

# Occasional Publication

## Papers of the National Institute

*Interactive Sessions 2001*

- The Niger Delta Issues
- Oil and Nation Building
- Drought, Desertification and Agriculture
- Culture and Technology
- Health Care System
- Nature and character of Democratic Governance



NATIONAL INSTITUTE FOR POLICY & STRATEGIC STUDIES

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Interactive Sessions 2001**

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## PREFACE

I am delighted to introduce the papers of the INTERACTIVE SESSIONS held in the National Institute. In furtherance of the mandate of the National Institute as the "THINK TANK" of the nation, the Interactive Sessions were initiated to provide a platform for in depth assessment of current issues on the nation's socio-political agenda. Each session involves the delivery of a Paper on any topical national issue by a lead presenter followed by a discussion by selected discussants drawn from among top government officials, captains of Industry and academia, Senior Executive Course Participants, as well as Staff of the Institute. The interactions are thorough and usually lead to recommendations on the subject which are then provided as input to policy makers both in Government and in the Private Sector.

The National Institute believes that the wisdom contained in the papers of the *Interactive Sessions* should be disseminated to a wider readership.

This maiden edition of the series is published as an OCCASIONAL PUBLICATION. It contains seven papers presented on a wide range of national problems which include *Desertification and Agriculture, Oil and Nation Building, The Niger Delta, Health Care Delivery, Democratic Governance, The Military and Political Stability, and National Culture and Technological Advancement.*

The papers are provocative, informative and proffer recommendations for tackling the problems, which they have analysed. I would like to recommend the publication to readers both within Nigeria and abroad who are interested in Nigeria's nation building process. Happy Reading.

**Major-General Martin Chukudi Osahor, CON**  
**Director-General.**  
**March, 2003.**

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# The Niger Delta Issues

*Dr. Benedict A. Oladele\**

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## **Introduction**

The Niger Delta issue is perhaps the most topical human and political subject in Nigeria today. Its topicality centres around the increasing agitation by the constituent states in the region for a fair deal in the exploration and exploitations of petroleum in their areas. What appeared at inception to be an innocuous matter has since assumed a much frightening proportion with the introduction of militancy. Youth dominated ethnic militant group have sprung up in droves to challenge not only the oil companies but also the State. Some of these groups are the Movement for the Survival of Ogoni People (MOSOP), the Egbesus group which is dominated by Ijaw youths, the Urhobo and Isoko youths to mention a few. On one hand, while some of the groups are engaged in both intra and intercommunal clashes others are on the other hand engaged in a war of attrition against companies prospecting for oil in the region. The end results of these clashes are loss of lives, damage to property and persistent vandalization of oil installations. The implications of all these for the country are many and these include threat to the socio-economic survival and corporate existence of the country.

Against this background, the primary goal of this presentation is to provoke dispassionate and genuine discussion of the subject matter. This approach is expected to assist in our corporate efforts at dousing the raging inferno.

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### **What and where is Niger Delta?**

The definition of Niger Delta seems to be on a shifting ground. This is so because its definitions are as varied, as there are people with every definition reflecting individual interests and biases. While some individuals prefer to define it in the context of the geographical boundaries, others prefer to define it in the context of a geo-political entity.

Elementary geography describes the Niger Delta as embracing the entire marshland of the Niger/Benue rivers deposits basin or the point at which the two rivers empty themselves into the ocean. The report of a study by Niger Delta Environmental Survey (NDES) quoted in Tamuno (1999:9) contains a very vivid description of the geographical boundaries of the region. This region is said to start from North of Aboh in Delta State Southward to Palm point just below Akassa and the Nun river estuary both in Rivers State. The region also runs from West of the Benin river estuary to the east of Imo river estuary. These coordinates can be translated into a plain language and Odondri and Dafinone have succinctly variously put this in the Guardian newspaper of 11<sup>th</sup> July and 9<sup>th</sup> August 1999 respectively. In apparent contribution to the controversy surrounding the submission to the National Assembly of the Niger Delta Development Commission (NDDC) bill that has now been passed into law both Odondri and Dafinone agreed up to a point that Delta, Bayelsa, Rivers, Akwa Ibom and some parts of Cross River States constitute the Niger Delta Region. According to them States like Abia, Imo, Edo and Ondo are outside the geographical definition of Niger Delta. These states according to IDEA (2000) constitute the "peripheral" Niger Delta. A further look at the region shows that the landmass of the area regardless of State boundaries is contiguous and inhabited by heterogonous but presumably autochthonous ethnic groups like the Itsekiris, Urhobos, Isokos, Ijaws, Kwales, Ogonis, Kalabaris and Ibiobios etc. The diversity in the sociological or cultural beliefs and psychological disposition of the people serve to underscore the complexities of issues involved in the region. The entire region has varied types of soil sediments arising from rivers Niger and Benue deposits.

