

NIGERIA'S FEDERALISM AND THE AGITATION FOR RESOURCE CONTROL IN THE NIGER-DELTA REGION

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Abstract: Nigerian federalism was designed to reflect and sustain what could best be described as centralism. A situation that makes other component units subservient to and reliant on the federal government even on the critical issues of development and age-long neglect. Dissatisfied with the ways resources are being allocated, the Niger-Delta region embarked on the agitation and struggle for control of its resources. This paper, therefore, chose to look at the nature of its agitation vis-à-vis federal arrangement in Nigeria and the feasibility of actualizing this dream. The paper adopted theoretical elucidation to present explicit explanation of federalism and the way it is practiced in Nigeria. It also went further to suggest various ways of evolving better future for the Niger-Delta capable of promoting egalitarianism and peaceful co-existence.

Keywords: Allocation, Co-existence, Egalitarianism, Environment, Government, State

INTRODUCTION

Consensus has been built among scholars that Nigeria's contact with the forces of imperialism had contaminated her original sense of reasoning, political and social values, the patterns of accumulation, and the country's location and role in the global divisions of labour and power. The teleguided transition to neo-colonial relations continues to perpetually mediate the ability of the state and its custodians to find democratic avenues for managing the crisis of multiculturalism. In fact, the Nigerian elite appears to have sacrificed opportunities for initiating a national project and for dealing with national questions on the altar of short-term and self-promoted interests even if it meant the subversion of the very institutions needed to maintain its own longer-term interests (Ihonvbere, 1999)

Consequently, despite the adoption of various strategies such as new constitutions, state and local government creation, changing pattern in governance and changing leaderships especially between the

military and the so-called civilians, the Nigerian state remains soaked in the miry clay of negative coalitions, contradictions, conflicts and instability. At the core of these conflicts and contradictions, is the issue of and agitation for resource control. Since the day of flag independence from British suzerainty, the peoples of the Niger-Delta have been complaining of their marginalisation by the three major ethnic groups, namely:- Hausa, Ibo and Yoruba and; the regional and federal governments that have ruled their affairs and dominated their resources. Despite the enormous resources produced from this region, it remains very poor and its people wallowing in abject poverty (Arowolo, 2008).

From 1958, exploration activities have been attended by the wanton destruction of the environment, disruption of agricultural production, which have caused most of the families the means of the livelihood- fishing and farming. They suffer neglect and mass poverty, which resulted in a potent lack of development (Balarabe and Abdulkarim, 2003:9). To them, they are the "marginalised of the marginalised" in Nigeria. The people of the Niger-Delta embarked on and designed a strategy for ensuring political equation in the distribution of the resources regarded as theirs.

For the purpose of scientific analysis, the paper shall rely on the following hypotheses: agitation for resource control is not feasible under the present federal arrangement; resource control *per se* is not the solution to underdevelopment in the region and; the solution to the underdevelopment in the area is more of internal than external.

CONCEPTUAL FRAMEWORK

The two key concepts of analysis need be conceptualised to achieve deeper understanding of the salient issues raised in this paper.

Resource control is a mechanism that allows state or region to harness its human and material resources

with the aim of attaining sustainable development for its people. To the people of the Niger-Delta, resource control is a political arrangement that allows a reasonable degree control over a substantial percentage of the resources in the area. Having conceptualised resource control, it is imperative to, in the same token, put federalism into definitional framework as federalism remains the pivot around which the agitation for resource control revolves. This is necessary because the agitation for resource control is made within the confines of federal arrangement. What is federalism? Like any other concepts of its type within the disciplinary parameters of the social sciences, federalism has not been free from definitional pluralism. In other words, it has variously been conceptualised by various scholars. Wheare (1963:10) conceptualised federalism as: method of dividing powers so that general and regional governments are each within a sphere, coordinate and independent

By this description, Wheare came out with how a federal arrangement should be operated, believing that powers are divided substantially according to the principles that there is a single independent authority for the whole country in respect of some matters and independent regional authorities for other matters, but each of authorities being coordinate with and not subordinate to the others (Ajayi, 1997:151); (Yakubu, 1997:220). The constitutional allocation of power of each level of governments is in three separate lists, the exclusive list for the central government to legislate on; the concurrent legislative list for both the federal government and the component state governments to legislate on and, the residual legislative list which exclusively resides in state governments. At this juncture, it is pertinent to point out that the constitution provides for federal supremacy in case of clash between the federal government and state governments in the discharge of their constitutionally assigned duties under the concurrent legislative list. In his own submission, Elazar (1997:26-28) observes that: *Federalism can only exist when there is considerable tolerance of diversity and willingness to take political action through conciliation even when the power to act unilaterally is available*

