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Citizenship and resource control in Nigeria: the case of minority communities in the Niger Delta¹

Abstract

The struggle for resource control by communities in the oil-producing areas in the Niger Delta assumed a central position in the discourse on the national question, ethnic minority politics and environmental degradation in Nigeria from the early 1990s. This is largely due to the activities of Ken Saro-Wiwa and his Movement for the Survival of the Ogoni People (MOSOP) that greatly helped to popularise and internationalise the issue. Available scholarly work has concentrated on ethnic minority politics, the restructuring of Nigeria's federalism and environmental degradation. However, little effort has been made to interrogate the significance and implications of the resource control issue for the citizenship rights of Nigerians, in particular, the people of the oil-producing communities. The marginalisation of the citizenship rights of the minority oil-producing communities helped to fuel the resort to ethnic citizenship rights agitation as the basis for resource control. This paper states that the operation of a true federalism in Nigeria has to be accompanied by meaningful devolution of power at the local level, to ensure that the common people have better control over the wealth derived from their natural resources.

Keywords

Nigeria, Niger Delta, crude oil, resource control, federalism, ethnic minorities, social exclusion, civil and political rights, protest movements, civil society, Ogoni

Introduction

The dispute over resource control between the six South-South states of the Niger Delta (Akwa-Ibom, Bayelsa, Cross River, Delta, Edo and Rivers states), and the federal government of Nigeria has once again helped to bring into sharp focus this salient aspect of the national question in Nigeria. The issue of resource control has been an important aspect of Nigeria's political

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economy from the colonial period particularly with the introduction of a lop-sided federal system of government in the 1950s, which intensified the roles of regionalism and ethnicity in the country's politics. However, the issue assumed a more prominent role in the 1990s. This is due mainly to the sustained struggle by the Niger Delta oil-producing communities, more prominently exemplified by the Ogoni struggle under the auspices of the Movement for the Survival of the Ogoni People (MOSOP). Under the leadership of the dynamic and charismatic writer and activist, Ken Saro-Wiwa, MOSOP helped to popularise and internationalise the resource control controversy (Saro-Wiwa, 1992; UNPO, 1995; Apter, 1998, MacIntyre 1996).

The context for this struggle for resource control was provided by the wanton neglect of the oil-producing communities from whose territories the bulk of Nigeria's revenue is derived (Etim et. al., 2001; Sesebo & Ollor-Obari, 2001). This has been accentuated by the perceived marginalisation of the citizenship rights of the people of these communities, mainly because they belong to ethnic minority groups. Nevertheless, two broad levels of the struggle can be identified, namely, the governmental level and the non-governmental level. The non-governmental level includes pan-Niger Delta groups, ethnic and communal mass-based associations, youth groups and environmental activist groups. In virtually all the cases, the struggle has been cast in the form of citizenship rights.

However, the different groups involved in the struggle for resource control reveal some form of contradictions and tendencies in the movement. Many of the mass-based ethnic and communal movements and some of the youth groups, are largely motivated by the marginalisation of the citizenship rights of their people in terms of the use and control of the resources located in their land. The same cannot be said of the state-led agitation. Given the activities and orientation of the state governors since they assumed office in the fourth republic, it can be argued that they are more interested in resource control for the sake of patronage activities and primitive accumulation rather than the citizenship rights of their people (Odunlami, 2004; Oguntimehin, 2004). Similarly, part of the leadership of the mainly elitist pan-Niger Delta movements are in cohort with the federal government and are, therefore, accomplices in the exploitation of their people. They nevertheless want to be relevant at the local scene and retain the loyalty of their people by posing as champions of the agitation for resource control and the attendant citizenship rights. For some people therefore, the agitation has become a form of opportunism to be used to embark on self-serving and self-aggrandising movements. All these help to demonstrate the complex nature of the controversy.

Although the agitation of the minority oil-producing communities has helped to popularise the resource control controversy, there are more dimensions to the controversy. The issue of indigeneity as enshrined in successive Nigerian constitutions, promoted the emergence of natives and non-natives in various Nigerian communities. This has been a source of conflict over re-

source control. No matter how long a person from an ethnic group, community or state has lived in another ethnic group, community or state and regularly fulfilled his or her civic obligations, the person remains a stranger. Such a person is not entitled to the same citizenship rights as members of the host ethnic group. Some of the recent inter-communal urban conflicts over market rights, for instance the conflicts between Yoruba and Hausa-Fulani traders in Lagos and Ibadan, are partly attributable to this distinction between natives and non-natives. Also some conflicts between communities in neighboring states, and between communities within a specific state, over farming and grazing lands, for instance, are in actuality struggle over resource control. Another dimension of the struggle is that of communities that have been dispossessed of their vital resources by government policies, as was the case with the Bakolori crisis in 1980. The crisis was engendered by the massive land alienation and adverse environmental impact of the Bakolori irrigation scheme (Oculi, 1982).

In any case, this paper will concentrate on the struggle for resource control by the Niger Delta oil-producing communities. It will, however, be necessary to first of all operationalise the concept of citizenship. This will not involve a detailed discussion of the genesis, evolution and contending perspectives on citizenship: rather it will attempt to clarify the context within which the term citizenship is used in this paper.

The problematic of citizenship

Citizenship as used in modern Nigeria is defined in the Western sense. It essentially entails the transplanting of the Western attributes of citizenship as they were transformed by the liberal and bourgeois European revolutions of the 18th and 19th centuries, into Africa. The Rousseauian concept of citizenship as a social contract between individuals and the state entailing the rights and duties of citizens as well as the liberal and bourgeois conception of individuality, individual property rights, individual accumulation, and competitive relations, were reproduced in various post-colonial Nigerian constitutions. This negated the principles of collectivism, communalism and cooperation that constituted critical aspects of citizenship in pre-colonial African societies and helped to provide social security for members of the communities. However, the multi-ethnic make up of Nigeria and the intra-bourgeois competition for offices and resources that characterise neo-colonial Nigeria, produced the need for the promotion of bourgeois unity, misconstrued as national unity, through a form of affirmative action. The federal character principle which was portrayed as helping to promote unity and protect citizenship rights by granting equal access to offices and resources to every Nigerian

irrespective of ethnic origin, was devised and enshrined in successive Nigerian constitutions since 1979.

