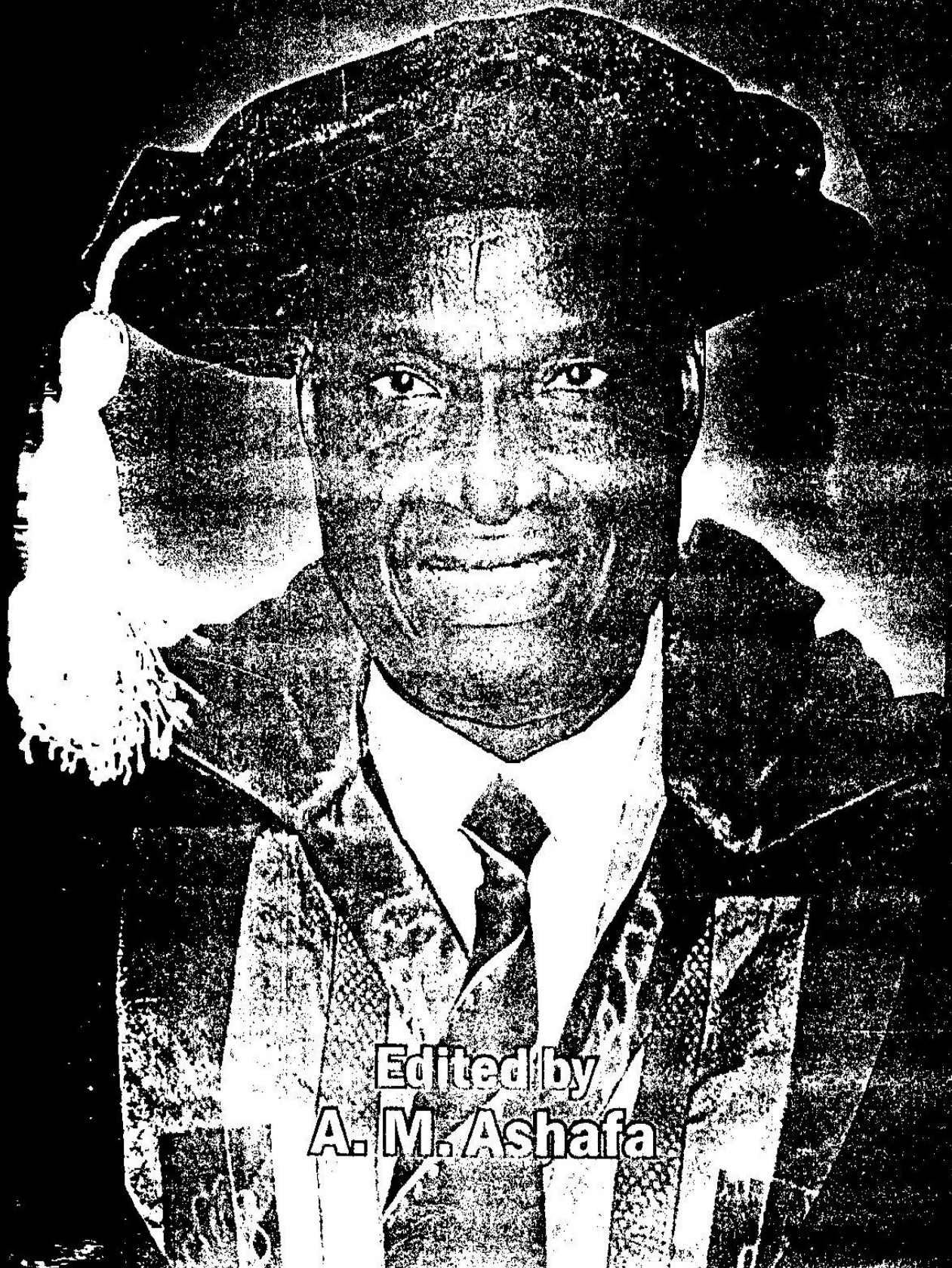


**Challenges Facing Africa
Essays in Honour of
Professor Abdullahi Mahadi**



**Edited by
A. M. Ashafa**

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Youth and National Security in the Niger-Delta Region Since 1966

Winifred E. Akoda

Abstract

This chapter examines the degree of success achieved by these attempts and recommends a regime of measures, some of which include genuine conciliatory effort and concessions that will inexorably culminate in the sheathing of swords and the adoption of intellectual militancy in advancing the quest for equity and justice. It is uncontested that being the most volatile elements and therefore target population in the Niger Delta, the place of youths is invariably related to the discourses on the Rule of Law, Order and National Security, three issues, which most Nigerian Governments have acted and under which others to come may still find justification for their approach to the Niger Delta question.