It could be deduced from Elazar's position that there is diversity among the component units and their 'brotherhood' arrangement should be based on willingness and not imposition. Methods of coping with and avoiding strains and stresses are also brought into cognisance as well as the need for compromise and reconciliation. This demands the federal operators to have the bargaining power and compromise. Federalism therefore is the union

between two or more independent contiguous polities. The unification takes two forms: "one, it

could be aggregative whereby a hitherto politically independent neighbouring entities agreed willingly to come together and become one as the case of the United States of America, or be forced to come together into one as the case of Nigeria which was a product of British colonial fiat. The second which is disaggregating method is a situation whereby the federating units are broken into smaller units. In Nigeria and some other African countries, this process is known as state creation. The earlier three regions in Nigeria metamorphosed into thirty-six states through military fiat (Ajayi, 1997:158); (Ayoade,1980:123).

Also, it is important to point out that there is indivisibility clause in almost every federal constitution, except that of the erstwhile soviet federation (Ajayi, 1997). Indivisibility clause has practically made it impossible for any party to individually, nay unilaterally, decide to secede from the union. Federal arrangements, therefore, aim at continued cooperation and permanent union.

The Quest for Resource Control and the Nigeria's Federalism

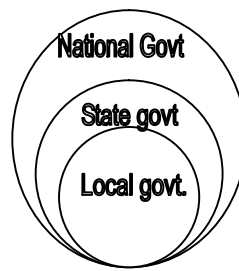
For the purpose of understanding the nature of agitation for resource control, it is germane to understand Nigeria's federal structure. This is because the feasibility or otherwise of such project will naturally evolve from the understanding of both the federal arrangement and the nature of agitation. In achieving this however, intergovernmental relations models shall be employed as a guide.

Generally, there are separated-authority model, the inclusive-authority model and the overlapping-authority model.

The Separated-Authority Model

This model observes that: *There are within the territorial limits of each state two governments, restricted in their sphere of action, but independent of each other and supreme within their respective spheres. Each has its separate departments, each has distinct laws, and each has its own tribunals for their enforcement. Neither government can intrude within the jurisdiction of the other or authorise any interference therein by its judicial officers with action of the other (Richards & Thomas, 2001: 21-22).*

Looking at the trends of the observation of this model, it could be discovered that this model is impracticable in Nigeria's federal relations as the federal government, in practice, assumes the role of senior partner and the component units play a subservient role to the central government.



[source: Richard&Thomas, 2001]

Overlapping-Authority Model

The second model is the overlapping-authority model. It focuses on the issue of bargaining and refers to an arrangement in which both the national and the state governments are the creation of the constitution and are, therefore, coordinate. The power of the two authorities are exercised in a separated, independent and autonomous fashion, they are linked only tangentially. The emphasis is on the bargaining process in the federal-state-local relations. There are national-state, national-local, and state-local relations (Richards & Thomas, 2001: 21-22). Each level of government has its own area of jurisdiction. It is also called coordinate authority model. This model, like the first, does not represent pictures of Nigeria's federalism.

Inclusive-Authority Model

The third model, which is inclusive-authority model, perfectly fits into Nigerian situation in practice as this is contrary to any federal constitution. Before analysis is made, this model is diagrammatised thus:

This model refers to an arrangement in which both the state and the local governments are subordinate to the central government regardless whether the constitution recognises or does not recognise the autonomy of sub national level of government. These two levels of government are in a weak position to pose any problem or to challenge the federal might and the overbearing nature of the central government. There is clear-marked dependency relationship hence the choice of the term 'centralised federalism'. Although this is more pronounced under military rule, but the long and interregnum rule of the military has perpetuated and maintained this type of relationship in a democratic and democratised Nigeria where states go cap-in-hand to beg for money from the federal government.

Under this arrangement, the minorities are at the receiving end. Their marginalisation is in two folds.
(i) Marginalisation by the central government and;
(ii) marginalisation from the elite of their region.

Under this arrangement, resource control can not but remains a tall dream of impossibility. Asking for resource control is asking for political restructuring of the country from the present federal-state-local arrangements to yesteryear's regionalism where the centre was very weak. Such arrangements can also be referred to as confederalism. The style of colonial dominion and the nature of the military dictatorship are the reasons for Nigeria's centralised federalism. The central government possesses enormous power and dictates the allocation of resources. The constitution, engineered by the military, also aggravates the situation. For instance, items on the exclusive legislative list place federal government at an advantaged position. Empirical observation shows that there is too much money at the centre leaving the component units in perpetual inadequacy to engender meaningful developmental projects especially in the Niger-Delta where serious and fundamental attention is needed.

