RESOURCE CONTROL IN NIGERIA: ISSUES OF POLITICS, CONFLICT AND LEGALITY AS CHALLENGE TO DEVELOPMENT OF THE NIGER DELTA REGION

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ABSTRACT

The human society from air to land and sea is stuffed with large catch of resources which men, with the utility of state’s power do exploit. But, the exploitation of resources is not at the volition of any single individual rather, that of the state. From the Nigerian experience, three factors have revolved around the way in which resources are controlled. They include: politics, conflict and legality. This descriptive research seeks to build a nexus between these three critical issues and resource control system in Nigeria. The research adopts the Relative Deprivation Theory and Realist Group Conflict Theory in its discourse. This research recommends a democratic resource control model which involves a more-strategic way of controlling resources in Nigeria by engaging the host-communities in the control process, by addressing their basic needs through a constructive democratic process. Rather than leaving them as spectators of public policy, the government should make host-communities participate in the governance and policy making process towards building effective resource control system in Nigeria.

Keywords: Resource control, oil politics, Niger Delta, conflict, Nigeria

INTRODUCTION

Resource control is a germane issue in Nigerian government and politics. This is largely because of the value attached to resources by the government and the people whose land the resources are domiciled. The fact that huge benefits are reposed in resources is self-evident. There are two sides of debate over resource control in Nigeria. On one side is the government and the other is the people. The government argues that Nigerian state needs resources to sustain the daily administration of the government and by the exploration and sale of resources; the government acquires some income with which to run the state without loss and deficits. In line with the ‘democratic space’, as Parkinson (2012) noted, government is expected to provide for its people and must utilise every income made from resource exploration to the best interest of the people.

The state is also expected to furnish an arena suitable enough to host its human society without glitches and catastrophe by allocating the right values and privileges to the people living in the various sections and regions of the state. This cannot be done if the state is in chaos and or is witnessing an unstable peace in its resources administration process.

The other side of debate features the people whose land the resources belong. They lay claim to the fact that, since the resources are domiciled in their land, they own them and they have every right of decision regarding its exploration and usage. To express and achieve this, the people who claim to be in ownership of the resources form fraternities and groups to champion their agitation over the resource control system.

For instance, in the Niger Delta region of Nigeria, there are Movement for the Survival of Ogoni People, Ijaw Youth Council, Committee of Oil Producing Areas, The Ohoni Bill of Rights, The Ikwere Charter of Demands, The Movement for the Emancipation of Niger Delta etc. These groups and their activities are all connected to influencing resource control in that region. Most times, their agitations are reflected when they make strict demands from the government, by issuing threats and sanctions to the government.
These two contrasting viewpoints—from the government and from the people—regarding how resources should be allocated make resource control a critical issue in Nigeria. The spirit of this debate has resulted in several conflicts and tragedies in Nigeria owing to disagreements from both sides on whose argument to yield to. But, most scholars have argued that, regardless of the central issue of resource control, there are complementary factors which affect and influence the way in which resources are controlled in Nigeria. These factors are: politics, conflict and law.

These three issues form the bedrock of this research. This research seeks to tailor these issues to resource control system in Nigeria, with practical evidence, facts and figures. The research shall provide an answer to the following questions:

Why do we have conflict between the government and the people in resource control?

Who deserves to get what?

What does the law say about resource control in Nigeria?

**CONCEPTUALIZATION AND LITERATURE REVIEW**

**Resource Control**

By definition, resource control is “the way and manner the government’s revenue and democratic dividends are shared among the various tiers of government”—Kehindeetal (2013). From the works of Itse (1995) and Ike (2001), resource control refers to the power and rights of a community or state to generate income by way or means of taxation of human and non-human substances within a given environment. Such ‘powers’ and ‘rights’ to initiate taxation process are however limited by law, especially in a federal system of government where the powers of the central government are superior to that of the subordinate and constituent states.

In such systems as ours, there are certain taxes which the constituent states do not have the legal right to collect. Such taxes are left for the central government, by law, to collect and coordinate. Nevertheless, in such systems, the ‘derivation principle’, according to Omojuwa (2001); and Dibua (2006), empowers constituent states and subordinate governments to obtain some benefits from the income generated to the state from their lands. This is practiced in most democracies while it is still yet to be practiced in some others.

The basic principle of resource control is the ability of a state government to exploit the natural resources of a state to the benefit of all (especially in a democratic state), such that every citizen, bonded by the state’s sovereignty and their allegiance to the state, has a benefit from the state’s resource.

Resources can be reposed in various places. They range from forest (farm lands) to open lands, air space, land-depth resources (like oil and mineral resources), sea shores, waters etc. But for the sake of this study, we shall limit our focus to petroleum resource on the justification that it is the most pressing resource control issue in Nigeria. And crude oil has been identified as the major stay of the Nigerian economy in recent years, producing the largest percentage of the National revenue. Crude oil in accounts for up to 95% of export revenue and about 80% of government revenue” (RomanusUmeh, 2012).

