthening of federal powers was specifically initiated by the elites of the dominant ethnic groups so that they can be in direct control of the huge petrol dollar profits coming out of the bowels of the Niger Delta. Invariably, asymmetric power relations have placed the destiny of the Niger Delta people in the hands of the major ethnic groups who control the state. This decision to introduce questionable and unjust revenue formula in place of the derivable principle can be conveniently being referred to be an act of "broken pledge" against the minorities of the Niger Delta. This change in revenue formula did not go well with the people of Niger Delta, as it immediately ignited the Isaac Boro revolution of the later 1960s and which was later on given an intellectual flavour by Ken Saro-Wiwa.

The usurpation of the natural right of ownership and control of the land and resources of the Niger Delta by the Federal Government has also led to unprecedented level of corruption and mal-administration at all levels of government in Nigeria. Coupled with the privatized nature of the Nigerian state, the pathological dependence of the country on the region's "free" oil wealth has engendered endemic corruption that has brought perpetual underdevelopment, poverty, destitution and misery to the neglected Niger

Delta people and communities. It is therefore less surprising that Nigeria attained the unenviable status as the most corrupt nation on earth according to Transparency International Survey. It is estimated by the UN that between 1960 and 1999 Nigeria lost more than US\$400 billion to kleptomaniac leaders (Omeihe 2007: 8). The so-called Nigerian nascent democracy is also ridden and crippled by brazen theft of public fund: it was reported by a British Paper that between 1999 and 2003 alone, more than US\$200 billion of the country's wealth disappeared and ended in private accounts of public officials. And when one considers that more than 95 percent of these resources are generated from the Niger Delta, it now becomes easier to explain the region's prostrate and strangulating condition of poverty, want and insecurity.

To make matters worse for the people of Niger Delta, the performance of the political leadership at the state and local government levels leaves much to be desired. What is now glaring to everyone is that after more than eight years into the Nigerian Fourth Republic, instead of lightening the yoke of poverty and want on the neck of Niger Deltans, the political leadership of the region have stuck to the old Nigerian ways of grand-standing, ineffectual leadership, unrestrained misappropriation of public funds, abuse of power, political and financial irresponsibility and lack of concern for the suffering of the masses. Governance at the Delta can be referred to any thing except democratic: it lack all the irreducible principles and tenets of democracy such as fair and credible election, rule of law, separation of power, independence of the judiciary and checks and balances between the arms of government. The political system of the region is highly mal functional- the reason, the constitutional framework only exist in paper and not in practice. It is absurd that the democratic presidential system which Nigeria claim to practice, the executive arm could comprehensively dominate other branches such that the governors of the region have become repository of the three branches put together. Consequently, the legislature goes to the governor to ask for money, instead of the other way round.

It is therefore less surprising that today Niger Delta governors and public officials are seen as the most corrupt in the country. Most of the ex-governors and their officials are presently facing one trial or the other over misappropriation and

embezzlement of public fund running into several billions of Naira. To whom much is given, much is expected: Available records shows that between May 1999 and December 2006, the nine states making up the Niger Delta region collectively received ₦2.16 trillion (Ero 2007: 61). It was expected this huge sum would have gone a long way to bring smiles to the faces of Niger Deltans. On the contrary, evidence on the grounds shows that the region's state and local government have failed woefully to carry the dividend of democracy to the door steps of Niger Deltans. Instead what we have as development is the transformation of the personal lives, bank accounts and economic empires of individuals connected to public offices. Sarcasically, Niger Deltans can take solace in the fact that they have the wealthiest political figures in the Nigerian landscape.

The root cause of the unconscionable level of corruption and lack of concern for the plights of the Niger Deltans by its political leadership can be traced to the manner through which they got into public offices. It is an established fact, even by foreign electoral observers that the Niger Delta is a region of no elections yet governors, local government chairmen, representatives at local, state and national levels are "elected". And since the beginning and end of democracy is centred on the people, we can conveniently assert that it is a region of "no democracy". The 2007 election results of the Delta when compared with those of other regions will prove this argument (Adebowale 2007). It is also a well known fact that the real elections are shamelessly done in the government houses of the respective states in the Niger Delta and ridiculous and embarrassing figures are allotted to the eventual winners. It is quite embarrassing that such electoral misdemeanour is carried out with impunity, without reference to records such as the population and registered voters list. For instance, electoral figures that brought Dr Peter Odili (the ex-governor of Rivers State) back to power in 2003 were far above the number of registered voters.

This phenomenon of stolen mandate and absence of democratic governance has more serious effects on the ability of the people of the region to articulate and present their genuine case at the national arena. It is quite obvious that if there is any group of people that needs effective representation; it is the Niger Delta region. The region is facing desperate situation therefore it needs people of sound mind, experience, fearless

and yet tactful and diplomatic enough to present their case for equity, fairness and justice from the Nigerian state. Unfortunately, this has not been the case. Most of the representatives of the region at the National Assembly were hand-picked and forced on the people of the Niger Delta by some unscrupulous political godfathers. In essence, what this amount to, is that the interest of the region is sacrificed for the private interest of some political godfathers.