The present arrangement, where power, functions, responsibility and resources are centralised, makes it practically impossible for any region to control resources. Control of resources, therefore, needs fundamental constitutional amendment. Such amendment is always difficult because of the politicisation of the process and the seeming lack of justification for such drastic amendment.

Resource Control and Niger-Delta Problems

The following questions shall begin this part: Does resource control connote development? Is resource control a panacea to Niger-Delta problems? Looking at the problems of the Niger-Delta region, it could be deduced that the problems surpass the issue of resource control. Giving it the power to control its resources may even generate another contradiction, which may result in anarchy of the highest order in the region. If the stake holders (i.e. state governments in the region, local governments, Niger Delta Development Commission (NDDC), etc) find it difficult if not impossible to make do with monies being allocated to them on monthly basis, it is

uncertain if something meaningful could be derived from the total control of resources. Rather there will be intensification of insincerity; misplaced priority; high level of corruption and blatant waste of resources.

There is a wide gap between the elite and citizenry, which needs to be bridged to bring about accountability and responsibility. The percentage given to the region has been on the increase, yet the level of development in the region is not commensurate with the increase in percentage.

There is always resource control but who controls the resources and to whose benefit? If one is joining a union, he must lose some of his freedom to the union but such does not mean that a person joining such union must be suffocated and killed, there must be balance and equilibrium. So, the agitation should rather be how to balance and arrive at the equilibrium. Joining a union brings more riches through pooling resources together, with this arrangement, can we have resource control? What happens to the fate of other regions whose resources had hitherto been used to maintain and sustain the then nascent Nigeria?

The agitation for resource control is not a new born baby. The late environmentalist, Ken Saro-Wiwa, agitated for resource control as a means of lifting the living conditions of Ogoni people in particular and Niger-Delta in general. Since his demise, the agitation has deepened with different prominent sons and daughters of the region insisting on resource control.

Determined to actualise their dream of resource control, the people of the Niger-Delta stormed the National Political Reforms Conference (NPRC) constituted by the former President Olusegun Obasanjo with their quest for resource control. Delegates from the region demanded, *inter alia*, the repeal of the Land Use Act and other laws governing the petroleum industry. Their recommendations were anchored on the persistent poverty, underdevelopment and environmental degradation of the area due to oil exploration. The recommendations are highlighted below: (1) Every state shall own and control resources located in its territory; (2) Resource control is the only potent solution to the problems; (3) Implementation of principle of true federalism; (4) Appointment of minister of petroleum from the area; (5) Relocation of the headquarters of oil and gas companies to their respective areas of operation in the area; (6) Abolition of the dichotomy between the onshore and offshore revenue, totally, completely and finally; (7) Updating and reinforcing the laws regulating environmental pollution in Nigeria and stipulation of stiff penalties for contraventions; (8) Prioritisation by the federal government of payment

of backlog of its statutory contribution to Niger Delta Development Commission (NDDC); (9) Abrogation and repeal of all laws that are anti-resource control especially the territorial waters act; cap 428 laws of federation 1990 as amended by Act No.1 of 1998, etc; and, (10) Withdrawal of loyalty and support for one Nigeria on the occasion of persistent repression and depravity of the benefits accruing from their resources (Vanguard, March 17, 2005).

No sooner had they presented their recommendations than it met with vehement and stiff opposition. The objection and arguments against the requests of the Niger-Delta were centred on the improper utilisation of the subsisting 13 per cent, the ill time and the constitutionality of their agitation and request. Arguments were also generated on the need to channel whatever percentage directly to the oil producing communities, as this will prevent diversion of the funds meant for developmental purposes from entering private purses. This may also curb the issue of misplaced priorities that is more pronounced in the area.

In summary, the majority of the delegates in the conference were only interested in increment in derivation percentage rather than in the seemingly 'parochial and individualistic approach' of resource control. The conference later adopted 17 per cent increase through voting. (Vanguard, 2005). The implication for this is that, with the present arrangement in Nigeria, the agitation for resource control may not be achieved. What is realisable is increase in percentage.

The agitation for resource control has, however, taken criminal dimension. The criminalisation of the agitation has caused the nation economic calamity while it scares away both foreign and local investments. Genuine intentions of the people of the region to get a fair share of their resources have been consumed by all forms of criminal acts. This was attested to by the former President Olusegun Obasanjo who insisted that "genuine agitations of the people had been mixed with criminality" (2007:8). David Mark, the senate president, also subscribed to this when he submitted that "it appears as if criminality has set in on the resource control matter, hostage taking is purely a criminal act" (2007:8). The abduction and hostage taking were first focussed on the foreigners; it later shifted on the indigenes that are well to do in the area especially the political class. The agitation has also been politicised as aggrieved opposition whose election was manipulated often results in hiring these militant youths for vengeance and to settle political scores.