Introduction

Since the Adaka Borro Saga in 1966 when a noticeable agitation began in the Niger Delta, various administrations have adopted different means to deal with the problem ranging from the use of force, palliation, enticement, reconciliation and rehabilitation. Two decades ago, in the substantially unsophisticated but super-endowed town of Ogoni, Rivers State, a part of the Niger-Delta, youths, pushed to economic doldrums occasioned by near-constant oil-spillages attributed to the activities of Shell Petroleum Company Limited, had taken to violent agitation; pressing eminently for rehabilitation of their degraded environment and adequate compensation for the loss of their means of livelihood outstanding among which was their polluted waters that made fishing activities almost an impossibility. Most of their claims were legitimate and carried out within the confines of the law. But others were carried out in defiance of existing laws and at best, could be said to be criminal and antithetical to prevailing rules and regulations of the nation.

Desirous to limit their agitations within the purview of the law and spice it with some intellectual flavour, Ken Saro Wiwa wrote to the youths cautioning:

My young friend, go out into the wide, wide world and search for knowledge. Grab it, befriend it, domesticate it, love it, cherish it and honour it and you will find that it will reward you a million times over.

It will make you humble, honest and sincere, teach you to wait in line until it is your turn, and confer on you power and respect wherever you may go, and long after your death.¹

About eighteen years on, Ken Saro-wiwa's words seem like a drop of water in the desert. It has simply fallen on unhearing ears. Ogoni might not be in the spot-light directly but the entire Niger-Delta region is. It is a region blazing like a fiery burning furnace, threatening National security. The youths possess a new-found consummate courage; one, which neither respects the rule of law nor scoffs at order, which has neither regard for life nor property. They are hardened by years of neglect amidst abundance, emboldened by highly potent destructive arsenals and encouraged by the Federal Government seeming patronizing disposition. That is the Niger-Delta of Nigeria today: a place where the lives of both blacks and whites are at equal and proportionate risk.

The Nigeria state as a whole is not spared this agony. Armed Robbery has assumed unprecedented sophistication; cyber-fraud is growing alarmingly all culminating in insecurity of life and property.

The purpose of this chapter therefore is to examine the cost and effect the youths' activities have had on the rule of law, order and national security with a view to advancing possible panacea to bettering the nation. It is proposed to treat this topic under four headings. In the first, a brief definitive examination will be made of the youths. The second will mirror the rule of law in its narrow and broad senses while making necessary allusions to its operation in contemporary Nigeria. The third shall look at order and national security. The fourth will take on possible measures the government can embark upon to weather the storm in the Niger-Delta and restore rule of law, order and security.

Definitive Examination of the Niger-Delta Youth

Not a few scholars have advanced different ways of defining youth. Curtin² defines it as a phase where a person moves from a time of dependence (childhood) to independence (adulthood) and identifies four distinct aspects of this move:

- a. Leaving the parental home and establishing new living arrangement;
- b. Completing Full-time education
- c. Forming close, stable personal relationships outside of the family, often resulting in marriage and children; and
- d. Testing the labour market, finding work and possibly settling into a career, and achieving a more or less sustainable livelihood.

These transitions are inter-connected: leaving home and setting up one's own personal economy require an independent source of income, and to reach this, a young person generally has to acquire qualifications and to have succeeded in demonstrating his or her skill in the labour market.

When faced with uncertain employment prospects and financial insecurity, young people are apt to avoid establishing stable personal relationships, postpone marriage, and/or put off having or accepting the responsibility for children. In the absence of the

prospects for a sustainable livelihood, more extreme social behaviour may occur example – engagement in illegal activities such as drug trafficking, violent crime or gang activities. Herein lies the rationale behind the vices that characterize our landscapes. From the beautiful city of Abuja to the Creeks in the Niger-Delta region of Nigeria, there appears to be just one major driving force behind criminality – a desire for a sustainable livelihood. The cliché: ‘Man must survive’ may now sound prosaic and old-fashioned but it remains an all-time truth that cannot be ignored. The youths, more than ever before, have hit at this hard fact of life and in contemporary times, poised too to give meaning to their existence, have adopted various ‘survival strategies’. Most of these strategies may be illicit but the lesson is lucid- when a nation fails to evolve a strategic action plan to accommodate the interests and welfare of her youths, the resort to other extra-legal means of sustenance by the latter is inevitable. This much is what is issuing out from the youths in the Niger-Delta.

But what are the enabling factors that have set the Niger-Delta region youths on such high pinnacle of lawlessness? Divergent opinions exist as the factors behind the surge of criminalities, violence, and disturbance, civil and armed conflict in the Niger-Delta area in Nigeria. Naanem identified an acute scarcity of land because of the ever-expanding oil production activity, degradation of land and water by oil pollution and creation of oil-related infrastructure like refineries, fertilizer and petrochemical plants, as causes of violence among oil communities.³ Welch also argued that ‘communal pressures that have characterized the Niger-Delta and many other parts of Nigeria are not only matters of ethnic self-determination but also complex expressions of economic and political disparities; Warning that the present situation in the Delta is serious, complicated and explosive’.