Another established fact that is worth mentioning is that the Niger Delta region is ingloriously known for the worse cases of electoral violence in Nigeria. Political competition in the region is highly debased, combative and violent in nature as politicians' use all means whether legal or illegal to seek political power (Alapiki 2001: 41). With the unemployed, unengaged and restive youths, politicians have been able to arm local youths many of them gang members to ensure that votes go to their way. According to the Human Rights Watch and the London-based Stakeholder Democracy Network, weapons flooded the region before the 2003 poll, which in many parts of the Delta was less an election than as armed contest (Robonson 2006: 22). The large amount of weapons in the region has a lot to do with the huge amount of money stolen by politicians from public coffers and youths that have made much money from illegal bunkering or oil theft and ransoms gotten from a very lucrative hijacking business. And some chief executives are worsening the security situation in the Niger Delta by bribing (amount running into several millions) these youths especially those that are engaged in the criminal business of abduction. The motive is to quiet these boys and to give false impression to their political godfathers in Abuja and foreign investors in the oil industry that there is peace in the Niger Delta. This measure is counter productive as it has only led to the criminalization of militant behaviour in the region. The open fight for relevance and supremacy in the streets of Port Harcourt between rival cult groups in the months of August and October 2007 which led to the death of several innocent souls is a vivid pointer to the failure of policy of appeasement initiated by the Rivers State government to placade these criminal elements (Aiyetan and Ofuokwu 2007: 22). In other words, such financial settlement or ransom will only wet the insatiable appetite of these anti-social elements. The end result will be a more complicated security situation in the Niger Delta.

Another medium that is worth examining which the Nigerian state has designed to confuse and short-change the people of the Niger Delta is its several insincere, ill-conceived and ill-motivated interventionist structures and policies. Over the years the Federal Government has initiated several mechanisms (Agencies and extra ministerial departments) to give the impression that they truly want to address the plight of the people of the region. Half measures such as the Niger Delta Development Board (NDDDB) of 1961 which later metamorphosed in 1976 to Niger Delta Basin Development Authority (NDBDA), the 1.5 per cent Committee, the Oil Minerals Producing Areas Development Commission (OMPADEC), the Petroleum Trust Fund (PTF) and today's Niger Delta Development Commission (NDDC) have all failed to address the developmental needs of the people because they are based on dubious and faulty premises. For one, they are all top-to-bottom initiatives devoid of proper participation and inputs from the affected communities. As a result they were not sustainable. Even the much glorified NDDC master-plan, contrary to the position of the management that it is people initiated and driven; it was actually designed by a Germany company, with the collaboration of the powers that be and imposed on the Niger Delta people (Dafinone 2007).

As a corollary, these Federal Government interventionist structures, products of ethnic power calculation are not surprisingly elitist in nature -specifically designed to protect the oil and gas interest of the elites of the dominant ethnic groups. This largely explains why the agency is under the tight control of the Presidency and its commissioners, politically appointed (mainly members of the ruling party). We also should not forget that there is a non-oil producing area commissioner in the board who is specifically appointment to protect the interest of the Presidency. Invariably, NDDC like its predecessor, OMPADEC is constrained by the placement of politics before the development agenda of the region.

As a fall-out of the above point, NNDC like its predecessors has become a medium for exploitation and dispossession the Niger Delta region of the benefits of its resources. Bulks of the commission's funds are diverted to the private coffers of the ruling class through stupendously profitable contracts. This in a lot of ways explains why the NDDC contracts are the most sought

after. Apparently, the primary motive of such interventionist structure is to further empower the ruling faction of the political class. And because these parastatals were geared towards political patronage, they were also bedeviled by debt crisis and mindless financial mismanagement. For instance, the OMPADEC recorded a deficit of about N40 billion (Ibaba 2005; Etekepe 2007).

Besides, NDDC like its predecessors is grossly under-funded. Though it is saddled with assignment that covers about nine states, over 300 communities, each with its own peculiar and costly needs, it has not been able to do much partly as a result of inadequate funding ([www.crisisgroup.org](http://www.crisisgroup.org)). And to incapacitate the commission, the Federal Government is presently considering a reduction of its contribution to the parastatal from 3 to 2 percent. In addition, to further abuse the sensitivity of the people of the Niger Delta, President Yar'Adua has declared the over N200 billion owed the NDDC by the Federal Government as bad debt and therefore should be written off. Yet, it is the same government that declared the Niger Delta as part of its 7-point Agenda Programme. Certainly, it is a decision taken in bad faith against the people of the region.