However the region has similar characteristics such as difficult terrains, acrid swamps and various shades of mangrove vegetations. Moreover the inhabitants of the mangrove areas lack basic infrastructure such as enjoyed by their counterparts in the hinterland. Yet the region is the Nation's bedrock of economic survival. It is from this region that petroleum, which is the mainstay of the economy, is derived.

With the signing of the NDDC bill into law, the geographical definition of Niger Delta was inadvertently relegated to the background while political definition holds sway. In essence, the pre crude oil era definition has been replaced with that of the crude oil era, and this is made up of Ondo, Edo, Abia, Imo, Akwa Ibom, Cross River, Bayelsa, Rivers and Delta States. The common denominator of these states is that they all produce oil. This serves to highlight the nature of the subject matter of this presentation, as it will be clearly shown shortly.

### **Geographical Niger Delta in Perspective**

In order to have a clear understanding of the issues involved there is a need to put the geographical Niger Delta into a historical perspective. This approach is considered important for two main reasons. In the first instance, some of the happenings in the region today have their antecedents in the history of the region. Secondly the approach allows for an in-depth understanding of the nature and complexity of the political and socio-economic factors involved in analysing the issues.

In 1956, the chiefs and people of communities in the then Rivers division rose from a meeting with a resolution demanding for the creation of a Rivers State out of the defunct Eastern Region of Nigeria. Their demand according to Tamuno (1999) was informed by the fear of domination as a result of the imminence of independence for Nigeria. The independence naturally expected as it did happen put an end to the protectorate treaties between the British government and the chiefs and people of the division. It was said that the people of the region never wanted to substitute the British colonialism with that of the native. This demand was submitted on behalf of the people of the region by Chief Dappa-Biriye to the



colonial office during the 1957 London constitutional conference. A number of reasons were advanced to justify the demand but only three are considered relevant to this discourse:

- i. the requirement of the region for special development attention due to the peculiar terrain and topography of its region. the belief of the people of the region that no government located in the hinterland (Eastern region government) could understand their difficulties talk less of providing the special development attention.
- ii. the belief of the Chiefs and people of the region that the transfer of 'paramouncy' to the chiefs before independence was the only solution to native colonialism
- iii. the potential viability of the region if the transfer of supremacy was granted more so that "if oil was found, moreover, the state would be rich."

These demands without any gainsaying have political and economic implications for the country as much as they serve as the spring-board for some of the agitations in the region and particularly the issue of resource control. This notwithstanding, the first reason as reported by Tamuno (1999) had to do with the peculiar needs of the region due to its difficult terrain and topography. Accordingly, the region would need special development attentions, which the chiefs and people of the area believed no government located in the hinterland could provide. This could be said to be a clarion call for both political and socio-economic self-determination, which does not necessarily mean secession, as some analysts would want the nation to believe. The second reason was related to the need for the British government to "transfer paramouncy" of the region to the chiefs before independence. This request was a glaring disapproval of the British imperialism and any post British pseudo political form of governance. Lastly the viability of the region was a third factor and this would just be viable "if oil was found, moreover, the State would be rich".