Charles Ukeje observed that the oil companies at the centre of violent conflicts have a surprisingly firm grasp of why their host communities have tried to draw attention to their problems through violent protest and agitation. He concretized his observation by quoting Deji Haastrup, Manager responsible for community Relations of Chevron Nigeria Limited.

In many remote areas where poverty and unemployment are more pronounced and policing is almost absent, many of the youths have turned to crime and the criminal has not had much deterrent.⁴

Shell, the largest multinational player in Nigeria’s oil industry, has identified political, social and environmental concern as the three core factors that precipitate community disturbances in Nigeria. The political factors include lack of reasonable share of oil revenue, which is complicated by the high population growth rate putting pressure on land, thus bringing about deforestation, over-farming and soil erosion. Another factor is the emergence of a new generation of well-educated youths aware of the disparity between urban and rural centers and believing that Multinational Oil Company (MNOC) has the wherewithal to redress this social gap. The communities have also discovered that the best way of extracting a greater share of oil wealth is by holding MNOC to ransom. At the social level, shell noted that:

Anger is growing and increasing militancy is overthrowing traditional social order in some communities... this has led to a situation whereby a complex and dynamic fragmentation of communities characterized by frequent power shifts between factions makes it difficult if not impossible, to negotiate compensation for land acquisition damages due to oil spillage.⁵

As a contributing social factor too, Shell says is the resurgence of ethnic conflicts that can affect oil operations. The main environmental factor is oil spills, which Shell says are acts of sabotage. Between 1988 and 1994 according to Shell, some 28% of spills in shell's area of operation were due to sabotage. This is increasing and sabotage accounted for 35% of all spills in 1994.⁶

The rude fact staring us in the face today is that decades of oil exploration in the Niger-Delta region of Nigeria have accentuated the impoverishment of the inhabitants. Paradoxically, back in 1958 when crude oil was discovered in commercial quantity in the ancient community of Oloibiri, then in the old Rivers State now in Bayelsa State, the people in the region who were professional anglers and women were profoundly ecstatic and jubilant. They had understandably, counted their eggs before they were hatched. Crude was seen as economic succour.⁷ Need we say their lofty and sky-wards expectations have been replaced with penury and environmental degradation? The oil companies contend that it is beyond their corporate callings to play the role of an alternative government and provide social amenities and infrastructure to their host communities. They provide such amenities to facilitate resource extraction rather than to benefit the oil communities.

Apart from the oil companies' exacerbation of communal conflicts in the Niger Delta, the state and federal governments have also been criticized for the underdevelopment of the oil communities. The local communities claim, with justification, that the government hardly does anything beyond facilitating crude production, the government is considered culpable for abandoning its principal social mandates of providing basic social infrastructure such as good roads, clean water, electricity and educational and health care facilities as well as adequate security for life and property.

The foregoing seems to identify the cumulative factors responsible for the Niger Delta question today. It is sought now to beam the search-light on the immediate causes of youth militancy in the region in contemplation: Two fundamental factors gave rise to the present near-uncontrollable situation in the Niger Delta area. There are:

- a. The failure of 2005 national political reforms
- b. The arrest and detention of the leader of Niger Delta people volunteer force.
- c. The failure of 2005 National Political reforms: In 2005, a unique opportunity arose to deal with the concerns of the region at the National Political Reforms Conference organized by the then president, Gen. Olusegun Aremu Obasanjo (RTD). At the conference, the Niger Delta representatives demanded for a phased increment of the percentage of derivation from 13 percent to 25 percent

and gradually to 50 percent. This demand was stoutly rejected. That missed opportunity according to Uduaghan, perhaps sent very clear signals of a grand conspiracy to keep the Niger Delta region perpetually underdeveloped and neglected. The failure of the National Political Reforms conference to address the problems of the Niger Delta region dashed the hope of the people and opened the floodgate of the current restiveness in the region. Barely a year after the conference, a new culture of youth militancy evolved in the Niger-Delta.⁸

- d. The arrest and detention of the leader of Niger-Delta people volunteer force: Militancy in the Niger Delta area took a dangerous dimension when Alhaji Asari Dokubo leader of the Niger Delta people volunteer force was arrested and detained by the Government of General Olusegun Obasanjo. It was at that period criminality was fully introduced into the struggle. Different militant groups sprang up using his name (Asari) to perpetrate all manners of criminality. Shortly after his release, five foreigners, workers working with Agip Oil Company were kidnapped, and the kidnappers demanded for ₦5M but Asari told them; "If truly the struggle was about my release, the kidnapped expatriates must be released since I have regained my freedom"⁹. Resource control according to the likes of Asari, Oronto and others, is a just cause, but with recent happenings in the region, the struggle seems to have deviated. This, in plain terms, is where the problem lies: How did a seemingly lawful agitation slip from the path of legality to such gross illegality that is so inextricably tied to criminality? When did the laws of the country (Nigeria) stop regulating the activities of these criminal elements? These and other salient questions shall be answered in the next sub-head.