What is evidence from the foregoing is that the several Federal Government initiatives including the NDDC have so far failed to address the fundamental problems of exclusion, deprivation and marginalization, which have thrown up the crisis of development in the region. The fact is that most of the Federal Government interventionist policies, actions and structures were not based on the understanding that the issues at stake in the Niger Delta are interwoven, multidimensional and complex. No simplistic and palliative measures can in any way resolve such structural and fundamental issues, not even the recent appointment of the sons and daughters of the region especially the Ijaws into federal positions can assuage the anger and agitations of Niger Deltans. For mischievous and tactical reasons, the appointment of Ijaws such as Mr. Odein Ajumogobia (as minister of state for petroleum), General Azazi as Army Chief of Staff and Dr Goodluck Jonathan (as Vice President) is intended to put a Niger Delta face on the tumultuous oil palaver and the crisis of development in the region. The motive of the Nigerian state is to trick the people of the region into believing that they are well represented in the central government and that their sons are

directly involved in the administration of oil and gas management in the country. However, the irrefutable fact is that these appointments have failed to make any difference in the way oil blocks are distributed majority of Nigerians who own oil blocks are still from the non-oil producing regions. Moreover, because the Federal Government is aware that most of the armed fighters are Ijaw youths, they are convinced that the appointment of these Ijaws will go a long way to pacify and reduce armed resistance among the Ijaws. However, from all indications, this measure has so far failed as the regime of agitation and insurgency has remained unabated.

Yet another repressive and offensive instrument of engagement employed by the Nigerian state against the genuine agitations of the Niger Deltans has been the frequent and extra-judicial use of military force in the region. In response to the people of the Niger Delta peaceful agitation for fairness, equity and self-determination, the Nigerian government has inflicted an ever intensifying genocidal reign of terror on the regions defend less people. There are several instances of the Federal Government wrongful use of its security forces to mindlessly murder thousands of the Niger Delta people, raided and burnt its towns and villages, cruelly tortured many of its people, imprisoned several civil right activists and raped numerous Niger Delta women and children-in response to the region's legitimate demand for a halt to its oppression, the wanton destruction of its habitat and looting of its God-given wealth. Cases of Federal Government wrongful use of military force that readily comes to mind includes the invasion and massacre of innocent Niger Deltans in Umuechem (in 1990), Ogoni (in 1994), Kaiama (in 1998), Odi (in 1999), Choba (in 2000) and several other cases. In fact, one could even argue that, Nigerian leaders, starting from the time the Petroleum Act was enacted, have actually committed armed robbery against the people of the oil-producing areas. They expropriated the proceeds from the oil without the authorization and consent of the owners of the lands at gun point. It is the most cruel irony of fate that the "Niger Delta people are being killed by Nigerian soldiers that are paid, clothed, fed, housed and armed with its oil money" ([www.unitedijawstates.com](http://www.unitedijawstates.com)). Instead of protecting the ethnic minorities of the region as its own citizens, Nigeria is treating the Niger Deltans as foreigners, colonial subjects and enemies.

Apparently, the Nigerian state has made dialogue and peaceful resolution of the Niger Delta conflict impossible, by militarizing the region and ensuring that its vocal leaders are either imprisoned or murdered as deterrent to other rights advocates from the region. The Nigerian polity has taken these hard military measures against the people of the region because its perceives the crisis of the Niger Delta as a security issue. And this explains when President Yar'Adua's government decided to give the highest allocation of ₦446 billion in the 2008 budget to security in the Niger Delta. This means the federal government plans to buy more weapons than amenities to the deprived and abused people of the region. Insecurity is not a cause rather is a symptom of several fundamental issues. And in the words of Oronto Douglas:

*...insecurity in the Niger Delta is directly proportional to poverty, directly proportional to the denial of the rights of the local people, directly proportional to corporate arrogance and dominance of the means of survival and existence. It is directly proportional to the denial of access of our people and communities to natural wealth (cited in Newswatch, August 13, 2007).*

Thus, the Niger Delta people are forced to insurgency and violence because the Nigerian state uses military power to repress them and deny them of justice. From all indications, this violent phase of militancy especially among the youths of the Niger Delta will continue and no amount of military assault and bombardment can put them down until the federal government and the leaders of the region sincerely tackle the challenges of development in the region (Mbah 2008: 17). As earlier stated, violent militancy in the Niger Delta is a product of long years of government (both at the centre and state levels) insincerity, insensitivity, stubbornness and trivialization of the genuine demands of the people of the region for fairness, equity and justice. In the process of engaging the Nigerian system, moderate voices were either imprisoned, harassed, or extra-judicially killed by the Nigerian authority. Ken Saro-Wiwa was not an advocate of violence yet he was mindlessly murdered by the Nigerian state for preaching peaceful solution to the Niger Deltan crisis.