However, by emphasizing indignity and therefore a person's ethnicity as the basis for appointment into offices, the principle in effect produces the antithesis to national unity in that it fosters ethnically salient candidates whose primary loyalty are to their respective ethnic groups (Bach, 1997). Also, the principle contradicts the liberal conception of citizenship as contained in the respective constitutions that emphasise the primacy of individuality and competition over consensus. Thus, implicit in the federal character principle are competitions for offices as well as the resources controlled by incumbents.

Abubakar Momoh (2001) has identified three categories of citizenship in Nigeria, namely, constitutional citizenship, ethnic citizenship and diasporic citizenship. Constitutional citizenship is defined in terms of the provisions relating to citizenship as enshrined in the various Nigerian constitutions. This category of citizenship is based on the inherited liberal/bourgeois definition of citizenship. It clearly defines the rights and duties of every citizen and supposedly guarantees the equality of every citizen. Nevertheless, the bases for acquiring constitutional citizenship in Nigeria are by birth and naturalisation.

As demonstrated by Mahmood Mamdani (1996) and P. P. Ekeh (1975), the colonial policy of indirect rule under the native authority system which bifurcated African societies into two, namely civic and native (ethnic), formed the basis for the creation of the ethnic citizen. The civic public, which formed the basis for the acquisition of the civic identity, was not open to Africans because as natives they were deemed to belong to their ancestral ethnic or primordial sphere and therefore ethnic citizens. This bifurcated nature of African societies created by the colonial policy of divide and rule, and the fact that ethnic identity formed the basis of a person's participation in the colonial society helped to create and sustain the phenomenon of ethnic citizenship (Ekeh 1972: 91). The reproduction of these colonial policies in post-colonial Nigeria has resulted in the continued presence and salience of ethnic citizenship.

Diasporic citizenship has existed since the colonial period when a number of Nigerians went abroad mainly for higher studies and some of them did not return home after their studies. This phenomenon continued in the post-colonial period but assumed greater dimensions from the mid-1980s with the severe economic crisis and the existence of authoritarian military regimes that led to massive emigration of different categories of Nigerians. Although some of these emigrants acquired the citizenship of their host countries, they still retain their Nigerian citizenship. However, the first two categories of citizenship are more relevant to this paper.

Revenue allocation, citizenship and resource control

The control of the wealth derived from natural resources and the manner of resource allocation has been a contentious issue in Nigeria right from the colonial period, particularly with the emergence of the federal system of government. The issue is expressed in the form of the constant controversy over the formula for allocating revenue among the constituent units of the federation (Oyovbaire, 1978; Adebayo, 1993). Particularly contentious has been the weight that should be accorded to the principle of derivation in the revenue allocation formula (Esajere, 2001). Derivation is seen as the primary vehicle through which the people from whose resources wealth is generated would exercise control over a significant portion of that wealth. It is, however, debatable whether increasing the amount of revenue allocated to the government of a particular region or state through derivation actually translates to the control by the ordinary people over the wealth generated from the exploitation of their natural resources. This issue will be addressed in another section of the paper.

The first attempt at devising a formula for revenue allocation in colonial Nigeria was in 1946, with the setting up of the Phillipson-Adebo Commission, which accompanied the Richards constitution. However, the Hicks-Phillipson Commission of 1951, was the first to attempt to clearly spell out the criteria on which revenue allocation should be based, namely, derivation, needs, national interest, population and even development, among others. The Commission gave great weight to derivation by providing that 100 percent of mineral rents and royalties and the proceeds from cash crops, be retained in the regions from where they were derived. The Chick Commission, which was set up in 1954 with the introduction of the federal constitution of that year and the Raisman Commission of 1958, essentially followed the criteria of the Hicks-Phillipson Commission, but the percentage for derivation was reduced to 50. The postcolonial 1963 republican constitution equally granted 50 percent to derivation.

With the intervention of the military in Nigeria's politics from 1966, the degree of control, which the constituent units of the federation exercised over their natural resources, was considerably undermined. Two reasons can be adduced for this situation. First, and perhaps more important reason, is the fact that in line with the centralised command structure of the military, the administration of the Nigerian federation was centralised. Secondly, by the 1970s crude oil, which had become the main foreign exchange earner, was obtained from the land of the minority ethnic groups. The leaders of the majority ethnic groups therefore felt that it would be more in their interest for the control over natural resources to be centralised since such a situation would work more in favour of their ethnic groups in terms of allocating the national revenue. What was at play here was a crude form of granting precedence to ethnic citizenship while hiding under the guise of national interest and national development.

The first significant step toward fiscal centralisation was taken in 1969 when the Gowon regime assigned the responsibility of fashioning out a new revenue allocation formula to the federal and state commissioners of finance under the chairmanship of Obafemi Awolowo, the then federal commissioner for finance. Between April 1969 and February 1970, this body organised three meetings, each of which lasted for two days. At the meetings, there were opposing views over the issue of revenue allocation formula between commissioners from the oil-producing states and those from the non-oil producing states. Commissioners from the oil-producing states wanted a continuation of the existing formula whereby 50 percent of the oil rents and royalties went to the states of origin in line with the principle of derivation but this was opposed by those from the non-oil producing states. Awolowo who hitherto was a strong advocate of fiscal and true federalism, clearly stated the position of the non-oil producing states by arguing that as a national wealth and gift of nature, no community can lay claim to the ownership of crude oil. Rather, the wealth generated from crude oil should be used for the overall development of the country (cited in Omoweh, 1998: 36-37).