Youths and the Operation of Rule of Law in Contemporary Nigeria

In a recent interview with the Financial Times of London, the late President Yar'adua was asked the most important achievement of his one year in office. Without any hesitation whatsoever, he identified the rule of law. He also reiterated the commitment of his administration to the rule of law.¹⁰ Times and again, we have been reminded that the fulcrum of the present administration is the rule of law. And it is within the context and contemplation of the rule of law that the government intends to deal with bludgeoning issues confronting her outstanding amongst which is the Niger Delta question. What does the concept actually imply?

There are different meanings attributable to the concept of the rule of law. But from whatever perspective it is conceptualized, the rule of law requires that things should be done according to law, irrespective of who is involved. The concept of the rule of law has been in existence and dates back to the times of early philosophers. In the words of Aristotle, one of the early philosophers, "the rule of law is preferable to that of any individual."¹¹ The theory prevailing during the medieval period was that law of some kind, either the law of God or man should rule the world.

An in-depth and extensive meaning of the concept was given by Albert Venn Dicey in his book. His exposition of the rule of law has been widely accepted as authoritative. To him there are three aspects of the rule of law viz:

It means the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power, and excludes the existence of arbitrariness, or prerogative, or even of wide discretionary authority on the part of government...., a man may be punished for a breach of law, but he cannot be punished for nothing else.¹²

The second aspect of the rule of law according to him is "equality before the law or equal subjection of all classes to the ordinary law of the land administered by the ordinary law courts". The third arm of the rule of law is that the 'Rule of law' may be used as a formula for expressing the fact that with us, the laws of the constitution, the rules which in foreign countries naturally form part of a constitutional code, are not the source but the consequence of the rights of individuals as defined and enforced by the courts; that in short, the principles of private law have with us been the action of the courts and parliament so extended as to determine the position of the crown and its servants, thus the constitution is the result of the ordinary, law of the land.

In compressed terms, the concept of the rule of law denotes governance according to law and due process. The main components are:

- i. that the state is subject to the law
- ii. that citizens are equal before the law
- iii. that the judiciary is independent to resolve disputes between government and individuals.
- iv. that human rights are observed.

If for nothing else, it limits the use of discretionary powers even as it subjects all to one law. Is not then pleasantly surprising that after about three decades of flagrant disregard for the rule of law by successive military rulers and eight years of executive rascality by the civilian administration of President Olusegun Obasanjo. In Yar'adua, unlike Obasanjo, Nigeria had a President who anchored his administration on the respect for the rule of law. Paradoxically this welcome development had become an albatross around the President's neck as he continued to streamline and weighs his options against the observance of the rule of law before clamping down on the reckless youth in the Niger Delta who had continued to abuse and violate the rule of law with such unimaginable impunity.

The President's actions were being guided for the benefit of these youths who could have easily been annihilated when compared to the Odi incident President Olusegun Obasanjo gave soldiers the order to shoot-on-sight. However, the Yar'adua's administration had chosen a different part. In addition, the misguided youths who the law also demands equal subjection from have refused to succumb to reason. The alternative of such refusal being anarchy and chaos, Nigeria continues to bleed. Point-blankly therefore, mass unemployment, physical underdevelopment, crippling poverty and ecological

degradation being experienced by the Niger Delta people do not in any way confer on them an immunity to the applicability of the rule of law. Their pains are seriously appreciated if no less decried. However, an abuse of rule of law and due process is absolutely unacceptable. Do not lose sight of the fact that from the days of Adaka Boro to Ken Saro Wiwa to the present regime of the Dokubos, Atekes and Okahs, the agitations have remained the same but the strategies to achieve the aims have differed considerably.

Nonetheless, quite instructively, Ken Saro Wiwa remains the true hero of the struggle as he easily located his strategy within the dictates and confines of the rule of law. He (Ken) realized that two wrongs do not make a right; hence his adoption of intellectual militancy as against the present day armed militancy riddled with high profile criminality. To this modern day agitators, the struggle must include personal economic power as opposed to a general economic empowerment of the region.¹³ This explains the rationale behind the upsurge of criminality in the region. This is the reason the rule of law is being so violently dismembered.

The ricocheting consequence of such flagrant disrespect for rule of law is the threat to order and national security. How has the State responded to this? In what significant ways have state responses reduced or aggravated the crisis of law, order and security in the Niger Delta and in Nigeria in general? We shall focus on these questions in the next sub-theme.