Before the advent of violent restiveness and insurgency in the Niger Delta, there were peaceful non-violent campaigns all over the region. Apart

from the short-lived Isaac Boro Revolution of late 1960s for almost fifty years the people of the region have peacefully engaged the Nigerian political system without much success. They have pressed their demand for attention through several non-violent community based organizations such as Ijaw National Congress (INC), Movement for the Survival of the Ogoni People (MOSOP), Movement for the Survival of the Ijaws in the Niger Delta (MOSIEND), and a host of others. Through these platforms, the oil producing states have demand greater input in the control and management of oil business in Nigeria. Their demand includes the following: (1) The restoration of the principle of derivation as the criteria for the allocation of oil revenue; (2) Demand for increase in oil revenue allocation from the current 13 per cent to 25 which subsequently graduate to 50 per cent; (3) And the abrogation of all repressive and obnoxious legislation such the petroleum Act, Land Use Decree, etc. that have concentrated too much power at the centre and at the time disempowered the people of the Niger Delta (Torulagha 2007)

For close to fifty years through several fora, meetings and conferences, the Niger Deltans have patiently and peacefully presented their grievances to the Nigerian government and because they were peaceful in their demands they were ignored. Because they are peaceful, nobody saw any sense in their reasonable demands. The federal government misinterpreted the Niger Deltans predisposition to peaceful engagement as an act of stupidity and ignorance. As such they were not only taken for granted, they are murdered by the might of Nigerian state in an effort to destroy and expunge the idea of freedom, economic and political rights from the minds of the down trodden people of the Niger Delta. Several years of government insensitivity, neglect and brutality of the people of the Niger Delta failed to take into cognizance an Ijaw adage which says: "Ijaw silence on any matter is always tactical and not based on foolishness or ignorance". That is why when they react, the process is always volcanic. And it is also a universal fact that a system that is not open to dialogue and constitutional means of seeking redress, makes violent confrontation as a form of agitation inevitable. The insensitivity of the federal government to the plight of the Niger Deltans is also highlighted by Bolaji Akinyemi: He noted that youths did not just wake up one day to take

up arms against the oil companies. It is as a result of years of frustrated efforts at improving the lots of their communities. He therefore stated that:

*...Nigerians went to sleep and left fire burning on the rooftop. Consequently, citizens of the country are now paying the heavy penalty of not being able to sleep and billions of dollars in oil revenue have been lost... We have bred several generations of young people who believe that violence is the only answer... All of these have happened because we did not see when we should have seen, we did not hear when we should have listened and we did not speak out when we should have spoken out (Ekpu 2007).*

Niger Deltans especially its youths have lost faith and allegiance to the Nigerian state. The estrangement and alienation of the people of the Niger Delta from the Nigerian political project is depicted by the complaint of a rural dweller in Bayelsa state:

My brother take a look at me, is there anything around me that makes me look like a Nigerian? We drink from that dirty water over there; that is where we put our waste, many of us here die in bad boats from Yenagoa that take us in and out of here. No one knows if we exist. I can not beat my chest and say that I am a Nigerian. Where is Nigeria here? (<http://www.drecitizenship.org/docs/research/020programmes/VPC/TFDC.doc>).

Invariably, it was the failures of several years of peaceful engagement that has heralded the violent phase of the struggle. Youths in the region began to lay siege on oil installations. They got fed up waiting for promises that would not be fulfilled. As a result, conflict grew in intensity as the youths took up arms to fight for the control of oil resources. This unpredictable state of affairs in the region has led to the establishment of armed groups operating under various names such as Egbesu Boys, Movement for the Emancipation of Niger Delta, Ijaw Youths Vanguard, Niger Delta Youths Coalition and Niger Delta Peoples Volunteer Force who have made the entire region unsafe for any meaningful economic activities to thrive. The essence of the insurgency is to bring prompt attention of the public to the plight of the region in order to put an end to a system that has brought the people so much pain, poverty and death. Part of their strategy that has brought so much public attention and concern to their activities includes: operating as pirates in the creeks and high seas, robbing properties belonging to oil companies and their workers;

hijacking of oil facilities or flow stations and vandalism of oil pipelines and other facilities; hijacking of helicopter owned by the oil companies and kidnapping of expatriates and other oil workers and asking for ransom before they are released. The philosophy behind these militant tactics is to make the process of oil production more difficult and expensive. This is done in order to constrain output of crude oil produced and concomitantly reducing the amount of foreign exchange accruable to the federal government. The result is that over the years, the activities of various militant groups in the region have cost the Nigerian government billions of dollars lost due to fall in production level of crude. This has become a serious source of concern to the Nigerian government.