The criminalisation of the agitation has led to prevalent cases of abduction, maiming, killing and various forms of vandalism. Abductees have always

been exchanged for ransom. This is a clear case of total and age-long neglect which has, in turn, given birth to unemployment, immorality and all other social vices. The accumulative neglect prompted the youths to design alternative options for livelihood. Crimes and criminalities have taken over genuine agitations. While there is need for increase in derivation percentage, the paper contends that the neglect was more of internal than external, and the solution should also start from the region.

Matter-of-factly, irresponsibility and absolute lack of commitment to good governance are responsible for underdevelopment experienced in the region. Priorities are misplaced and accountability is lacking. There is mixture of pleasure and governance. The differentiated and complex nature of modern day government demands total commitment, exemplary leadership and political will to fight poverty and engender development which are practically lacking among the ruling elite in the area.

It is also in the opinion of this paper that the amnesty offer of the federal government may not work afterwards; this is because critical issues of development, gas flaring and community participation and involvement are omitted either deliberately or otherwise. To start with, amnesty is meant for criminals who are self-admittedly culpable of truncating government activities and disrupting public peace. The freedom fighters like Movement for the Emancipation of the Niger-Delta (MEND) may not need amnesty but sincere and convincing developmental efforts of the federal government.

Policy Options

(a) There is urgent need for correcting structural imbalance and promoting those attitudinal values enunciated earlier in this paper before agitation for resource control could be pushed through.

(b) Transparency, sincerity, fairness and good governance are the panacea to the problems of Niger-Delta. Increase in percentage or total control of resources without good governance is as good as throwing the monies into purse of the few elite who facilitated underdevelopment in the first place in their own area. The NDDC should be strengthened to be more functional, efficient and effective in the public service delivery.

(c) Having created the ministry of Niger-Delta, which may not be necessary afterwards, the federal government should adequately fund the ministry to allow it tackle developmental problems of the area.

(d) The other seven states of Abia, Akwa-Ibom, Bayelsa, Cross River, Edo, Imo and Rivers should borrow a leaf from Ondo and Delta States which established the Ondo State Oil Producing Area Development Commission (OSOPADEC) and Delta State Oil Producing Area Development Commission

(DESOPADEC) respectively, to establish similar commission saddled with the responsibility of utilising derivation funds directly for the people whose resources are being exploited. The membership of the commission should consist strictly of the oil producing communities; this will ensure responsibility and accountability to their own people and its activities to be monitored by the concerned state.

(e) It is the belief of this paper that charity begins at home, the Niger-Delta militants should have a paradigm shift from self-seeking criminality to development-driven criminality. This can be done by unleashing terror on any governor or local government chairman who performs below expectation. People should ask the political leaders from the area what they are doing with huge revenue allocation to the area. The people of the Niger-Delta should first put their house in order to enable them have necessary justification for actualising their agitation and build solid premise upon which such agitation for resource control could be built.

(f) The National Assembly should be more committed to the Nigerian cause by amending the constitution to reflect increase in derivation to 25 percent for the sake of national unity and continuity.

CONCLUSION

This paper affirmed that resource control is not synonymous with development and that, under the present federal arrangement, the present structural deformity and moral depravity among the ruling elite of the Niger-Delta, granting control of resources may not lead to development. What is essentially needed in the area is not resource control *per se*, it is a mechanism that ensures and assures accountability, transparency, due process, adherence to rules and, above all, high moral standard. This set of social values should have been laid as premise upon which any agitation of any sort is built. This is because the values enunciated above would have facilitated accelerated development earnestly yearned for by the people of the area, as this would ensure that whatever increase given to it is not misappropriated by the ruling elite of the area who could not differentiate between governance and pleasure; between government property and private property; between leadership and rulership. The ruling elite in the area, as has been observed, has no genuine intentions for development as a result of their corrupt way of life.

Although the prevalent case of exploration activities, disruption of agricultural production, environmental degradation, nature of terrain etc, are necessary justification for increase in percentage but this may not permanently solve the problems as there is poverty of accountability, responsibility and transparency.

Also, the present federal arrangement, which can be likened to centralism or centralised federalism, does not accommodate such agitation. It only encourages, promotes and sustains subservience and domination of the component strata by the centre. This is directly traceable to tenacious rule of the military, which is characteristic of hierarchical structure. This type of arrangement paves the way for politics of patronage and godfatherism, which is more pronounced in the region. This has necessitated and facilitated wide gap between the elite and the downtrodden. Granting control of resources means further widening the gap more and more; and increasing the potency and tempo of violence and social vices in the area.

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