Upon presentation of this demand, the colonial office in London constituted what was referred to as Minorities Commission

with Sir Henry Willink as the Chairman. The commission sat from 1957 through 1958. The vigour and conviction with which the chiefs presented their case made the Commission to observe in its reports as follows:

*We were impressed by the arguments indicating that the needs of those who lived in the creeks and swamps of the Niger Delta are very different from those of the interior. We agree that it is not easy for a Government or legislature operating from far in land to concern itself or even fully understand, the problems of a territory where communications are so difficult, building so expensive, and education so scanty. That however, is not to say that, a separate State is the best means of achieving the ends desired by the people of the creeks.*

**Source:** Willinks Report, Section on Claims for New States in the Eastern Region.

In the light of the above observation the Commission recommended that:

*We cannot recommend political arrangements, which unite in one political unit the whole body of Ijaws... We suggest that there should be a Federal Board appointed to consider the problems of the area of the Niger Delta.*

**Source:** Ibid. Section 3, Special Areas.

From the above, a number of observations readily become obvious in the light of the contemporary happenings in the region. For instance, talking of the geographical Niger Delta out of the twelve states created in the country in 1967, two came from the region and these were the old River and the South Eastern States. In 1976, 19 States were created and this resulted in the change of the name South Eastern State into Cross River while Aqua Ibom State was carved out of the State in 1987. Further still, the 1996 State creation exercise led to the carving out of Bayelsa State from the old

Rivers State. In like manner Delta State was created out of the old Edo State. By and large it may be said that the 1957 fear of the region's chief of political domination has substantially been assuaged with the creation of States. One is however not unmindful of the clamour for more states out of the region just like in other parts of the country.

Against this background, the Niger Delta issue has progressively metamorphosed from what initially looked like local matter to both national and international arena. The role of crude oil and those of oil Companies (Shell, Chevron, Total, Texaco, Mobil, Agip etc) in such a rapid metamorphosis cannot be overlooked. Tamuno (1999) captured this aptly when he said that:

*The exploration of crude oil, by Shell from 1937 and its exploitation in commercial quantities at Oloibiri from 1956, increasingly made the Niger delta a magnet for advocates of wealth first and humanism last*

This observation in many respects is the quintessence of the issues involved in the Niger Delta. As a human issue, it is as political as much as it is socio-economic.

#### **What is the Issue?**

The general tendency is for uninformed analysts to reduce the Niger Delta issue to mere ranting or self-serving agitations by jobless youths. On the contrary, the issue involved transcends the personal interests of the youth, as it is a legitimate demand for restitution for decades of neglect and damage to the environment and means of livelihood in the region. The youths by their nature happen to be the voice of the silent majority who are the victims of the deprivation. In a nutshell, the people of the region are simply saying that from whom so much is taken so much should be returned. The cumulative effect of continuous exploitation of oil has been succinctly captured by Tamuno (1999:20) when he said that:

*For every dollar derived from crude oil and associated gas extracted from the Niger Delta, imagine the costs, in terms of pollution and environmental degradation, left behind for the defenceless people there.*

It is in the light of the above experience that the host communities are demanding for sustainable community development programmes from companies that have over the years been sucking "away huge profits" from the area.

The Ogoni Bill of right, which was presented to the nation in 1990 by the Movement for the Survival of the Ogoni People (MOSOP) vividly captured the prevailing situation in the region. As contained in the bill, Ogoni land since 1958 produced about \$30 billion US dollars worth of crude oil without the land having nothing to show for its contribution by way of infrastructure, job opportunities and representation in the Federal government. Specifically the bill accused Shell Petroleum Development Company of not employing:

*Ogoni people at a meaningful or any level at all, in defiance of the Federal government regulations. That the search for oil has caused severe land and food shortage in Ogoni, one of the most densely populated areas of Africa... That Ogoni people lack education, health, and other social facilities. That it is intolerable that one of the richest areas of Nigeria should wallow in abject poverty and destitution.*

**Source:** MOSOP, 1992.

The Ogoni description of the prevailing situation can be said to be the same story though with little variations across the over 70,000 sq kilometres of the region.

### **Measures at Resolving the Issue**

Attempts at resolving the Niger Delta issue since 1961 to date saw successive governments in the country putting in place a number of legal and institutional frameworks. At the legal level, some specific laws deserved mentioning not necessarily for their appropriateness or otherwise but for their implications for ownership and control of some resources and capacity building for sustainable development in the region. These laws are the:

- Mineral/Petroleum Act of 1969.
- Land Use Act of 1978
- Oil Pipelines Act of 1990
- The Petroleum Act of 1991
- The Lands (title vesting) Act of 1993
- The National Inland Waterways Authority Act of 1996.