However, as dastardly as the strategy of Niger Delta insurgent groups might look, we can boldly argue that it has brought about some peripheral benefits to the region. At least for the first time in the political history of Nigeria, Niger Deltas especially the Ijaws have been appointed into sensitive federal offices such as the Vice Presidency (Dr. Goodluck Jonathan), Chief of Defence Staff (General Andrew Aziza), Inspector General of Police (Mr. Mike Okiro) and the Minister of State for Petroleum (Mr. Odein Ajumogobia). One may not sound too cynical if one argues that if not for militancy by gun, these individuals would not have been considered for these appointments. In other words, we are not unaware that the federal appointment of sons of the Niger Delta is a political subterfuge designed by the powers that be at the centre to pacify the agitated and angry people of the region. But from all indications, this tokenist measure has woefully failed to assuage frail nerves in the region. The simple reason is that the Niger Delta situation is structural and more complex than mere political appointment of its indigenes.

In its desperate move to tackle the problem of insecurity in the region, the Federal Government so far has failed to build its counter-measures on a proper understanding of the causal dynamics of the crisis. The simplistic measure of trying to appease the most vociferous groups by bribing their leaders with millions of Naira has only ended up complicating the security situation in the Delta. For instance, since the Federal Government deal with Chief D.S.P. Alamieyeseigha (ex-Government of Bayelsa State) and Mujahid Asari-Dokubo, leader of the Niger Delta Peoples Volunteer Force

(NDPVF) which eventually led to his release from detention, the Niger Delta region has recorded more than 100 kidnap cases (Tell, August 2007). Again, from all indication the government seems to be looking for solution through the wrong agents. In its efforts to pacify the violent communities, the Nigerian government seems to be depending on stooges (political loyalists), rather than the genuine leaders of the people. Organizing ill-defined Niger Delta conferences, lodging of these supposed leaders in five-star hotels in Abuja and paying them fabulous honorarium, has no direct relationship with the crisis of poverty, neglect and anger in the region. The Nigerian government must take the pain to search out and engage the genuine leaders of the oil-bearing communities, if it hopes to turn back the tide of violence in the Niger Delta.

It is also important to note that, as much as violent militancy has brought the issues of the Niger Delta to the front burner at both local and international arena, the frequency of hostage-taking and destruction of oil pipelines and other crude oil production facilities have created for the Niger Delta, a new unflattering global image. Rampant hostage-taking which knows no age or gender and demand for ransom is doing incalculable harm and damage and violence to the reputation of all in the Niger Delta region. What has the abduction of four years old son of a Nigerian oil worker or the 70-year old mother of speaker of Bayelsa House of Assembly or Nimi Briggs, a professor of the Niger Delta extraction with the University of Port Harcourt got to do with the Niger Delta struggle for justice? Apparently, the expression of disenchantment and anger by the youths has been hijacked by several criminal groups who have either used these expressions to seek political advantage for personal aggrandizement. This criminalization of the Niger Delta militancy has eventually evolved into an organized business on its own—a lucrative syndicate that has little to do with the grassroots, and the unarguable deprivation of the oil-producing communities in the Niger Delta. The corruption of the Niger Delta protest has led to the confusion over the genuineness of the objectives and strategies of the militant groups (New Africans, January 2008). Thus, the greater challenge lies in separating the real agitation for a fair deal for the Niger Delta from criminality. Lamenting on the situation, Don Baridam, a

professor and Vice Chancellor of the University of Port Harcourt, noted that:

*As it stands now...the borderline between genuine agitation and barefaced criminality in the struggle can hardly be identified from a distance. All over the Niger Delta, armed gangs who have nothing to do with the peaceful agitation for resource control are on the loose, terrorizing innocent citizens and expatriates who are here to do legitimate business... We are now infested with the virus of criminality on the streets of the Niger Delta region (Aiyetan, Ofuokwu 2007).*

However, it is our position that the militant agitations of the Niger Delta are quite different from the criminal activities of some few disgruntled and unscrupulous individuals. After all, no society is immune from criminal behaviour of social deviants. Therefore, for us to fashion out an effective way out of the Niger Delta imbroglio, we must not join issues; this distinction must be clearly spelt out. And we believe that the government has all the resources through its intelligence and law enforcement apparatus to distinguish between genuine community agitations and criminal actions.

From what we have discussed so far it is glaring that the anger and the bloody agitation of the oil-bearing communities and their youths is a fall-out of the monumental neglect, ineffective interventionist structures, brutality meted out against the genuine demands of the people and as well as insincerity of the government at all levels to the sub-human reality in the region. We also argued that the violence that is today associated with the Niger Delta region is an inevitable outcome of the failure of peaceful engagement over the years. The next question is that, is there a way out of this Niger Delta crisis? Can we address the issues that are engendering so much hatred and anger among the people of the region? These issues shall be examined in the next section of the paper.

