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**Oil Wars**  
*in the*  
**Niger Delta**  
1849–2009

**Tekena N. Tamuno**



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# Oil Wars in the Niger Delta

1849 – 2009

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**Oil Wars in the Niger Delta**

**1849 – 2009**

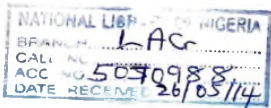
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by

**Tekena N. Tamuno**

**Stirling-Horden Publishers Ltd.**  
Gaaf Building, 110-112 Oyo Road,  
Orogun, Off University of Ibadan,  
Second Gate, Ibadan, Oyo State,  
Nigeria.  
Phone: 08023519154  
stirlinghorden@yahoo.com  
www.stirlinghorden.com



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Ibadan  
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7 Ikioda Street  
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## **Dedication**

**My Late Parents: Chief Mark And Ransoline Tamuno Igbiri,  
OGT, My Beloved Wife,  
Our Children And Grand - Children,  
Sister Katy,  
Other Members Of My Family,  
My Good Friends And  
Wonderful Academic Colleagues.**

## Acknowledgements

To God be the Glory

To Sanusi Oyedele, Patrick and Morenike Agwu as well as all Staff of Stirling-Horden Publishers (Nig.) Ltd my sincere gratitude for all their excellent contributions at various stages of the production of this book.

I am further grateful to Professor Emeritus Ebiegberi J. Alagoa, *NNOM* eminent scholar in Niger-Delta Studies, former Deputy Vice-Chancellor, at the University of Port Harcourt, for his illuminating **Foreword.**

And to Professor Isaac Olawale Albert, sparkling star in Peace Studies, Director, Institute of African Studies, University of Ibadan, and Rev. Professor Eghosa Osaghae, foremost Political Scientist, Vice-Chancellor, Igbinedion University, Okada, Edo State, my profound gratitude for their excellent comments on this Volume and its Companion Study: *Stakeholders at War in Nigeria: From Lord Lugard to President Goodluck Jonathan, Vols. I & II.*

## Foreword

Most Nigerian historians at the frontline of the profession today received their inspiration for reaching for excellence to the inspiration they received from the late Professor Kenneth Onwuka Dike (1917 – 1983), founder of the Historical Society of Nigeria, first Nigerian Vice Chancellor of the University of Ibadan. They all acknowledge his influence and remain devoted to his memory, but none more than the author of *Oil Wars in the Niger Delta 1849-2009*. Professor Tekena Nitonye Tamuno, deliberately matches the title of Dike's *magnum opus* and his book carries out the intended mission of Dike's work. Dike titled his seminal work, *Trade and Politics in the Niger Delta 1830 – 1885: An Introduction to the Economic and Political History of Nigeria*. Tekena's book not only carries the story of the political economy of the Niger Delta from where Dike left off, but has extended it into a study of the modern history of Nigeria as a whole.

As with other students of Dike, Tamuno is no slavish imitator. He has acquired his own unique voice and style, along with principles and philosophy of historiography which he has taken pains to spell out. He is a master in his chosen field of the modern history of Nigeria in the world, in what he terms "the inter-face between the Humanities and the Social Sciences".

We must be grateful for this analytical account of the Niger Delta Question, which has become a central element in the recent history of Nigeria, a story that has acquired an emotional tone in many narratives. Tamuno provides a rigorous analytical rendition with a touch of humour to moderate the anger indicated by the militancy in the Niger Delta. The author's style is by no means easy to access and can be represented as dense in parts, but the book provides a solid core of evidence, grounded on sound documentation and scholarly interpretation.

Tamuno's *Oil Wars* took off where Dike's *Trade and Politics* of palm oil and kernels ended. Tamuno's story of the violence attending Nigeria's adventure with crude petroleum oil and gas ends with President Yar Adua's unilateral Amnesty to the militants of the Niger Delta creeks in 2009. It is a story well told by an acknowledged master storyteller. But the story and the struggle for justice and peace in the land continue. Tamuno has given us a new introduction to the history of the Nigerian project to achieve a just and more perfect union.

**Ebiegberi Joe Alagoa, NNOM**  
Emeritus Professor of History  
University of Port Harcourt  
Port Harcourt.  
December 2011.

## Preface

In 1956, when one of Nigeria's foremost historians, Professor Kenneth Onwuka Dike, a pioneer Africanist and prodigious scholar, published his seminal work, *Trade and Politics in the Niger Delta: 1830-1885* (Oxford), I was one of the students he actively encouraged in the Department of History, University College (later University of Ibadan). His attempt to use oral and written sources in African Historiography inspired me and others of that generation of what I may call "Dike Scholars".

Later, in our own areas of specialisation, we were left free to make the best of our professional careers as "Dike Scholars". I took the line of exploring and exploiting aspects of contemporary Nigerian History with all that was deeply embedded there.

Indeed, my great Teacher, Professor Kenneth Dike (17 December 1917 – 26 October 1983) fostered my growth and development, as a scholar, to such an extent that I dedicated to him what I then considered my *magnum opus*: *Peace and Violence in Nigeria* (1991). In more senses than one, my present work on *Oil Wars in Niger Delta, 1849-2009*, and its companion, *Stakeholders at War in Nigeria: from Lord Lugard to President Goodluck Jonathan* largely complement *Peace and Violence in Nigeria*.

Professor Dike's *Trade and Politics in the Niger Delta* struck a note not often sufficiently appreciated by specialist and general readers since its publication. African history, as Dike taught and wrote it, was then not quickly accepted in the pretentious circles of some Western European historians of the 'Old School' who depended solely on written sources. These pretended to be the only ones who knew what History was all about and what it was not for purposes of Historiography.

Moreover, one key hypothesis in Dike's book was that "the flag follows trade". However, its meaning was not that simple. That familiar theory goes beyond the mere imposition of measures to control resources for the benefit of a controlling power. It also meant an assumption of paramountcy over what belonged to someone else with means fair or foul. It was in the era of Joseph Chamberlain, as British Colonial Secretary, 1893-1903, that imperial policy meant breaking African eggs to make imperial omelettes. In the familiar "Scramble for Africa", since 1885, it was the trend which the doctrine of "effective occupation" of foreign territories took after the Brussels Conference, 1889-1890. Thereafter, it mattered very little whether

the territories concerned were called “Colonies” or “Protectorates”. In Britain’s case, her foreign flag protected not only traders but also Christian missionaries involved in a “Civilising Mission” among producers of some essential goods for export, such as palm oil and palm kernels, and receivers of imported goods manufactured by the flag-planting power.

It was the same trend after Independence in Nigeria in October 1960. The new rulers, though Nigerians, continued colonial policy and practice of using the new Independence flag to monopolise and protect valuable economic resources, such as crude oil and gas. Their gradual installation of internal imperialism to protect and defend crude oil and associated interests in Nigeria knew no bounds. Some of the major victims of that policy of intimidation, coercion and violence were the communities of the Niger Delta, the former Oil Rivers and Niger Coast Protectorates.

It is their epic story, from the establishment of consular jurisdiction in the Two Bights, in 1849, to the granting of Amnesty to militants in the Niger Delta by President Umaru Yar’Adua, in 2009, that provides the main thrust of this book. All in all, this study can be justifiably called the story of a protracted 160-year War in the Niger Delta. The initial steps in that long process of the flag, following trade and associated activities, began in 1849 when the British Government established a Consul for The Bights of Benin and Biafra (later Bonny). This intervention constituted the first shot against the peace and independence of the affected communities. The era of so-called “legitimate commerce”, represented by palm oil and palm kernels, became prominent with two major decisions of the masterminds of British imperialism in 1807 and 1833. The first was the Abolition of the Slave Trade in 1807. The second came with the Emancipation Act in 1833. A British Humanitarian Squadron in 1810 sought to enforce these imperial laws throughout the West Coast of Africa. That constituted the informal stage of British attempts, including diplomacy, at Empire-building along the coast of West Africa: in territories within the reach of gun-boats.

Of course, the owners of the economic assets which interested the flag-planting interventionists did not take their intrusion without active resistance. From one community to another, along the coast-line of these Two Bights, fierce resistance arose to the claims of the flag-planting intruders in the internal affairs of local people and their traditional potentates. Such communities included rulers and the ruled

in the city-states of Bonny, Opobo, Okrika, Nembe, Brass, Itsheki land, Old Calabar and the Kingdom of Benin. The response from the new flag-owners took the form of annual punitive expeditions with bloody impacts such as one would expect from Joseph Chamberlain's type of *omelette-making* to satisfy the appetites of the New Era imperialists. These wars cost the affected communities much sweat, tears and blood. With the forced deportation of their non-conformist monarchs, for long or short periods, political, economic and cultural lacunae occurred; vacuums later followed the whims and caprices of the new flag-owners. Consequently, positive peace of these communities gave way to what new rulers called *Pax Britannica*: Peace made with scrambled eggs at the dining tables of flag-waving imperialists.

Since the details of these developments are familiar, no repetition here was necessary. All that needed emphasis was the continuity between the Colonial Era of warfare, to protect primary palm oil assets and the persistent turmoil which followed the efforts of new rulers, after Nigeria's Independence, to build castles for themselves through the dominant roles played by crude oil and associated gas resources in Nigeria's Economy till President Yar'Adua's Amnesty in 2009. Indeed, from 1958, when crude oil from Oloibiri, at present, in Bayelsa State, was first exported in commercial quantities, through the quest for a coastline for Biafra during the Civil War years, 1967-70, to Amnesty in 2009, Nigeria had not known real peace. In turn, that long era of Oil Wars in the Niger Delta helped to threaten the interests of foreign stakeholders as well. Selected local, national and global aspects, impacts and significance of these Oil Wars will become clear as this account now begins to unfold.

Concerning the choice of a proper title for this work, I must confess that the present one won after a difficult and prolonged competition with a powerful alternative. This was **The Defence of Oil** (which was my favourite in my 2004 Draft). Indeed, for much of the period covered by this study, it seemed that the State emphasised the Defence of its key economic asset and interest rather than the Categorical (Welfare, or Ethical/Moral) Imperative in respect of the persons directly affected by the outcomes of an incessantly reckless exploitation of an otherwise valuable natural resource (Oil). So, the determinative issue was not the same for both sets of contestants.

In the end, the present title prevailed because it represented more forcefully the impacts of that fierce contest between various

sets of stakeholders as set out in this study. Thus, this analytical and comprehensive study provides an honest insight into a prolonged conflict of Wills over such fundamental human rights as those of Justice and Equity in the complex course of building and consolidating a relatively new multi-ethnic and culturally complex nation-state in an insecure continent (Africa) and the rest of a non-peaceable World (after two World Wars followed by a long “Cold War”).

**Tekena N. Tamuno**, *fnl*, FHSN, FNAL, D. Lit (London)  
Professor Emeritus  
University of Ibadan  
31st December, 2011.

## The Author

### General

- Born 28 January 1932 at Okrika in Rivers State .
- Married with four children (2 sons and 2 daughters).
- Educated at St. Peter's School, Okrika, 1938-46; Okrika Grammar School, Okrika, 1947-51; University College, Ibadan, 1953-58; Birkbeck College, University of London, London, 1960-62; Columbia University, New York, USA, 1965-66.
- *Degrees (by Examination only):*
  - BA (Hons) History (London) 1958
  - Ph.D (History) (London) 1962
  - D.Lit. (London) 1992
- *Academic Appointments:*
  - Lecturer in History, University of Ibadan, Ibadan, 1962.
  - Professor in History, University of Ibadan, Ibadan, 1971-90.
  - Dean of Arts, University of Ibadan, Ibadan, 1973-75.
  - Chairman, Committee of Deans, University of Ibadan, 1974-75.
  - Principal, University College, Ilorin, Sept.-Nov. 1975.
  - Vice-Chancellor, University of Ibadan, Ibadan, 1 Dec. 1975-30 Nov. 1979.
  - Pro-Chancellor and Chairman of Governing Council, Rivers State University of Science and Technology, Port-Harcourt, 1981-1988.
  - Visiting Professor in History, Nigerian Defence Academy, Kaduna, Oct. 1989-Sept. 1990.
  - Research Professor in History, National Institute for Policy and Strategic Studies, Kuru, Jos, Oct. 1990-May 1992.
  - Distinguished Fellow, National Institute for Policy and Strategic Studies, Kuru, Jos, June 1992-Sept. 1994.
  - Professor Emeritus in the Institute of African Studies, University of Ibadan, 8 March 1994 – Present.
  - President and Chairman, Board of Trustees, Bells University of Technology, Ota, Ogun State, July 2005-January 2011.

- Chancellor, Redeemer’s University, Redeemer’s City, Ogun State, 2009 - Present.

*Professional Activities:*

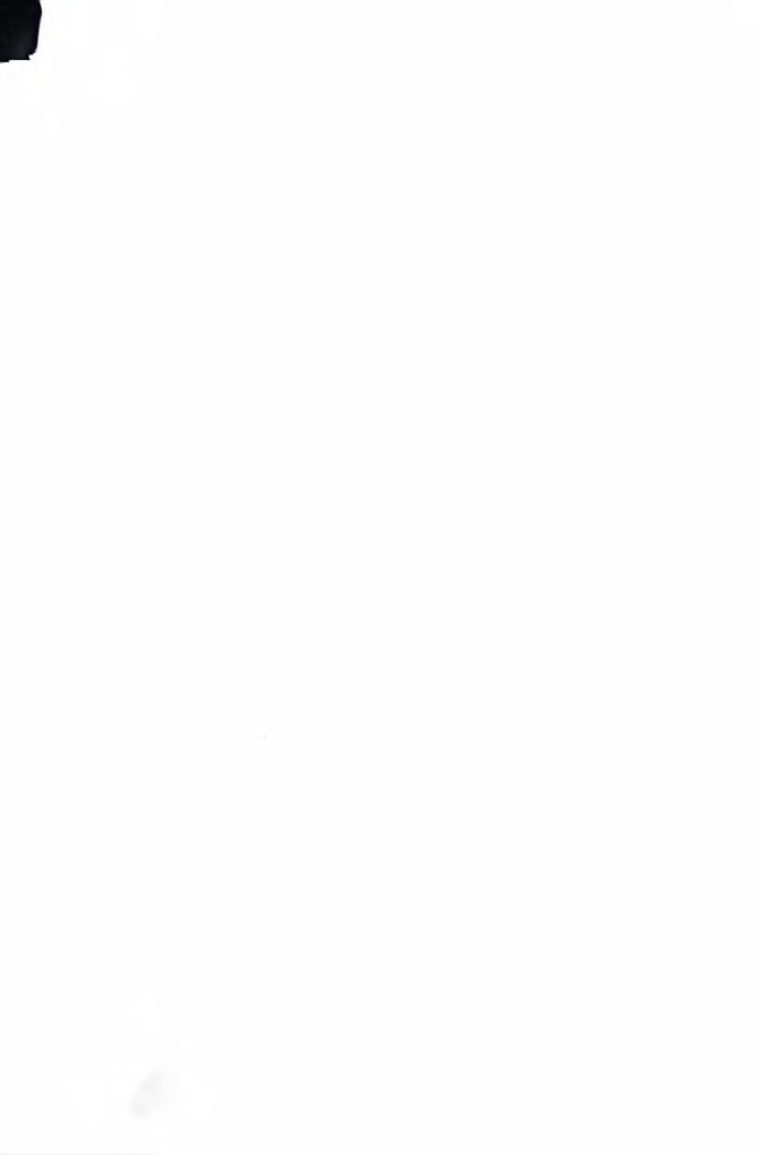
- National Vice-President, Historical Society of Nigeria, 1974-77.
- Fellow, Historical Society of Nigeria, 1992.
- Fellow, Nigerian Academy of Letters, 2000.
- Vice-President, Nigerian Academy of Letters, 2000-2002.
- President, Nigerian Academy of Letters, 2002-2004.

*Public Service:*

- Chairman, Chieftaincy Committee, Rivers State, 1975.
- Chairman, Presidential Panel on Nigeria since Independence History Project, June 1980-Dec. 2000.
- Chairman, Board of Directors, New Nigerian Newspapers Ltd, Kaduna, June 1984-July 1989.
- Member, National Committee on Corruption and Other Economic Crimes, April 1989 – Sept. 1990.
- Chairman, Panel on Policing Nigeria Project, Sept. 1992 – Sept. 1993.
- Chairman, Committee on Tertiary Institutions in Rivers State, June-August 1993.
- Chairman Nigeria Police Academy, Kano, Planning Committee for Proposed Degree Status, June – Dec. 1998.
- Chairman, Presidential Panel on National Security, Oct, 2001-Dec. 2002.
- Member, National Universities Commission Board, July 2002-July 2005.
- Chairman, Okrika Community Peace Committee, Port Harcourt, Rivers State, 12 Oct. 2005 – 29 May 2007.
- Member, Presidential Committee on the Reform of the Nigeria Police Force, 8 Jan.-11 April 2008.

*Broad Area of Specialisation (In Research and Publications):*

- The Inter-face between the Humanities and the Social Sciences. (It is in this broad field of academic specialisation that the present book makes its contribution to Knowledge).



## Abbreviations

ACF:	Arewa Consultative Forum
ATROMPCON:	Association of Traditional Rulers of Oil Minerals Producing Communities of Nigeria
AU:	African Union
AYCF:	Arewa Youths Consultative Forum
CSEDND:	Council on Socio-Economic Development of the Coastal States of the Niger Delta
DDR:	Disarmament, Decommissioning and Re-Integration
ECOMOG:	ECOWAS Monitoring Group
ECOWAS:	Economic Community of West African States
EFCC:	Economic and Financial Crimes Commission
EITI:	Extractive Industries Transparency Initiative
EU:	European Union
FNDIC:	Federal Nigeria Deposit Insurance Corporation
GDP:	Gross Domestic Product
GOC:	General Officer Commanding
HYPPADEC:	Hydro Electric Power Producing Areas Development Commission
ICC:	International Criminal Court
ICCS:	Infantry Corps Centre and School
IMF:	International Monetary Fund
INC:	Ijaw National Congress
INEC:	Independent National Electoral Commission
IOC:	International Oil Company
IYC:	Ijaw Youth Council
JRC:	Joint Revolutionary Council
JTF:	Joint Task Force
MASSOB:	Movement for the Actualisation of the Sovereign State of Biafra
MD:	Managing Director
MEND:	Movement for the Emancipation of the Niger Delta
MNC:	Multi National Corporation/Company
MOSOP:	Movement for the Survival of Ogoni People
NAC:	National African Company
NDA:	Nigerian Defence Academy
NDDC:	Niger Delta Development Commission
NDES:	Niger Delta Environmental Survey
NDRBA:	Niger Delta River Basin Authority

NDVF:	Niger Delta Peoples' Volunteer Force
NEITI:	Extractive Industries Transparency Initiative
NGO:	Non-Governmental Organisation
NHRC:	National Human Rights Commission
NNPC:	Nigerian National Petroleum Company
NPF:	Nigeria Police Force
NRDC:	National Research and Development Committee
OAU:	Organisation of African Unity
OCAG:	Odi Coalition Against Genocide
OCPC:	Okrika Community Peace Committee
OMPADEC:	Oil Mineral Producing Areas Development Commission
OPC:	Oodua Peoples Congress
PANDAC:	Pan Niger Delta Action Conference
PDP:	Peoples Democratic Party
POP:	Passing Out Parade
PRONACO:	Pro National Conference Organisation
RNC:	Royal Niger Company
SDP:	Social Democratic Party
SPDC:	Shell Petroleum Development Corporation
SSOPEC:	South South Peoples Conference
SSPA:	South South Peoples Assembly
SSS:	Self, Society and the State
SSS:	State Security Service
The Bights:	Bights of Benin and Biafra (later, Bonny)
TVA:	Tennessee Valley Authority
UK:	United Kingdom
UN/UNO:	United Nations/United Nations Organisation
UNDP:	United Nations Development Programme
US/USA:	United States/United States of America

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## **Introduction: Origins and Main Features of the Transition from an Oil Rivers Protectorate to Nigeria's New Protectorate of Oil**

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1

### **Origins**

Part of the notorious "Slave Coast" of West Africa, from the 16<sup>th</sup> century to the Abolition of the Slave Trade in 1807, was a long coast-line which later comprised the Niger Delta. The inhuman trade in slaves featured largely in the ancient economy of the communities along the Bights of Benin and Biafra (later Bonny). Throughout this study, this is the territory I have simply called "The Bights". Not many then saw that trans-Atlantic traffic in human beings, with sources in the hinterland and end-users in the Americas, in strict moral terms rather than profit.