Nevertheless, based on the recommendations of the body of finance commissioners, the federal military government of Yakubu Gowon promulgated Decree No. 13 of 1970 (the effective date of the decree was backdated to April 1, 1969). This decree, which spelt out a new revenue allocation formula, set in motion the process of increased centralisation of Nigeria's fiscal system. It provided that the federal government retains 55 percent of the royalty and rents from crude oil while 45 percent would be paid to the oil-producing states on the basis of derivation. However, an amount of emphasis was still placed on derivation but the derivation principle would experience sharp decline in subsequent revenue allocation formulas.

Between 1970 and 1980 further steps were taken to increase the concentration of the control over natural resources in the hands of the federal government. The Gowon regime promulgated Decree No. 9 of 1971, which abrogated 'the rights of the (states) in the minerals in their continental shelves.' The decree equally vested the 'ownership and title to the territorial waters, continental shelf as well as royalties, rents and other revenues derived from or relating to the exploration, prospecting or searching for or winning or working of petroleum from the seaward appurtenances of the states,' on the federal government. On the basis of this decree, proceeds from offshore oil exploration were excluded from the derivation funds allocated to the oil-producing states. In 1975, the derivation component of revenue allocation, which continued to exclude proceeds from offshore oil exploration, was reduced to 20 percent and in 1979, derivation allocation to oil-producing states was discontinued (Esajere, 2001).

Furthermore, Section 40(3) of the 1979 constitution continued the trend of granting total control over offshore natural resources to the federal government. In spite of the constitutional and legal challenges to this provision by some of the oil-producing states, particularly the defunct Bendel and Cross River states, the

Shehu Shagari administration (1979-83) was determined to retain the provision. However, in 1982, the Shagari administration enacted a law that allocated 1.5 percent of the proceeds from oil, to the oil-producing states on the basis of derivation.

The continued refusal by successive Nigerian administrations to increase the level of control that the oil-producing communities had over their natural resources, as well as the severe degrading environmental and social effects of oil exploration (Omoweh, 1995), resulted in increased agitation for resource control by the oil-producing communities. The increased level of agitation led to some minor concessions by the Babangida regime 1985-1993, which in 1992 raised the percentage of derivation in the revenue allocation formula to 3%. The regime equally established the Oil Mineral Producing Areas Development Commission (OMPADEC) to use the amount allocated under derivation to promote the development of the oil-producing areas. In any case, the percentage allocation for derivation was so small and this, in addition to the bureaucratic red tapism and corruption associated with OMPADEC, contributed to the deterioration of the material and social conditions of the oil-producing communities (Frynas, 2001: 36-39). With the advent of the fourth republic in 1999, the derivation component of revenue allocation was increased to 13. These minor concessions were not enough to mitigate the adverse effects of oil exploration.

The sustained neglect, unmitigated environmental degradation and wanton deprivation of their citizenship rights made the resentment in the oil-producing communities to get to a boiling point in the 1990s. The 1990s therefore witnessed the proliferation of groups in the Niger Delta agitating against their marginalisation and for the exercise of increased control over their natural resources. Among these groups were communal mass-based groups, youth groups, pan-Niger Delta elite groups, and state governments. One of the best known and well-organised groups that effectively articulated the position and demands of the Niger Delta communities was the MOSOP.

Communal mass-based agitation in the Niger Delta: the case of the Ogoni

Among the organisations that have agitated for resource control and protested against the debilitating effects of oil exploration in the Niger Delta, many of the communal mass-based ones seem to have been more effective. These organisations are made up of people from different segments of their societies, ranging from educated elites to clan heads, traditional leaders and youths.² Many are

2 For a list of many of these ethnic and communal-based associations, see Ikelegbe, 2001b: 444-445.

grassroots organisations that enjoy massive grassroots support and have mainly committed, rather than self-seeking leaders. The marginalised and dispossessed citizens of the communities (at least the overwhelming majority of them), trust these movements to effectively represent their interests and therefore actively participate in the mass protests organised by the associations. The MOSOP adequately exemplify such mass-based communal movements.

It might be argued that the leaders of MOSOP like Ken Saro-Wiwa, the most prominent leader of the movement, had held various state and federal prestigious appointments, while others like Ben Naanen, a university teacher, belong to the class of intellectual elite. From this perspective, it can be said that they do not constitute part of the marginalised and dispossessed citizens. However, what is significant is the actual interest and tendencies that these leaders of the movement represent. Their motivation cannot be interpreted from the perspective of the desire for greater access to state power (Osaghae, 1995: 331-332), for if that were the case, they could have attained this through other self-seeking means without subjecting themselves to the severe persecutions they endured. Indeed, they were galvanised into action by the debilitating political, material and environmental deprivations and degradations that their communities had endured over the years. This is the reason why their actions were mass-based. This also accounts for their ability to elicit the support of the overwhelming majority of members of their communities as well as attract unprecedented international attention to the plight of their communities. The leaders of MOSOP can, in fact, be seen as intellectuals of the struggle for resource control as well as citizenship rights of the Ogoni people.

The high level of articulation of the Ogoni situation in various position papers, speeches and interviews by MOSOP leaders, as well as the internationalisation of the Ogoni predicament, turned MOSOP into the poster child of the struggle against the marginalisation, deprivation and dispossession of the oil-producing communities. Even then, it was the excellent degree of grassroots organisation of MOSOP that made it most effective and resulted in its successful mobilisation of the different segments of the Ogoni society. By 1995, MOSOP comprised many community-based organisations. However, the National Youth Council of Ogoni People (NYCOP) was the most radical of these organisations and was very well organised and disciplined. It was a sophisticated grassroots organisation and played a phenomenal role in the successful grassroots mobilisation of people all over Ogoniland (UNPO, 1995: 12-13).