### **THE WAY FORWARD**

The root causes of the Niger Delta anger, restiveness and insurgency are well known. Through the preceding pages we were able to establish that it is an inevitable product of close to fifty years of criminal neglect; inhuman environmental devastation; complete exclusion of the people of the region from the benefits of

their natural resources; violent and brutal onslaught on the oil-bearing communities by the Nigerian state; monumental looting of oil revenue at all levels of government; and intolerable poverty in the midst of unimaginable oil and gas wealth. All these issues have thrown up the crisis of development in the region. Therefore, any attempt aimed at addressing the crisis is a call for finding lasting solutions to the fundamental issues that form the bedrock of the crisis in the oil-bearing region. And we are not under any illusion that finding a practical solution to the Niger Delta problem would be easy. This is so because apart from the fact that it is a multidimensional and complex crisis, the Niger Deltans, as a result of several years of government insincerity, have become very cynical of government's intentions and policies.

Invariably, to effectively confront the complex "Nigerian crisis located in the Niger Delta" (a la Akinyemi); there is need for a pragmatic and holistic solution that is based on a sincere, visible and sustained multi-actor, multi-sectoral and integrative interventionist mechanism in the region. As such, our recommendations will not only be defined on short and long term basis, it will also involve several actors: The Federal Government, The Niger Delta States (including their local councils), the MNOCs and the international community represented by countries with oil and gas interest in Nigeria, the EU, UN and international non-government groups such as Green Peace and Transparency International. The multi-actor character of our recommendation is understandable because the crisis of the Niger Delta is not just a Nigerian problem; it is now an international issue.

Government at all levels must act fast if they hope to turn back the hand of violence and insecurity associated with the crisis of backwardness and underdevelopment in the region. So much lofty policies and projects have been promised to the region since this new administration came on board. Promises and good dreams or plans do not mean anything to the suffering people of the Niger Delta. The three tiers of government must as a matter of urgency fashion out an aggressive policy mechanism to address the simple and basic needs of the people of the region. The near absence of basic infrastructure such as health services and facilities, pipe-borne water, good and affordable shelter, electricity supply, road construction and

maintenance, education and effective skill acquisition and empowerment programmes, must be immediately and aggressively addressed. This should be the primary policy thrust of government at all levels. And in order to sustain the process and structures, it must be done with genuine participation of the affected communities and community based organizations. It is our believe that this measure will enthrone trust and confidence in the relation between the government and people of the region. And this measure should serve as a plank fir further engagement between the government and the people of the region.

In light of the urgency of the situation in the Niger Delta region, we are also recommending that there is a need to tinker with the philosophy, composition of the board, funding and operations of the NDDC. Though, it has done fairly well in the area of road construction and other infrastructures, even better than the region's states and local governments (with 70per cent of the allocation), the institution still needs surgical attention. In its present nomenclature, the agency is too Abuja-based-with members of the board and contractors federally and politically appointed. In order words, the people of the region are seen as outsider in the scheme of things. We are arguing that for the agency to be made more effective and meaningful to the oil producing communities there is the need to base the NDDC on the bottom-to-top policy philosophy. Niger Deltans need to be put in the driving seat of any solution to their problems. Moreover, the decentralization of the agency will also address the problem of undue influence of politics over the development needs of the region.

Other short and long term measures that need to be explored by the various parties to the Niger Delta crisis include the following.

#### **To The Federal Government**

- ❖ To promptly tackle the problem of unemployment and to engage restive youths, an enabling law should be enacted to will make it mandatory for MNOCs to employ bulk (at least 85 percent) of their staff at all levels from the oil producing communities. Promotion of capacity building in the communities through viable educational and training programmes should also be part of the package. Along the same line, the Federal

Government should seriously consider the idea of building a brand new Federal Delta City, FDC, carved out of three adjoining Niger Delta states. It is believed that this city which will be the hub of new petrochemical industries will constitute an employment bonanza for the teeming unemployed youths of the Niger Delta (Ekpu 2007).

- ❖ To limit the environmental consequences of oil exploration and exploitation, the federal government in collaboration with oil producing states and communities, should enact stringent and enforceable legislations that will ensure that MNOCs maintain universally acceptable best standard in their operations. As part of the menu, individual company's project environmental impact assessment (EIA) studies should be made more transparent and accessible to the affected communities. Infact, they must be part of the process. This will also involve MNOCs obtaining community assent before proceeding with installation of oil production facilities, infrastructures and other developments. It is our strong believe that these measures along side an effective compensation regime will go a long way to protect the culture, local economy, biodiversity and ecology of the Niger Delta region.
- ❖ To cut off the easy flow of weapons into the region and groups with violent agenda, the federal government must explore means to end illicit and illegal payments by MNOCs for security purpose to both militants or youths groups and paramilitary security forces deployed to protect oil installations.
- ❖ To frontally address selfish leadership and criminal looting of public funds, stringent and enforceable legal instrument should be put in place to deal with culpable public officers. Bulk of the estimated US\$600 billion generated from oil production for the past 50 years, lamentably, has not impacted positively on the life of Nigerians especially the Niger Delta communities as a result of the cancerous tumour, called corruption in the Nigerian body polity. As part of its fight against corruption, we are recommending that the government should consider a constitutional provision that will abolish criminal immunity for the president and state governors as well as encourage and empower enforcement bodies such as the Economic and Financial Crime