From 1956 when oil was first discovered in Nigeria in Oloibiri in Rivers State, the government of Nigeria has consistently maintained its efforts in harnessing petroleum products the best it can. With over 55 years of experience in oil exploration, the Nigeria has got over 700 oil fields, 6400 oil wells, 1200 kilometres of pipelines, 10 export terminals, 22 petroleum storage depts., 280 flow stations, 10 gas plants, 4 refineries etc, (Umeh, 2012)

From the foregoing, three things can be identified about resource control in Nigeria.

**a. Territoriality**

First, to exploit resources, a state has to have the power reposed in it by the people whose land the resource belongs. This implies that it is practically impossible to exploit and control resources in a land which the state does not have territorial right over. This is the major cause of most boundary conflicts where glitches ensue over the ownership of border lands and waters. Conflict of this nature could be interstate or inter-continental struggle for land ownership, for instance, the Bakassi peninsula struggle between Nigeria and Cameroon. Resources are residential within a state’s territory and wherever the resource is, determines who owns it.
b. Inexhaustibility

‘Resource control’ does not stop at the exploration and exploitation of handy and available resources because resources are inexhaustible. States’ and governments’ responsibility in resource control is not all about pulling gains from the large cache of resources which were discovered by previous regimes. Resource control extends to the ability and capacity of the government of the states to discover new resources that were initially undiscovered and explore them to the benefit of the state. Here, emphasis is laid on economic diversification; this implies opening up more income streams for the country by discovering new resources within the state and exploiting them.

c. Intangibility

The third factor is that, when talking about resources, it should not be limited to tangible substances. It has been traditional for scholars to limit their view to tangible resources. That may not be complete. Views should be extended to intangible resources like values and services. Human beings possess abundant values and tactful potentials which, when effectively explored can be an economic value for the state.

Just as oil, for instance, is tapped out of the soil, and used by the government to make wealth for the state’s benefit, so can human value. This value applies to the technical know-how and the intellectual substances of men. The government can employ the services of health professionals to address the problem of an up-surging health epidemic which may threaten the life of its citizens.

An administrator or social manager may be employed by the government and mobilised to analyse the social challenges of a particular people and come up with reasonable solutions. The government can deploy the military to areas threatened by terrorism. The police (with their tact and skills) can be mobilised by the state government to areas with high level of arm robbery attacks and theft.

From the above we can identify the values which can be obtained from human resources. These values are intangible resources such as health, welfare, security etc which the government is expected to distribute effectively. But, it is at the government’s disposition to utilise and control human resources within the state for the benefit of the people.

Most governments have witnessed critical reactions from people not necessarily because of bad road network, or poor electricity and water but because of poor human management and incompetence of government cum public officials. Government most times fails to mobilise and install the right people into the right positions. Most of them either perform badly or worsen the situation which they were initially meant to handle.

So, resource control, here, goes beyond what you and I can see to what you and I can feel. It goes beyond sight to feelings. We don’t see security but we feel it. We don’t see diseases, but we feel the consequence of water and air pollution, insanitary condition, etc. We don’t see incompetency but we feel the consequences of incompetent staff such as poor electricity service, poor social services, poor health facilities, frustration by government personnel etc.

It is however a known fact that an effective control and allocation of resources by the government of a society enhances productivity within its macro and micro economy. It provides a sense of satisfaction for the people and lubricates the governance processes. Kehinde (2013) etal add that:

“...the greater the portion of total revenue allocated to both state and local governments the greater the degree of autonomy of these governments in carrying out various economic tasks”.

As we stated earlier, our scope in this paper is however limited to petroleum resources, particularly, the crude oil which is raising the most pressing resource control issue in Nigeria.

The Concept of Politics

To fully comprehend the society, one must not do without understanding the concept of politics. There are three basic factors which engage constantly in politics. In other words, there can’t be an effective political process without them. They include:

a. The state:
This is the corral which houses political actions. Ray (2009) noted that, “modern governments are emerging more and more as vital instrumentalities of multifaceted development especially in the developing nations”. The governments of various political systems are brewing a bulk of new policies and programs each dawning day, targeted at ensuring efficiency in the governance process. This is the major cause of the unpredictable changes which could reveal on the course of state administration. So, a state, with its sovereign right controls the entire community of men under its jurisdiction.

b. The People

While the state sets the platform, the People work it out. So, regardless of what men do within the system they belong, there is a relationship between them, their actions and the system itself. This relationship was described by Parkinson (2012) as the relationship between ‘form’ and ‘politics’. Parkinson argues that ‘physical form of individuals affects ‘political action’. This largely means that the belief system of the people, the way and manner the people perform their roles, whether collectively or individually, affects the society, government and politics.

c. Groups

Thirdly, politics involves interaction among groups which make up the state system. Often, groups (formal and informal) champion advocacies to protect their interests. Groups come up with campaigns to influence public policies which they feel run contrary to their interests. But most of these campaigns have not yielded positive results because of the natural human cultures and identities. Groups are made up of people who have common interest in a matter of public interest.

Generally, politics involves the distinct role of individuals, groups and the state within the same society. These three, like billiard balls careen against themselves, with (often times) conflicting and (occasionally) corresponding interests. These three also keep the political atmosphere active from the Nigerian experience.