The launching of the Ogoni Bill of Rights (OBR) in October 1990, by MOSOP and Ogoni leaders introduced a new phase in the struggle for resource control and citizenship rights of the Ogoni people. It also contributed to the intensification of the struggle against the degradation of their environment. Indeed the event could be said to have marked a turning point in the activism of the oil-producing Niger Delta minority ethnic groups. The document detailed the various acts of neglect, political and economic marginalisation of the Ogoni people,

and the dispossession of their citizenship rights by the Nigerian State. It asserted the separateness and distinctiveness of the Ogoni nationality, and demanded:

political control of Ogoni affairs by Ogoni people; the right to the control and use of a fair proportion of Ogoni economic resources for Ogoni development; adequate representation as of right in all Nigerian national institutions, and the right to protect the Ogoni environment and ecology from further degradation. (MOSOP, 1992: 11)

MOSOP based its argument for the Ogoni control of its natural resources on ethnic citizenship rights arguing that since Nigeria is a federation of ethnic groups, ethnocentrism is prevalent in the country. It noted that the 'rights and resources of the Ogoni have been usurped by the majority ethnic groups and the Ogoni consigned to slavery and possible extinction.' However, given the manipulation of ethnicity by the Nigerian elite class who see the phenomenon more as a means of primitive accumulation, it is doubtful whether basing resource control on ethnic citizenship rights will actually benefit the majority of the common people.

Nevertheless, the Nigerian authorities interpreted the demands by the Ogoni people as a desire on their part to secede from the federation. But as was made clear by various Ogoni leaders, their desire was not to break away from the federation, rather they were demanding political and economic justice that would guarantee the various ethnic groups in the country a large measure of autonomy over their political and economic affairs. As was stated in the Ethnic Minority Rights Organisation of Africa's (EMIROAF) proposal for the restructuring of Nigeria, 'the enthronement of true federalism in Nigeria,' should allow 'each ethnic group the right of political self-determination, resources and environmental control.' However, EMIROAF's insistence 'that all constitutions should provide that any ethnic group can have a separate state if it so wishes at any time, and that it can secede from the federation if it so wishes,' (EMIROAF, 1994: 255) tended to inadvertently accord some credence to the secession allegation.

In any case, the preponderance of the available evidence does not support the accusation of secession attempt on the part of MOSOP. It is true that MOSOP favoured a loose federation or even a confederation that would grant greater political and economic autonomy to the respective ethnic groups that comprise Nigeria. But it argued that a truly autonomous and fiscal federalism in Nigeria can only be attained through the convening of a Sovereign National Conference (SNC) under which the federating ethnic groups will determine the basis of the country's union. Claude Welch (1995: 636) has pointed out that the demand by the Ogoni for local autonomy reflects a long-standing tradition in various African countries in that most communities believe that 'the distant state cannot be trusted to understand or act effectively on grass-roots priorities.'

Furthermore, MOSOP posed the Ogoni struggle in the form of ethnic minority citizenship rights against their triple dominance and exploitation by the Nigerian State, the majority ethnic groups and the oil companies. The concept of 'indigenous' or 'internal colonialism' has therefore been employed to describe the dispossession of their citizenship rights and their reduction to a level akin to subjects rather citizens. According to Ben Naanen (1995: 50):

internal colonialism in Nigeria's oil-producing communities can be located at the juncture of three principal developments: first, ethnic-based political domination, which is used to expropriate the resources of the oil communities for the benefit of the dominant groups; second, the alliance between the dominant groups, the oil companies and state enterprises, which restricts the minorities' access to the modern and more rewarding sectors of the oil economy; and, third, oil-based environmental degradation, which undermines the traditional peasant or fishing economy of the oil-producing areas without providing a viable economic alternative.

Ogoni complaints over the dispossession of their natural resources and the degradation of their environment were made specifically against the Shell Petroleum Development Company (SPDC) and the Nigerian government. MOSOP pointed out that Shell's oil exploration activities in Ogoniland since 1958 had been carried out with reckless disregard to the environment and the natural resources of the area.³ It argued that it would appear as if Shell was deliberately prosecuting an ecological war on the Ogoni people, a phenomenon that it described as the committing of genocide on the Ogoni people that would eventually result in their extinction (Saro-Wiwa, 1992). MOSOP claimed that the complaint of Ogoni people over their marginalisation and the deprivation of their citizenship rights had been met with acts of intimidation and terrorism against them by Shell and the federal military authorities.

In the face of the increased repression by the Nigerian State, the Ogoni people adopted more militant acts of resistance to which the government responded with further brutal acts of repression. Between 1990 and 1993 the Ogoni people under the leadership of MOSOP embarked on various militant and passive acts of resistance which were ruthlessly repressed by the coercive agents of the Nigerian State resulting in massive destruction of Ogoni properties, maiming and killing of many Ogonis.⁴ Apart from the brutal repression of the acts of resistance, the Nigerian government introduced a decree in 1992 declaring demands for a right to self-determination by any community and disturbances resulting in any disruption of oil production activities as treasonable acts, which could attract the death penalty. In line with this decree, the Nigerian government resorted to the detention of Saro-Wiwa and other Ogoni leaders, as well as the periodic

3 For a history of oil exploration in Ogoniland and the resultant adverse effects on the environment, economy and society of Ogoni people, see Amadi, 1997 and Cayford, 1996.

4 For details on the Ogoni resistance, see Osaghae, 1995; Naanen, 1995; and Cayford, 1996.

breaching of Saro-Wiwa's citizenship rights by impounding his passport and preventing him from travelling out of the country to attend international human rights conferences. In June 1993 following the successful boycott of the presidential election by the Ogonis, Saro-Wiwa was arrested and charged for acts of treason. Again in May 1994 Saro-Wiwa and eight other Ogoni leaders were arrested and charged with murder for which they were eventually executed in November 1995 after what amounted to a kangaroo trial.

To undermine the resistance of the Ogoni people and cause division among the ranks of the oil-producing communities thereby checkmating their struggle for citizenship rights, the oil companies, the Rivers state and the federal governments allegedly resorted to the stage-managing or sponsoring of violent conflicts among the communities. Some of these conflicts involved the Ogonis and their neighbours. It is significant that before then many of these communities did not have noteworthy disagreements. Examples of such stage-managed and sponsored conflicts involving the Ogonis were the purported attack by the Andonis on the Ogonis between July and September 1993, the attacks on the Ogonis by the Okrikas in December 1993, and the Ndokis in April 1994 (UNPO, 1995: 25).