In that process, some city-states suffered immense socio-political dislocation through ill-understood demographic changes and their complex impacts. Some of the slaves brought from the hinterland got mixed up with the coastal communities while others ended up in the American parts of the New World. The Old World, particularly, the City-states of the coastal communities, dealt with serious matters arising.

These weighty matters included the following. First, traffic in the hinterland had begun; but a vacuum there was not considered to be in the best interest of traders anxious for profits at any cost. An alternative and profitable product was long awaited for purposes of exchange along the coasts of "The Bights". Second, in the cause of the Slave Trade, vested European interests had not only seen the strength and weakness of the coastal communities but were also anxious to explore and exploit other resources there. Third, when the so-called "darkness" of the African continent was subsequently removed, through a concert of other forces, the first contact-points indicated by centuries of the Slave Trade became available as entry-points into the interior where once, slaves were the main products of attraction.

Fourth, contacts made during the era of the Slave Trade helped to break communication barriers. And as the familiar saying emphasised, evil communications tended to corrupt good manners. From the point of view of the coastal communities, and from hindsight, the seeds of a much longer era of socio-political, economic and cultural transformation, more for evil than good, had been planted. Harvest-time came in the familiar manner: of reaping what one sows, generations and centuries later.

The transition from the era of the Slave Trade to another, based on an alternative export, proved very difficult to the coastal communities. British officials, following pressures from Evangelical groups, decided to police the waters of the West African Coast with a naval patrol. On this aspect of transitional arrangements, I believe the testimony of my teacher, Professor K. O. Dike. Other available evidence tends to confirm what he said in his seminal study on the Niger Delta. Concerning the origins and age of the Niger Delta Question and circumstances of new challenges to the political, economy, sovereignty, integrity and viability of the city-states of the Niger Delta, since the advent of the British West African Naval (Humanitarian) Squadron, installed in 1810, this pioneer scholar of that sub-region said:<sup>1</sup>

Prior to the inauguration of the West African Squadron in 1810, there was no British standing force in The Bights. European and African traders looked to the Delta principalities to provide the protection so vital to commerce. For close to 300 years, the Delta states served well the trade interests of both parties. It was these age-long institutions that the newly arrived naval power had begun to challenge and was later to undermine and destroy.

The planting of naval power on the coasts of Guinea followed hard on the abolition of the slave trade. In 1810 Captain Irby was instructed to proceed to West Africa and give effect to the Act of 1807 along some 3,000 miles of coastline.... Although the force was clearly inadequate for the tasks in hand yet the mere fact that their menacing guns could at any moment be turned against an offending native state—all of them situated near the sea—made them objects of dread and of detestation by the coast potentates. Naval operations on the coast had broadly two aspects. First and foremost, it concentrated on the suppression of the slave trade and this, at times, involved the warships in actual combat at sea, in occasional blockade of the slave ports and confiscation of foreign slavers which, ignoring solemn treaties made by their countries with Great Britain, pursued the contraband traffic in men. The commanders of the squadron were also instructed to

protect British legitimate traders and, translated in practical terms, this meant that the Navy was required to terminate forcibly the slave trade of the African states and, thereby, promote 'equitable commerce'. As was to be expected, British traders soon learnt that with the Navy on their side, they had little to fear from the native powers. From the thirties, therefore, the white community sought to displace the authority of the coastal principalities and substitute for it the gunboat politics of the Navy.

Waiting for alternatives when the Slave Trade was abolished in 1807 and the Emancipation Act followed in 1833 did not come to an abrupt end. Old habits, as usual, died hard. But, as Professor Dike affirmed, the vigilant Humanitarian Squadron mounted by the Royal Navy of Great Britain in 1810 assiduously kept in check smuggling slaves to the old familiar markets across the Atlantic. Its services along with the discovery of an outlet of the Niger by the Lander Brothers in 1830 and its successful exploitation by various steamship companies in the 1840s encouraged prospects of finding an answer to the search for an alternative to the Slave Trade in Palm Produce (oil and kernels). Conveniently, the same produce was plentiful in the hinterland which bordered The Bights, with a string of coastal communities ready and able to serve as middlemen to Europeans, those engaged in the new legitimate commerce.

Moreover, with Christian missionaries, from Western Europe, anxious to plant the Cross of Christ in these communities and their hinterland, there was added pressure to penetrate the hearts and minds of the same local traders. The resultant clash of cultures and its impacts few reckoned with then.

However, with the advent of a new British Consul in The Bights and the semblance of an administration by the man-on-the-spot, in 1849, there was an instrument available to settle disputes amicably or by force, if the need arose. Thus began "gun-boat" Diplomacy in The Bights. Consular jurisdiction in The Bights, from 1849, brought about several crises and conflicts between African heads of the city-states, on one hand, and European "Super-cargoes" or traders, on the other. When arbitration failed, gun-boat intervention led to the deportation or deposition of the African heads of the city-states unwilling to accept one-sided settlements.

The Scramble for Africa, 1884-85, and the Brussels Treaty, 1892, brought matters to a head. When informal acquisition and peace-

making failed, calls for more "effective occupation" of territories followed the Brussels Treaty.

The resultant change of names indicated what was to follow, if anyone was in serious doubt. First, it was an Oil Rivers Protectorate that the British Government, following its participation in the "Scramble", proclaimed for The Bights. Next, and immediately after the Brussels Treaty, came the Niger Coast Protectorate in 1893: to indicate more active involvement by the British Government in the administration of territories in The Bights. With that change of names and attitude to imperial control, African resistance increased. It was then popular, in Britain, to make an imperial omelette by scrambling African eggs, East and West of the Niger outlet to the sea. The same appetite led to similar menus made and served elsewhere in the British Empire (as it was then). So, the era of annual punitive expeditions, South-East of the Niger, became more ferocious in terms of casualties along the coast and in its hinterland.

Thus, the era of increased Palm Oil, for export in exchange with imported trade goods, such as alcoholic drinks, was one of more and more bloodshed and Terror in the affected territories in The Bights. On the other hand, with increased revenue from the trade in palm oil and kernel, the British Government became confident that the burden of the Imperial Treasury could be considerably reduced through merger of territories and reliance on palm produce in Southern Nigeria.

So, in 1898, the British Government set up a Committee headed by Lord Selborne, Chancellor. In August 1898, this Committee recommended gradual Amalgamation of the Niger Territories. Subsequently, this was done in two stages. The first was that of Lagos Colony and Protectorate with the Protectorate of Southern Nigeria in 1906. The second came with the Amalgamation, in 1914, of the enlarged Colony and Protectorate of Southern Nigeria with the Protectorate of Northern Nigeria: the phase often associated with Sir Fredrick (later Lord) Lugard.<sup>2</sup>

The fiscal arrangements made to accomplish and consolidate the 1914 phase of Amalgamation were such that put considerable financial burdens on the Southern partner. The Southern burden was made possible by palm produce.

In 1937, a new financial future for Nigeria began to present itself through the discovery of Crude Oil. The first export, in commercial

quantities, was made possible through the known Crude Oil reserves in Oloibiri (first, in Rivers State, and from 1996, in Bayelsa State). With more and more exploration and exploitation of Crude Oil there, Oloibiri became Nigeria's first casualty of the Oil and Gas Industry. Oloibiri was used, misused, abused and later abandoned by the relevant authorities in the Oil Industry. When Oloibiri ceased to please its exploiters, new oil-fields were found in Ogoni territory. These too went the way of Oloibiri, as one oil-well after another got exhausted.

The despoliation caused, from 1958, by Shell Petroleum Development Company (SPDC) in its Crude Oil mines at Bomu, Bodo West, Tai, Korokoro, Yorla and Lubara Creek, angered Ogoni elders and youth to such an extent that special mention was made of it in the Ogoni Bill of Rights (1990).<sup>3</sup> Complications from these activities, in three-cornered fights between SPDC, the Rivers State Government (then subject to a hostile Military Administrator under the orders of Federal Military autocrats) and the Ogoni communities, led to the claims and counter-claims over "Vultures" (among some pliant Ogoni leaders in the "Group of 4") and the execution by hanging of the "Ogoni 9" in 1995. Quite significant here, were the sordid impacts of Oil politics in the relevant Ogoni communities then.

How did the-rest-of-Nigeria respond to the Ogoni firestorms between the proclamation of the Ogoni Bill of Rights and the murders (by individual and State sponsors)? The majority of Nigeria's stakeholders looked askance and appeared mute. That obvious majority felt more concerned with accruals from Oil (directly and indirectly into and from Federal and State treasuries) which helped them to indulge in epicurean exploits without any visible struggle. The few who cared represented voices, at home and abroad, against the barbarism involved in the Ogoni insanities. In the ranks of these outspoken critics, the judicial process in the trial of the "Ogoni 9" and verdict of the Court did not meet the minimum requirements of conventional protocols expected of the Rule of Law. However, their views, as conscientious objectors, did not make Nigeria's pendulum of Justice swing in their favour.

General behaviour, among Nigerian stakeholders, did not change when the *Kaiama Declaration* hit national and international headlines in 1998. Among others, the sponsors of that Declaration observed:<sup>4</sup>

- (a) That the quality of life of Ijaw people is deteriorating as a result of utter neglect, suppression and marginalisation visited on Ijaws by the alliance of the Nigerian state and transnational oil companies.
- (b) That the political crisis in Nigeria is mainly about the struggle for the control of oil mineral resources which account for over 80% of GDP, 95% of national budget and 90% of foreign exchange earnings. From which 65%, 75% and 70% respectively are derived from within the Ijaw nation. Despite these huge contributions, our reward from the Nigerian State remains avoidable deaths resulting from ecological devastation and military repression.
- (c) That the unabating damage done to our fragile natural environment and to the health of our people is due to the main uncontrolled exploration of crude oil and natural gas which has led to numerous oil spill, uncontrolled gas flaring, the opening up of our forests to loggers, indiscriminate canalisation, flooding, land subsidence, coastal erosion, earth tremors, etc. Oil and gas are exhaustible resources and the complete lack of concern for ecological rehabilitation, in the light of the Oloibiri experience, is a signal of impending doom for the peoples of Ijawland.
- (d) That the degradation of the environment of Ijawland by multinational oil companies and the Nigerian state arises mainly because Ijaw people have been robbed of their natural rights to ownership and control of their land and resources through the instrumentality of undemocratic Nigerian State legislation such as the Land Use Decree of 1978, the Petroleum Decrees of 1969 and 1991, the Lands (Title Vesting etc.) Decree No. 52 of 1993 (Osborne Land Decree), the National Inland Waterways Authority Decree No. 13 of 1997 etc.
- (e) That the principle of Derivation in Revenue allocation has been consciously and systematically obliterated by successive regimes of the Nigerian State. We note the drastic reduction of the Derivation Principle from 100% (1953), 50% (1960), 45% (1970), 20% (1975), 2% (1982), 1.5% (1984) to 3% (1992) to date, and a rumoured 13% in Abacha's 1995 undemocratic and unimplemented Constitution.

Then, as now, the logic of public conduct of (The-rest-of-Nigeria) seemed to be more of Economics than Ethics. Thus, whatever the relevant authorities dictated (by way of percentages) were more for compensation than as equitable contribution to quality of life among the victims of Nigeria's Oil Wars in the Niger Delta. Not many, then as now, saw these quantified compensations as blood money which

did more harm than good in the consciences of the receivers. Indeed, equally missing in the circles of the givers of blood money was sufficient awareness that, in cases such as these too, prevention still was better than cure.

And so to that phase of Nigeria's Oil Wars we shall return. In that escalation of Violence, it seemed the Niger Delta was also at war with the-rest-of-Nigeria till Amnesty in 2009.

### **Messrs Niger Delta versus The-rest-of-Nigeria: 1937-2009**

It was not meant to begin and end that way. But Trouble, big, big Trouble, one between three elephants, which I prefer to call the 3 Cs (Communities, Companies/Corporations and Country) in place of the two familiar ones of folklore, gradually drew these stakeholders apart. Their disagreements, at first, small and manageable, began with exploration of Crude Oil, in the Niger Delta, in 1937. Their troubles became graver and more vexatious after the discovery of Oil in commercial quantities and its first export in 1958. Thereafter, resultant crises, conflicts and confrontations continued to spoil relations between these stakeholders.

### **Nigeria: A New Protectorate of Oil**

Step by step, Nigeria transformed herself from a Protectorate of Palm Oil (1914-1957) to one of Crude Oil (1958-2011). Soon, the new Oil became *de facto*, if not *de jure*, Ruler of the vast majority of her citizens. Others, more merciful, called Oil, the real power behind the throne nationwide.

What I term the "Dictatorship of Oil" mesmerised military and civilian stakeholders since the end of Nigeria's Civil War in 1970. To that extent, Oil played an anti-Democratic role in post-war Nigeria.

In national circles, Oil was mightier than all. And that covered leaders and their followers under the powerful spell and sovereignty of Oil. These, with insignificant exceptions, made obeisance to their new Imperial Majesty (Oil) with stakeholders at home and abroad during prescribed annual and national celebrations: really and truly, jamborees for fat cats. The devout, with the same exceptions,

regularly worshipped at his mega-Altar in Abuja and subsidiary shrines at State capitals throughout the Federation: wrongly named a Republic, in theory only, since 1963; but one with pragmatic exceptions which his obedient subjects themselves meekly acknowledged. In the process, so-called traditional “Royal Fathers”, clad in colourful robes, also bowed before him (Emperor Oil).

For as long as his Protectorate of Oil, widely and globally recognised at OPEC, Multi-National Companies or Trans-National Corporations and other levels, received regular and higher tributes, royalties and rents from his loyal servants, there were enough formidable fiefdoms in Civil Society, if not at other levels of Command and Control, fully prepared to resist any precipitate and unpatriotic Revolution or shadow of Radicalism. Officially, *coups d’etat* remained banned, with summary execution of unsuccessful and treasonable offenders. Mammon Oil was truly and firmly on his throne nationwide, with loud ovation from special-interest observers abroad. As Nigeria’s latest Idol, Oil was second to none.

Analysts, who recalled the Past, quickly agreed that the old Oil Rivers Protectorate (of the 1880s) and the new Protectorate of Oil (since 1958) were poles apart. It was impossible to compare the grandeur of Abuja with that of Old Calabar as capital-cities of two worlds: Old and New, in and off The Bights. What made the difference was clear: the magic of Crude Oil as valued in hungry world markets. It was god or goddess of quick and ample wealth. Matters arising constituted the rest of this oily story.

So, from May 1999 to the Present (2011), shortly after the first Decade of the Transition to Civil Rule, these three sets of stakeholders missed several opportunities to explore and exploit new opportunities to transform their relationship from conflicts to peaceable resolution. As indicated here and elsewhere, Crude Oil’s inexorable (perhaps, dictatorial) hold on these players prevented them from finding and following the path of Peace. Instead, more and more acrimony followed, each stage assuming a scale of war by other means. The main exception, Amnesty, came in 2009.

The escalation of these Oil Wars reached another critical and well publicised phase, in 2002, when the Federal Government took to the Supreme Court a relevant section of the 1999 Constitution for its interpretation. That section (162) concerned the controversial matter

of “the Federal Account” with special reference to revenue derivation and allocation. A total of eight “Littoral States”, mainly in the Niger Delta area of the South-South geo-political zone vehemently opposed the litigation initiated by the Federal Government. The Supreme Court decided in favour of the Federal Government. On the “on-shore” and “off-shore” aspects of the larger disputes, the Federal government and the littoral states merely agreed to disagree. In the end, the 13% basis for Derivation, allowed since the late 1990s, was retained to the displeasure of the advocates of what increasingly became known as “Resource Control”. In the circles of Resource Control fire-fighting advocates, including elders and radical youths, the 13% principle of Derivation meant, simply and irritatingly, 87% Deprivation. Hence, where 100% Derivation became impolitic, for obvious nationalistic concerns, the balance of advantage in Resource Control quarters, lay in a return to the 50% principle in force under the 1963 Constitution. Thus, what remained to be resolved, politically and constitutionally, concerning the subsisting controversy, as of 2009, was not continued embattlement but sound commonsense and timely compromise based on equity and justice such as would contain the divergent interests of the stakeholders on both sides of the battle lines.

In these limited aspects of the Derivation Struggle, the earlier contests between the 3 Cs assumed the form of major confrontation between two new elephants (The Niger Delta or South-South on one side and the-rest-of-Nigeria on the other). However, whenever and wherever the staff of the multi-national companies involved in the Oil and Gas Industry were taken as hostages by aggrieved communities or costly installations were vandalised by illegal bunkerers and others who, for one reason or another, aided and abetted such malevolence, the Federal Government sent troops to enforce law and order. At such times, the earlier patterns of three-cornered fights returned to haunt the 3 Cs and other associated stakeholders.

Indeed, with Crude Oil and Gas and Politics on their side, The-Rest-of-Nigeria, as was amply demonstrated during sessions of the National Political Reform Conference (NPRC), between February and July 2005, conspired against the Niger Delta and other members of the South-South geo-political zone to make only those two natural resources the main buttresses of the Nigerian Economy, despite undiminished cries against continued Injustice and Inequity before

and since Nigeria's Independence. Their spokesmen, in well-publicised speeches, during and outside the official sessions of the NPRC, behaved in this ethnically unseemly manner. On percentages payable, concerning Derivation, their avaricious arguments resembled action synonymous with this kind of behaviour. The-rest-of-Nigeria forcefully entered the households of Messrs Niger Delta, as representatives of the South-South of the political zone, and, like quantity surveyors and estate agents, proceeded to count all countables there. At the end of the rigorous exercise, The-Rest-of-Nigeria, through their NPRC delegates, decided to appropriate 83% of the estates (derivable from what was on, below and above Land, as properly construed) and asked Messrs Niger Delta to take 17%, up from the previously dictated 13%. When Messrs Niger Delta asked pointed questions concerning the ethical basis of that unilateral expropriation, quite different from clear precedents set under Nigeria's Republican Constitution, in 1963, the blunt answer they received was: "Take it or leave it".

That approach drew an impassable line between victimisers and victims, indeed, one between magnetic monetary forces and ethical standards, one too, between the pull of plain self-interest and the push of deleterious environmental concerns caused by pervasive pollution and ecological degradation from the inconsiderate exploration and exploitation of Oil and Gas in the Niger Delta since 1937. In the ensuing fierce arguments, between the-rest-of-Nigeria and Messrs Niger Delta, who other than one, ordained by Creator God, would have dared to put the true price on Death and Dying, among the created, before the fullness of time? How many billions and trillions of naira would such an indecent and impetuous assessor or set of assessors ask for or receive in place of the inescapable responsibility for preserving and protecting God-given life that rests on the triune segments of Self, Society and the State, contrary to the thrust of that ugly debate during and outside sessions of the NPRC?