The politics of resource control in Nigeria evidently involves the active role of the state, the groups and individuals. While the state sets the rule of engagement such as derivation principle, quota system etc, the groups and individuals play along. Most often, individuals and groups agitate decisively that the politics does not favour them, thus they bring government back to the table, redrawing the rules and as often the case, point out errors, flaws and faults on the side of the government and seek for redress; the court is usually instrumental in this ordeal.

This paper neither sees politics as an art or a science. This paper sees politics as an ‘act’; act of leadership of the state. This view is supported by events which take place within the political arena of Nigeria and which have particular relevance to and influence on resource control.

The Concept of Conflict

“A dominant view in peace and conflict studies is that conflict is inevitable in human societies” (Akinwaleetal 2009). Conflict is a state of anarchy. It features a chaotic situation within the society. Various factors lead to conflict. Jackson and Jay (1993), Baumeister and Vohs (2007) and Sidanius and Pratto (1999) argue that in any human society, inter-group hostility and competition can result to conflict, involuntarily.

“For one thing, systems of values have, throughout human history come into conflict with one another, and have provably killed more people than they have saved”-Shepsle and Bonchek (1997). These ‘values’ were fortified by men as social mechanisms to serve their interests. These could include democratic, administrative, religious philosophical systems of values which are consolidated and pursued by groups and individuals. Even though men have ideological identities with these systems of values, they are less likely to agree within themselves, thus generating conflicts also.

Groups are made up of people with both common and individual interests and it is normal that “peoples who live in the nearly 200 states of the globe want their independence, separate cultures and different languages” (Nye and Welch, 2007) and this quest for independence results to conflict.

Apart from the constant violation of the constitution which conflicts portend, it does, to a large extent consume some good time and fund from the state often channelled to resolving it. It sprinkles some flakes of trauma in
the polity and of course to no one’s vantage. It fixes the entire state into a whole-new mould; a mould which certainly will reshape the socio-political order and inflict fear of survival, terror and tremor.

Also, group integration is a feature of the state which bequeaths segregation and much contest within the society. Groups segregate against one another, both as individuals belonging to different groups and as groups with individual interests. Groups bring segregation between its people and the society wherein its people belong. Bobo adds that by creation of group’s identity, groups give an impression which ends up making its members mildly different from others within the same society. And because of the constant competition, conflict is occasioned.

Sidanius (1999) identified two types of conflict: In-group conflict and Out-group conflict. In-group conflict occurs within the members of a group, while Out-group conflict occurs between two groups; one group against another. So whether it is between individuals or groups, conflicts must be experienced in the society.

Resource control in Nigeria has had conflict cases attached to it especially as it has to do with ‘who gets what’. Evidences abound: kidnapping of oil workers, the vandalization of pipelines with explosives, massive killings of community residents and security officials by the militants. These are initiated by groups and individuals who claim that they were short-changed by the government in the sharing formula of the benefits from oil resources.

Why are oil regions more conflict-prone? Collier and Hoeffler (2005: 625) argue: “Case studies as well as cross-country studies suggest that countries with abundant natural resources are highly prone to violent conflict. This is self-evident with Nigerian situation making a good case.

The Concept of Legality

The concept of legality deals with the consciousness of the law. It should not be mistaken with ethics. Legality is a subject of the law and it is well established on the basic sections of the constitution. Legality does not stand on its’ own; it is built on the law. Ethics could be cultural or traditional understanding of what is good or bad. So, something proven to be illegal could be seen as being ethical. Even though ethics, most times plays a huge role at determining what is lawful, but not until it is recognized by the law will an ethical idea be legal.

Legality applies to Rule of Law which implies being subjected to ‘what the law says’ about the state’s affairs and not what mere perceptions or individual understandings portend. In the application of legality, the arbitrariness of individuals and office holders are debuted.

Meagher (2011) noted that legality is instrumental in the protection of human rights and freedoms. This is literarily connected with the notion that the judiciary is the ‘last hope of the common man’. This can however be guaranteed in settings where there is judicial independence.

The court of law checks arbitrary use of legal provisions, contracts and agreements. When there is a breach of any of such provisions of the constitution, it is the place of the court to intervene and fix the errors. In fact, having a viable and just legal system is the threshold to legality. It is impossible to achieve a just legal process if the legal system is highly compromised.

Also, legality can only hold a subjective relevance in a democratic setting (Eskridge Jr., 1994), because the democratic platform enhances judicial freedom and independence, at least theoretically, and the place of courts and judicial ordinances are fully recognised. In addition, legality, itself can protect and fortify a democratic state to be much more suitable to the people (French, 2010). Legality also helps to equip democracy with what it needs to be in its proper fashion. It protects the rights of the citizens and makes democracy stronger. It establishes a legal framework with which the state will be made to function effectively.

Legality establishes the rules of engagement in political relationships between the state, groups and individuals. In resource control, legality is a major determinant of ‘who gets what, when and how’.

From the colonial era we identified the significant use of laws in resource control. Laws were used to decide the stakes and apportion resources. The use of laws also transcended to the post-colonial regime and formed the threshold for decision making on issues of resource control. This shall be discussed in details subsequently. But the scope of legality in this research has particular reference to the laws governing resource control in Nigeria.
THEORETICAL FRAMEWORK

This study adopts the Realist Group Conflict (RGC) Theory to explain the relationship between Resource Control and conflict.