The communal mass-based agitation by the Ogoni and other oil-producing communities, have helped to bring into sharp focus the degree of marginalisation, dispossession, misery and poverty of these communities. Moreover, in the face of this marginalisation and dispossession, the wealth from the lands of the oil-producing communities are used to develop other parts of the country and the capitals of the oil-producing states. At the same time proceeds from the oil wealth, are accumulated by the Nigerian bourgeoisie and their foreign collaborators. This situation has serious implications for the citizenship rights of the oil-producing communities. It shows that they suffer from multiple layers of marginalisation and dispossession, which have in fact made them to be more of 'colonised' and repressed subjects rather than citizens.

Niger Delta states and collaborative elite-led agitation

The agitation in the Niger Delta minority areas assumed a new dimension with the advent of the current civilian administration in 1999. Of course there had been a rather sustained agitation for resource control by the various communities in these states under successive military regimes, especially under the repressive regimes of Babangida and Abacha. However, the organisational character of the agitation underwent some significant changes from 1999. As already noted, the pre-1999 agitation recorded some modest achievements, mainly successive minimal increases in the percentage assigned to derivation in the revenue allocation formula, eventually rising to 13 percent in the 1999 constitution. Section 162(2) of the 1999 constitution guaranteed a minimum percentage for deri-

vation. The section contained a proviso 'that the principle of derivation shall be constantly reflected in any approved formula as being not less than thirteen per cent of the revenue accruing to the Federation Account directly from any natural resources.'

With the advent of a new civilian administration, the oil-producing communities felt that they were free from the repression of authoritarian military regimes. They therefore more forcefully put forward their case for resource control and citizenship rights. They were further encouraged by Olusegun Obasanjo's campaign promise to adhere to the principles and practice of true federalism which they interpreted as entailing the protection of their citizenship rights and guaranteeing them control over their natural resources. The massive support that Obasanjo received from the oil-producing communities in the February 1999 presidential election further helped to promote their optimism. However, when it became clear that Obasanjo was not committed to honouring his electoral promise, the pace of agitation for resource control increased. Just as was the case with the previous dictatorial military regimes, the Obasanjo administration adopted a repressive approach to the agitation with the Odi massacre of November 1999 being the high point of this repression (Don-Pedro, 1999; Onwumeodo & Ogwuda, 1999).

However, while the communal mass-based agitation continued, two other prominent patterns of agitation at the organisational level, were adopted, namely at the level of state governors and pan-Niger Delta NGOs. The governors of the six South-South Niger Delta minority states, came together to demand that their states should have greater control over the proceeds from the natural resources obtained from their territories. In addition, together with the governors of the other littoral states (Ogun and Ondo), they called for the abrogation of Decree No. 9 of 1971, so that revenue obtained from offshore crude oil exploration can be included in calculating the derivation fund.

There has been a proliferation of pan-Niger Delta NGOs, with the bulk of them emerging in the late 1990s.⁵ As is the case with the governors of the Niger Delta states, these organisations demand the exercise of control over natural resources by the oil-producing communities. They equally draw attention to the marginalisation, neglect, dispossession of citizenship rights, and other forms of injustice experienced by the oil-producing communities, in addition to the catastrophic environmental degradation caused by oil exploration.

Both the state governors and the pan-Niger Delta NGOs situate their demand within the context of the desire for the operation of true federalism. They argue that true federalism and the guarantee of citizenship rights can only operate in Nigeria if the constituent units of the federation control the proceeds from the resources located on their on- and offshore territories (Ejobowah, 2000). To

⁵ Ikelegbe (2001b: 448-451), provides a rather comprehensive list of the pan-Niger Delta NGOs.

them, this objective can be more credibly achieved through derivation. As stated by David Dafinone (2000: 46), a leader of the Union of Niger Delta (UND), the union's position is that true federalism entails 'a 100 per cent resource control by the ethnic nationalities with appropriate tax paid to the Federal government.' In addition, the continental shelf 'belongs to the ethnic nationalities adjoining it, and as such, all resources derivable from the Continental Shelf belong to those nationalities.' Indeed, the communique of a conference on 'The Niger Delta and Nigerian Federalism' held at Effurun, Delta State in February 2001 very clearly summarised their position. The communique noted that there was 'dispossession, exploitation and impoverishment of the people of the Niger Delta.' It stated that the 13 percent derivation fund was not adequate for redressing the environmental degradation and other problems caused by oil-exploration in the Niger Delta. It demanded that the minimum percentage for derivation should be 50 (cited in Djebah, 2001).

Contradictions and limitations of the resource control movement

There is no doubt that both the governors of the Niger Delta states and the pan-Niger Delta NGOs correctly analyse the negative effects of oil exploration on the environment and lives of the inhabitants of the oil-producing communities. They also adequately elucidate the issues involved in the resource control controversy. But to what extent do they adequately represent the interests of the ordinary citizens of the oil-producing communities? If the proceeds from the natural resources are vested in the hands of the state governments of the oil-producing areas, will they use them to advance the material and social conditions of the ordinary people? In other words to what extent can the governments of the Niger Delta states, the collaborative elites, and the leaders of the NGOs be counted upon to protect the citizenship rights of the people from the oil-producing communities? In fact, there are no concrete evidence that the modest amounts that have been allocated to the state governments under the derivation principle have been used to promote positive changes in the material and social conditions of the people in the respective states. In short, the state governors who currently claim to champion the issue of resource control on behalf of the citizenship rights of their people can be said to be guilty of opportunism.

A similar observation equally applies to most of the pan-Niger Delta NGOs. The antecedents and characters of most of the leaders of these elite-based organisations clearly show that their joining the bandwagon of resource control is on the basis of opportunism and the desire to have access to the resources that will accrue to their respective states. They want to benefit from both sides of the spectrum, hence while being part of the exploitative power structure at the national level they seek to maintain their relevance and influence at the local level

by cashing on the popularity of the resource control agitation. There are of course a few active members of these NGOs who are genuinely motivated by the protection of the citizenship rights of the inhabitants of the oil-producing areas. These individuals such as Itse Sagay, a prominent Nigerian lawyer and academic, and one of the most vocal advocates of resource control, can be characterised as the intellectuals of the agitation.