For the-rest-of-Nigeria, the concept of Land and all its derivatives, which they conveniently adopted, for purposes of Revenue Derivation and Allocation, in respect of their relevant estates, took a diametrically opposite turn. With immense political power on their side, the-rest-of-Nigeria felt good over that manner of interpretation and application of the extant Constitution framed by them in the first place. To the

winning apologists for the-rest-of-Nigeria, Might, from Ancient time to the Present, continued to be Right. But, from the point of view of the losers, Messrs Niger Delta, professional apostles of *force majeure*; nationwide or worldwide, could not have adopted different “Robin Hood-like” strategies and tactics. In essence, actions like these gave much credence to this familiar assertion: the strong attack the weak.

Surely, from the point of view of advocates of the-Rest-of-Nigeria, a periscope or interpretation, such as the new one advanced above, would seem one-sided, leaning heavily, though frankly and quite obviously, as it does, on the generations-old grievances of the Niger Delta communities among those of the South-South concerning the aggravated consequences, for them, of reckless exploration and exploitation of Oil and Gas. But, except in Politics, where Compromise still seems the best part of valour, Truth is not and cannot be half-this and half-that or a mix of other contrived proportions. Indeed, the age-old concept of Truth, as the Whole Truth and Nothing but the Truth, goes further than any formula based on halves, quarters and the like. Of course, at such times, one’s compromise can easily become another’s capitulation as against reasonable dictates and expectations of justice and equity. To that extent, Nigeria’s current and recurrent Resource Control Controversy, Phases 2002 and 2005, ended in victory for the-rest-of-Nigeria and defeat for the Niger Delta or South-South. What seemed a compromise, based on 83% for one and 17% for the other, as dictated by the strong in 2005, clearly demonstrated the contents of the Compensation-driven scales of Justice as against arguments based on Ethical Priorities (with emphasis on the incalculable costs of needles despoliation, dying and deaths, in the affected communities, from repeated but preventable hazards of environmental pollution and associated evil-doing). Therefore, any new interpretation, based on such inviolable ethical considerations and concerns, indeed, one in consonance with the letter and spirit of globally acknowledged humanitarian law, cannot and need not run away from the candid conclusion reached here as set out above. In fact, till 2011, the 13% Derivation Rule did not change.



## Ijo Restiveness in the Niger Delta: A Case-study in Micro-Nationalism

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In choosing a suitable title for this chapter, I quickly recalled that *Time* magazine had also given an admirable piece on the Niger Delta, under the intriguing title: "Burning Oil on Troubled Waters".<sup>1</sup> The theme of this chapter will complement the text of a public lecture I gave, on 30 September, 1999, under the auspices of the Rivers State College of Arts and Science as well as the Rivers State University of Science and Technology, both institutions in Port Harcourt.

Certainly, other relevant and significant events have occurred since that lecture was delivered on the topic: *The Niger Delta Question*. In that group are serious matters arising from the setting up of the Niger Delta Development Commission (NDDC) as well as what I had once regarded as the Odi Massacre. These I shall discuss here.

Let me quickly draw attention now to some of the core issues that will feature here. These concern issues of ownership and control of resources, dignity of an ethnic minority group and notions of equity and justice in one's fatherland: Nigeria. Though the protracted Ijo struggle did not start that way, from the 1850s, it cannot be divorced from these cardinal aspects now.

Next, I shall briefly explain the local, national and international contexts of certain trends and events which I consider relevant to this discussion. Some may wonder why, after a very slow start, the tempo of events in Ijo communities, suddenly warmed up, particularly, from the 1990s. The following hints will suffice:

- i. From the 1980s, the first century after the Berlin West African Conference on the Partition of Africa, 1884-85, international attention gradually moved from the earlier concentration on struggles for Independence. That era also witnessed considerable disillusionment over the unwelcome first fruits of Independence in Africa: unending crises and conflicts in dire need of peaceful resolution. Thus, the tempo of the search for more lasting roots for Development gained momentum. In that process, actors,

at home and abroad, looked for new, relevant and significant issues. These included an increasing need to address and redress several problems raised by micro-nationalism as against those of macro-nationalism resting, as in Nigeria's example, on insecure foundations.

- ii. Also, from the 1980s, former references to the old term, "tribalism", were quickly replaced by the more respectable expressions: ethnicism and micro-nationalism in the vocabulary of advocates of minority rights. Thus, it was much easier for liberal foreigners to associate themselves with ethnicism and micro-nationalism than with tribalism, the centre of academic interest for social anthropologists.
- iii. The end of the Cold War, demonstrated by the Fall of the Berlin Wall and the end of President Mikhail Gorbachev's era, in the former USSR, prepared grounds for the flowering of local freedom-fighters without being labelled Communist-sympathisers, red-hot Socialists or Maoist terrorists.
- iv. The era of Fundamental Human Rights worldwide encouraged the growth and development of several NGOs actively devoted to the pursuit of Civil Rights and other germane concerns. In Nigeria, that era had much promise and fulfillment, from the late 1980s.
- v. Moreover, the other era of the Information and Communications Technology (ICT) Revolution of Internet, cyberspace and related advances gave the widest possible publicity to items which agitated liberal circles worldwide and so increased pressure on public functionaries and policy-makers at local, national and international levels.
- vi. In Nigeria, the fear of another bloody strife, similar to her Civil War, 1967-70, made a repetition of insensitivity to any articulation of ethnic grievances and senseless brutalities something clearly not in the public interest. It was, therefore, possible for militancy, on behalf of aggrieved ethnic minorities, to find political space without overwhelming and complete suppression by State security forces in Nigeria.

In selecting a set of core issues in the Ijo struggle, I do not underestimate those of Identity and the need for standing together over issues of common interest. Additionally, whether or not different spellings of the same term, such as Ijaw, Ijo and Izon, are used, here and elsewhere, does not really matter. These refer to the same ethnic group. How linguists handle these matters need not concern people of common identity. Ijo cultural and linguistic ties, from times out of mind, are with some inevitable exceptions the same. Their crisis is not one of identity; but something more complex and vexatious to interests far and near.

On the linguistic side, specifically, I shall use all three spellings where the context, particularly, in a quotation, allows it. No artificial uniformity will be imposed. None is necessary.

Concerning wider issues, the Ijos tend to remember most the unpleasant aspects of life: those concerning their relations with people inside and outside their country of birth. This, of course, is perfectly natural. They are, however, not an unforgiving people.

For, at least, four centuries or more, geography, history and politics launched a ferocious three-pronged attack on the Ijo in their God-given land of birth: the Niger Delta section of Nigeria. Most of them have lived and continue to live close to troubled waters. Despite the grim logic of their physical environment, mainly in swamps or wetlands, the Ijo also ventured into the hinterlands of their fatherland. To Ijo communities, Nature was both kind and unkind.

As of today, segments of Ijo settlements are in the areas close to Nigeria's coastal waterways. Ijo clusters are in the Arogbo and Apoi areas of Ondo State. Ijo minorities also exist in Edo and Akwa Ibom States. Larger Ijo settlements abound in parts of Delta State where bitter conflicts with the Itsekiri frequently occurred in the town of Warri, an active centre of commerce. Yet, more Ijo groups compete and often clash with Ikwerre, Ogoni and Eleme interests in parts of Rivers State. After decades of agitation, Bayelsa, from 1996, became a mainly Ijo State in the centre of the Niger Delta. If there is any geo-physical divide, this can only be in respect of references to Western, Central and Eastern Ijo.

On changing landscapes, in Ijoland, it is helpful to draw attention to selected ballads of Dr Ibiwari Ikiriko, a talented Ijo Senior Lecturer, at the Rivers State College of Arts and Science, Port Harcourt. In a collection of Poems, Dr Ikiriko, before his death, spoke eloquently on

changes in the geo-physical and political configurations of the Niger Delta from pre-Colonial times.

On "Oil Rivers," Ikiriko wrote:<sup>2</sup>

I come from The bottom of the Amalgam,  
the base Delta,  
Where things are made base,  
And beings become base,  
Leased (sic) by Powered policies Crude as petroleum.

On "Delta Tears", Ikiriko lamented:<sup>3</sup>

They have confiscated our lives,  
They have stolen our everything,  
the coated seascape smells  
Oil and tar gas  
No starry night-water anymore  
As salt is gasolined out  
And fishes grope and gasp  
For way and life, belly-up.

On "Top upon bottom", Ikiriko reflected:<sup>4</sup>

And on many maps as well as ours  
A feeble bottom supports a ruddy top.

### Select Core Issues

Of course, Ijoland was not like that from earliest times. Elements of ecological degradation and perennial pollution as well as their deleterious effects on the quality of people's lives, generally, were incidents of relative recent growth.

From the 16<sup>th</sup> century, Ijo communities also took part in the Trans-Atlantic Slave Trade and so attracted the attention of Western European commercial interests in their territories. Violence against human-beings (called slaves) became prominent then. In that illegal traffic, slaves who struck for freedom lost the war for the dignity of man. Moreover, in that transit trade, from source to the users, there were more sinners than saints. What eventually came to be known as the Niger Delta was initially part of the notorious "Slave Coast" of West Africa. It witnessed considerable Terror associated with the inhuman traffic in slaves:

involuntary victims of voluntary victimisers (European, American and African).

In that violent commerce, the Niger Delta acted as a conveyor-belt of slaves from the hinterland. Slaves who resisted their change of status lost their lives on land and at sea. In that process, the Niger Delta city-states also suffered considerable social and political dislocation. With the Abolition of that trade in 1807 and Emancipation in 1833, Western Europeans became more interested in so-called legitimate commerce in the domains of the Ijo and their coastal and hinterland neighbours.

As the British flag followed trade, Consular governance, from the 1850s, emerged in The Bights of Benin and Biafra (later Bonny). By the 1880s and 1890s, Consular rule there had been consolidated, through spurious Treaties of Protection, signed with the Chiefs (most of whom of Ijo stock who neither spoke nor wrote English well). Contrary to the expectations of the Ijo and other signatories, the term "Protection", from the 1890s, in British official circles, ceased to be one with plain meaning. In practice, people (including the Ijo) and their lands became subject to the commands of Colonial rulers.

From the 1950s, as Nigerian politicians asked for Self-Government and later Independence, the Ijo and their neighbours, in the Niger Delta, became restive. Their earlier expectation, that Independence would enable them regain rights and privileges, before the Treaties of Protection of the 19<sup>th</sup> century were entered into, could no longer be realised. British officials overruled them in 1958, unequivocally.

Hence, they resorted to peaceful political organisation and protest along with others in Nigeria. Earlier, Ijo chiefs formed several political organisations and, on behalf of their people, sent petitions and delegations to British Colonial Officers from the late 1940s. Only one significant success attended their efforts. This was in 1957 when through pressure, from them, the Colonial authorities and other Nigerian delegations, at a Constitutional Conference, held in London, in 1957 agreed to set up a Commission. This Commission, headed by Sir Henry Willink, QC, sought to allay the fears and anxieties of ethnic minorities before the granting of Independence to Nigeria.

The Willink Commission disappointed Ijo communities in several ways. First, it failed to recommend a separate Rivers State embracing all Ijo communities, East and West of the Niger. Next, it recommended the setting up of a Niger Delta Development Board

(NDDDB). Though this was done, in 1961, the NDDDB proved too feeble to meet the needs of Ijo and other ethnic minorities within its jurisdiction. Furthermore, the aggrieved Ijo and others in the Niger Delta felt that the Willink Commission had denied them an appropriate and sufficient voice in the management of their affairs.

It was, therefore, not surprising that Ijo protests took a new turn: from peaceful means to a resort to violence. Its leader was a frustrated young Ijo undergraduate, at the University of Nigeria, Nsukka. This Movement, led by Isaac Adaka Boro, began operations on 23 February 1966. Boro then led units of his Niger Delta Volunteer Service, a hurriedly assembled force of 159 youths, on a mission which quickly proved impossible. Their resistance collapsed within twelve days. They opposed better-equipped Federal troops.

With that defeat, their dreams about setting up a "Niger Delta Republic" ended in smoke. Boro and his two deputies, Samuel Owonaro and Nottingham Dick, were tried for treason in late March 1966. They were found guilty and sentenced to death on 21 June 1966. Pardoned by Military Ruler Yakubu Gowon, in August 1967, Boro, Owonaro and Dick joined Federal troops in their efforts to liberate parts of Rivers State, then occupied by Biafran troops. Boro died during active service, on 20 April 1968, a hero to Ijo Youths thereafter.

As dreamers, Boro and his group abandoned the more time-consuming strategy of peaceful protest embarked upon by the chiefs of their various communities from the late 1940s. In the process, it became clear that Boro, as a leader in armed combat, did not have the staying power and resources available to famous freedom-fighters, such as Jomo Kenyatta of Kenya and Ahmed Ben Bella of Algeria, among others elsewhere. Significantly, that line of resistance, for about three decades, proved less attractive to Ijo and other Niger Delta leaders seeking freedom from internal imperialism.

Boro's misadventure, in 1966, amply demonstrated to the Ijo and other Niger Delta communities that, for them, if not also for others elsewhere in Nigeria, an attempted secession was not a viable option. When similarly aggrieved *Ndi Igbo* tested that conclusion, with their own variants of attempted Secession and Civil War, it was clear, to all others, that any attempt to seek redress of perceived inequities in Nigeria's political system should carefully avoid a bloody path. However, much blood-letting occurred in Nigeria's informal wars.

Similar lessons were demonstrated, during the 1980s and 1990s, when the plight of Ijo and Niger Delta neighbours tempted their ebullient youth to re-apply, if possible, the Boro Model of seeking redress. The elders, however, stuck to their familiar pattern of peaceful protest, through dialogue, conferences, communiqués and appeals to the consciences of people in authority and power at the Federal and State levels.

In the eyes of these youths, the elders looked like collaborators with patent evil, conservatives who had outlived their usefulness. Yet, violence, on the part of the youth, could and did call for counter-violence by their antagonists in communities which felt injured by their activities. This was the case in frequent Ijo clashes, with the Itsekiri in Warri, the Ilaje in Ondo State and Yoruba in Ajegunle section of Lagos. Nigeria's security forces, the Military and the Police, were also prepared to react against militant Ijo youth whenever ordered to do so in the larger public interest.

A pause, here, will be necessary to indicate some major points of friction in relations between Ijo communities and their neighbours. Theories of origins, migration and settlements, where these differed as they often did, were behind most of these instances of crisis and conflict. Anthropological and similar reports of Colonial administrators who relied on conflicting oral tradition, supplied them through interpreters not quite competent in the use of English, also added to the confusion concerning a proper understanding of indigenous systems of land tenure, socio-political institutions, among others. When the texts of these obviously imperfect documents went to law courts, in protracted litigation, lawyers and judges also compounded already complex matters through their application of technical aspects of law and jurisprudence. Concerning issues of farming and fishing rights, in particular, the livelihood of litigants was so deeply involved that recourse to extra-judicial methods often resulted in acts of violence and counter-violence. The resultant repeated and repeatable conflicts were the following.

Repeated clashes between Okrika-Ijo and the Ikwerre occurred over ownership of Port Harcourt. The Okrika-Ijo also had age-old disputes with the Eleme over ownership of land where some key Federal facilities – a refinery, a naval dockyard and fertilizer complex – were located. Further clashes, between the Ijo and the Itsekiri, took place over rival claims to Warri. The Ijo also clashed with the Ilaje people of

Ondo State over land and fishing rights, among others. These instances of conflict and crisis were due to differences over chieftaincy matters as well as crude oil revenues.

Occasionally, Ijo communities also had problems, among themselves, over fishing and farming rights as well as chieftaincy disputes. In these cases and more, litigants involved themselves in costly lawsuits while various governments set up judicial inquiries. The ancient problem of land scarcity became more acute when flooding, erosion and pollution made their presence felt, from the 1970s. For these communities, mixing Oil with water was not a desirable chemical proposition. Its political implications and consequences were equally serious. Politics, over Crude Oil, Gas and environmental concerns, proved explosive. Hence, peace in the various Ijo communities became a perennial casualty.

As multi-national companies and corporations became more actively involved, in the exploration and exploitation of Crude Oil and Gas, clashes between them and the various Ijo and other Niger Delta communities increased. Issues of pollution, erosion as well as ecological degradation called for adequate compensation, calls often made by militant youths in the various communities. These youths, in addition, bore the brunt of unemployment and underemployment and so criticised their elders for being too ineffective in protesting against the wrongs of their people. The youths spoke against inequity and injustice and in favour of ownership and control of whatever Nature endowed them with. At the same time, both the Elders and youths, among the Ijo and other Niger Delta communities, recognised that, from the 1970s, about 80%-90%, of Nigeria's total revenue, came from Oil and Gas reserves in their various communities. After protracted agitation, the Federal Government agreed, in 1999, to grant them only 13%, in the Federation Account, based on the principle of derivation. By 2011, these issues at stake remained unresolved.

The restless Ijo and other Niger Delta communities, therefore, found sufficient reasons for threatening, in every possible way, the multi-national companies in their midst. Their threats extended to shut-downs of Oil and Gas stations and often involved physical attacks and abduction of company staff.

In the circumstances, the various Ijo and Niger Delta communities adopted the internationally accepted principle of asking the polluter to

pay for pollution. They also urged the various multi-national companies to play a major role, in the development of their communities, as compensation, for massive pollution suffered by them. At the same time, the companies argued that the responsibility of developing these communities lay entirely with the Federal Government to which they regularly paid royalties, rents and other impositions as and when due. The Federal Government, itself, instead of finding a solution to this matter, engaged in the familiar tactic of passing the buck.

While the above differences continued, a parastatal, the Niger Delta Environmental Survey (NDES), after careful studies, suggested useful ways of dealing with that crisis. First, the NDES, in its 1997 Report, suggested that the 3 sets of stakeholders (Industry, Government and the Communities) should emphasise the principle of participation as against dictation. Next, NDES rejected a Top-Bottom approach to Development planning and implementation in place of the Bottom-Top type. Furthermore, NDES urged updating forty-fifty year-old data, on hydrology, hydrodynamics and other sciences, relevant to the Niger Delta. It also asked that careful Environmental Impact Assessment exercises should precede the design and execution of any Development plan in the Niger Delta. In addition, the NDES recommended that the above strategies should be integrated with careful monitoring for efficiency and optimum results and so provide a basis for regular reviews.

The Ijo and the Niger Delta communities agreed with the NDES proposals as set out above. Despite grievances, such as those mentioned above, there is no reason to believe that the Ijo and other sufferers, like them, still seek a return to the earlier Boro idea of a "Niger Delta Republic".

Frustration and desperation, among Ijo and other Niger Delta youth, were, to a large extent, byproducts of the political weakness of their people generally. Their weakness was both quantitative and qualitative. The creation of new States and Local Government Areas, between 1967 and 1996, failed to meet their demand for fair and equal treatment along with others. Population criteria, for groups struggling to survive in unhealthy and largely polluted swamps and unhygienic conditions, worked against them. Thus, the Ijo Voice was not effective where power, nationally, lay: The National Assembly, The Presidency (till the wonder of wonders



The Niger Delta Development Board (NDDDB) 1961;  
The Niger Delta River Basin Authority (NDRBA)  
1976; and  
The Oil Mineral Producing Areas Development  
Commission (OMPADEC) 1992.