The Realist Group Conflict (RGC) theory saw its first debut in the work of Cambel (1965), titled: *Ethnocentric and Other Altruistic Motives*. Realist theory is built on the logic that, considering the complexity of human society, conflict is inevitable. And considering the quest to get what he wants, man is bound to make constant negative encounters with his fellow man, by act and means of conflict.

Scott (1992) and Esses et al (1998) argue that the society is a competitive one. One that is replete with multiple interests by many. Most times, the level of competitiveness is not persuaded by individuals alone but groups. Also, individuals and groups seek to maximize their skills and potentials, collectively and with joint force, improving on them as much as possible in order to achieve their aims.

The Realist Theory corresponds with the Hobbesian demonstration of man’s natural state of anarchy which, it believes never seizes to exist wherever man is found. The theory advocates a steady and never-ending competition within the human society in the contest for supremacy.

In line with the Realist thesis, we see the tendency for acquisition of power and dominance by one man against the other. We see the natural tendencies of man and his quest to obtain strategies requisite to compel obedience of his fellow man by any possible means. Here, we see politics being a major tool of control. As we pointed out earlier, politics is about leadership and power. So, in securing an edge over others, men utilise the veracity and omnipotence of political power to rule the world of men around them.

There is a connection between ‘politics’ and ‘control’. When man acquires the state’s power, he uses it as a tool to control the abundant resources around him. Power, here, then serves as a strong component for resource control.

The Realist theory has no room for cooperate social existence within the society. It believes that humans may, most likely be made to conflict with themselves, by means of their conflict of identities and fraternities and quest for acquisition of power.

To further build a nexus between Resource control and conflict Relative Deprivation theory will be adopted. The Relative Deprivation theory is a social needs model which infers that feelings of deprivation is consequential to some discontent.

Robert Merton was the first to put the expression in the academic parlance, from his book, ‘*Social Structure and Anomie*’ published in 1938. Merton created an understanding of social deviance and the probable cause of conflict stating that conflict, within the human society is not presumed. It is a consequence of events which play out with condition. The theory adds that the severity of conflict can only be allayed when there is a subordinate versus super-ordinate relationship in the society.

The theory believes that ‘feelings of relative deprivation arise when desires become legitimate expectations and those desires are blocked by society’, (Morrison, 1971). However, such feelings are most times collective and it is mostly precursory to some sort of revolution or social change.

Relative Deprivation means ‘the tension that develops from a discrepancy between the ‘ought’ and the ‘is’ of collective value satisfaction, and this disposes men to violence’ Ted Robert Gurr (1971). “This theory was propounded as part of efforts to link socio-political and economic inequalities in the society to rebellions and insurrections” adds Nwagbos (2010).

Walker and Smith (2001), Bayertz (1999) and Schaefer (2008) argue that the theory plays out fully when there is an absolute need, scarcity and suffering in the midst of plenty. This implies that a people are less likely not to react when they are in need and especially if the realities on ground are palpable to the fact that there is surely no lack in the system. So, when in the midst of such a perceived wealth, the situation of the people, the social system, the living standard and economic system is stifled with excessive want, poverty and hardship; then, frustration is bred, Schaefer (2008). When frustration gets to a high point, conflict becomes unavoidable.

But, we have to draw a line between Relative Depravity and Absolute Depravity.
Absolute Depravity applies when a citizen does not have and does not have the right to have; when a citizen does not possess it and does not deserve it, then they are (absolutely) deprived of what they really didn’t deserve. Let’s take for an instance; a car is a need which a citizen has. But it is not in the place of government to guarantee cars for every individual. In other words, we cannot hold it against the government as bad resource control measure for not purchasing cars and other luxury kits for its citizens.

Therefore, the consideration of this paper is limited to the context of ‘Relative Deprivation’ as against Absolute Deprivation. The government, by effective resource control measures, should initiate strategies that will cream-up the living standard of the people. This can be achieved by good policies and government decisions. If this is not done, there are attendant consequences.

RESOURCE CONTROL IN TIME PERSPECTIVE

Colonial Era

Crude oil exploration in Nigeria saw its first debut in the year 1956, in a local community known as Oloibiri, within which time Britain was totally in control of the Nigerian politics. The discovery of oil in Nigeria was sort of a mark of success which followed years of successive efforts to pull out oil from the soils of West Africa, engaged by some oil companies charged with that task.

The entire activities of colonial Britain within the Niger Delta axis were centred on certain economic interests dating back to 1854, Alameiyesiah (2005). They were more interested in making economic benefits from exploiting the resources of the land than in state administration. And because of low level of education and low level of exposure of the African people, they were more or less left to operate very easily within the region.

Legality and use of laws for resource control was introduced by the colonial regime. For instance, the 1914 Colonial Mineral Oil Ordinance, the 1916 Mineral Ordinance and the 1946 Mineral Act reposed the ownership and control of all the mineral substances to the Crown in London.