An even worse case of the contradictions and limitations of the movement is the proliferation of a number of criminally minded individuals and organisations who have used resource control advocacy as an opportunity to embark on criminal activities. These individuals and organisations are engaged in acts of terrorism, inter- and intra-communal conflicts, extortion, sabotage, kidnapping and various other ignoble acts. At the height of the MOSOP activism for instance, bands of young men calling themselves vigilante groups emerged. They used the name of MOSOP and NYCOP to engage in criminal activities and in terrorising people. MOSOP was compelled to issue a number of notices warning the public about the criminal activities of these vigilantes and calling for the arrest of some of their known leaders.⁶ It may well be that some of these criminally minded youths had some affiliations with NYCOP. However, in the face of the acute level of neglect and the degree of anarchy that prevailed in Ogoniland in the 1990s, even a well organised body such as NYCOP tended to lose control over the activities of some of its members.

Ironically, the continuing neglect of the oil-producing communities, and the brutal methods adopted by the federal government to suppress the militarised agitation for resource control by Niger Delta youth organisations, helped in winning some form of legitimacy for the criminally minded youth organisations. This is clearly demonstrated by the activities of some of the youth organisations associated with the Ijaw Youth Council (IYC), a pan-Niger Delta umbrella body of various Ijaw youth associations. On the basis of the continuing environmental degradation, neglect and marginalisation of the citizenship rights of the oil-producing Ijaw communities, over 5,000 Ijaw youths representing 25 youth organisations, and drawn from 500 communities and 40 clans met at Kaiama, Bayelsa state on 11 December 1998 to form the IYC. The meeting came up with the Kaiama Declaration, which stated the grievances, objectives and demands of the IYC as well as signaled the intention of Ijaw youths to adopt a confrontational approach to the state in their demand for resource control. This confrontational approach was justified on the ground that the Ijaws were suffering from

6 There is controversy over who actually established the vigilante groups. Both the federal and Rivers State governments claimed that the vigilantes constituted the militant wing of MOSOP and were made up of NYCOP members. A similar view is held by Desmond Orage, the son of one of the four Ogoni chiefs whose murder led to the arrest, prosecution and execution of Saro-Wiwa (Orage, 1998). MOSOP on the other hand claimed that the vigilante groups were set up by politicians to further their political goals. See UNPO, 1995: 15

„enslavement” perpetuated by the oil-companies and ‘the fraudulent contraption called Nigeria’ (Chukwurah, 1999: 23).

Furthermore, the Kaiama Declaration decried the degradation of the environment of Ijawland by the oil-producing companies acting in collusion with the Nigerian state. It declared that all the resources located on Ijawland belong to the Ijaw people and proclaimed the „de-recognition” of all „undemocratic” decrees that „robbed” the Ijaws of ownership and control of their natural resources. While calling for the immediate withdrawal of all military forces from Ijawland, the IYC warned that any oil company that engaged the services of members of the Nigerian armed forces for protection, would be deemed an enemy of the Ijaw people. In addition, the Ijaw youths demanded the immediate cessation of oil exploration and exploitation in Ijawland and gave the oil companies a nineteen-day ultimatum expiring on 30 December 1998, to withdraw all their staff from Ijawland (Chukwurah, 1999).

The expiration of the nineteen-day ultimatum set the stage for violent confrontation between various Ijaw youth organisations and the coercive institutions of the Nigerian state culminating in the Odi massacre of November 1999. On the basis of the Kaiama declaration, there was a proliferation of Ijaw youth organisations with many of them criminally minded. The criminally minded organisations resorted to kidnapping of the staff of oil companies, extortion, sabotage of oil installations, the lucrative business of stealing crude oil from pipelines and marketing it on the „black” market and the kidnapping and murder of security personnel.⁷ At the same time, the Nigerian state aggravated the situation, by sending armed military personnel into Ijaw areas that savagely repressed the uprisings. Indeed, with the proliferation of criminally minded Ijaw youth organisations, the IYC tended to lose control over the activities of these organisations (Ikelegbe, 2001a: 13). The killings of twelve policemen by Ijaw youths in Odi, Bayelsa state in early November 1999 was repressively met by the Nigerian state through the now infamous Odi massacre (Don-Pedro, 1999). The activities of these criminally minded Ijaw and other Niger Delta youth organisations, clearly help to expose some of the opportunism and contradictions associ-

7 A leaked confidential 93 page report funded by the Shell company, and conducted by WAC Global Services (Lagos), from December 2003 said that an increase in crime in the poverty-stricken Niger Delta could force Shell out of onshore production in Africa’s largest oil producer by 2008. Shell executives admitted the company had inadvertently added to the violence, saying it was difficult to operate ethically in the Niger Delta and that its attempts at community development „had been less than perfect.” For details, see D. Mahtani, „Oil Giant Shell Admits it Fuels Nigeria Violence”, Lagos, 14 June 2004; <http://www.smh.com.au/articles/2004/06/13/1087065033937.html?oneclick=true>; 27.07.04; “Unrest has Big Impact on Nigeria Oil Output”, Bloomberg, *International Herald Tribune*, 11.06.2004; <http://www.ihf.com/articles/524461.html>, 27.07.04. (I am grateful to Dirk Kohnert for these sources).

ated with the resource control movement. None the less, the contradictory and conflicting tendencies notwithstanding, the demand for resource control, remains a worthy cause that needs to be meaningfully addressed in order to protect the citizenship rights of the Niger Delta people.

Obasanjo administration's response to the resource control agitation

The Obasanjo administration has opposed the quest for resource control by the oil-producing communities. Rather, the administration responded to the agitation by adopting an institutional developmentalist approach as manifested in the establishment of the Niger Delta Development Commission (NDDC). An important function of the Commission is to „conceive, plan and implement, in accordance with set rules and regulations, projects and programmes for the sustainable development of the Niger Delta area ...” (Federal Government of Nigeria, 2000). The federal government was expected to contribute 15 percent of the total monthly statutory allocation and 50 percent of the ecological fund (due to member states), to the Commission while the oil companies operating in the Niger Delta area, were expected to contribute 3 percent of their total annual budgets. A significant shortcoming of the NDDC act is the failure to provide for prior consultation with oil-producing communities before initiating developmental projects (Frynas, 2001: 39).