As Top-Bottom strategies, their failures were not surprising. Without learning from obvious mistakes, the Presidency and the National Assembly mixed familiar carrot and stick strategies concerning serious public debate on yet another parastatal for the Ijo and their Niger Delta neighbours. This was the Niger Delta Development Commission (NDDC), a bill for its establishment President Olusegun Obasanjo sent to the National Assembly, in June 1999. The Assembly passed it, as law, over a Presidential veto, concerning disagreement on some of its key provisions in June 2000. Its limitations included funding arrangements from the federal purse. In practice, funds authorised were not released to the NDDC for years. Paralysis, through lack of timely implementation of its Master Plan, followed in an era of inflationary spirals at home and abroad, culminating in the post-2008 global economic "Melt-down".

In the light of protracted public debates over the definition of their term Niger Delta, the Ijo and other affected communities urged the relevant authorities to adopt a construction close to the meaning attached to it in the 1958 Report of the Willink Commission. Their emphasis was on the "Core" Niger Delta States, of Rivers, Bayelsa and Delta, where issues of neglect and ecological pollution were most pronounced. The cartographic definition, adopted by the NDES, in its 1997 Report, seemed a compromise. Hence, the OMPADEC concept, of "Oil mineral producing", as a criterion for consideration, adopted by the Federal Government, in 1992, they opposed in any subsequent repetition. Instead, the Federal Government favoured a more inclusive interpretation.

The Federal Government, on the other hand, persisted in its opposition to the arguments of those most seriously affected by the core issues at stake. It, therefore, increased the number of states, included in the NDDC to nine, by adding the Cross River State to the list of eight OMPADEC States: Rivers, Bayelsa, Delta, Edo, Ondo, Imo, Abia and

establishments, and the like. The familiar politics over who gets What, When and Why, among the 9 NDDC States, has already begun. This tendency, if not properly checked, has the potential for killing the NDDC ultimately.

vii. Again, the NDDC represented its designers' well-calculated Agenda. It did not look like fish caught with the nets of Ijo and other skilled fishermen like them. It was like a Greek gift, the Trojan horse, with its well-known consequences. At best, it was no more than opportunistic appeasement, a sop to Cerberus, which emphasised the weakness of the Ijo and their Niger Delta neighbours. The standard rule, after the tragic consequences of that episode, was this: *Timeo Danaos et dona ferentes*. (I fear the Greeks even when they bring gifts). Then as now, all manner of Greeks abound. Nearer home, it was the same. The acceptance of that type of Federal fish, with hidden dangerous bones and potential risks to throats, carelessly at work, increased the Ijo sense of dependence and thus injured their self-respect.

viii. Indeed, the establishment of the NDDC seemed a diversionary tactic meant by its designers to bribe the Ijo and others like them and so give their political opponents more time to effect more ~~longer~~ and more lasting devices to injure their ultimate survival. Whoever denied them justice and equity as well as a decisive voice, in the management of their affairs, at the earliest opportunity, did not understand the centre of gravity of their problems within Nigeria: injustice, inequity and oppression.

ix. Concerning sustainable funds, for programmes, like the NDDC, there were other examples, worldwide, which were either not considered by the Federal Government in Nigeria or made little or no appeal to it. Among these was the Gulf of Mexico Programme, one not driven by local communities. Another example was that of the Mekong River Commission, where there was no government funding. A third example was that of the Balabac Bay Project, in the Philippines, whose principle of the "Polluter pays", seemed quite attractive to communities like the Ijo. Dr J. A. Amakiri, Executive Secretary, NDES, came to the same conclusion in May 1999.<sup>7</sup>

- x. With the inauguration of the NDDC Board, on 21 December 2000, all that would be necessary was for it to prove all its critics wrong. Thereafter, its top managers could not ignore urgent Community calls for working out the best ways of effecting the vision and mission of the NDDC in the light of the actual needs and aspirations of the local interests it is meant to serve. If successful, that would be one quick way of resolving their restiveness, from Colonial times to Independence and without further accusations of Injustice. As of 2011, the long period of experimentation since its establishment had not yet come to an end.

Widespread fears and anxieties over events and trends, as indicated above, increased in the 1990s. It seemed Federal policy makers did not benefit sufficiently from lessons that could have been learnt from the widely criticised deaths, by hanging, of the “Ogoni Nine” in November 1995. Otherwise, they could have prevented what was also widely seen and criticised as a Massacre in Odi, in November 1999.

Its antecedents and consequences were not mere accidents of History. Indeed, with due discipline and sound common sense, on the part of various actors, this escalation of violence could have been prevented. Without any shadow of doubt, there were grave errors of omission and commission on all sides.

- i. Unrest in Odi, in the Kolokuma/Opokuma Local Government Council Area of Bayelsa, and elsewhere in the Niger Delta, was a result of widespread pain and protest, not an unpatriotic reaction by oppressed and impoverished people.
- ii. The first Ijo civilian Governor of an all-Ijo State aptly made public the scale of deprivation throughout Bayelsa State. In an interview, its Governor, Chief Diepreye Alamieyeseigha, described conditions in his State thus:<sup>8</sup>

For 46 years, Bayelsa has fed Nigeria. But today, it is not only the most backward state in Nigeria, it is one of the most impoverished in the world. So this thing about youth violence and all that is a natural reaction. The youths are asking for fairness and justice. It is about the right to self-determination... What is our crime against the Nigerian nation that no one is listening to our plight?...

By and large, there is need to address issues of total neglect and lack of infrastructure.... No investor will come in without the basic things in place.

Bayelsa is not connected to the national grid. When I came, in May (1999), I inherited darkness and empty treasury. This is a state that has only one road of 28 kilometres linking it to the outside world. Is that a road? We have no single tertiary institution. We still use the Port Harcourt telephone code to access our line. We have no health facilities. I have over 400 refugees from the Ijaw-OPC face-off in Lagos. Then there are another 3500 from the Ijaje-Ijaw crisis in Ondo. I have to feed and clothe them. No drinkable water in the entire state. There is no comfort anywhere for the people. When we keep quiet leave us alone. But when you trigger us, you are looking for trouble! Do you know that 85 percent of Bayelsa is water or swamp. Flood and erosion are devastating what little land we have. Just behind government house, here, is a massive swamp. What would take you to build a three-bedroom bungalow here, if you ever get the land will be 10 times more than the usual cost elsewhere because land preparation and sand filling will have swallowed a chunk of it. We still use canoes to move from Yenagoa to Feropa. With a double 75 boat engine, it will take you at least four hours. This will require not less than three and half drums of fuel. A litre of fuel in the riverine communities that produce this fuel costs 60-65 Naira as against 18-19 Naira for the same quantity in other parts of the country. Riverine transportation is virtually non-existent. It was only recently we had a two fuel pump station in Yenagoa, the state capital. So if you fall sick at Feropa, you are likely to die! and Texaco has been drilling our oil there for 38 years. We are only spectators. It's frustrating.

- iii. The Bayelsa State Governor condemned the brutal killing of 12 federal Police officers and men in his State, on different dates, between 4 and 10 November 1999.
- iv. On 10 November 1999, President Olusegun Obasanjo gave the Bayelsa State Governor a 14-day ultimatum to arrest and prosecute the alleged culprits or face a Declaration of a State of Emergency there.
- v. On or about 19 November 1999, the President ordered units of the Nigeria Army to perform the same mission previously assigned to the Governor of Bayelsa State. However, no State of Emergency was declared. Indeed, the ultimatum had not yet expired before his military mission went into full gear.
- vi. A reliable source informed me that, at some stage in delicate negotiations, the state Governor and the President

agreed on the necessity of this military intervention, but, the former seemed to have developed cold feet just before it began. The same source indicated that the Governor, then new in office, had serious disagreements, over ineffectual Election promises, with a militant wing of the "Egbesu Boys". In any case, it is conceivable that neither the Governor nor the President accurately foresaw the full extent of the devastation that occurred when Federal troops moved into Odi, then cramped with defenseless men, women and children.

- vii. The National Assembly was not associated with this military expedition against Odi.
- viii. This Odi mission, given codename OPERATION HAKURI II, by Retired Lt. General T.Y. Danjuma, Minister of Defence, at a briefing of ECOWAS Ministers, on 25 November 1999, completely devastated Odi. Representatives of Civil Rights bodies, based in Nigeria, who visited Odi, shortly after, regarded what they saw there as a "War Crime" worth investigating by the UNO and OAU. Thereupon, these Civil Rights leaders called themselves "Odi Coalition Against Genocide" (OCAG).<sup>9</sup>
- ix. Members of OCAG further observed that the deployment of troops to Odi was "not to protect lives and property", as stated by the Defence Minister, but to "safeguard oil and oil alone".<sup>10</sup> During their visit to Odi, on 8 December 1999, OCAG spotted the following tell-tale graffiti there:<sup>11</sup>

*"Bayelsa will be silent forever".*

*"We will kill all Ijaws".*

*"Our power pass Egbesu".*

*"Next time, even the trees will not be spared".*

*"Worship only God not Egbesu"*

*"Egbesu (sic), Why you run?"*

*"This land is for soja, not for Ijaws".*

An Editorial in *The Guardian* commented:<sup>12</sup>

The ruthless manner the attack was executed points to a premeditated plan to rout the community. The soldiers did not only deploy the most lethal weapons, they sealed off the area and made escape practically impossible, even for children and the aged...

The government has not bothered to send relief to the Odi community. There has been talk of rebuilding the ruin, but no sense of urgency can be attached to the promise. The National Assembly expressed some concern over the constitutionality of the President's action, but it could only make a feeble appeal for the withdrawal of the invading troops. The Bayelsa government has cried out for international humanitarian assistance, but few will take the matter seriously when the Nigerian authorities appear so unperturbed...

Odi may well pass into history as Nigeria's Kosovo but its aftermath will remain ominous and frightening. Weeks after the 'fall' of Odi, soldiers were raiding Ijaw settlements in Port Harcourt and Warri areas in the name of searching for the killers of the 12 police personnel. Did the Army order these attacks? By resorting to this kind of scorched (sic) method in dealing with protests in the Niger Delta region, the government thinks it can silence the people forever. The government knows that it has grievously wronged the people of the Niger Delta whose resources sustain the country. Applying maximum force to suppress every expression of protest can only alienate the population and drive it into more stubborn opposition. Rebuilding the infrastructure in Odi may help to assuage the outrage, but it will not bring back the dead. An open investigation should be carried out to establish the scale of the damage, identify the casualties and determine what compensation should be paid.

- x. Despite such well-expressed expectations, no judicial inquiry was set up and no compensation was paid.
- xi. Though the ultimatum to declare a State of Emergency threatened by the President did not take place, public opinion was much against it from the beginning of the Odi crisis. For example, Alhaji Lateef Jakande, former Governor of Lagos State, recalled that a State of Emergency, in Western Nigeria, 1962-1965, did more harm than good. Isa Abdulsalami, a leading politician, in Jos, came to the same conclusion. He cited the example, of a State of Emergency, in parts of the Middle Belt, in the 1960s, following

Government reaction to the activities of Joseph Tarka, leader of the United Middle Belt Congress, and his followers.<sup>13</sup>

- xii. Leaders of the Ijaw National Congress, the Council of Ijaw Associations Abroad, the Chikoko Movement, the Niger Delta Human and Environmental Rescue Organisation and the National Union of Bayelsa State Students agreed that any such action “was ill motivated and could compound the problem in the area”. In addition, they said, any such emergency would “hurt democracy”.<sup>14</sup>
- xiii. In an interview, with the BBC, Felix Tuodolo, a prominent Ijo leader, said that the threatened Declaration of a State of Emergency “was unacceptable to his people”. He also accused the Presidency of “undue belligerence against Bayelsa”. He cited the examples, of “Lagos, Sagamu and Kano where similar violence had led to the killing of policemen and no martial law was imposed”. He added: “Bayelsa is the centre of Ijaws and imposing a State of Emergency in Bayelsa means imposing a State of Emergency on the whole of Ijaws”. He, therefore, vowed “If the government goes ahead to do it, we will use all the resources at our disposal to resist it”.<sup>15</sup>
- xiv. The Federated Niger Delta Izon Communities advised all Oil firms operating in their areas to withdraw their staff in their own interest and without further delay.<sup>16</sup>
- xv. In a Petition, dated 20 November 1999, addressed to Prime Minister Tony Blair, the Niger Delta People in UK concluded that the threatened State of Emergency “would be a prelude to annihilating their kinsmen”. They further declared their support for various political organisations and aspirations in the Niger Delta. Among these were the Kaiama, Aklaka, Ikwerre Declarations, the Bill of Rights of Oron People, the Resolution of the First Urhobo Economic Summit, the Road to Self-Determination by the Coalition for Self-Determination, the Ogoni Bill of Rights and Warri Accord. They further asked that Nigeria’s President desist from “harassing duly elected governors from the area” (Niger Delta). They also “demanded the withdrawal of oil companies from their land, accusing them of supplying mercenaries and training Nigeria Army and Police special killer squads under the guise of maintaining law

and order in the Niger Delta”<sup>17</sup> These attacks helped to dent Nigeria’s image at home and abroad.

- xvi. In several spirited public statements, Dr Doyin Okupe, Special Assistant to the President (Media and Publicity), did all he could to defend the Presidency against all known charges, concerning the threatened Declaration of a State of Emergency and the deployment of troops. He said the President called a special meeting to discuss these developments.
- xvii. The following quotations, from a carefully prepared statement,<sup>18</sup> will help readers judge matters for themselves.

Present at the meeting were: President Obasanjo, Vice-President Atiku Abubakar, Senate President Chuba Okadigbo, House of Representatives Speaker Ghali Na’Abba, PDP National Chairman Barnabas Gemade, Chairman of the Party’s Board of Trustees, Chief Alex Ekwueme, National Petroleum Corporation Group Managing Director, Mr Jackson Gaius-Obaseki. There were also the chief executives and senior officials of Shell, Mobil, Chevron, Elf, Agip, Texaco, and Dubril Oil.

Speaking at the meeting, President Obasanjo said that the Federal Government was very much aware of the concerns of the oil producing companies for law and order in the Niger Delta, and the threat which a breakdown of law in the area could pose to the country as a whole. Reiterating his government’s appreciation of the grievances and frustration of the people of Niger Delta, President Obasanjo restated his recent warnings that the Federal Government would not tolerate a descent into criminality by persons who could demand an amelioration of their problems by peaceful means. He said that the present situation in the Niger Delta dictated that government and all the concerned parties must get their act together and expedite action on whatever they were doing to address the many problems of the oil producing areas of the country. The President advised the oil companies to explore more ways of making their host communities stake-holders in the successful operation of the industry and suggested that one way of achieving this objective was to, as much as possible, accommodate indigenes of the oil-producing communities in their employment programmes. He, specifically, urged the companies to employ indigenes as community and public relations officers to

bridge the communication gap between them and their host communities and enhance good community relations.

The Federal Government wishes to make it, categorically, clear that no State of emergency has been declared in Bayelsa State and neither has a military action been ordered. It will be recalled that the security situation in Bayelsa appeared to have deteriorated severely leading to the gruesome murder of 12 policemen and other law enforcement agents. Police reinforcement dispatched to the area to arrest the situation were assaulted and forcibly turned back at illegal roadblocks mounted by armed hoodlums. These unfortunate developments made an intervention imperative to avert a total breakdown of law and order and to protect the lives and properties of ordinary citizens of the state. Security forces were, therefore, deployed to the area, under the control of the state governor who is the Chief Security Officer of the state, primarily to ensure the enforcement of law and order, the speedy return of normalcy and peace and the apprehension of those responsible for the cold-blooded murder of law enforcement agents. Government reaffirms its commitment to addressing the problems created by years of neglect and official abandonment of the Niger Delta region. This administration will ensure that during its tenure, problems of lack of infrastructural facilities, environmental degradation and poverty will be tackled with the seriousness they deserve. However, it should be noted that the process of reconstruction and community development cannot be pursued seriously in an atmosphere of violence and anarchy. The situation in Bayelsa almost got out of control, it was almost anarchy. The government has had to act to restore law and order, protect lives and protect property.

This is not an anti-Ijaw operation. No government has been more interested in solving the Niger Delta problem and developing the area than this one.

The government has inherited the results of years of almost criminal neglect of the region under past regimes. But order has to be restored. Disorder in the region does affect the rest of the country. It affects people wanting to invest in Nigeria.

xviii Not everyone agreed with Dr Okupe's pronouncement on behalf of the Presidency. This was quite clear in another Editorial in *The Guardian*. It was captioned "Blunder in Bayelsa:"<sup>19</sup>

Again, Bayelsa typifies this injustice. It is the only state in the country where an Ijaw indigene is a governor. But the Ijaw are the fourth most populous ethnic nationality in Nigeria. In four other states where they are found, they are a minority. For nearly a year, Ijaw territory has been a target of military action and the environment is volatile. What we are faced with is not just a law and order situation, it is a matter of fairness and justice in a federal system.

*The constitutional instrument of emergency powers should be invoked only where other methods fail. In the particular instance of Bayelsa, the government has not exhausted all other avenues for dealing with the crisis. There are numerous flash points in the country. There have been clashes of ethnic militias in a place like Lagos. The inter-ethnic killings in Sagamu and Ikorodu a few months ago were unprecedented in peace time Nigeria. Armed bandits and marauders are causing havoc in the north-eastern corridor of the country. The introduction of a Sharia system and constant the imposition of emergency conditions in any of these places. Hence, the situation in Bayelsa does not warrant this extreme measure.*

- xix. From the points and counter-points made above, it was quite clear that whilst the Bayelsa State Government regarded the Odi episode as a demonstration of the delayed consequences of neglect, the Federal Government saw it as one of law and order, more or less. However, the Civil Rights Community in Nigeria condemned it as a crime equivalent to genocide against people whose Fundamental Human Rights were flagrantly abused by a succession of military and civilian governments in Nigeria.
- xx. Besides, the Odi Massacre illustrated obvious lessons to be learnt from the familiar episode of the consequences of two elephants fighting. In that tussle, the comparable victims were the dehumanised Ijo of Bayelsa State and others like them in the Niger Delta.
- xxi. For as long as still secret aspects of the Odi Massacre remain impenetrable, it will not be clear now why a Nigerian civilian government, at that point of the Transition to Democracy, decided to repeat sad aspects of Colonial History. These would include the causes and consequences of earlier acts of violence and counter-violence associated with the Ijo communities in Nembe and

Akassa in 1895. Injured by the harsh monopolistic policies and practices of a foreign commercial and governing outfit – the Royal Niger Company, Chartered and Limited – the aggrieved King (Koko), chiefs and people of Nembe attacked that company's depot at Akassa in January 1895. Angry that the Akassa War had insulted the British Crown, a Consular Expeditionary Force adopted the strategy of State counter-violence and taught Nembe and her neighbourhood a bitter lesson in February 1895. The interests defended then were more of those of the Royal Niger Company than those of the customary requirements of law and order. In the Odi Massacre, the interests defended were those of the multi-national companies involved in Oil and Gas operations which chose that particular Ijo physical environment to demonstrate how to fish (or not to fish) in troubled waters.

- xxii. The Odi Massacre in 1999 followed another Colonial pattern. This was in respect of a bloody Colonial policy and practice that the British consuls and their successors adopted in the Niger Delta. British officials, from the 1890s, emphasised the principle of holding a community responsible, for the criminal activities of known or suspected individuals or groups. The punitive expeditions of that era of British Colonial practice spread the lethal consequences of fire, sword and seven-pounders in the affected Nigerian communities. Then, as now, such practices intensified bitterness and hatred of government coercion, oppression, intimidation, injustice and inequities among these communities.
- xxiii. Moreover, the Odi Massacre exemplified a latter-day application of yet another British policy closely associated with a hard-hitting British Colonial Secretary in office (1893-1903). This was Joseph Chamberlain (1836-1914). He, it was, who sanctioned everywhere in the British Colonies the brutal principle of breaking local eggs, to make an Imperial omelette. Concerning the Odi Massacre and brutalities before it, the more pertinent questions to ask and answer were these: Whose internal Imperialism in Nigeria was being served through a similar strategy of breaking local eggs for other people's omelettes? Why? Answers to both questions divided disputants further and further apart within and outside the Niger Delta.