The 1916 Mineral Ordinance states as follows:

\[\text{The entire property in and control of the minerals, and mineral oils, in under or upon any land in Nigeria, and of all Rivers, streams and water courses, throughout Nigeria, is and shall be vested in the Crown, save in so far as such rights may in any case have been limited by the express grant made before the commencement of this ordinance (National Archive Enugu, NAE, 422/1916).}\]

For the time the colonial Britain was controlling resources in the Niger Delta, there was more of resource exploration than political administration. Even, the little gains made from Rubber and Palm fruits were majorly diverted to Britain and only very little attention was placed on the areas from where the resources were gotten.

So, the colonial regime in Nigeria left a theatre of all odds for the Nigerian resource control system as constituent units and regions were placed in serious combat between themselves in order to obtain what they deserved. Not only that, the minorities were prominently obscured and not recognised during the colonial regime in resource allocation.

The colonial era witnessed the gradual proliferation of resource control protests and agitation. In reaction, the regime set up committees to look into the up-surgin conflicts which trailed resource control without providing a strong and lasting solution to them. For instance, according to (Ejobowah, 2000) the Raisman Commission Report of 1958 provided the sharing order which gave up to 50% of the oil resource to the Niger Delta region; while 30% went to the federal government, the remaining 20% went to the regional governments.

We will discover here that although there were plenty regulations regarding resource control, they were more theoretical than practical. The laws which indicated how resources should be shared was never obeyed neither were such laws truly in favour of the people in the land.

Summarily, during the colonial Nigeria, we could discover the silent existence of the three critical issues of conflict, politics and law bordering the issue of resource control. The complications arising from resource control were proliferated during the colonial but never went with the regime.
Post-Colonial Era

Having gained a little bit of control of its own resource, following Independence, Nigerian political leaders were moved to make adjustments to the sharing order of the oil resource. Emphasis at that time was less on oil as there were reasonable successes recorded in other sectors, particularly agriculture.

As time went by, crude oil exploration turned out to be the most profiting venture, and seemingly the easier way of making huge income; attention was switched over to crude oil at the detriment of other sectors because of its huge benefits.

But, to make the resource beneficial to other sectors, the government adopted the federal character principle which by implication guaranteed every part of the country a fair share from the oil resource. In that case, resource control was aimed at making sure that no single region or tribe takes advantage of it land’s wealth to jeopardise the unity of the country.

Military intervention of 1966 posed a minor challenge to resource control in Nigeria “namely, the suspension of the people’s rights and control over the entire land, the cancellation of the 50 percent revenue allocation to the Delta area, and neglect of the environment” (Raji, 2013). The Federal Military Decree no, 23 of 1966 vested resource control powers to the Supreme Military Council and the Federal Executive Council, downplaying the right of people to protest against government’s decisions which appear unpleasant to them.

The unstable power structure of the Nigerian State in the early post-independent era was equally a major challenge to resource control as government system was practically unpredictable. There were coups; there were counter coups. The military subverted democratic processes at will and the people of the Niger delta were left at the mercy of oil entrepreneurs who were barrelling the interests of the corrupt politicians.

The federal Government’s Decree No. 9 of 1971 and the Land Use Act of 1978 were all tailored to managing the resource control crisis which proliferated in the post-independence era. But before then, the ills had long been done as negligence was still on the high side against the people of the Niger delta area.

Subsequently, the democratic structure of the Nigerian state was getting more established and moored on the bedrock of constitutional development. This was somehow influenced by the state creation which intensified the concern of states and regions for development and democratic responsibility. Generally, the resource control process in the pre-colonial and post-colonial eras could be summarised in Chart 1.

DISCUSSION OF FINDINGS

Conflicts in Resource Control

From the foregoing, we have successfully built an understanding of the fact that conflict is evident in resource control system of Nigeria. From our theoretical stand points, we identify the events which occasion conflicts in resource control.

We realised that the human society is prone to conflict, according the RGT. Also, that radicalism and conflicts can be linked with the deprivation of rights and privileges, according to the RDT.

First, conflict is rooted in the naturalness of man and conflict in resource control is sometimes occasioned by the rascality and arrogance of man. At the state of nature man can possess a crude mind-set and be highly conformed to his raw demeanour. Man, at this state has excessive crave for violence and most of his actions are guided by that. He settles for nothing less than violence in every social engagement. This is evident in the kidnap of people, destruction of properties and murder which take place in the oil communities and carried out by the militants. Often, it has been recorded that the victims of these militants have no individual issues with the militants who oppress them rather they fell victims to the insurgence of man’s cruelty.

The lives that were being destroyed most times have no direct involvement with the resource control system of the country. A lot of scholars attribute economic depravity and uncool living standard as the major reason for the conflict in the region. But very few have identified the reasonability of thought with relative to RGCT which argues that man has a natural instinct to always engage in hostility regardless of his social giving.
Secondly, we shall build a nexus between deprivation and conflict in resource control in Nigeria. This is bearing from our RDT which argues that men tend to engage in conflict when they are being denied of what they ordinarily deserve.