Though these laws differ in terms of subject coverage but they all have a common refrain running through them and this has to do with the divestment of the people and communities of control and ownership of resources such as land in the country. The laws explicitly and implicitly granted the Federal Government the exclusive ownership of and control over resources in the country. Many communities in the country including those in the Niger Delta area consider this arrangement inhibitive to the growth and development of Nigeria. On page 63 of the Guardian newspaper of 21 June 1999, the spokesmen for the Niger Delta community described the laws as “obnoxious” and detrimental to the development of the region. The tendency is for one to forget that the laws apply to the entire country and it only happens that oil is the most exploited and prominent natural resource in the country today.

At the Institutional level, government has since 1961 to date been unable to shake off the albatross weight of the Willink Commission Report which adopted institutional based project approach to the development of the region. This approach inevitably led to the establishment of institutions, which are statutorily mandated to initiate and manage projects in the area. The institutions are as follows:

- Niger Delta Development Board, 1961
- Niger Delta River Basin Authority, 1976
- Oil Mineral Producing Authority Development Commission, 1992
- Niger Delta Development Commission, 1999.

Though the Commissions succeeded one another but they all had very similar goal, which is the development of the Niger Delta area. It is however important to observe that the idea of institutional based project approach is theoretically sound, but in practice it amounts to a duplication of the functions and responsibilities of the State governments. Moreover, the adoption of top-down project approach by these agencies serve to alienate majority of the people from sustainable development processes. An evaluation of the performance and constraints of these bodies have been variously articulated and more importantly that of OMPADEC (Horsfall, 1999). The impact assessment of OMPADEC on the region is by every stretch of imagination a mitigating disaster. The commission which was expected to be a facilitator of sustainable development in the region, succeeded in alienating itself from the people in favour of a group of individuals described by Tamuno (1999: 23) as "club of contractors and their in-house and out-house collaborators." In addition, the commission was characterized by 'white elephant' projects most of which had little or no bearing on the people's life and often abandoned uncompleted.

In the case of the relatively young Niger Delta Development Commission (NDDC), it is perhaps too early to assess its performance. But suffice it to say that it has a somewhat rough start judging by the spate of criticisms and controversies that welcomed it when the idea to establish it was first of all mooted. The criticisms were apparently not unconnected with the people's OMPADEC experiences. Talking of the desirability or otherwise of the Commission, two schools of thoughts are very discernable. One school of thought advocated for its outright rejection, while the second group approached the matter with a cautious approval. The group that advocated for outright rejection was of the opinion that since the civil society successfully mobilised for the exit of military

from power and subsequent election of the people's representatives, these representatives should be allowed to tackle the problem of Niger Delta. The group further argued that even though the military is no more at the helms of affairs of the country, the structures that created the Niger Delta problems are still intact. This situation according to the group calls for major societal transformation, which must include the renegotiation of "Nigeria's federalism to ensure that communities of the Delta retain the bulk of resources generated from their land." According to this school of thought the need to review the constitution, which was bequeathed to the country by the military, is considered sacrosanct. This was and is still the general view of most people in the Niger Delta region. This school of thought favours the idea of resource control.

On the other hand those in favour of the establishment of the Commission were of the opinion that the commission will be a more permanent institutional framework for resolving the problem of the region. This group seems to believe in political options as a way to resolving the issue of the law enumerates the commission's functions and responsibilities. Specifically section 7 subsection 1 (b) says that the commission shall have a power to:

*Conceive, plan and implement, in accordance with set rules and regulations, projects and programmes for sustainable development of the Niger-delta area in the field of transportation including roads, jetties and waterways, health education, employment, industrialisation, agriculture and fisheries, housing and urban development, water supply, electricity and telecommunications.*

The performance of these functions by the Commission and all other responsibilities stipulated in the Act are not different from the constitutional and statutory responsibility of State governments. With regard to funding, Section 14 of the Act provides the Commission sources of revenue and these include "the equivalent of 15 per cent of the total monthly Statutory allocations due to member

States of the Commission from the Federation Account” plus 3% of annual budgets of oil Companies in the region and 50% of monies due to member States of the Commission from the Ecological fund respectively. Other sources of revenue are also mentioned. When the functions are juxtaposed with the revenue base of the Commission, one cannot but agree that the amount of money is justified taking into consideration the enormity and the complex nature of the problem at stake.