Available evidence indicate that the NDDC has, at best, recorded modest achievement mainly in the construction of roads and building and equipping of primary school classrooms (*The Guardian*, 3 August 2003; Daniel, 2004). However, the Commission has been characterised by administrative instability, controversies between it and the governors of the oil-producing states and more significantly, allegations of fraudulent practices on the part of its officials (Lawal, 2003; Ogbodo, 2004a). In addition, both the federal government and the oil companies have not been adequately meeting their financial obligations to the Commission: the federal government has been contributing 10 percent while oil companies have been contributing two percent and some have defaulted (Ogbodo, 2004b). Moreover, most parts of the Niger Delta have not benefited from any NDDC project. Thus, the NDDC does not constitute the solution to the issue of resource control and the promotion of sustainable development in the Niger Delta.

Another way in which the federal government responded to the resource control agitation was to take the 36 states of the federation and the Abuja federal territory to the Nigerian Supreme Court on 7 February 2001, over the issue of offshore natural resources. Although the lawsuit was ostensibly brought against all the state governments, its actual targets were the Niger Delta and the littoral states. According to the then Attorney-General of Nigeria, the late Bola Ige, the lawsuit was in response to the claims of the littoral states „that the natural resources located offshore ought to be treated or regarded as located within their

respective states” (cited in Onwubiko & Ollor-Obari, 2001). The federal government therefore asked the Supreme Court to determine the seaward boundary of a littoral state within the country for the purpose of calculating the amount of revenue accruing to the federation account directly from any natural resources derived from that state. It also requested the court to declare that ‘the natural resources located within the exclusive economic zone and the continental shelf of Nigeria are subject to the provision of any treaty or other written agreement between Nigeria and any neighbouring littoral foreign state, (and are) derived from the Federation and not from any state.’ (cited in Djebah, 2001b) The decision by the federal government to take the resource control issue to court was widely criticised as an attempt to perpetuate the marginalisation and deprivation of the citizenship rights of the people of the oil-producing communities (Darah, 2001a; 2001b; Dafinone, 2001). It has been argued that the issue could only be more meaningfully addressed through a political rather, than, a legal solution (Djebah, 2001a).

The Supreme Court’s ruling of 5 April 2002 upheld the federal government’s position and vested it with the control of offshore natural resources. However, the ruling amounted to a pyrrhic victory for the federal government. The judgement endorsed the principles of true and fiscal federalism by declaring as unconstitutional, the federal government’s deductions at source of revenue accruing to state governments for the purpose of meeting some of the obligations of the states in question. It also declared as unconstitutional, the federal government’s exclusion of natural gas, capital gains tax and stamp duties as constituents of derivation.

More significant is the fact that the issues generated by the Supreme Court’s judgement and its aftermath ironically reinforced the need for a political solution to the resource control controversy. The initial attempt by the federal government to find a political solution through a bill it sent to the national assembly, abrogating the distinction between onshore and offshore in terms of natural resources was marred by controversy over what constitutes the continental shelf of a littoral state. The national assembly passed a bill that put the continental shelf at 200 nautical miles but Obasanjo refused to sign the bill into law, insisting that the continental shelf should not exceed 24 nautical miles.

However, after much controversies and meetings between the federal government and stakeholders in the resource control issue, a compromise solution was eventually negotiated between Obasanjo and the national assembly. On 20 January 2004, the national assembly passed a compromise bill that abrogated the on- and offshore dichotomy. The bill limited the continental shelf of Nigeria upon which the littoral states have the right to derivation revenue to 200 meter water depth isobath⁸ (Ogbodo *et. al.*, 2004; Agande &

Aziken, 2004). Obasanjo signed the bill into law on 16 February 2004. In abrogating the onshore/offshore dichotomy, the new law stated that „for the purposes

of the application of the principle of derivation, it shall be immaterial whether the revenue accruing to the Federation Account from a state is derived from natural resources located onshore or offshore.” (quoted in Ogbodo & Daniel, 2004; Aziken, 2004) This new law has won the approval of most of the stakeholders involved in the resource control controversy.

Conclusion

The unconscionable neglect and dispossession of the oil-producing communities are at the root of the crisis over citizenship rights and resource control in the Niger Delta. The oil-producing communities feel that the wealth produced from their natural resources have been excessively used to develop other parts of the country while also constituting sources of primitive accumulation for the Nigerian elites. As a result, members of communities believe that it is only through the operation of a true and fiscal federalism that they can be guaranteed their citizenship rights of exercising control over their natural resources.

Some of the different tendencies and contradictions in the resource control and citizenship rights agitation have helped to expose aspects of the limitations and opportunism of the civil society. A worse case of opportunism is represented by the government-led agitation for citizenship rights and resource control in the oil-producing states. State governments have used previous derivation funds mainly to provide facilities in the state capitals and local government headquarters, while the bulk of the funds were primitively accumulated by government officials, power and business elite.

The pathetic case of Bayelsa State, which was created out of Rivers State, the leading oil-producing state in the country, helps to illustrate the culpability of state governments. The territory that makes up Bayelsa State accounts for a large chunk of Nigeria’s oil wealth. But when the state was created in 1996, it suffered from acute shortage of good roads, it was not connected to the national electricity power grid and had no telephone linkage. In addition, there was a high degree of environmental degradation, pervasive poverty and unemployment. Yet most of the wealth from the resources of the Bayelsa territory had been used to develop Port Harcourt, the capital of Rivers State, to which Bayelsa formerly belonged. As noted by Onumonu (2001), if an oil-producing community does not house either the state or local government headquarters, „its neglect becomes a foregone conclusion.”