In the Niger Delta area, oil rents are paid to the Federal Government directly by the oil companies who domicile their businesses in the community. While the oil companies do some domestic welfare services, they expect the FG to sort out the general welfare of the oil communities and oil landlords with the rents paid to them. The FG takes the entire rent from oil and shares them between the State, Federal and Local government by what is known historically as Derivation Principle, as shown below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Federal</th>
<th>State*</th>
<th>Local</th>
<th>Special Projects</th>
<th>Derivation Formula</th>
</tr>
</thead>
<tbody>
<tr>
<td>1958</td>
<td>40%</td>
<td>60%</td>
<td>0%</td>
<td>0%</td>
<td>50%</td>
</tr>
<tr>
<td>1968</td>
<td>80%</td>
<td>20%</td>
<td>0%</td>
<td>0%</td>
<td>10%</td>
</tr>
<tr>
<td>1977</td>
<td>75%</td>
<td>22%</td>
<td>3%</td>
<td>0%</td>
<td>10%</td>
</tr>
<tr>
<td>1982</td>
<td>55%</td>
<td>32.5%</td>
<td>10%</td>
<td>2.5%</td>
<td>10%</td>
</tr>
<tr>
<td>1989</td>
<td>50%</td>
<td>24%</td>
<td>15%</td>
<td>11%</td>
<td>10%</td>
</tr>
<tr>
<td>1995</td>
<td>48.5%</td>
<td>24%</td>
<td>20%</td>
<td>7.5%</td>
<td>13%</td>
</tr>
<tr>
<td>2001</td>
<td>48.5%</td>
<td>24%</td>
<td>20%</td>
<td>7.5%</td>
<td>13%</td>
</tr>
</tbody>
</table>


By the nature and structure of Nigeria’s Derivation Principle, there should not have to be a problem with resource allocation if the principle is duly applied. On the contrary, the proceeds from oil are not transferred for effective utility to regional development. The political leaders show little concern on the people’s welfare. In spite of the environmental degradation which has assaulted the natural value of the oil area, the government and political leaders keep calm about it. This is one of the contributing causes of the conflict in that region of the country.

When resources are discovered but wrongly utilised, then there is a more critical consequence. This is mostly occasioned by cases where government exploits resources from lands without visible benefits replicating in the land where the resources were taken from. IFRA observes that in most oil communities, conflicts and crisis are witnessed because:

“...an unrestrained exploitation of natural resources is done at the expense of local oil communities which do not benefit enough from salaries, mineral rents or oil royalties. They suffer from environmental degradation of their homeland”, all because of bad governance and poor planning” - IFRA (2005).

The people in the Niger Delta region, numbering up to 29 million, are deprived of basic democratic dividends which they deserve such as welfare, security, social amenities, etc.

About 73% of the people lack access to safe drinking water, about 70% of households lack electricity, while about 94% of the population lack access to telephones, and less than 40% are enrolled in primary school, (Ibeanu, 2006). The rural communities complain of the hardship they pass through as a result of the oil spillages which take place in the area following the exploration of oil by the oil companies but the government gives deaf ear to them.
Here, we see the deprivation of basic dividends of democracy and public goods which by right should accrue to the Niger Delta people by the government and, should be an advantage to them from the derivation principle. In line with the RDT, deprivation is followed by frustration and subsequently, conflict, crisis and conflagration of all sorts. This is the current trend of the oil region by experience and events; there is poverty, starvation, illiteracy and abandonment by the government. The people who are the receptors of these cumulative tragedies come up against the government and make claims for relief, though with conflicts, manifesting in kidnapping, stealing, killing etc.

Generally, we see two connecting lines to conflict; one is the radicalism of man’s naturalness, while the other is ‘relative deprivation’ of some stuff from the people by the government. Because, men are given to absolute extremity, they will always tend to be volatile and cause harm to themselves and the society they belong to. Secondly, because of the negligence and deprivation which the oil communities suffer, we see the struggle to get over the situation by constantly championing agitations leading to conflicts and crisis.

**POLITICS IN RESOURCE CONTROL**

In every political relationship, the state is the convention point. The state hosts a relationship between itself, groups and individuals in the system. This is politics.

From the Niger Delta resource control system, there is the domination of lands and resources and there is oppression. There is also the utility of state’s power by the political office holders against the people, all in the bid to control the abundant resources in the region, amerce wealth at the expense of the people who are the owners of the land. This view was supported by Watts (2003), who noted that Nigerian politics became a vital and ‘massive state-making machine’ to bring about ‘divide and rule’, on one part is the Ijaw, Ogoni and Delta at the expense of the others.

The political administration of resource control in Nigeria involves the Federal government (the state), the Niger Delta fraternities (the groups) and the Niger delta people (individuals). The government is divided into the Federal State and the Local Government. The community people have representations in the three tiers of government. The people do not have direct benefit from the oil resource expect that which the government allocates to them, though not individually but by provision of public goods through their political representatives and local councils.

In 2010, the Federal Government established Niger Delta Development Commission (NDDC). It is a parastatal under the Presidency which should serve as a hub for negotiation on Niger Delta resource conflicts and also help to make recommendations to the federal government on new policy channels to take in the interest of Niger Delta people. The President Umaru Musa Yar’adua regime’s most outstanding effort was the Presidential Amnesty program which gave training opportunities for Niger Delta indigenes. Not only that, the FG has launched series of programs such as the YOUWIN Niger Delta program to enhance the living standard of the community people in Niger Delta.