While in a rather remarkable way, Colonial practice, in respect of the 1895 episodes, in Akassa and Nembe, differed from the conduct of Nigerian policy-makers after the Odi Massacre. Sir John Kirk's Commission of Inquiry (June 1895) investigated the Akassa War (January, 1895) and the counter-attack on Nembe (February, 1895). But, the Odi Massacre (November, 1999) had none. British public opinion expressed, through the House of Commons in 1895, proved more compelling than Nigerian opinion, in 1999 had through the National Assembly in distant Abuja.

### Conclusion

- i. Significantly, through serious conflicts of interest between local people and foreign exploiters in their midst, Bayelsa State, home of the Ijo in Nembe, Akassa and Odi, knew no lasting peace for a century or more. The same was true of the fate of the Ijo and other Niger Delta communities, though in various degrees.
- ii. Next, stakeholders in the Niger Delta failed to understand how necessary it was for the Ijo and their Niger Delta neighbours to associate themselves, more and more vigorously, with other ethnic groups as well as political and social organisations nationwide in favour of general deliberations for thorough reviews and reforms that would promote a lasting era of equity and justice for all Nigerian citizens and so guarantee their fatherland sustainable safety, stability, prosperity and peace.
- iii. For the avoidance of doubt, micro-nationalism, in the context of the Ijo and other ethnic minorities, makes sense only within the framework of macro-nationalism, that of the multi-cultural and multi-ethnic Federal Republic of Nigeria. Indeed, these aspects of needless events and trends, since 1970, continued to confirm that Nigeria's credentials, for ensuring lasting justice, equity, stability, security, safety and peace, suffered repeated and repeatable harm.
- iv. For this powerful consideration, the subsequent so-called "parallel" to the Odi Massacre in the Zaki-Biam part of Tivland in October 2001, was not worth pursuing here.<sup>20</sup> Nor should one seek to ascertain here, the role played in the Odi Massacre by Lt. General Victor Mulu, former Chief of Army Staff, in the light of his vehement

criticism of the Military units deployed in the Zaki-Biam bloodbath. As a disaster, one involving the loss of precious lives, the latter, like Odi, was unfortunate. Moreover, no controversy over disasters in Ijoland, Tivland or other lands in Nigeria should amount to a hit below the belt of any *persona*. Besides, the Zaki-Biam episode did not meet my basic requirements for comparability: the key factors of Time, Circumstance, Leadership/Followership and Chance/Accident. Furthermore, the Zaki-Biam flashpoint, in Tivland, was not comparable with the Defence of Oil, given the unique events and trends in the Niger Delta from the era of Consular Jurisdiction in 1849 to Independence in 1960.

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### **3 Oil over Troubled Waters in the Niger Delta: Roles of King Koko & Co. (Part One)**

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Among relevant Core issues that will be discussed here are the following:

- i. "Threat Analysis": The weak generally invite attacks from the strong. Associated factors in the Oil Rivers, before and after 1807, will help to fortify this observation.
- ii. Effects in West Africa of the Abolition of the Slave Trade (1807), Emancipation (1833) and the Discovery of an outlet to the sea through River Niger (1830) and associated matters.
- iii. Major implications of the new mix of Legitimate Commerce, Christian Missionary activities and British Governance.
- iv. Key consequences and implications of a shift from a Palm Oil-driven Economy to one dominated by Crude Oil and Natural Gas in the Oil Rivers (later, Niger Delta).
- v. Some significant Changes in Leadership, Thinking and Tactics of Protest, 1849 - 2009.
- vi. African Exercise of the Universal Right of Protest against perceived Oppressors, Old and New. This will emphasise the principle that, in the final analysis, Oppression does not pay.
- vii. Reactions by relevant authorities to African Protests since 1849 and their short-term and long-term consequences and implications.....
- viii. What Way Forward, if any, and Why?

For obvious reasons, I shall avoid treating the short-listed Core-Issues one by one. Instead, aspects of these I shall highlight without breaking a more convenient sequence. For the same reason, I shall take for granted whatever material I consider already familiar (from available publications).

Here, I have often and for convenience used the terms "Oil Rivers" and "Niger Delta" interchangeably despite some fine points of Geography and History. For example, a stretch of territories which British

officials, in the 1880s, termed the “Oil Rivers Protectorate,” became known, from 1893 as the “Niger Coast Protectorate.” The hinterland of the latter stretched beyond what later policy-makers called the “Niger Coast” and “Niger Delta”. As of 2009 the southern limits of this Niger Delta officially stretched from the Benin River in the West to the O. Calabar River in the East.

I also need to clarify now what I mean by “Oil” here. Until the late 1930s, this meant Palm Oil and kernels (palm produce). But with successful exploration and exploitation of Crude Oil, from 1930s and beyond, in parts of the Niger Delta, the most sensitive nerve-centre of Nigeria’s economy shifted from palm produce dominance there since the 1830s, to what the masses in Nigeria later called Oil. On the wider implications of that shift, I shall say more later.

### **Some Core Issues Revisited**

One should begin with “Threat Analysis” from the point of view of the Oil Rivers communities before the Abolition of the Slave Trade (1807). Before that momentous event, the Oil Rivers communities had played key roles, as middlemen, in the trade in slaves sourced from the hinterland. From a liberal and humanitarian point of view, these middlemen were part of the Oppressors of human beings treated as slaves. Economically, the Slave Trade brought considerable wealth to the middlemen. Demographically, commerce in human beings helped to change the social maps of the communities concerned. But, how far such changes occurred we would not know until further studies have been conducted. Externally, vast European fortunes were made before Abolition. These were threatened thereafter.

Cumulatively, pre-Slave Trade institutions and systems and the authorities in control of these had to work out adaptations to the hard facts of widening European interests in exchanging Africans with a miscellany of imported goods.

With the spread of European lifestyles, African cultural values also came under serious threats. All in all, the Slave Trade exposed the underbelly of the Oil Rivers communities to European adventurers (sometimes called “super-cargoes”). What followed the earliest stages of the European advent to the Oil Rivers steadily revealed the scale of several threats to the well-being of the communities there.

In an analysis of Threats, after 1807, one should also reckon with the following primary considerations:

- (i) If the strong did not attack the weak always; they often did;
- (ii) Internal dissension over personal land, Chieftaincy and other disputes, if not politics of migrants, did provide ample opportunities for the interventions of persons who sought to fish in troubled waters;
- (iii) How to cope with change, in pace and range, often posed complex challenges to individuals and groups;
- (iv) Complex strategies and tactics for adaptations to change also resulted in the rise and fall not only of individuals and groups but also of societies and city-states; and
- (v) The implications and consequences of all of the above helped to mess up pre-set arrangements concerning safety, stability, security and peace.

Africans then faced three-pronged attacks. Their actual and potential enemies were advocates of legitimate commerce, Christian evangelisation and alien governance. Of these, what Africans feared most was alien control: in effect, deprivation of self-sufficient, self-sustaining governance.

Politically, Abolition in 1807 and Emancipation in 1833, threatened the stability of City-States, such as Bonny and old Calabar where considerable numbers of emancipated slaves expected due recognition by relevant political authorities. Consequently, riots and socio-political conflicts occurred, in both communities, during the 1850s, and 1860s. These presented internal weaknesses for strong outsiders to exploit.

As the British saw it, the placement, in 1810 of a Humanitarian Squadron in West African waters and the appointment in 1849, of a Consul for The Bights of Benin and Biafra (later Bonny, henceforth, called The Bights) provided opportunities for intervention in the internal affairs of the Oil Rivers communities. Disagreements between the British consular officials and the kings and elders of the Oil Rivers communities over badly worded and poorly understood Treaties of Friendship, Commerce and Protection, from the 1850s to the 1890s, seriously threatened peace and stability. The African signatories

(some, with X-marks), of these Treaties realised too late how notions of their pre-Colonial independence and sovereignty were seriously compromised by their acts of omission and commission.

Also, in serious crisis were the results of the push, from the Rivers coast to its hinterland by teams of Christian missionaries since the 1840s. At serious risk were African Traditional Religions (dismissed by the Missionaries as "Juju" or Fetishism). Because the activities of these evangelical crusaders were seen as part of the "Civilising Mission" of British officials, African resistance regularly provided justification for bloody punitive expeditions. With every such attack, African cultural and associated values suffered irreparable losses.

With innocent but valuable help from Boy Amain, King of Nembe (1832-46) (now in Bayelsa State), Richard and John Lander were ransomed and in 1830, discovered the Delta, as the outlet of the River Niger. Thereafter, Macgregor Laird, Dr. William Balfour Baikie and other Niger expeditioners (1841, 1854, 1857, 1861) actively exploited the trail blazed by them. The River Nun and other tributaries of the Lower Niger thus attracted the interests of several European traders whose activities were consolidated in 1879 through the formation of the National African Company (NAC). From 1886, the NAC received a Charter, under the name of Royal Niger Company (RNC), and, in that capacity, threatened the inland markets of Nembe and other African traders. This powerful monopoly produced Violence and Counter-Violence.

Apart from the RNC combination of trade and governance, the bulk of administration in these territories, came under the distant control of the British Foreign Office. Its local officials, from the 1880s to the 1890s, used to the full the international mandate which the Brussels Conference (1889-90) granted "occupying powers" to make their rule "effective". Britain, in 1892, ratified the decisions of this Conference. Thus, the post-Brussels Conference phase of their control became more threatening to the communities here than the earlier phase (1849-91) witnessed. Fierce local reactions followed.

Resultant African protests took forms dictated by the combined impacts of my key determinants of History. Since coastal communities were within the firing range of British warships, they frequently encountered bombardment (or the threat of this) if diplomacy failed to resolve conflicts. In this regard, Old Calabar fared better than Bonny during the 1850s and 1860s. The monarchs of Old Calabar, near

Consular Headquarters at Fernando Po (later Equatorial Guinea), adopted pragmatism to an extent of being conciliatory in any confrontation with the British Consuls for The Bights. One Bonny King and his elders, in the 1850s, were more daring and so suffered in consequence. The rulers of inland communities came under more aggressive handling in the post-Brussels Conference era.

Since most of these events are well known, I shall only seek to draw out here certain aspects not regularly emphasised in existing publications. My aim here is to show the need for sufficient care in any attempt to draw a firm line between one set of African collaborators with and the other set of die-hard opponents of alien rule in the Oil Rivers communities during the second half of the 19<sup>th</sup> century.

### **Some Selected Predecessors**

The career of King William Dappa Pepple (Perekule V) of Bonny, 1835-1866, illustrated how a straight path in opposition was not politically wise for an African ruler at that stage of Consular jurisdiction in The Bights. Bonny politics and trade, in particular, demonstrated how impossible it was for a ruler to sit on the fence.

European traders at that stage of a delicate transition from the Slave Trade to legitimate commerce (mainly, in palm oil and kernels) frequently called on an overzealous Consul to defend their claims against King Pepple and his trading African rivals and subjects. Bonny elders also made matters extremely difficult for King Pepple during any confrontation with alien forces.

In these circumstances, the British Naval Command at Fernando Po helped to protect Pepple's formal Coronation in 1835 against strong opposition by his rivals. Pepple's attempts at regaining control resulted in 1854 in his deposition and deportation to Fernando Po, Ascension Island and Britain in turn.

His return, from involuntary exile, in 1861 did not end conflicts with his African rivals and the British Consul. Moreover, King Pepple who at first, opposed the planting of Christianity in Bonny changed his mind in 1864. At his death in 1866, King Pepple was a broken man, physically and otherwise, a victim of internal weaknesses (including a Civil War) exploited to the full by his African and European enemies. Thereupon, stronger forces exploited Bonny's internal weakness.

The rise and fall of King Jaja (originally known as Jubo Jubogha or Jo Jo), founder and ruler of Opobo, also demonstrated the same Collaborator-Opponent faces and phases of the African encounters with British Consular officials and European traders in The Bights. They were pragmatic in their approaches to politics, more of self-interest than of community concerns.

As Head of Opubo Annie (Anna) Pepple House, 1863-69 in Bonny, Jaja played a central role in the opposition to the rule of King William Dappa Pepple. Jaja then was the ally of European traders and the British Consul. At the height of Bonny's second Civil War in 1869 (the first in 1855) Jaja and his group of supporters secretly left their old Bonny homes to found a new inland settlement. This, on Christmas Day, 1870, was officially named Opobo, after Opubo, the Great of Bonny. Jaja became its new King, with recognition, accorded by the British Consul and friendly European traders.

Later, when Jaja resisted opponents of his monopoly of markets in the interior, he encountered not only their wrath but that of the British Consul and the British Government as well. He was deported, first, to St. Vincent and to Bridgetown, Barbados, in the West Indies in 1887. On his way back, from exile, in the West Indies, Jaja died on 7 July 1891 at Santa Cruz on the Spanish Island of Tenerife. His people made a strong demand to the Consular authorities for the early return of his remains for proper burial at Opobo. This request the authorities quickly granted and his remains was returned on 12 August 1891. Amidst wailing and the tolling of the Town Bell, which Jaja himself had erected in 1879, Jaja's remains were given a befitting re-burial in September 1891. In honour of Opobo's Founder, a monument was erected in 1908.

Surely, in the context of Opobo politics, Jaja deserved the public honour accorded him at his death. But in a study of this kind, it has to be said too, that as Head Chief in Bonny and King of Opobo, Jaja combined collaboration with opposition to the Consular authorities in order to secure his own survival under circumstances of great peril.

Chief Nana Olomu of Ebrohemi creek, a big Itsekiri trader, up and down the Benin River, also was not an out-and-out opponent of Consular control in the Oil Rivers. He exploited to the full the palm oil producing potential of Urhoboland, west of Forcados River. This tough rival of another talented trader and British

Agent (Chief Dore Numa) knew where his bread was buttered. He supported British Consuls when necessary and opposed them as circumstances permitted. For example, at various times, Nana held a British “Staff of Office” and was widely known as “Governor” of Benin River.

When, however, his attempts to monopolise trade went too far too fast, the British Consul, with an imposing battle formation, compelled Nana’s collapse, trial and subsequent deportation to the Gold Coast (later Ghana) in 1894. Released from detention, Nana returned to his Ebrohemi environment in 1906.

After his death in 1916, Nana was remembered, more as a “Merchant Prince” on the Benin River, than as a valiant Freedom Fighter. Nana’s decline and fall brought much relief to his many African rivals. His career also demonstrated how collaborators and opponents fell between two stools: of Self and Society, if not also of foreign authorities and rulers and their new commands to weaker rivals.

The British encounter with Oba Ovonramwen of Benin, crowned in 1888, rested on a different footing. The Oba, accused by British officials, of blocking trade within his territories, was not of the same class, as King Pepple of Bonny, Jaja of Opobo and Nana of Ebrohemi creek. That this Oba of Benin practised or encouraged human sacrifices was another familiar charge of his British critics. The same Oba allowed, in January 1897, a party of British “visitors” to his domain, contrary to his objections over timing. He later attacked them (with several of them killed). This incident played into the hands of the British Consul. This was the very official who was anxious to humiliate the Oba and so end Benin independence at a stroke.

The formidable punitive expedition mounted against the Oba of Benin and his subjects, in February 1897, succeeded in making “the Whiteman King” there. Following the Oba’s surrender and subsequent trial, he was deported to Old Calabar where he died in 1914.

### **King Koko and the “Akassa War”**

And now we come to the central piece of this Chapter. Here, there is ample evidence for a rewarding study of the impacts of my key determinants of History. From the detailed studies already made

by Professor E. J. Alagoa, Professor K.O. Dike, Professor J.C. Anene and other scholars, we can take for granted the essential features of dramatic events around Nembe in the 19<sup>th</sup> century. It is, however, necessary to emphasise that, in the reign of King Frederick William Koko, Mingi VIII, 1889-1898, one could understand quite well how these key determinants of History worked with significant consequences for the communities there and their antagonists during a period of great peril to their survival.

King Koko assumed leadership of his people in extremely difficult times and circumstances. Among these, we shall shortlist the following key developments:

- (i) For British occupiers and administrators in the Oil Rivers, the more complacent phase of the Berlin West African Conference, 1884-85, had given way to the more combative stage following the Brussels Conference, 1889-90, with its emphasis on "effective occupation".
- (ii) The earlier clashes which British Consuls in The Bights had with African rulers and big traders, between 1850 and 1894, gave them increased confidence to tackle more troublesome ones.
- (iii) Up the River Niger lay what, in March 1895, Sir Claude Macdonald, Commissioner and Consul-General, Niger Coast Protectorate, called "the biggest monopolist of the crowd — the Royal Niger Company".<sup>1</sup>
- (iv) It was this company, vested with a Royal Charter, in 1886, that King Koko and his subjects attacked on 29 January 1895. British reprisals followed a month later.
- (v) The King and the people of Brass (Nembe) had, for several years, sent to the Consular authorities their serious grievances against the RNC whose regulations had deprived them of their traditional markets and thus exposed them to starvation.
- (vi) The people of Nembe (Brass) presented to an official Inquiry, on 8 June 1895, their principal grievances. Among these were the following.<sup>2</sup>

A few months after this he (Consul Hewett) came back again and to our great surprise informed us that the Government had granted to the National African Company, a Royal Charter on the River Niger which meant that they had full power to do what they liked in the River, and to impose and receive duties from everybody who wished to go there for the purpose of Trade. We called his attention to the fact that our Treaty (in March 1886) states that trade was free, how was it then that we were not allowed to go and trade freely at villages the people of whom our Fathers, Grandfathers and we had traded with in past times...

We have suffered many hardships from the Company's regulations, our people have been fired upon by the Niger Company's Launches, they have been fired upon from the Niger Company's Hulks, our canoes have been seized and goods taken, sometimes when engaged in what whitemen call smuggling and sometimes when not...

Traders we are, have been, and always will be. The soil of our country is too poor to cultivate sufficient food for all our people, and so if we do not trade and get food from other tribes, we shall suffer great want and misery.

- (vii) King Koko and his people were in a position to recall that the same British government whose officials had punished Jaja and Nana, among others, accused of blocking free trade, was then widely seen to be soft on the biggest and strongest monopolist: the RNC. It seemed to them that whilst Africans, accused of oppressing European traders, were selected for show trials and subsequent deportation, the toughest oppressor, the RNC, against African victims, was allowed to hide under the protection of a Royal Charter. Justice then was not seen to have been done in the eyes of King Koko and his aggrieved people.
- (viii) In other words, King Koko and his people resorted to force, only when peaceful (diplomatic) means had failed to redress their longstanding complaints.
- (ix) In the light of the above, Lord Kimberley, British Foreign Secretary, knew the merits of the Brass (Nembe) case; but, reluctantly backed his "men on the spot" during their reactions to the "Akassa War".<sup>3</sup>

- (x) Sir John Kirk, Special Commissioner, appointed by the United Kingdom Government, to investigate matters concerning the "Akassa War", in June 1895, came to the same conclusion. He agreed that King Koko and his people had "a legitimate grievance". Kirk, however, blamed the British government whose Charter the RNC recklessly used to oppress people within its jurisdiction.<sup>4</sup>
- (xi) The leading light of the RNC, Sir George Dashwood Taubman Goldie, did not hide his intentions in seeking and obtaining a Charter. According to Professor Kenneth Onwuka Dike, "Goldie sought a charter partly to bestow sovereign power on his company and partly to bring peace and stability over the Niger territories and gain supremacy in the political sphere as he had done in the economic."<sup>5</sup>
- (xii) However, imperial ambitions, such as Goldie's RNC nursed, were not part of King Koko's Agenda.