It is however pertinent to wonder whether there will be anything left for the member States of the Commission to do since all the enumerated functions are performed by the Commission and vice versa. The tendency is for both the Commission and the member States to engage in an unhealthy rivalry in which case the people are bound to suffer. On the contrary, one would have expected a situation whereby the Commission is made to be a regulatory authority exercising supervisory role instead of being a “parallel state government”. That would have been a more rewarding approach to the resolution of the Niger Delta crises. In essence, the current 13% derivation revenue from petroleum which is meant to be shared among oil producing states should be increased to 20%. This is envisaged to put more money in the hands of the State governments for development programmes and projects.

### **Resource Control**

In the country today, the issue of resource control has taken a centre stage as much as it is contentious. The contention is of such a magnitude that the problems of environmental degradation, lack of job opportunities and infrastructure for development in the Niger Delta region all seem to have been relegated to a secondary position. The issue has even assumed a much more frightening dimension with the articulation and adoption of common position by the seventeen governors of the Southern States at their second conference held in Enugu on January 10, 2001. In their communiqué, which is hereby quoted inter alia, they demanded

- That Nigeria’s Federal status as presently constituted be restructured along legal framework that would grant reasonable



measures of autonomy to the States and components parts of the Federation;

- That resource control and derivation should henceforth be accepted as the basis for revenue generation and allocation.

In an apparent response to the above demands, the Federal government went to the Supreme Court to seek for a declaration on the ownership of offshore resources in the littoral States of the Country. Furthermore, the issue of 13% derivation to the oil producing States has also remained in contention as part of the Niger Delta issue. These developments underscore the national dimensions of the Niger Delta issue with particular regard to the corporate existence of Nigeria. Again these issues serve to underscore the political dimension of the Niger Delta problem.

Conceptually it seems that the nation is yet to have a clear understanding of the meaning of resource control. This assertion is informed by a somewhat curious definition of the concept, which on its facial value looks comic but which potentially has a deep seated implication for the country. As reported on page 7 of *This Day* Sunday newspaper of April 15, 2001, Governor Lucky Igbinedion of Edo State was quoted as defining resource control thus:

*Resource control means that if I as a Bini man goes to Kebbi State and finds gold, the resource should belong to me and not the State or the Federal Government. All I owe the Federal government is to pay taxes and royalties. The same principle should apply if a Kano man comes to Edo, Delta, or Bayelsa and strikes oil. He only pays royalties and taxes to the State or the Federal government.*

The underlying philosophy of the above definition is not different from the prevailing situation in the country. The oil companies as legal entities prospect for oil in the country and their legal responsibility to the country is the payment of tax and royalties to the appropriate government authority.

The above definition is a departure from the commonly held notion that the Federal government should devolve its power to manage or control resources to the Constituent oil producing States of the Federation. The above definition smacks of individuals taking control of the resources, which if it happens will only serve to compound the miseries of the people. It seems the country is yet to know the full meaning of the phrase "resource control" which is more of a political slogan rather than that of altruism.

### **Conclusion**

From the foregoing analysis, it can be concluded that the Niger Delta issue is fundamentally that of humanism begging not only for political resolutions but for socio-economic solutions as well. But then to arrive at such solutions, there is a need to create an enabling environment that will facilitate the conversion of the raging anger and protests in the region into opportunities for development. This proposition in itself demands for collective involvement of the people and government in the identification and prioritisation of the development needs of the region.

The tendency for government to approach major human-centred problem such as that of the Niger Delta with variegated and uncoordinated micro strategies such as the establishment of development commission smacks of deliberate attempt at treating the symptoms instead of the main issue. In other words, solutions to the issues of environmental pollution and degradation, lack of job opportunities for the restive youths, and absence of infrastructure facilities like roads, communications, to mention a few should be within the competence of the States governments in the region while the NDDC plays a supervisory roles. The political dimension of the issue is obviously beyond the capacity and competence of the Commission. It lies squarely within the competence of both Federal and States governments.

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