The State and Maintenance of Order and Security in the Niger Delta

It has been noted that:

The peace of Bayelsa creeks was again shattered, week-end, as seven persons, among them three soldiers were feared dead when the boat in which they were travelling was reportedly attacked by armed militias along the Nembe local government area of the state ... In a related development, the corpse of 93 years old Pa Matthew Abu, who was reportedly abducted in Ahoada East on July 8 was found in Choba...¹⁴

The pages of our National Dailies assault us with gory details such as the one above everyday thanks to the criminal activities of some youths in the Niger Delta. These criminal Niger Delta delinquents walk the length and breadth of their territorial and aquatic territories searching for victims. They kidnap, abduct, rob, maim, rape, and hold hostage. Their ransoms are in millions. They don't care whose ox is gored. What matters is what accrues to them from their illicit activities. Sadly today, Nigeria has become their ultimate victim. Reason:

Nigeria's crude oil production dropped by 60,000 barrels per day (b/d) to 1.8 million b/d in June owing to the activities of militants threatening to spiral out of control in the Niger Delta, leaving Angola top of the producers chart in Africa for the second consecutive month.¹⁵

What more could be so devastating? Law and order have been punctured; the nation's security has been violently threatened; life and property are unassured; the economic mainstay has been sacrilegiously hit. And we are still counting.

Matter-of-factly, it is difficult to believe the scale and intensity of the violence that has engulfed the Niger Delta. This of course could hardly pass unnoticed in government circles. It remains self-evident that crude oil is so pivotal to the national economy and fiscal survival of the Nigerian state that government has always maintained a keen interest in events in the Niger Delta region. The upsurge of social upheavals in this region has been a major source of concern and irritation to successive governments—military or civilian. They are neither happy about the causes and dynamics of the civil conflicts that did not envelop the oil region, nor unaware of the danger they pose to national peace and security. Indeed, an excerpt from the report of a ministerial Fact-finding Team on the problems of the Niger Delta, that was set up by the Sani Abacha's regime summarized government's perception of the security challenges posed by the crisis in the region.

According to the report:

A new and increasingly dangerous awareness and sensitivity is sweeping through the oil-producing communities across the country. It is in the interest of the oil industry and the nation that urgent and lasting solutions be put in place to prevent the situation from getting worse.¹⁶

Similarly, in his budget statement for 1998, General Abdulsalami Abubakar, lamented that his regime 'cannot allow the continued reckless expression of these (angry) feelings. Seizure of oil wells, rigs and platforms, as well as hostage taking, vehicle hijacking, all in the name of expressing grievances, are totally unacceptable to this administration! He then spoke of dissent through dialogue rather than dissent through violence.¹⁷ In the last days of his tenure, General Abubakar initiated moves that implied a genuine concern about the plight of the oil communities. At a meeting with the military administrators of oil-producing states in Port-Harcourt in late October 1998, he acknowledged that:

As it is today, the agitation is not something that had come just overnight. It has been accumulating and the political trauma that we had for the past four years also exacerbated the issue...¹⁸

In spite of the government's awareness of the problems, the national authorities appear to have little interest in finding less contentious solutions to the conflicts than military ones, which only aggravate the disturbances in the oil communities. This has prompted criticism of the State as being itself an instigator of violent conflict in the oil region.

The Nigerian state has consistently reacted to the violent crisis in the oil-rich Niger Delta by using force. Under successive military regimes, urgent attention was given to developing elaborate security architecture that could effectively crush militant opposition groups while ensuring the survival of the regime at the same time.

The insistence on using force to maintain security in the Niger Delta, rather than employing innovative non-military options, turned the region into perhaps the most heavily militarized part of Nigeria. At one time, Yenogoa, the capital of Bayelsa State, predominantly populated by the Ijaw ethnic group, boasted some 10 armoured vehicles and over 500 soldiers, along with fast-attack aircraft and two warships, in addition to the

Navy and Army amphibious battalions in the nearby waters. There were also several special task force units of armed forces, para-military police and regular policemen under various code names: 'Operation Salvage in Bayelsa State and Operation Flush in Rivers State'.

It is by no means undesirable to give a false impression in this chapter that the narrow perception of security in military terms under military and civilian regimes made the Nigerian state exclusively culpable for the mismanagement of the crises in the oil-producing region. The paper rather contends that at each stage, the state squandered every opportunity to take the lead in addressing the myriad problems facing the oil communities. Nonetheless, the state never acted alone. It was forced by the circumstances of its own existence to maintain an unholy alliance with multinational oil companies, under the guise of joint venture collaboration.¹⁹ The bond between the state and the foreign oil companies is very strong. One can insist that on matters pertaining to oil production, the lines between the state and oil companies are blurred or non-existent. At different times in the past, the state had to solicit assistance from oil companies, on other occasion, oil companies requested and received assistance from the state particularly to keep the oil-producing community in check. Controversy often followed such interactions between the state and oil companies.