One would notice that, so far, I have adopted the suggestion implied in the useful study by Professor Ebiegberi Alagoa that the term "Akassa War" was more appropriate than the Colonial use of "Akassa Raid".<sup>6</sup> My own study of the causes, course and consequences of that war also enabled me to agree with one of the major conclusions in his book. He and I agreed that some aspects of events there made them "unique" in Nigerian History. According to Professor Alagoa:<sup>7</sup>

By this struggle, King Koko joined the ranks of Nigerian rulers who mounted armed or other forms of resistance against foreign intrusion, such as King William Dappa Pepple of Bonny, Jaja of Opobo, Nana Olomu of the Itsekiri, Oba Ovonramwen of Benin, King Ibanichuka of Okrika, the rulers of the Nupe and Sokoto. King Koko's fight is unique among these examples in that he took the fight to the enemy by taking the initiative to attack the stronghold of the British in Akassa and refused to surrender himself or even seek reconciliation with the conqueror.

I have come to the same conclusion; but, for wider reasons. My main considerations included the following:

- (i) King Koko, as Commander-in-Chief, carefully worked out and deployed impressive offensive (January 1895) and defensive (February 1895) strategies and tactics to secure the ends desired by his people.
- (ii) Unlike his predecessors, in the Oil Rivers, King Koko made his principal target the RNC rather than the administration of the Niger Coast Protectorate.
- (iii) King Koko demonstrated remarkable, exemplary leadership qualities and skills. His ability to organise consensus was outstanding, granted that the communities of Ogbolomabiri, Bassambiri, Okpoma and Twon had not always acted in concert. Koko was, however, able to deploy his diplomatic skills effectively to secure a high degree of secrecy in the armed confrontation with the RNC. Moreover, King Koko's courage was of the highest possible degree. In January 1895, he himself led his 20 or more war canoes to attack Akassa depot of the RNC. In February 1895, he did not desert his people. Instead, he carefully prepared stockades and other means needed for adequate defence against the combined forces of the Niger Coast Protectorate and the RNC. In all these, as Alagoa suggests,<sup>8</sup> King Koko fully justified public expectations. They, accordingly, referred to their King, by his drum-name: *Ofirima leke leke* (the restless shark).
- (iv) Also, unlike his predecessors, in the Oil Rivers, King Koko fought for agreed community interests; not, for personal gain, particularly, personal aggrandisement.
- (v) Just before the British counter-attack on Nembe in February 1895, King Koko was persuaded by his people to retire to a secret place. There, he remained defiant, declining repeated invitations for meetings with Consular officials. For about three years, his loyal subjects refused to betray their King. Sad, of course, was King Koko when he learnt of the destruction of lives and property caused by the British bombardment in February 1895. The victims received no compensation.
- (vi) Moreover, after the bad faith of Consular officials, in their encounters with King Jaja of Opobo and others, King Koko refused any face-to-face meeting with these kinds of officials. Therefore,

Commissioner and Consul-General Ralph Moor, in April 1896, issued a Proclamation, withdrawing British recognition of Koko as King of Nembe. But, as far as his people were concerned, Moor's Proclamation was of no effect in the lifetime of their brave monarch, faithful to the end in the defence of his people.

- (vii) So matters remained till King Koko died mysteriously, on 25 February 1898, without surrendering to his open enemies (Consular Officials).
- (viii) From the above, it would be clear that a mono-causal approach to the reasons behind King Koko's Defence strategies and tactics would not be enough. The available evidence suggests, instead, a multi-causal approach. Koko's challenges were, at least, two; possibly, more.
- (ix) The first and the stronger one came from the RNC and its hefty monopolistic policies and practices. But, as Professor Dike has amply shown, Trade and Politics often went together. This was also clearly buttressed by Goldie's expressed desire to use the Royal Charter, granted the RNC, to extend the limits of the British Empire to the Niger Territories. Of course, such an extension King Koko was prepared to fight against. But, British policy-makers and their executives who knew the weak points of the RNC, were not prepared to punish it for this outrage against the King and people of Nembe. Rather, they found an excuse in regarding the attack on Akassa as a flagrant diminution of the imperial image of their Crown: Queen Victoria. Failure to do so, they also thought, would constitute an open invitation to other communities in the Niger Coast Protectorate and elsewhere to follow the example of the King and people of Nembe. Hence, they willingly used this political argument to sustain the Trade-monopoly of the RNC.
- (x) The other major threat King Koko faced came from the spread of Christianity to Nembe in his lifetime: well before he became King. Perhaps, his critics did misunderstand his change of attitude to Christianity; particularly, that aspect which had something to do with human sacrifices either for

the demands of victory in war or for other cultural considerations. Indeed, Consular officials in the Niger Coast Protectorate, foreign Christian missionaries on the ground, and officials in Whitehall, as well as Sir John Kirk and Members of the British Parliament who considered his Report raised a lot of dust over the incidence and scale of human sacrifices concerning events there. In other words, the British punitive expedition against King Koko and his people was embarked upon also as part of Britain's "Civilising Mission". How then would one explain King Koko's predicament, as a private citizen and as King? His dilemmas never troubled the British assailants.

- (xi) Though Private Citizen, Koko was a warden in the Christian Church built in 1877 by King Constantine Ockiya (1863-1879) in the Ewoama (*Iwo-Ama*) quarter of Nembe, he later renounced that religion as it conflicted with his kingly obligations and duties. It is necessary to emphasise the fact that Koko, at the time of his initial conversion to Christianity, was a private citizen in Nembe. He and some of his chiefs later renounced Christianity because, in their opinion, those who professed it, in the RNC, failed to relate its teachings to their policies and practices on the Niger; measures, which they and their people found quite oppressive and objectionable. In this regard, King Koko refused to behave as a pretender by mixing Christianity with African Traditional Religion. Though, Koko's returned to his own brand of the "Good Old-Time Religion", he preserved the mystical bonds between it and his official roles and responsibilities to society at war and in peace.

Thus, King Koko prepared himself ritually for the attack on Akassa and celebrated his victory with prescribed (customary) *Peripele* ceremonies at Sacrifice Island (*Isikara*). That these ceremonies involved human sacrifices and so hurt the tender consciences of British Consular officials did not disturb King Koko and some Chiefs among his warriors. Indeed, a few Nembe Chiefs, as Christians, declined to participate in those human sacrifices.

- (xii) The "Akassa War" demonstrated other unique features, in the light of subsequent events in the Niger Delta in the 1990s. One

of these was the fact that the *Egbesu* shrine, “the place of war trophies”, featured prominently in the *Peripele* ceremonies of the January 1895 phase of the “Akassa War”.<sup>9</sup> Another aspect involved the return, in July 1895, of the “skulls of the Company employees killed in the war at Akassa and Sacrifice Island”.<sup>10</sup> Thirdly, yielding to Parliamentary pressure, the British Foreign Secretary (Lord Kimberley) appointed Sir John Kirk, a Special Commissioner in June 1895 to inquire into every aspect of the “Akassa War”. The linkages of these events with others in Nigeria, since the late 1990s, will be demonstrated later in this chapter.

### **King Koko's Successors: Relevant and Significant Events and Trends since the 20<sup>th</sup> Century**

As we turn our attention from the momentous events and trends of the 19<sup>th</sup> century to those of the 20<sup>th</sup> and beyond, we would notice some continuity and some discontinuity concerning policies and practices. Here, too, for the same reasons given earlier, only a few of these events and trends will be examined.

One of such issues is what I regard as the significance of Oil in Nigerian History. At first, an important economic asset, Palm Oil, provided the huge revenues which made Amalgamation originally conceived in 1898 and implemented by stages till 1914, an attractive political proposition. From the 1970s, Crude Oil provided Nigeria's Oxygen in every conceivable sense of that life-giving force. For the communities of the Oil Rivers, the side-effects of both seriously threatened their survival and political fortunes by plunging them into perennial crises and conflicts over their regular calls for equity and justice.

Also, because of the increasing emphasis on the exploration and exploitation of Crude Oil, from 1937, the Niger Delta became, as it were, the latest “Oil Rivers” of Nigeria. With that significant shift, Threat Analysis here, has to be seen also in terms of Companies or Corporations, Communities and Country. The search for mutually agreed benefit-sharing arrangements, between these triangular forces, generated an environment not conducive to stability and peace. Moreover, considerations of public safety and public security became quite critical because of the continued violations of the human and

physical environments from Oil and Gas operations in the Niger Delta.

Let me again quickly recognise that certain aspects of the resultant conflicts and crises are familiar. These have been fully discussed by other competent persons, through publications, speeches, conferences, seminars and media reports. To these I have added my humble quota, in my published work, *The Niger Delta Question*. Its contents, therefore, now available, can be taken for granted here. But, the following aspects I repeat here, for emphasis and to throw valuable light on the main theme of this chapter:

- (i) The 1958 Report of the Commission of Inquiry, headed by Sir Henry Willink, QC, set up in 1957 to allay the fears and anxieties of ethnic minorities, disappointed those who agitated for it. No new States, including one for the Ijo were created before Nigeria's Independence despite expectations for these by advocates during sessions of the Willink Inquiry.
- (ii) Thereafter, the leaders of Protest and advocates of more direct action ceased to be the kings, chiefs and elders of the 19<sup>th</sup> century. The strategies and tactics of their successors, in the 20<sup>th</sup>, eschewed diplomacy where violence and counter-violence offered more attractive though short-term gains.
- (iii) Their successors, since Independence, were members of organised Youth brigades or free-lancers. Quite a number of these Youths were well-educated, though some were without regular employment. Others, among them, found the plight of their people so intolerable that they embraced more direct forms of Protest. As inheritors of the Future, they did not want to see piled up innumerable liabilities from the acts of commission and omission of the three contending forces: Country, Corporations/Companies and Communities (the 3 Cs) in these repeated aspects of controversies, conflict and confrontation.
- (iv) Of these Youth groups, the most widely known and feared, before 2005, were the "Egbesu Boys". What links these had with the traditional *Egbesu* shrines, such as we saw, during the "Akassa War", will not be clear to us until competent

scholars closely examine available leads. Meanwhile, it could be inferred that the *Egbesu* phenomenon was not a plant of recent growth; but, one whose roots lay in the distant Past of Ijo cultural traditions.

- (v) For as long as satisfactory or sustainable answers to the Niger Delta Question were not found, several groups of aggrieved Youth continued to make their voices heard on behalf of their respective Communities. As they did so, representatives of the Country and Companies felt more and more alarmed over security, safety, stability and peace.
- (vi) Correspondingly, peacemakers, in these triangular contests, between Country, Companies and the Communities, recalled with mixed feelings the failure of earlier forms of Protest. Among these were the attempts made by the Niger Delta Volunteer Service led by Isaac Adaka Boro in February-March 1966. Their "Republic", in the Ijo creeks of the Niger Delta, was short-lived.
- (vii) Thereafter, a more land-based and non-fighting force took up the challenge. The Movement for the Survival of Ogoni People (MOSOP), on 26 August 1990, released to the public their *Ogoni Bill of Rights*.<sup>11</sup> In its cause, Ken Saro Wiwa and 8 others, known as the "Ogoni Nine", suffered martyrdom on 10 November 1995.
- (viii) MOSOP passed on the Torch of Protest to another group of militant Youth. These, on 11 December 1998, issued a Document known at home and abroad as the *Kaigama Declaration*.<sup>12</sup>
- (ix) Between 1998 and early 1999, the Pan-Niger Delta Resistance Group of Chikoko Movement joined others, representing *Urhobo* and Isoko Youth, in urging an early redress of the Niger Delta grievances. Their activities collectively gave the Niger Delta Question greater strength through solidarity and publicity, at home and abroad.

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**Some Significant Changes in Leadership, Thinking and Tactics of Protest: 1849 - 2009**

At this juncture, one can safely step back a little to ascertain some significant changes concerning Leadership, Thinking and Tactics of Protest in African confrontations with British officials since 1849. One would also need to do so, to know how far the other germane factors, of Time, Circumstance and Chance, affected relevant events and trends.

A key aspect of these changes involved a dramatic movement away from reliance on Palm Oil (plus kernels) to Crude Oil and associated Gas. Palm Oil and kernels produced in the hinterland of the Oil Rivers, did not threaten serious environmental (ecological) damage. Instead, from time out of mind, the Palm tree, from which local people obtained both oil and kernels, was a renewable source of blessing to the people in whose lands where it grew naturally. Indeed, every part of that tree benefited its users. Its oil could be tapped as early as the fifth year of its productive span, lasting 95 years, more or less. Indeed, as specialists know, no generation of families could exhaust the harvest of its products before another replaced it in the rain forest. Moreover, simple village techniques produced enough oil and kernels for domestic use and exports. Hence, there was seldom much public outcry over the exploitation of this palm in the communities where its products were in abundance.

Gone too was Dr Ikiriko's idyllic environment in the Niger Delta. Besides, huge revenues from Crude Oil exports benefited outsiders, whereas resultant pollution and degradation tormented locals. Lost were vast Cathedrals of Nature and treasures of the tropical Rain Forest. Correspondingly, by decrees and statutes,

the relevant communities lost their lands, their mineral rights, royalties and other dues from Oil and Gas. They lost these valuable assets against their will to the Federal Government during a long era of Military rule with civilian interludes.

That such events and trends continued, for several decades before and since Nigeria's Independence, indicated the degree of weakness, politically and otherwise, of these communities. Correspondingly, a stronger Federal Government, under military and civilian rulers, did not hesitate to attack them whenever the need to do so became necessary. Even at home, the strong attacked the weak without any sense of guilt.

Similar developments in Indonesia (since 2001, if not earlier) would serve early notice to the relevant communities in the Niger Delta on how reluctant politically strong majorities were, in conceding to the weak, what belonged to the latter. Fortunately, the degree of violence and counter-violence over such matters in Indonesia (as of January 2001 - early 2003) well exceeded levels in Nigeria. Costs, in cash and kind, none could compare. Thus, if one were to look back, say, to 1849, one would conclude that the degree of African Protests reached levels which my key determinants of History could help to explain, plus or minus victims' reservations.

Africans, generally and quickly, understood how and where the Power-Equation did not favour them. The 19<sup>th</sup> century leaders of Protest, for example, knew that quite resourceful Liverpool and other merchants in the Oil Rivers had powerful friends and lobbies in the British House of Commons, in addition to convenient access to their vigilant and eloquent Press. African leaders there also understood that the seasoned bureaucrats in Whitehall were willing to give their "men on the spot" the benefit of doubts, if any, in confrontations with them.

Hence, the appeals made by rulers, such as Pepple, Jaja, Nana, Koko and Ovonramwen, for redress, failed to obtain favourable responses from Whitehall. For example, Jaja's last-minute delegation of four Opobo nobles – Chief Cookey-Gam, Chief Shoo Peterside, Prince Albert Jaja and Prince Frederick Sunday Jaja – sent to plead his case with Queen Victoria, in early September 1887, did not

accomplish the purpose of their mission. His deposition and deportation followed shortly after their return to Opobo.

In that era, when Britain still "ruled the waves", the last word lay with a display or deployment of formidable forces against any African ruler whom Whitehall officials considered troublesome in the Oil Rivers. The stockades and booms, mounted by defiant African rulers, as well as the War-Canoes of the Oil Rivers, as we have seen, succumbed to the superior firepower directed at them, with seven-pounders by marines and troops who were commanded by non-sense Admirals or other officers sent from the United Kingdom.

A change of strategy and tactics on the part of African leaders of Protest was, therefore, inevitable. This was more so with other changing factors.

From the late 1940s to the 1950s, when advocates of Oil Rivers interests spoke, they did so on behalf of Conferences of Chiefs and People who mandated them to send carefully worded petitions to government officials in Lagos and London. That was the era of Chief Harold Dappa Biriye and others who attended several Constitutional Conferences in Lagos and London. One of the outcomes of these was the setting up, in 1957, of the Minorities' Commission headed by Sir Henry Willink.

However, demonstrated failures of Protests of that constitutional kind encouraged Isaac Adaka Boro and his youthful colleagues to recall and repeat earlier examples (of 19<sup>th</sup> century) recourse to more direct action. But, when that approach again failed, others thought they could achieve success through appeals to the consciences of those in power and authority as well as influence at home and abroad.

One such example was the *Ogoni Bill of Rights*, as put out by MOSOP, on 26 August 1990, with an Addendum on 26 August 1991. The other recourse to such action was the *Kaiama Declaration*, being Resolutions of an All-Ijaw Youths Conference on 11 December 1998.

Ogoni Natural Rulers (the *Gbenemenes* of Babbe, Gokana, Ken-Khana, Nyo-Khana and Tai) joined Youth leaders in authorising the *Ogoni Bill of Rights*. Among these Youths was Dr G.B. Leton, President of MOSOP, and Ken Saro-Wiwa who wrote its Foreword.

The *Kaiama Declaration*, as its Introduction disclosed represented the Resolutions of over 5000 Ijaw Youths drawn from over 500 communities. These met at Kaiama, the hometown of Isaac Adaka Boro, their Ijaw martyr and hero. Its signatories were three members of the Organising Committee: Messrs Felix Tuodolo, T.K. Ogoriba and Timi Kaiser-Wilhelm.

For obvious reasons, only a brief comparison of these two bold Manifestoes will be attempted here:

- Both highlighted historic wrongs committed against their respective communities dating from the 19<sup>th</sup> century.
- Both demonstrated how the exploration and exploitation of Crude Oil in their communities from specified dates amounted to an undisguised curse (severe ecological disaster, among others)
- Remedies both proposed were similar in substance though differently worded.
- The *Ogoni Bill of Rights* (at Paragraph 20) specifically informed all stakeholders:

That the Ogoni people wish to manage their own affairs. Now, therefore, while reaffirming our wish to remain a part of the Federal Republic of Nigeria, we make demand upon the Republic as follows: That the Ogoni people be granted POLITICAL AUTONOMY to participate in the affairs of the Republic as a distinct and separate unit by whatever name called, provided that this Autonomy guarantees the following:

- 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 and direct representation as of right in all Nigerian national institutions;
- The use and development of Ogoni languages in Ogoni territory;
- The full development of Ogoni culture;
- The right to religious freedom; and
- The right to protect the OGONI environment and ecology from further degradation.”

The *Kalama Declaration* (at Paragraphs 9 and 10) affirmed:

We call on all Ijaws to remain true to their Ijawness and to work for the total liberation of our people. You have no other true home but that which is in Ijawland.

We agreed to remain within Nigeria but to demand and work for Self-Government and resource control for the Ijaw people. Conference approved that the best way for Nigeria is a federation of ethnic nationalities. The federation should be run on the basis (of) equality and social justice.

Both Statements also represented clear appeals to the International Community and selected Multinational Corporations (MNCs) to do all they could to redress the age-old grievances of these communities and others, like them, throughout the Niger Delta. The foreign targets of the *Ogoni Bill of Rights* (plus its Addendum) were: the World Bank, International Monetary Fund, Shell (Dutch/British), Chevron (American), the United Nations Organisation, Organisation of African Unity, the [British] Commonwealth of Nations and the “European and American Governments”.

Section 4 of the *Kaiama Declaration* and copies of letters addressed to specified Managing Directors and Chief Executives put on the spot the MNCs concerned with the exploration and exploitation of Crude Oil in Ijawland. These were Shell, Agip, Mobil, Chevron, Texaco and “Statoil BP”:

We, therefore, demand that all oil companies stop all exploration and exploitation activities in the Ijaw areas. We are tired of gas flaring, oil spillages, blowouts and being labelled saboteurs and terrorists. It is a case of preparing the noose for our hanging. We reject this labelling. Hence, we advice (sic) all oil companies staff and contractors to withdraw from Ijaw territories by the 30th December, 1998 pending the resolution of the issue of resource ownership and control in the Ijaw area of the Niger Delta.