It therefore follows that neither the federal government nor the state governments or even the local governments do adequately protect the material interests and citizenship rights of the oil-producing communities. There should be a true and fiscal federalism with a prominent place granted to derivation in the revenue allocation formula. The bulk of the derivation revenue should be paid into a trust fund from where they will be directly disbursed to the communities and local governments. The derivation revenue should be shared among the local governments and communities in proportion to the amount of revenue derived from their respective territories. The masses of the people of these communities and local governments should play major and critical roles in the way this revenue is spent. This can be done through democratising local governments in such a way that the local governments are effectively and structurally linked with the institutions the people have developed at the village and clan levels (Dibua, 1989; 1990). The so-called traditional rulers and other collaborative elite groups should not play any significant role in the process because they constitute part of the power structure that have exploited and marginalised their people. The communal institutions developed by the people at the local level should play dominant roles in the initiation and execution of projects that are meant to cater for their interests. The relevant local institutions include age grades, community development committees, youth and women organisations, and village unions. These institutions which emphasise communalism and co-operationism, have historically performed the critical role of mobilising the people for the execution of tasks aimed at transforming their communities.

A three-tier local government system comprising village councils, development area councils and local government councils should be introduced. The village council comprising elected representatives of the communal institutions identified above, should be responsible for initiating and supervising the implementation of projects aimed at developing their communities. The development area councils made up of representatives of the village councils should coordinate the activities of the village councils, ensure that projects located within their areas of jurisdiction are implemented and act as liaisons between the village councils and the local government councils. The local government councils whose members are directly elected by the people should coordinate the activities of the development area councils and ensure that the development projects are effectively implemented. Local governments need to employ more technically qualified staff in order to be able to successfully perform this supervisory task. Projects that are beyond the technical capability of the local institutions would be executed by the state government on behalf of the local communities. However, these communities should make significant input in the initiation of the projects and monitor the progress of the projects.

It might be argued that given the highly militarised situation in the Niger Delta, it would be difficult for the local political structures to perform develop-

mental functions. But the militarised situation is itself a product of frustration and alienation among the inhabitants of the communities over the prevailing neglect and abject poverty. One way of winning their confidence is to grant control over the bulk of the revenue derived from their natural resources to the local institutions which would in turn use the revenue to implement communally agreed upon development projects. As noted by Ekeh (1975), most Nigerians are more loyal to their primordial institutions and believe that these institutions are more committed to serving their interests. In addition, the social sanctions that exist at the local level over the misappropriation of communally-owned wealth would help to curb the fraudulent use of the derivation revenue. These measures represent viable means through which the masses of people in the oil-producing communities can exercise greater control over their natural resources and protect their citizenship rights.

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Zusammenfassung

Der Kampf der Bevölkerung um Ressourcenkontrolle in Gebieten des Nigerdeltas, in denen Öl gefördert wird, spielte in Nigeria seit den frühen 1990er Jahre eine zentrale Rolle in der Auseinandersetzung über die nationale Frage, die ethnische Minderheitenpolitik und das Thema Umweltschädigung. Dies ist weitgehend zurückzuführen auf die Aktivitäten Ken Saro-Wiwas und dessen Bewegung für das Überleben der Ogoni People (MOSOP), die sehr dazu beitrugen, das Thema international populär zu machen. Die vorhandenen wissenschaftlichen Arbeiten konzentrieren sich auf die Bereiche ethnische Minderheitenpolitik, Umstrukturierung des nigerianischen Föderalismus und Umweltschädigung. Dagegen gab es wenig Forschungsbemühungen über Bedeutung und Konsequenzen, die sich aus der Frage der Ressourcenkontrolle für die Bürgerrechte der nigerianischen Bevölkerung ergeben, insbesondere für die Bewohner der erdölfördernden Gebiete. Die Marginalisierung der Bürgerrechte der minoritären ölproduzierenden Gebiete nährte den Einsatz einer Bewegung für ethnische Bürgerrechte als Grundlage für Ressourcenkontrolle. Dieser Beitrag legt dar, dass die Ausübung eines echten Föderalismus in Nigeria von einer sinnvollen Machtdezentralisierung auf lokaler Ebene begleitet sein muss, um eine bessere Kontrolle der lokalen Bevölkerung über den Reichtum aus ihren Bodenschätzen zu erreichen.

Schlüsselwörter

Nigeria, Niger Delta, Erdöl, Ressourcenkontrolle, Föderalismus, Ethnische Minderheiten, Marginalisierung, Staatsbürgerrechte, Protestbewegung, Zivilgesellschaft, Ogoni

Résumé

Au Nigéria, les affrontements au sein de la population pour le contrôle des ressources naturelles dans les régions du delta du Niger, zones d'extraction du pétrole, tiennent depuis le début des années 1990 un rôle central dans les débats sur la question nationale et la politique envers les minorités ethniques ainsi que sur le thème de la dégradation de l'environnement. Ceci peut être largement rapporté aux activités de Ken Saro-Wiwas et de son mouvement pour la survie du peuple Ogoni (MOSOP), qui contribua fortement à populariser au niveau international ces questions. Les études scientifiques existantes se sont concentrées sur la politique des minorités, la restructuration du fédéralisme nigérian et la dégradation de l'environnement. En revanche, très peu de recherches ont été menées sur l'importance et les implications de la question du contrôle des ressources naturelles pour les droits civiques de la population nigériane et en particulier pour ceux des habitants des régions d'extraction du pétrole. La marginalisation des droits civiques des minorités des régions pétrolières a nourri les revendications d'un mouvement en faveur de droits civiques ethniques comme fondement pour le contrôle des ressources naturelles. Cette contribution démontre que la pratique d'un réel fédéralisme au Nigéria doit être accompagnée d'une décentralisation pertinente du pouvoir au niveau local afin que la population locale puisse mieux contrôler la richesse de ses ressources minérales.

Mots clés

Nigéria, Niger Delta, pétrole, contrôle des ressources, fédéralisme, minorités ethniques, exclusion sociale, droits civiques, mouvement de protestation, société civile, Ogoni