Commission (EFCC) to prosecute cases of local and state government corruption. This is to ensure that state government allocations are spent on basic projects and services that have direct benefits on the people.

- ❖ Should create the enabling environment that will make the people of the region real stakeholders not just spectators in the management of oil and gas resources. For instance, the allocation of oil blocs should not be carried out without the genuine involvement of the community, local government and state leaders. In addition, the allocating of contract should also have a provision that certain percentage of the proceeds for exploitation should automatically go to the affected community. We also agree without the proposal of Itse Sagay (a professor of law) that the community, local government and leaders should be represented in the supervisory and the operational arms of federal oil and gas parastatals and companies such as the Nigerian National Petroleum Company (NNPC), its supervisory department-Directorate of Petroleum Resources (DPR), Liquefied Natural Gas Company (LNG), Petroleum Technology Development Fund (PTDF), etc. As presently constituted, these oil and gas federal agencies are dominated by indigenes and elites of the non-oil producing majority ethnic groups. This certainly is against social justice, equity and fairness. If the federal government is serious and sincere about addressing the agitations of the people of the Niger Delta, there must be a reversal of the current situation. Measures should be put in place to enable Niger Deltans take charge of these structures so that they could take part in making regulations to avoid pollution; determining compensations as a result of pollution; and determining how to improve production to make it pollution free (Ekpu 2007: 16). It is only by so doing the people of the region will have a sense of belonging, identity and fulfillment.
- ❖ Supporting the above point, there are also proposals for a change in the joint venture agreements to enable the oil-bearing communities own shares in the MNOCs. This is to offer indigenes a substantial ownership stake along the lines of what corporate majors including Royal/Dutch Shell, Exxon Mobile and Conoco had done in Canada's Arctic. It is our believe that this measure will finally put to an end the issue of vandalism of oil infrastructure and disruption of production. As beneficiaries and real stakeholders, the communities will make sure that oil production facilities of these companies are protected.
- ❖ To urgently take concrete and practical steps to diversify the Nigerian economy in order to reduce it's over dependence on non-renewable oil and gas resources. Again this policy measure will strengthen the economies of non-oil producing states by reducing their over reliance on Federal Government budgetary allocations from crude oil sales.
- ❖ Initiate a credible sustained dialogue on control of resources with Niger Delta civil society including militants. This will be accompanied with the following measures: One, to repeal all undemocratic, exploitative and repressive laws governing the oil industry- the Petroleum Act, Land Use Decree, etc. Secondly, to consider the South-South proposal of 50 percent derivation of mineral resources during the National Political Reform Conference. The increase should start from 25 percent with a marginal increase of 5 percent yearly until it gets to 50 percent; this is done so in order to avoid budgetary shock to non-oil producing states and to encourage exploration and production of other mineral resources throughout Nigeria. It is expected that these policy measures will eventually lead to the denationalization of authority over oil management so that oil producing states and communities can manage the process. Thus, denationalization of the oil sector is seen as the most effective means of federalizing and democratizing the nation's economic system.
- ❖ Seek in parallel with the dialogue on resource control, an agreement with militants that includes a phased withdrawal of Nigerian soldiers from the region, concurrent with a weapon return amnesty programme that pays militants and gang members' market value for guns and enrolls in skill and job training programmes.
- ❖ Inaugurate a democratic constitutional reform process in which an elected assembly will work out modalities for restructuring of the Nigerian Federation in order to guarantee the ownership and control of resources by the

component groups and the equality of the federating units (states).