Each of these potent Manifestoes evoked significant responses: some expected others unexpected. These quickly transformed the environment, through an escalation of violence, where any attempted recourse to peace failed.

On 2 October 1990, MOSOP leaders sent texts of their Manifesto to the Ibrahim Babangida Presidency and members of the Armed Forces

Ruling Council. For a year, they said, no invitation for an audience reached them.

Thereafter, the thoughts of Ken Saro-Wiwa, the celebrated playwright and Ogoni Rights advocate and later, the most publicised victim, among the "Ogoni Nine" executed in November 1995, could be gleaned from an article he sent for publication in *The Guardian* (August 1993). He titled it: "I bow and tremble".<sup>13</sup> In it, one would find some other sources of the Ogoni Anger, not fully implanted in their *Bill of Rights*.

Thereafter, MOSOP-Federal Government confrontation was so intense that Ogoniland became a "No Go Area". The arrest and trial of MOSOP leaders followed intra-community murders of persons who appeared too accommodating. Among those arrested, tried and sentenced to deaths by hanging were Ken Saro-Wiwa and eight others. The Nigerian public and observers abroad believed that their trial and conviction lacked merit, since these were widely seen as the victims of a vindictive military government and its "Kangaroo Court". And so, an explosion of widespread anger, at home and abroad, followed their hanging in 1995. With their deaths, leaders of the British Commonwealth of Nations suspended Nigeria from it. Governments, in the US, Europe and elsewhere, quickly made flamboyant promises concerning an imposition of trade and travel sanctions against Nigeria. In practice, few of these, if any, made good their promises. Also, advocates of Human Rights, at home and abroad, severely criticised Nigeria's military government. It, in turn, hounded its critics (particularly, members of NADECO) and assassinated some of those unable or unwilling to flee the country.

Again, on 30 December 1998, when the ultimatum in the *Kaiama Declaration* expired, repercussions followed. On 18 January 1999, under the title, "On Kaiama We Stand", Oronto Douglas, an eloquent lawyer and radical leader, issued a public statement. In it (at pages 14-15 of the printed text of the *Kaiama Declaration*) he complained of a merciless military invasion of Ijawland, in these unmistakable expressions of deep anger:

On 30 December, 1998, armed soldiers on the orders of the Nigerian military dictatorship opened fire on peaceful dancers in a procession. Several people were shot dead or wounded. This callous and very excessive display of naked state power was

followed by a declaration of war of genocidal dimension on the Ijaw peoples. Kaiama, Mbiama, Imiringi and other Ijaw communities were invaded the next day. This was followed by widespread looting, senseless raping, and extra judicial executions. Gentlemen and ladies, even men of God were not spared. Rev. Atari Ado was beaten, chained and prevented from taking water for three days. Chief Torumoye Ajako had his ears chopped off with a dagger. He was, in an Idi Amin style, given his own ears to eat. You are all aware of the killing of a Traditional Ruler, Chief Sergeant Ofoniama and several youths in Kaiama and Odi. Add this to the raping of at least eight married women and four young girls aged between 9-13 years and you will get a clearer picture.

We condemn the military invasion. We are calling on the United Nations to come to the Niger Delta on a fact-finding mission. Recently UN investigators were in the Kosovo (sic) to look into the wanton massacre of 40 Albanians.

Thus, the above events and trends helped to internationalise the Crisis in the Oil Rivers (Niger Delta). Henceforth, through Internet and other media facilities, spokesmen abroad of the communities there made their voices heard. Among these, in the Diaspora, were the leaders and members of the Ijaw National Congress in the USA (INCUSA), the Niger Delta People UK, Ijaw National Alliance of the Americas and the Ijaw People's Association of Great Britain and Ireland.

In a joint statement, the last two of the organisations above made their views, in 1999, unmistakably clear.<sup>14</sup>

In 1966, the Nigerian Federal Government 'won' the combat with Isaac Adaka Boro who organised and led the Niger-Delta Volunteer Force in an attempt to spotlight the need to redress the glaring economic and political inequities between the ethnic minorities in the Niger-Delta and other ethnic groups in Nigeria. Boro agitated because the Niger Delta, from where Nigeria gets most of its crude oil for sustenance and development of the country, was the least developed and the most ecologically devastated. Ken Saro-Wiwa, another Niger-Delta indigene, was brutally hanged in 1995 during the insane Sani Abacha's regime because he too spoke up against similar injustices prevalent in the Niger-Delta. Both cases are further examples of Government's tendency to 'solve' fundamental and deep-rooted problems by cutting the 'Gordian

knot'. While Ken Saro-Wiwa was cruelly (sic) put to death, Boro was silenced with imprisonment and the threat of a death sentence for 'treason'. Today, after thirty-two years, the Niger-Delta Volunteer Force resurfaces to confirm the futility of 'trial by combat'. Like a hydra or dormant volcano, the Volunteer Force looms up because poverty, frustration, disillusionment and malcontent is (sic) persistent and prevalent in the Ijaw communities and other Niger-Delta areas from where more than 90% of Nigeria's wealth is derived.

It is natural, therefore, for the youths to be discontented with the protracted politicization and the seeming 'tranquillising drug of gradualism' introduced to confound and dilute demands for fairness and equity. History tells us that guns and men in uniform have never perpetually silenced a people determined to obtain justice and fairness anywhere in the universe.

The time is now for the Federal Government of Nigeria to make sincere effort to identify credible Ijaw leaders and leaders of other ethnic nationalities in the Niger-Delta with whom it can engage in honest and serious dialogue to resolve the myriad of persistent, unsettled and contentious issues including the infamous Revenue Allocation formula...

Finally, we call on the International Community to prevail upon the government that under such circumstances, 'trial by combat' is like cutting a whetstone with a razor. No group of people can afford the intermittent massacre of its members each time they agitate or protest against seemingly perpetual dehumanisation.

Criticisms of Niger Delta events and trends by organisations and interests abroad continued. In June 1999, Yorongar Ngarleji, a Member of the Chadian National Assembly and a strong advocate of environmental rights, made public parts of his Report on his visit to the Delta, Bayelsa and Rivers States under the auspices of Oil Watch International. This visit, including a stopover at Saro-Wiwa's sections of Ogoniland encouraged him to comment:<sup>15</sup>

What you've gone through is what we are about to go through. Wherever oil flows, corruption, hatred and destruction flows (sic) too. What the Ogonis and other Niger Delta inhabitants went through must not happen in Chad and Cameroun.

In Nigeria, reactions took another turn. One of these involved voices in the Middle Belt communities. Their leaders used the opportunity of events and trends in the Niger Delta to give public expression to their own grievances. In September 2000, when Alhaji Abdulkadir Kure, Governor, Niger State, hosted his colleagues from Kebbi, Kogi and Kwara States, they found the opportunity ripe for public statements. Their spokesmen were the Niger State Governor and Malam Bolaji Alabi Edun, Kwara State Commissioner for Special Duties, who was also their Publicity Secretary.

In a reported statement<sup>16</sup> made by them, both explained how their four States formed an organisation called the HydroElectric Power Producing Areas Development Commission (HYPPADEC). Their mission, they said, was to “Rescue Our People” and obtain compensation, from the Federal Government for ecological and other damage done to them. The damage, they said, was caused by seasonal destruction of farmlands and fishing areas by water let loose from the Kainji, Shiroro and other dams there.

Asked what relationship their HYPPADEC had with OMPADEC and the NDDC of the Niger Delta, Malam Edun replied:

The people in the Niger Delta areas were able to realise early enough the degradation in their area, but upstream here, we have been having catastrophic effects of these dams...It was not because the bill of the NDDC was passed or the earlier existence of OMPADEC but our idea has been there.

The case for HYPPADEC differed, by a wide margin, from that of the Oil Rivers (Niger Delta). The insults from the exploration and exploitation of Crude Oil and Gas rested on firmer grounds. Solutions, therefore, could not be the same because of the peculiar nature of each set of wrongs, ancient and modern.

The strengthening of the case for an urgent national redress of the grievances of the Niger Delta reached another significant landmark during the deliberations of the South-South Group of 17 State Governors at Enugu on 10 January 2001. In a Welcome Address, their host, Enugu State Governor, Dr Chimaroke Nnamani, emphasised:<sup>18</sup>

There needs to be a true structure that guarantees certain degree of autonomy so each group can pursue its different agenda peculiar

to it under the umbrella nation Nigeria. Call it true federalism or whatever the periphery must be strong, must be vibrant and cohesive. But the centre needs only to be strong just enough to hold... Our duty as leaders is to manage this Niger-Delta question in a manner that will bring permanent solution to the problem.

Governor Nnamani added that "restructuring" and "resource control by the states" were "compelling imperatives in resolving the country's burning problems".

However, none of the above developments concerning the types of Changes considered above was compelling enough to make a clear majority in the Oil Rivers (Niger Delta) communities, think that their widely expressed Goal would be like an Idea whose time had come. Of course, changes in thinking, outside these communities, have not yet reached that apogee, that critical high ground, that defining moment, for thorough reviews and sustainable reforms by the relevant authorities.

### Some Unclean Areas

So far, the short-term gains, through concessions made, from time to time, by the relevant authorities came with major disappointments. Some of these were fundamental and formed the core of the Niger Delta Question. Aspects of these we have seen in the preceding sections of this chapter.

Others were psychological and moral. They included the following:

- (i) For example, for long, what to do with the remains of the "Ogoni Nine" did not seem to have been a matter of serious (not symbolic) concern to the successors of the military authorities who organised their brutal deaths in Prison and dishonourable burial in a public cemetery in Port Harcourt, in late 1995. Despite the publicised reasons for failing to give those brave fighters against Injustice and Inequity in their Oil-polluted and politically humiliated communities, a decent burial, sound commonsense, for long, did not prevail despite the force of African culture and practice in parts of the world.

- (ii) Details of Local Ogoni politics over “Ogoni Four” *versus* “Ogoni Nine” of how the murder of the former led to the deaths by hanging of the latter, though important in themselves, need only a brief reference here. One instance of violence hardly justified another. The Ogoni Struggle quickly devoured some of its early crop of leaders before victory was won. These arrant aspects I consider unclean: they resulted in brutal killings, forms of Violence and Counter-Violence. Thus, by 1994, the MOSOP Agitation was divided between Moderates or Accommodationists called “Vultures” and Radicals or Bitter-Enders. These divisions broke into the open in Ogoniland on 21 May 1994, when four prominent Ogoni leaders and important functionaries, past and present, of the Rivers State Government, were brutally murdered. The Four victims were Chief Edward Kobani, Mr Albert Badey, Chief Samuel Orage and Mr Theophilus Orage. The Nine convicted, by a Special Tribunal, and hanged on 10 November 1995 were Kenule Saro-Wiwa, Dr Bariben Kiobel, Messrs John Kpuinen, Baribol Mera, Saturday Nordee, Felix Wate, Nordu Fawo, Paul Levura and David Gbokoo.
- (iii) If doubts still existed, concerning correct procedures, those involved in the Re-burial of the “Ogoni Nine” would have learnt some useful lessons from the latest efforts of US Governments since the end of the War in Vietnam (1975). Their efforts to secure complete identification and return of all missing and dead US soldiers in that war were decent and admirable.
- (iv) One would also recall relevant examples from Nigeria’s Colonial Past. On the request of the Opobo community, Consular authorities in August 1891 had allowed the remains of King Jaja to be brought for honourable re-burial in the town he had founded. Moreover, the skulls of employees of the RNC victims of the “Akassa War”, in January 1895, were returned, in July of the same year, after some delicate discussions.
- (v) Similar arrangements were also made, from time to time, for the decent burial or re-burial of victims of the protracted Israeli-Palestinian Wars since 1948. Indeed, there and elsewhere, the Long March of History indicated the scope of special steps taken

to honour the dead who gave up their lives more for Society and the State than for other personal considerations.

- (vi) Equally much criticised was the treatment of victims of the Odi Massacre in late November 1999. The face of Odi, for nearly a decade, bore the ugly marks of that unfortunate violence and counter-violence. Concerning the unknown number of lives lost and value of property destroyed in late 1999, the mood of stakeholders there, still alive, had not changed as of 2011.
- (vii) Moreover, while a Colonial Government and its Parliament in Britain set up Sir John Kirk's Commission of Inquiry in June 1895 after the "Akassa War", no such action was taken over the Odi Massacre as of 2011. If one was secretly set up, its findings were not made public.

#### **Peculiar On-shore and Off-shore Dimensions of the Oil War in the Niger Delta: 1999 – 2009**

Special attention will be given next to why that long struggle in the Defence of Oil had not yet stopped despite an Amnesty in 2009. As of May 2009, that war seemed unstoppable unless and until the following key problems were resolved to the satisfaction of the several stakeholders in the Oil and Gas industry in the Niger Delta.

Its up-stream and down-stream aspects, more so, since the end of Nigeria's Civil War in 1970 encountered severe management problems in the context of a clash of interests among key players in the Oil and Gas Industry there. These included complex issues of turn-around maintenance of old and dysfunctional refineries in parts of Nigeria's Oxygen-States of the Niger Delta. Other factors were wilful vandalism by unemployed and not employable Youth malcontents with the connivance or collaboration of disaffected communities, illegal bunkering by a variety of local and foreign interest groups, corrupt and ineffective management deployed for political and criminal reasons, black-marketing with on-shore and off-shore implications and consequences. Yet more factors covered the involvement of military and civilian spoilers with special interests in the importation of refined Oil for domestic needs without proper planning and implementation. Further causes touched upon well organised smuggling of refined Oil products across Nigeria's

porous borders and wilful attacks and damage by militant groups in the Niger Delta.

The adventurers, in all these respects, made their exploits capital-intensive and derived from them huge profits paid in local and foreign currencies. For example, between 1999 and 2003, persons in high political circles had their own huge private oil platforms deployed in the creeks of the Niger Delta and operated these with impunity. When circumstances were no longer favourable to their owners, they moved these to new vantage-points outside Nigeria. Participation, at this level, in the Oil War in the Niger Delta helped to advance their search for the three key goals of their type of Politics: Wealth, Power and Fame simultaneously.

Divided loyalty interests also brought into the large group of spoilers, senior active and retired military personnel, Customs and Immigration officials, Nigeria Police Force Officers and other ranks as well as members of Joint Task Forces (Army, Navy and Air Force) units deployed in the hottest parts of the Oxygen-States of the Niger Delta. Reliable sources also suggested that the large extended family of spoilers included top ranking politicians and members of the National Assembly as well as "Royal Fathers" (traditional authorities) more interested in quick Oil and Gas profits than national security and defence. Of course, the same reliable sources further implied that their accomplices were the sharks and whales of the messy World of Oil, players more of the Underworld than the Open Society which formal instruments of control seldom dealt with.

For example, the allocation and re-allocation of Oil rigs and blocs favoured well protected players with mammoth wealth and strong connections, at home and abroad, who were able to play any game in their hot pursuits, regardless of the colour and costume of any regime in Nigeria since 1970. Their paramount interests gave them considerable impunity at home and abroad. Safe havens abroad helped them to hide their huge profits.

The Dark Side of that notorious Oil War in the Niger Delta also had much to do with the self-interests of the key players who were capable of buying their protection at any price. Some of their foot-soldiers were young militants in the Niger Delta. Moreover, these same smart players controlled technical know-how in the construction of cheating devices in the Oil tankers deployed in the Niger Delta. Moreover, where local managers and so-called controllers, for whatever reason, became

amenable to all manner of corruption, that aspect of the Oil War in the Niger Delta was more against the State than its Civil Society segment with known grievances of its own. Thus, Nigeria bled, internally and externally, from severe wounds inflicted by these interlopers with local collaborators.

Suppliers of illegal firearms for use by militant groups in the Niger Delta and elsewhere in Nigeria were also widely believed to be part of the Oil War in the Niger Delta. Some of these suppliers would be traced to post-Cold War Europe. In these respects and more, the trade in illegal firearms followed the usual rule of supply and demand.

Moreover, from yet another angle, just as the will to protect national Oil and Gas interests in the Niger Delta diminished, the skill of official Defenders of these same assets dwindled. Events and trends confirmed these set-backs, more and more, after the eras of Isaac Boro, Ken Saro-Wiwa and the authors of the *Kaiama Declaration*.

Thereafter, Niger Delta resistance became reinvigorated with fighters more sophisticated and strong-willed than their predecessors. That big change, in goals and means, coincided with the end of the military Era and Transition, from May 1999 to the Present, of Civilian Rule which was expected to yield quick and abundant "Dividends of Democracy". And when these products were not forthcoming in the manner expected by a variety of interest-groups, interlopers who felt able to do so decided to fish in troubled waters with means readily available and found necessary. Morality, one way or another, quickly jumped out of Nigeria's windows of opportunity.

Among these were interlopers masquerading as technical partners and advisers of decision-makers at Federal and State levels. There were also exploiters, among militants, who sold their services to the highest bidder. Some adopted criminal means to serve their personal or private interests. Others used the convenient umbrella of "militancy", on behalf of the Niger Delta, to serve their own interests also with huge profits.

Activities of the last group above were fostered by local grievances. These included epidemic corruption fuelled by quick and regular Oil Wealth through all manner of fraudulent practices. In addition to issues discussed during the Great Debate, 1999-2003, there were re-awakenings, thereafter, of old sources of grievance. For example, Isaac Boro, after his death under suspicious

circumstances, became a martyr to the Niger Delta cause. Kaiama, his place of birth, featured in events marking annual celebrations of his birthday. True or false, there was the widespread belief that Federal troops deliberately killed Boro during the early stage of the Civil War. Moreover, the ugly battle between the "Ogoni Nine" and "Ogoni Four" (the so-called "Vultures" in Ogoniland) was also suspected to be the handiwork of the Military Administration in Rivers State then. Furthermore, warfare between segments of ethnic communities in Warri and its neighbourhood had the coloration, antagonists said of a familiar plan of Divide-and-Rule.

Moreover, the inability of the authors of the *Kaiama Declaration* (1998) to secure compliance from the multinational companies/corporations, Niger Delta agitators also said, was caused by the protection Federal Authorities gave them in their Defence of Oil strategies and tactics. Meanwhile, unsettled Oil-driven issues aggravated tensions in key states of the Niger Delta.

For the avoidance of doubt, the most militant sections of the Niger Delta were those I have called the "Oxygen-States": Rivers, Bayelsa and Delta. Their militancy, in favour of human rights, for their respective communities, through overt and covert actions, became more intense from late 2005 to Amnesty in 2009. Before then, wanton acts of criminality, on their part, included hostage-taking and kidnapping of innocent elders and children. By then, their Agenda had been hijacked by criminals outside these communities who also attempted to fish in troubled waters.

In their Niger Delta special group, these three Oxygen-States were as volatile and combustible as the element they closely resembled, metaphorically. In good times, they made Nigeria breathe well, regularly too in assured petro-dollars. But, when carelessly handled, as they often were, they became inflammable and so made known victimisers and others who aided and abetted acts of violence against them pay severely in cash and kind.

In hot pursuit against militants in these three Oxygen-States were units of Joint Task Forces (JTF). These comprised members of the Nigeria Army, Navy and Air Force. Members of these units occasionally compromised the goals of their official missions, through involvement in clandestine illegal crude Oil bunkering. Quite often, they compelled payment of tolls on land and at sea. They also fed

fat on the communities in the awkward middle of two sets of tormentors and on the relevant State governments for costly commissariat services since the distant Federal Government was unable to do so. Opportunities for JTF acts of gross misconduct, including indiscipline, increased as unforgiving militants in these three Oxygen-States took matters of redress into their own hands.