The first occasion of large scale community strife in the Niger Delta occurred at Umuechem village in Rivers State on January 11, 1990, exactly within the framework of the alliance between the state and Shell Petroleum Development (SPDC). The Divisional Manager of SPDC in the eastern operational division had initiated an invitation to the notorious Mobile Police Unit, to help quell civil disturbances that were affecting oil-production. During that incident, almost the whole village was burnt down in an operation that also involved gruesome killings and rape and the looting of property. In defence of this move, Shell company later argued that the Mobile Police Unit was invited because 'past experience called for the presence of Mobile Police as a deterrent and the best chance of a peaceful resolution of the situation'.²⁰ Shell also acknowledged that the police did not heed its advice to deploy Mobile policemen (Mopol) immediately. Rather, it deployed regular policemen, who were chased and beaten by a Mob. It was then purely a police decision to deploy mobile police... Shell played no part in the decisions made by police as the incident unfolded... The response from police personnel is properly a matter for the police'. Little wonder that law enforcement agents, who constituted themselves as an army of occupation in militant oil communities, in turn became targets of reprisals by militant youths.

What policy options are available to President Goodluck Jonathan in the management of youth violence and civil conflict in the Niger Delta? What are the prospects for the maintenance of rule of law, order and security in the oil rich Niger Delta in the present scheme of things? I have proposed answers to this in the next section.

Therapeutic Measures to the Niger-Delta Problem

There is no doubt about the existence of series of measures by government, multi-national oil companies, non-governmental organizations (NGOs), scholars as well as concerned

individuals both in and out of Nigeria proposed to address the Niger-Delta question. Lately, these proposed measures jostle for space in the dailies. Interestingly, properly gleaned and construed these measures, myriad and no less varied as there are, point in only one unique direction: a quest for equity and justice³⁰. This quest has a long history, it dates back to 1957. It was in that year (1957) that the Niger-Delta came into national prominence at the Nigerian constitutional conference held at the Lancaster House, London, where a strong case was made for the minorities of Nigeria, of their fears of domination by the majority tribes and a demand for separate state for different minorities.²¹

Since then, there had been the Willinks Commission of 1958, the Hassan Kukah-led Presidential Committee on the reconciliation of Ogoni and Shell, and many others to allay the fears of the minorities. In the Willinks' Commission in particular, the Niger Deltans among other minorities, displayed their penchant for dialogue, which was widely acknowledged by the Commission: "We were impressed by the arguments indicating that the needs of those who live in the creeks and swamps of the Niger Delta are different from those of the interior".²²

The outcome of the dialogue at the Willinks Commission led to several recommendations such as declaring the Niger Delta a special area and the establishment of a Federal board for specific development of the area. Of all the recommendations, only the Niger Delta Basin Development Authority (NDBDA) was established and nothing more. Even at that, the (NDBDA) was later starved of funds. Other committees and conferences papers were not implemented.

To confirm the fears raised at such conference, Isaac Adaka Boro, then a University undergraduate and activist, struck in 1966 with 159 comrades and declared Niger Delta Republic. Adaka Boro and his group hinged their grievances on equitable distribution of wealth that accrue to the nation from the region. The death of Adaka Boro began the genesis of the struggle for resource control and equitable distribution of wealth among the people of the Niger Delta.²³ Ken Saro Wiwa was to later bring flair and sound ideological base to the struggle with the formation of Movement for the Survival of Ogoni people (MOSOP).

The sustained agitation by the likes of Ken Saro Wiwa paid off as in 1992, the regime of General Ibrahim Babaginda introduced the Oil Mineral Producing Areas Development Commission (OMPADEC). The purpose was to develop the Niger Delta area with special consideration from Federal allocation.

Former President Obasanjo followed it up with a master plan for the general development of the area in April 2007. The plan was endorsed by the African Development Bank (ADB) and the European Union (EU), while the United Bank of Africa (UBA) would partner Niger Delta Development Commission (NDDC) to implement the plan. About \$100 billion was going to be involved in the implementation which would span 15 years.

Financial input has not been in short supply. Twenty companies, both foreign and local in the oil and gas industry, contributed \$362.24 million to the NDDC between 2003 and 2007. It was a standing statutory provision for them to do so.²⁴ The provision

mandated oil companies to contribute three per cent of their total annual budget to the NDDC for development purposes. Though some of the companies defaulted, major oil companies alone contributed ₦57 billion in the last five years.²⁵ In June 2007 alone, the oil producing States shared ₦26.2 billion among themselves. Between January and October of the previous year, they collected and shared ₦275.28 billion which was more than what the other States combined collected. The statistics are glaring enough to show that the Niger Delta area should not be complaining. Apart from their monthly allocation from the Federation account, which is far ahead of some states' allocation, their oil windfall is quite something else. In 2006, Rivers, Bayelsa, Delta and Akwa Ibom got ₦80.6 billion, ₦64.5 billion, 51.4 billion and ₦45.71 billion respectively...²⁶ from Federal government. Frankly, the allocation to Niger Delta States had risen geometrically since 1999. In that year, they got ₦15.8 billion. The following year they received ₦108.6 billion. In 2001 they collected ₦168 billion while in 2007 ₦564.4 billion was made available to them.²⁷