But all these political events are not satisfying the people. The Niger Delta people criticize influences of the ruling party agents who make benefits from the oil sales and oil business. They criticize the way in which excess crude oil fund is used, and the embezzlement of fund by individual politicians. Because of this, the interests of the community people and Derivation principle are swept under the carpet.

Also, the steady influence of political office holders, the precedence is a problem. This is experienced in the constant dissolution of NNPC boards, the NDDC boards among others. There are indications that the reason behind these political actions is to ensure that a set of ‘loyal’ members will be appointed into the board who will bring oil rents and benefits to their masters, illegally and against the interest of the people.

On another end, the people form groups and fraternities to make agitations to the government count real. But the government most times truncate the groups’ effort by either buying-up the leadership of these groups or arresting and prosecuting them; this is often the case when bribery and incentives don’t work.

To fault the government’s grid, the community groups make use of force and radical means to press their actions and intentions to reality. This is usually the case.

Also, individuals and prominent personalities come into play in the resource control system of Nigeria. In this case, individuals who are mostly residents of the oil area come up to champion agitations on their individual
capacities to attract government attentions. But, ironically, most of these individuals are not dis-privileged, rather, they are wealthy and proficient, some of them residing outside the country. They peg the reason of their agitations on ‘patriotism’ to their land and people.

But, the government would not want to be criticized. It comes up with forceful means and highhandedness to press the people to silence.

What more?

“The aggression of the Nigerian State against the Niger Delta was experienced by the Ijaw ethnic minority in Bayelsa State between 1998 and 1999 through the Egbesu wars and Odi massacre. The Nigerian army invaded Odi in 1999, killing hundreds of people in the process and practically razed down the once thriving town” (Akinwale, 2009)

Regardless of the presence of the law, the government makes use of oppression and force to compel the people’s obedience against their rights. According to Ikelegbe (2001), the government should learn to “use dialogue, negotiation and concession expansive in terms of the repressive response”.

Traditional leaders have lamented on the snail-speed approach of government to critical issues of the Niger Delta people. For instance, Chief Famous Bienbunar narrated to African Insight, (1998) on how negotiations with the government over a single issue has protracted for 42 years, indicating that the government is still unwilling to bring a lasting solution to the resource control conflicts. This snail-speed approach to issues of resource control is a political strategy to delay justice while the political actors keep swelling in the gains of oil rents and stolen funds as the multinational oil companies and investors obtain unrestricted access to explore communal land for oil exploration and make profit there from.

So, from the foregoing, we see a cumulative blow-by-blow political arena which circumvents the entire resource control system in Nigeria. But the fact remains that conflict brews from the contentions which exist in the region and especially in the lack of common grounds and resolution between the government, the people and the groups in Niger Delta region.

LEGALITY IN RESOURCE CONTROL

Laws have manifested significantly in the resource control system of Nigeria, from the colonial to the post-colonial eras. We observed the place of laws in the ownership, exploitation and allocation of resources in Nigeria in our literature review. Such is still the case till now because the absence of laws brews a high hue of misunderstanding and catastrophe. So, to put things right in the understanding of people, law is needed.

Now, the issue of legality points straight to the question of ‘who owns the resources? We shall lay greater emphasis on answering this question from the perspective of what the law says rather than what individual volitions hold. This is an important question because from our previous analysis, we noted that resources are ‘territorial’; in other words, it will be an elusive effort to struggle for resources which are out of the bounds of the one’s territorial arena. Thus, in order to control, one has to own.

Now, who owns Nigeria’s resource?

The Petroleum Industrial Law of 2012 evidently states:

“The entire property and control of all petroleum in, under or upon any lands within Nigeria, its territorial waters or which forms part of its continental shelf and the Exclusive Economic Zone, is vested in the government of the federation” (Petroleum Industrial Law, 2012, Section 2)

That implies, that in the first place, the Niger Delta people are making illegal agitations as their request for control of petroleum resources do not have a legal background rather they are occasioned by presumptions. Itse noted that the Ijaws and Ogonis in the Niger Delta like DappaBiriye, NnimmoBassey and Ken-SaroWiwa, AsariDokubo are requesting to be made stakeholders in the petroleum sector, to play a role in the production and distribution of oil revenue (Itse, 1995). That is contrary to legality. They champion illegal agitations on individual and group basis.
The conflicts in the Niger Delta Area is established on the on the ground of reasons of nonchalance by the government. Each time conflict strikes, government doesn’t address the root cause of the crisis, rather it ‘will be busy reeling out decrees’, (Horsfall, 1994) and taking harsh action against the people.

In legality, we conclude that both the government and the oil agitators are illegal in their engagements. The petroleum industrial law was enacted in 2012 by the federal government, empowering the government to own whatever belongs to the land; that does not in any way stifle the people’s right to protest misuse of their lands. Rather, the government utilises its legal superiority to oppress the people and sanction and punish them when they rise up to protest.

The government is to be held responsible for the poverty and economic stagnation in the land. The government has the responsibility of providing basic infrastructure and public goods needed by the people to survive. But such has been absent. The governments fail to fulfil its side of the law form the platform whereupon the agitations and protests in resource control lay.