### To the Niger Delta States

- ❖ Provide effective governance and robust service delivery based on the democratic principles of equity, accountability, probity, transparency, vision, compassion and nationalism. To whom much is given much is expected. The Niger Delta states which have the largest allocations from the federation account (13 per cent derivation) should be able to make their people the best sheltered, educated, clothed, fed, and empowered people in the country. The vicious cycle of poverty, anger and violent militancy in the region can only be reversed if the current governors and local government chairmen are able to break away from the past eight years of ineffective, visionless, norm less, unpatriotic and corruption infested governance in the region. Through accountable and responsible governance they should be able to meet the simple and basic needs of the people such as decent and affordable shelter, standard education, effective health delivery system, regular electricity supply, and road construction and maintenance. The governments of the region should focus on services and infrastructures that have direct bearing on the lives of the suffering people of the region before embarking on grandiose and lofty long term projects. In other words, emphasis now should be more on proper resource management than clamour for resource control. Such effective utilization of the 13 percent fund that will make the non-oil producing states listens to the demands of the governors of the region for increase in the derivation allocation and resource control.
- ❖ Along the same line, local government councils as the closest to the people and base of development, must be reformed and made more democratic. The grinding poverty, unemployment, and near absence of basic socio-economic infrastructure in the region has a lot to do with the non-performing local government administration in the Niger Delta. For local government councils to be turned into instrument of development there must be change of attitude and perception: Local council funds should cease to be seen by political big wigs and state governors as private money to be shared among themselves and other party members. Again, to enthrone democracy at the local level, the governors of the region should stop seeing the local councils as a place fit only enough for political miscreants that carried out dirty jobs for them during elections. If government is to have any direct bearing on the lives of the people of the oil bearing communities it is imperative to make the local government system work for the people.
- ❖ As a matter of urgency, the state governments of the region must put mechanism in place to diversify their economies and sources of revenue. Apart from its vast hydrocarbon resources, the region is endowed with other mineral resources such glass-sand, clay, marble, bitumen, bauxite, gold, iron-ore, phosphate, lead/zinc, gypsum, uranium, etc. The state governments could go into joint ventures with private investors to explore and exploit these enormous resources. The regional governments could also go into massive investment in agriculture and agro-based industries in order to exploit its abundant agricultural endowment such as cassava, palm oil, rice, cocoa, timber, fishery and a host of other agricultural resources. We should also remember that the Niger Delta is home to long stretches of beaches and coastal line that could be developed into a-must-visit tourist site that will generate enormous revenue for the government of the region. The Niger Delta region is more than just oil and gas. And diversification of the regional economies will not only generate money for the governments but will also generate a lot of employment opportunities for the jobless youths of the region.
- ❖ Engage more fully with professional non-governmental organizations that demonstrate a capability and willing to assist communities to take responsibility for their own development.
- ❖ In their quest for resource control and denationalization of the petroleum industry, the Niger Delta states should not only build synergy among themselves, they should be tactful, calculative and diplomatic enough to build partnership and extend hands of friendship to non-oil producing states. The region should be magnanimous enough in

their bargain in order to calm the fears and nerves of non-oil producing states who think that without oil revenue their governments and economics will grind to a halt. The states in the region could develop attractive loan or credit packages to assist other states in the federation to exploit natural resources in their domain. It is hope that this will create a favourable environment for dialogue and negotiation between the Niger Delta states and non-oil producing states of the federation.

#### To the Multinational Oil Companies

- ❖ Prioritize long-term interest of operating in Nigeria over short-term production goals. This also involves seeking community consent before proceeding with production related activities.
- ❖ Conclude agreements to ensure prompt and commensurate payments of compensation to individuals and local communities for land use and pollution.
- ❖ Develop partnership with non-governmental, community-based bodies with a demonstrated ability to provide skills training and capacity building for development projects within the affected community (Africa Report, October 2006: [www.crisisgroup.org](http://www.crisisgroup.org)).
- ❖ Only employ production techniques and technologies that are environmentally friendly. This is to reduce the cases of oil pollution and adverse environmental consequences of oil production in the Niger Delta.

#### To the International Community

- ❖ Press the Nigerian government to abrogate its undemocratic and repressive oil related legislations such as the Petroleum Act and the Land Use Act.
- ❖ Press the Nigerian government to initiate resource control reforms and negotiate in good faith with Niger Delta groups, and encourage MNOCs headquartered in their countries to be transparent about revenue and payments.
- ❖ Provide resources for and support an independent environmental impact assessment (EIA) of the Niger Delta as well as a credible, independent judicial mechanism to adjudicate compensation claims. Steps should

also be taken to ensure that compensation is distributed, transparently in a way that benefits communities rather than “benefit thieves or captors” such as politicians and militants and traditional leaders.

- ❖ A strong international mechanism should be instituted and supported by these international bodies and states against any energy company that uses environmentally unfriendly equipment and techniques of oil and gas production.
- ❖ Condition assistance to the governments upon greater transparency in federal and state budgets, particularly with regard to energy revenue. The international community could also take more productive measure by initiating a global anti-money laundering regime that will effectively check the transnational crime of transfer of illegal or stolen money from one country to another.
- ❖ Offer the good offices of a neutral country without oil interests in Nigeria to mediate between the federal government and Niger Delta groups, an idea already accepted in principle by MEND.

It is the strong believe of the paper that this holistic, multidimensional and multi-actor approach will go a long way to bring sustainable development, calm frail nerves and ensure peace and security to the troubled region of the Niger Delta.

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