The critical question that inevitably prop up here is: why have this mind-blowing amount of monies not put to rest the problems in the Niger Delta? A number of answers abound but suffice to say here that the demands of the Niger Delta transcend the bounds of financial allocation. It fundamentally derives from an irrepressible desire by the Niger Deltans to control their resources. This, to me is why the problem still subsists. The general development of the area is but an appendage to the struggle. This is not saying that the development of the area is not at the heart of the struggle. As a matter of fact, it is. In this direction, Godswill Akpabio has suggested that "only massive infrastructural development and not guns can solve the problems of militancy and insecurity in the Niger Delta."²⁸

On his panacea for the Niger Delta problems, the Governor of Akwa Ibom State opined:

"I will stand by the wishes and decisions of the people of the Niger Delta... I believe the problem of the Niger Delta can be solved with infrastructural renaissance." He charged the Federal Government to develop the Niger Delta with sufficient infrastructure to show sincerity of purpose in the development of the area. He believed that if the government moved in bulldozers into the area, set up task force that can transform the landscape of the Niger Delta, militancy would just ebb out.²⁹

It should be noted however that a cardinal measure demanded by the Niger Delta people to address the problems issuing out from them is simply true federalism with all its accompanying ingredients, which include resource control and abrogation of all obnoxious laws that deny them the benefits of the God-given resources in their land.³⁰

Governor Emmanuel Uduaghan of Delta State, who delivered a paper entitled "Solving the Legislative Retreat on Constitution Review" in Port Harcourt, organized by Vanguard Media Limited, listed the gains of true Federalism. According to Uduaghan, when the principle of true Federalism was practiced in the past, "It stimulated all the regions and geo-political zones of Nigeria to exert themselves, exploit their resources and fully express their unique endowments"³¹

The solution to the seeming stubborn south-south question is not an abstract one, it is real and it is within achievable distance. It only demands political will, a genuine return of the basic principle of justice, equity and respect. Interestingly, this solution to the Niger Delta question had been discovered long ago but there hasn't been the political will to tackle it.³² The Willinks Commission report of 1957 has continued to haunt the country because it carried out a thorough analysis of the circumstances of the Niger Delta people, came out with far-reaching recommendations which included among others, giving a special status to the Niger Delta among the federating units of Nigeria with a view to effectively ensure balance of interest in the face of imminent dominant hold on power by the major ethnic groups. The neglect of this commission's recommendations accounts substantially for our woes today. Let us therefore re-visit this report.

The Land Use Act of 1978 has also tremendously inhibited the growth of the Niger Delta people as it has in no small measure fanned the embers of anger. The Act drastically changed the land tenure system in Nigeria. Under it, ownership and control of all lands in Nigeria are vested in the governor of each state who is clothed with power to issue and revoke rights of occupancy over land. Overnight, all previous land owners became mere occupiers (tenants/leases) of their own lands. This is the origin of the argument that the oil and gas resources found in the Niger Delta belong to Nigeria and not the people of the region. Under the previous arrangement, oil and gas companies usually paid compensation to land owners for the exploration and exploitation activities carried out thereon. One main snag is that, in operation, this Act became a ploy by the federal Government to get round the common law principle that vest ownership of whatever attaches to land on the land owner. It violates the maxim that, 'he who owns the land owns the improvements thereon'. Against this backdrop, if the quest for resource control by the Niger Delta is to see the light of the day, the Land Use Act must be abrogated.

There are a number of other measures the government must urgently take to, once and for all, address this Niger Delta imbroglio. We shall discuss these measures in the next and final section.

Conclusion and Recommendations

One of the most daunting challenges facing the post-Yar'adua's administration, ironically headed by a Niger-Deltan, Goodluck Jonathan, is how to manage the ever-escalating Niger Delta crisis. To do this effectively, the government must take three policy options.

First, the government must address and remedy the socio-economic and environmental conditions that breed underdevelopment in the Niger Delta. This requires a major policy shift away from Abuja understands of the Niger Delta as a colonial enclave, whose only usefulness lies in its production of the golden egg, crude oil and gas. To achieve this, the government must quickly purge itself of the garrison mentality that oil must be extracted at all costs, even if this requires endless repression and coercion. According to the late Professor Claude Ake, such an attitude has nurtured a 'bizarre and frightening accumulation of terror', as security was restricted to the use of punitive force rather than human development.³³

Secondly, initiative should be focused on creating a stress-free environment for the oil companies to carry on with their exploration and production activities, but not in a way that is harmful to the interests and well-being of the host oil communities. These communities are often at loggerheads with the oil companies over a myriad of social, economic and environmental issues. The general perception is that the oil companies ignore such complaints and disregard their extensive consultation with the host communities when they embark on community projects.