So, law, in resource control is used as a tool to undemocratically persuade political control and that to personal gains and profits of political office holders. Legality should not be discouraged but to the extent to which it has been wrongly applied is antithetical to basic interests and welfare of the people. Here, law is wielding huge weight on the people’s liberty and right of choice.

SUMMARY

From the foregoing, we have realised that the resource control system in Nigeria is not having a positive impact on the lives of the people and that forms the basis for most resource conflicts in the country. There is a strong indication that things have gone absolutely wrong with the way resources are being controlled in Nigeria. But there can be a turnaround when there is an integrative action toward achieving democratic goals for the local communities.

The problem is not bearing from the revenue generated from oil sales neither is it bearing from the dearth of resources. The problem is hinged on the negligence of the people by the government, mal-administration, waste of resources, exploitation of the common purse, looting of the revenue by public officials, corruption etc. These factors cumulatively occasion the conflict and glitches which are experienced in the resource control system in Nigeria.

Additionally, the legal system and its laws are extreme. The government has been highly persuasive and strongly employing forceful means to compel the people to obedience but that hasn’t been fruitful. If the government seeks to make use of force, it may have an immediate result but not with a lasting solution at all.

Laws may demobilise conflicts groups in the meantime while creating a buffer time for their resurgence in a more radical fashion with huge and more drastic consequences. Take an instance of the Udi intervention (or ‘massacre’ as it was called). The Olusegun Obasanjo’s regime in 1999 launched a full onslaught on the Udi community for being a ‘safe heaven’ for militants. But that hasn’t provided a lasting solution for militancy in the region neither has it alleviated the living condition of the people. The government must design a new plan to strategically engage the oil communities in the development process such that the people will feel the presence of a government around them.

RECOMMENDATION FOR DEMOCRATIC RESOURCE CONTROL STRATEGY

This research recommends a Democratic Resource Control measure which should create a traction for what we need in resource control. A democratic agenda is one which seeks to engender democratic dividends by promoting cooperate participation in governance and patriotism of the citizenry.

By democratic resource control, we mean a resource control measure which has a good thirst and identity of the ‘people’. This means that government and politics should be targeted at the welfare of the masses. Resource control measures should translate to ‘bread and butter’ for the Niger Delta people. Resource control measures should be substantiated, realistic and value-laden, contrary to the current situation.

Here, the government should identify the democratic needs of the people and address them in the most democratic way that works for us because it is the government’s responsibility to enhance activities that will promote democratic responsibility in the polity.
We strongly agree that the resource control conflicts in the Niger delta region is fuelled by the benign neglect of the community by their democratic leaders. These communities pass through hardship, poverty, and live in the cruelest condition of life ever known in modern democracy.

Added to this fact is the malignity of the oil companies who use the area for business without encouraging a better living standard around the area. These oil companies pay royalties to the government without encouraging development in the region by means of Cooperate Social Development.

There are no blames on the oil companies for using the lands for oil business and exploration. Rather the killer-policies of the government is condemned. It is not the responsibility of the oil companies to provide public goods rather it is that of the government. The company’s responsibility is to pay tax and service other industrial relations’ demands of the Nigerian Industrial Law.

Large swaths of arable lands are being abused by oil spillage and the instrumentality of governance which should legally address these issues is silent about them. That is incredibly wrong. The case of oil spillage of British Petroleum in 2010 at the Mexican Gulf is typical of what is expected of a democratic government. The United States government was firm and determined to fight for the welfare of its people. It took a legal action against BP and a fine of $211 million was levied on BP. The spillage in Mexican gulf lasted for 86 days which is about 3 months and did not claim any human life order than the lives of aquatic dolphins and sharks. The oil spillage in Niger Delta has lasted for more than 4 decades and has spoilt the natural means of survival, leading to a decline in life expectancy of the people in the area occasioning agitations, destruction of lives and properties which are rather cumulative consequences of undemocratic resource control measures being used by the government of Nigeria.

Our recommendation of a democratic resource control measure is statutorily dire, relative to the needs of Niger Delta people and in line with African tradition of ‘social inclusion’. The people’s welfare in the region should be considered and the government should provide basic social goods that will sustain livelihood, bring compensation to the people whose resources have been damaged in the process of resource exploration. Democratic participation and patriotism in Nigerian government is very low. The masses are disjointed from centripetal politics. They know very little about what is happening in government and this engenders low level of accountability.

The use of laws is so extreme about petroleum products. The legal straws on petroleum resources have been made stiff in order to tie up all the benefits to the federal government. The government should promote their ingenuity in oil refining and encourage mechanized local refining outfits for oil products, with close government regulation. This way, government plays an umpire role and allows the people express their productive urge and enthusiasm to the commercial benefit of the local economy and country at large. Rather than arresting, prosecuting and punishing local oil refineries, the government should embrace their ‘in genuine’ efforts-as their efforts may be tagged ‘illegal’ but still serves the purpose of refineries.

The government should promote trade and local participation in oil business. The capital base for setting up super-standard oil companies and refineries is very huge but, there are local refineries which should be encouraged to function effectively with gradual and progressive support from the government rather than sanctions and penalization.

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