The third policy would be to end, or, at least, drastically reduce violent inter-communal conflicts among the many micro-communities in the Niger Delta such as in the conflict among the Itsekiri, Urhobo and Ijaw ethnic groups over the ownership of Warri Township on the one hand and that between the Kalabari and Okrika on the other. These conflicts have seen to the emergence of local war-lords and militias now actively in the fore-front of the Niger Delta struggle and frontally confronting the government.

Beside the aforementioned, another critical measure to be adopted in arresting the Niger Delta problem is to wean militant Niger Delta youths away from the psychology of violence to which they have become accustomed over the years. It is a trite fact that the culture of violence among youths is one of the aftermaths of prolonged military rule, which prevented the expression of collective opinion without the use of force. With the termination of military rule, the demands of the youths, especially the creation of educational and employment opportunities and an enabling social environment for human security, must be urgently addressed.

Our youths also must be taught non-violent means of struggle. Ken Saro-Wiwa was very effective in this, unfortunately, the youths in the Niger Delta refused to learn from him. This may be attributed to the Federal Government penchant to neglect recommendations arising from dialogue. But whatever it is, globally, the acceptable means of struggle today, is dialogue and not violence. Better to be ideologically militant than to be violently militant.

Government can also genuinely address the criminal components of the youth's militancy in the Niger Delta if there is the political, will to do so. Otherwise, what is the basic function of government? What is the Chief Law Officer of the country doing? Why is the public paying the salaries of our rather ubiquitous security chiefs such as: the Inspector General of Police (IGP); Director-General of the State Security Services (SSS); Director-General Military Intelligence (DMI); Director-General Nigeria Security and Civil Defence Corps (NSCDC) and the Director-General of the National Intelligence Agency (NIA) if they cannot perform their statutory duties with measurable decorum based on the rule of law and results?

The nation can no longer afford the luxury of containment principle where ear-breaking amounts are voted to address the security problems in the Niger Delta on yearly basis when a hasty analysis reveals that just one third of that amount can actually perpetually nib the problem in the bud if those at the helm of affairs are not colluding to siphon such resources. The youths are no fools. The time is long gone when they believed that like women, they should be seen and not heard. Prepare tomorrow today for our youths and militancy will just disappear.

Notes

- 1 Ken Saro-Wiwa, "Letter to Ogoni Youth, 1992.
- 2 Quoted in the U.N. World Youth Report 2003.
- 3 On the role played by scarcity of resources, especially land, in the resurgence of mass based conflict and relocations, see Manus I. Midlarsky, "Scarcity and inequality: Prologue to the onset of Mass Relocation, Journal of Conflict Resolution, 26:1, March 1982, pp. 3 – 38.
- 4 U. Charles, "Youths Violence and the Collapse of public order" Journal on Africa Development, Vol. XXVI, Nos. 1 & 2, 2001.
- 5 See www.shell.org: Why Community Disturbances Happen'.
- 6 See www.shell.org: Why Community Disturbances Happens'.
- 7 Saturday Tribune, 5 July, 2008, p. 3.
- 8 Sunday Vanguard, August 10, 2008, p. 9.
- 9 Saturday Tribune, 5th July, 2008, p. 3.
- 10 The Punch, Monday, June 23, 2008, p. 73.
- 11 Politics III 16 (Transl. Jowett ed. Davis).
- 12 A.V. Dicey, *Law of the Constitution* London: Macmillan Press (10th Edition,) pp. 202– 203.
- 13 Saturday Tribune, 5 July, 2008 at p. 3.
- 14 Vanguard, Monday, July 21, 2008, p. 1 and 5.
- 15 Vanguard, Friday, July 18, 2008, p. 1.
- 16 Cited in ERA Action Journal, January – March, 1999, p. 8.
- 17 Cited in ERA action Journal, January – March, 1999, p. 21
- 18 The Guardian, 29/10/98.
- 19 U. Charlse, On Youths, Violence and the Collapse of Public Order, op. cit 357.
- 20 ibid
- 21 Vanguard Thursday, June 19, 2008, p. 1.
- 22 ibid
- 23 ibid
- 24 ibid
- 25 Saturday Tribune, 5 July, 2008, p. 5.
- 26 Sunday Independent, July 13, 2008, p. 39.
- 27 ibid
- 28 ibid
- 29 See Saturday Tribune, 5 July, 2008.
- 30 Sunday Independent, July 13, 2008, p. 39.
- 31 Sunday Vanguard, August 10, 2008, p. 1.
- 32 Sunday Independent, July 13, 2008, p. 39.
- 33 Sunday Independent, July 13, 2008, p. 39.
- 34 Cited in Tell, 29/01/96: 34.