Hence, a new crop of militants arose from May 1999 till Amnesty in 2009. These were the types with goals and means more radical than those espoused by Isaac Boro and Ken Saro-Wiwa in 1966 and 1990 respectively. Some of these were University graduates; others, fellow-travellers. Of course, abandoned in the process were the visions and missions of King Koko and his predecessors in the Oil Rivers (later Niger Delta). To that extent, the changes in goals and means, after May 1999, were unique during that state of the Oil War and its Defence in the Niger Delta.

The new phases of the struggle, in the key Oxygen-States, were so intense, since the disputed Election Results of 2003, that the Obasanjo Presidency and some State Governors, by 2004-2005, had series of discussions with selected community elders and leaders of the Militant Groups. I was involved in one of these.

Because of the heightened nature of violence and counter-violence, particularly in Rivers State, President Obasanjo and Dr Peter Odili, Governor of Rivers State, agreed in October 2005 to set up one Peace model to be followed by others, if successful, with agreement by them and other stakeholders. I led a team called *Okrika Community Peace Committee (OCPC)* which had 15 other members selected in view of relevant assets for peace-making and peace-building which they possessed. That group included a retired Admiral, two Bishops, a former Senator, a retired Ambassador, local Chiefs, a female University Professor and Permanent Secretary in the Governor's Office, Rivers State. Okrika was chosen, particularly, because of the role of one militant leader, Ateke Tom, an indigene who was alleged to be deeply involved in Terror and Counter Terror there since the 1999 Federal and State Elections. He and his staunch followers were believed to be the main actors in local and State politics as well as illegal bunkering and traffic in illegal firearms. Among Ateke Tom's rivals and opponents were other top militants led by Soboma George, Muhajid Dokubo-Asari and others whose

activities cut across Rivers and Bayelsa States, if not Delta and Cross River States, as well. Inter-group fighting, amongst them, for territorial control of illegal bunkering then was quite intense. In their circles, successful illegal bunkering guaranteed funds for illegal firearms and ample revenues to compel Traditional Rulers, Police and Military officers turn a blind eye to their atrocities.

Our OCPC team made several hazardous trips by land and sea, traversed criss-crossing creeks in Okrika territory, met with Ateke Tom and other gang leaders in secret sessions and with traditional rulers, elders, men and women groups and youths at open sessions. As much as possible, OCPC strategy favoured interactive sessions. With increasing confidence and trust established with these groups of stakeholders, OCPC was able to obtain useful information on the issues covered in its terms of reference. Particularly, OCPC observed very close links between these rival militant groups and top Party political leaders during the 1999 and 2003 Local Government, State and Federal Elections. Some militant leaders also became trapped in recurrent Chieftaincy disputes. Their fangs steadily poisoned inter- and intra-community relations. Each group leader, as a new Robin Hood, fed fat on the meager resources of people in a jungle he dominated absolutely. In some cases, these same leaders received regular subventions and contracts from Government quarters. These facts OCPC disclosed in its first half-yearly Report submitted to relevant authorities. By June 2006, OCPC could no longer operate with ease, and therefore, ended public activities mainly because of the intensification of Party campaign activities for Primaries preceding the 2007 Elections at the Local Government, State and Federal Elections. Some of the militants OCPC sought to discourage from linking Terror with Politics were the same firebrands which leading Party politicians attempted to use for violence and intimidation of their opponents.

In late 2007, when a new Governor, the Right Honourable Rotimi Amaechi, headed the Administration of Rivers State, prevailing circumstances, including aggravated Terror and gang-wars, seriously threatened public security, safety and peace. He, therefore, set up a Truth and Reconciliation Commission, headed by Honourable Justice Kayode Eso, an erudite and fearless jurist of the Supreme Court of Nigeria before he retired. During its proceedings, at Port Harcourt,

in 2008, the role of the OCPC featured in questions put to some principal actors publicly and televised. Truth, however, became one of its first casualties.

Governor Amaechi's first months in office were so threatened by militant gang warfare that President Yar' Adua, in late 2007, set up a second Joint Task Force (JTF) team to contain their activities. The first JTF unit established by President Obasanjo was in May 2006, during the Peace-mission spear-headed by OCPC. In practice, neither the first nor the second JTF scored spectacular successes because of collusion, corruption and lack of cooperation from powerful interest-groups who gained from militancy of the worst possible kind.

Since 2005, the spate of violence and counter-violence associated with militancy extended to criminality which included hostage-taking of innocent locals and foreigners for huge ransom paid clandestinely into the coffers of plain adventurers and opportunists not only in the three Oxygen-States of the Niger Delta but also in neighbouring states outside the original hot zones of Terror.

Thus, obviously bad boys gave the original ideological struggle in the Niger Delta a bad name. The public felt that the former well-articulated Struggle had been hijacked and compromised by criminal gangs for purposes too much to the detriment of the fight for Justice on the original Agenda of crusaders there for several decades.

To the rescue came a new organisation which, from 2005, assumed the name of Movement for the Emancipation of the Niger Delta (MEND). Its leadership and membership MEND organisers kept secret, except when called upon to speak on its behalf, from time to time, for public relations. One of such leaders the Federal Government tried secretly in Abuja after a protracted attempt to arrest him in Angola for alleged Oil-for-Arms deals there and in South Africa. By that token, MEND operations seemed global. In addition, MEND effectively used the assets of the ICT Revolution to establish its own websites and gave interviews to foreign media organisations such as CNN. Though, such moves were vigorously denied and opposed by the Federal Government, MEND regularly made its Vision and Mission widely known at home and abroad.

Moreover, because of the globalisation of the Oil and Gas Industry, any threat to supplies in the Niger Delta, before

conflagrations in the Middle East and Iraq as well as crises in Iran ended, instantly caught the attention of the chieftains behind the relevant cartels abroad. During the MEND era, any confrontation with Government forces, through vandalism of carelessly constructed oil pipelines and illegal bunkering, sent shock waves to associated markets overseas.

Indeed, this (MEND) intensified phase of the Oil War in the Niger Delta resembled severe and needless haemorrhage on Nigeria's purse-strings as well, through loss of billions of naira on daily basis.<sup>19</sup> In this respect, MEND had a captive audience. For example, its attack, in 2008, on the *Bonga*, a Floating, Production, Storage and Offloading (FPSO) platform, a huge Shell facility off-shore, about 144 miles South-East of Lagos and 88 miles South-West of Warri, sent psychological shock waves across the Oil markets worldwide.

Another incident, MEND seizure of sailors on board two boats, which necessitated air strikes by Federal helicopter gun-ships on its positions in the Delta State, in mid-May 2009, in order to free the hostages as well as one officer and 11 soldiers taken by militants in that encounter was widely reported by the BBC and other cable networks. *Sunday Vanguard*,<sup>20</sup> termed that conflict "War in the Creeks" and said "US Senate seeks end to military offensive". That conflict which caused severe casualties among civilians and damaged much property occurred in one of my class of Oxygen-States in the Niger Delta. It happened in the Gbaramatu Kingdom, near Warri, in Delta State. The militant leader at the heart of that confrontation was one Chief Government Ekpemupolo, a.k.a. Tompolo, whom close relations described as a friend of Dialogue and contact-man with the Federal and Delta State Governments as well as the multi-national corporations in the area. Chief Bello Oboko described Tompolo thus<sup>21</sup>:

They have used Gbaramatu people to cleanse the waterways many times. The same Tompolo they have declared wanted is the kingpin of the Delta waterways Security Committee which has helped the government of Governor Emmanuel Uduaghan to achieve peace in the state.

Reliable sources also confirmed that Tompolo, in late 2007, facilitated the Peace Mission of Dr Goodluck Janathan, Vice-President and

Chief Godsdoy Orubebe, then Minister for Special Duties, during their encounter with militant leaders in Oporoza in the same Local Government Area. In an interview with *Sunday Vanguard*<sup>22</sup>, Alhaji Mujahid Dokubo-Asari, leader of the Niger Delta People Volunteer Force (NDPVF) and People Salvation Front (PSF) and front-line crusader of PRONACO, whose hero was Major Isaac Adaka Boro, confirmed the cooperativeness of Tompolo. During the same interview, Dokubo-Asari, with sufficient ideological commitment and professional training abroad for this Struggle, explained areas where he and Tompolo disagreed. This was what Dokubo-Asari told his *Sunday Vanguard* reporter:

He (Tompolo) told me (Dokubo-Asari) that what we can do is to make them (Government) to understand our problems, that we should be involved in the oil industry, the day to day running of the government in our area, they should address the Ijaw problem in Warri, they should settle the Ijaws and the Itsekiris so that we can live amicably, our people should be in all sectors of the oil industry... Unlike us, who say look, the land and the resources belong to us and we must take it. It is our legitimate rights to take it, when you meet him and you try to tell him there is a need to use force... he would say, I just spoke to Yar'Adua, I just spoke to Jonathan, I just spoke to Uduaghan, I just spoke to Timipre Sylva (Governor, Bayelsa State), there is a need for us to find peaceful solution to this problem, it is not every time we will fight even though we have guns we can just use it to make them to listen to us, but, we can't fight all-out war.

The Federal Government, through the Joint Task Force (JTF) deployed in the area, called the confrontation "Operation Restore Hope". But, not clear to all observers was whose "Hope" that confrontation served. In the early period of that conflict, with bloody impacts on innocent elders and children, leaders of the Niger Delta, at a hastily convened gathering in Port Harcourt, saw nothing other than "genocide". They further condemned some leaders in Nigeria's House of Representatives who urged the JTF (Army, Navy and Air Force) Units to extend their aerial bombardment with helicopter gunships and land and sea based weaponry to the other Oxygen-States of the Niger Delta.<sup>23</sup>

That aspect of the Oil War in the Niger Delta and its defence by the Federal Government was a development which some critics of

the Niger Delta militants saw as well deserved. Indeed, in private conversations which I had with some senior Yoruba-speaking academics and friends, their reply was: "It served your people right." Their contention was a clear reference to the various political alliances which Niger Delta leaders, from 1957 to 2007, made with Northern leaders despite ardent wooing by Southerners from the time of Chief Obafemi Awolowo and his successors. An earlier generation of Niger Delta leaders had also rejected overtures from leaders of the Biafra Movement during Nigeria's Civil War years, 1967-70.

The JTF military intervention in Gbaramatu kingdom against Tompolo, one of the 5 commanders of MEND, to rescue Filipino hostages, taken from their boats and a dozen soldiers then missing, fell far short of a full-scale war. It was no more than yet another short battle in a long-standing Oil War in the Niger Delta. It began as a Palm Oil-driven set of encounters since 1849 before it reached its status of a crude Oil-driven war after Oloibiri's wells were exploited in 1958. From the era of Consular jurisdiction in The Bights, begun in 1849, the choice weapon consisted of gun-boats; but in the May 2009 encounter in Gbaramatu kingdom, helicopter gun-ships were preferred.

The JTF attack at Oporoza in Gbaramatu kingdom took place on 13 May 2009 as its people were marking the coronation of their king, Pere Godwin Bebenimibo, Ogeh Gharan III, a retired Police Superintendent. The JTF units destroyed his Palace, detained the King and Queen and killed a Princess, Sister of Prince Meshach. Also destroyed was a coastal hideout of Tompolo when Julius Berger contractors abandoned that base through fear of militants in that sector. In an interview with the *Sunday Vanguard*<sup>24</sup> Prince Meshach complained of "genocide". He also argued that, if the JTF wanted to punish militants, they would not have attacked, killed and maimed people dancing at that community festival.

Prince Meshach accordingly cried out<sup>25</sup>:

I begin to wonder if the North as a whole do not really have the intention to kill 20 million Niger Deltans as stated by Hon. Baba Ibu Na' Allah, member of the House of Representatives from the North. ...

If the Federal Government loves the Niger Deltans as they love the black gold (oil) in our land, we want it to quickly suspend the Speaker House of Representatives and Hon. Bala Hon Na' Allah for making such foolish comments.

I think the action of the JTF is to wipe out the people of Gbaramatu kingdom and take over the kingdom and the oil in it. In the North, there have been religious riots that took several soldiers' lives and the Federal Government has not called up battalions to kill everybody in the local government areas or communities...

Besides, talking about criminality, the government does not see Tompolo as a criminal before now. They can call him a criminal today but before now, the government, both state and federal, didn't see Tompolo as a criminal. So we don't see why we indigenes should see Tompolo as a criminal because they were partners.

Such bad feeling between the people of Gbaramatu kingdom and the Niger Delta communities on one hand and the Federal Government and its agents on the other again demonstrated how bad seeds sown in one season produced a bad harvest in another season decades later. So, it has been in Government-Niger Delta relations from the Colonial era to the Present. Examine, if in serious doubt, the gaps between these events: Consular officials' clashes with the Kings of the Oil Rivers and Niger Coast Protectorate; some of whom were deported and others died in exile in the 19<sup>th</sup> century; the Harold Dappa-Biriye led Constitutional contests in London, 1953-58; Isaac Boro's short-lived war in 1966; Saro-Wiwa's Ogoni Bill of Rights, 1990-91; the Kaiama Declaration, 1998; Okochiri (Okrika) raids by JTF units in search of Atake Tom, 2006-2008; Gbaramatu kingdom attacks in May 2009.

That degree of globalisation of the Oil War in the Niger Delta raised stakes of failure or success much higher than those of the Boro and Saro-Wiwa eras.

In that process, the strong attacked the weak and the weak also attacked the strong as in the familiar Goliath-David setting of old. Correspondingly, the strategies and tactics which either side deployed in the Oil War and its Defence had to be dynamic. Successes and failures seemed mixed on both sides of the battle-lines. The Niger Delta communities in the awkward middle ground became prime victims of that contest with varying fortunes several decades after the era of combatants in those restive Bights since the 16<sup>th</sup> century.

## Conclusion and the road not taken

The Niger Delta (Oil Rivers) Communities, for long, in a state of shock, oppression and depression, and the-rest-of-Nigeria did not benefit from the following responses along the Road not taken.

- (i) Making people rather than things (such as Crude and Refined Oil) the object and means of governance and development in every part of the Federal Republic of Nigeria.
- (ii) Indeed, the best possible, passable and sustainable Road Map to development, in its purest and best sense, would seem to lie in people, with people, through people and their works, not through a messy, oily and slippery path.
- (iii) Making justice, equity, ethics, morality and human rights sustainable buttresses of policy and practice in the public and private sectors of Nigeria to a degree not yet attempted. These are unquantifiable but very valuable assets which majorities and minorities of whatever description need for the proper defence of Self, Society and the State.
- (iv) Reducing, at the earliest opportunity, the increased and increasing vulnerable dependence of Nigerians on Crude Oil (as the largest contributor of national revenue) and imports of refined and costlier Oil products (when the capacity of home-based refineries failed). From the 1980s, these Deficit-spending developments fuelled run-away inflation and produced needless Labour-organised strikes and mass riots with eventual loss of lives. None of these sources of weakness at home did the image of Nigeria, an "OPEC country", and one of the world's top ten suppliers of Crude Oil, particularly, of the choice Sweet and Soft Bonny Light type, much good. Here, too, unless appropriate measures were taken and taken in time, the strong abroad had a chance to attack the weak at home in innumerable ways.
- (v) Ensuring that the domestic base of Nigeria's Oil exports was not weakened to an extent, such as would threaten further the overall strength of the National Chain of Defence. With the Niger Delta, the major source of Nigeria's Oil Wealth, poor and feeling humiliated, there would be lack of synergy between the strength

of one part of that chain (the Federal Sector) and Weakness of the other (the Oil-producing states of the Federation). Thus, allowing ancient wrongs to accumulate from Colonialism to Independence posed dangerous impacts on and implications for Safety, Stability, Security and Peace in the contexts of Self, Society and the State. King Koko & Co proved that point several decades ago.

- (vi) Avoiding the prospect of allowing the-rest-of-Nigeria being strong, fat and heavy, to lie, without end, on a weak, breathless, restless Oily and Slippery Foundation: the Niger Delta.

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## **Resource Control, Derivation and Re-structuring: Primary Evidence on the Roles and Interests of Combatants in Nigeria's Oil Wars: 1999-2003 (Part One)**

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5

### **Introduction**

I have, deliberately, designed a special format, for this chapter, so as to make it unique, when compared with the style of others, in this work. It is, to all intents and purposes, a carefully assembled Documentary, not with audio-visual assets; but, with an amplitude of accurate Quotations of the statements of select *dramatis personae*: public and private actors. First, deductions and analyses from conventional summaries would fail to capture the mood of the moment as reflected in the tone, content and context of statements made either through passion or from solid conviction. Next, these full, candid and authentic quotations would provide easy reference-points, for anyone, in need or in doubt, decades and centuries later.

As will be shown later, here and in the next chapter, this documentary source-material and the latter parts of the previous chapters do constitute key elements of what I term Nigeria's Great Debate, 1990-2003. There is a lot of "greatness" about the subject-matter of this Discourse. It was all about Nigeria's Future (Success, Survival and Sustainability) through "Fiscal Federalism"; as one mainstay for a Federation of Hopes, large and small. It also represented an honest attempt to review and reform the financial buttresses of the Nigerian Federal State. Indeed, the hopes placed on it by the members of the 1898 Niger Committee, precursor of the 1914 Amalgamation, built on the continued strength of the economy of Southern Nigeria. This Debate, among other things, sought a restoration, not sudden abrogation, of some key fiscal measures, those allowed, under the Independence Constitution (1960) and its successor, the Republican Constitution (1963). These instruments seemed as reasonable in 2003 as they were then, forty years ago.

This section on Resource control has been a matter of considerable national significance which I have deliberately added to fortify the thrust of the preceding chapters because of certain relevant considerations. Its key advocates came from the Niger Delta sub-region of Nigeria's eight Littoral States: Lagos, Delta, Edo, Rivers, Bayelsa, Ondo, Akwa Ibom, Cross River. These were the States directly involved in a legal and quasi-political struggle with the Federal Government and the other States of the Federation over Resource control. The centre-piece of that Debate and litigation, as some observers saw it, lay in who should control Nigeria's huge revenues from Oil. Others saw this from a different angle. The reasons, either way, inflamed passions and fuelled that nationwide Debate. Its key issues remained unresolved not only as of 2003 but also till the Present (2011).

The strictly legal aspects of this Debate, being largely technical, will not form the focus of this chapter, though aspects of these will be mentioned, as the need arises, to throw some light on their links with other germane arguments. This matter was brought to Nigeria's Supreme Court by the Federal Government. It was first heard in April 2001. Its verdict, on 5 April 2002, caused more ripples over the Niger Delta's already much troubled waters with Oil as the driving force.

However, the weighty moral aspects of this Debate I consider well outside the purview of Nigeria's Supreme Court. Accordingly, these are the aspects I have decided to include and emphasise in this and other chapters of this work.

For reasons of convenience, I shall briefly and systematically set out here some of the views expressed by selected eloquent speakers for and against Resource control. There was no doubt, in my mind, that its protagonists and antagonists engaged in what *The News* magazine termed Nigeria's Oil War<sup>1</sup>. The fire-fights which the *Ogoni Bill of Rights* (1990) and the *Kaiama Declaration* (1998) began, the Oil War over Resource control took to new heights. These protagonists and antagonists behaved as combatants. But, not beyond doubt was whether or not their true interests were those of Self, Society and the State.

Here, then are the ones I have carefully selected to show some sense of balance on both sides of the battle of ideas concerning this

heated Debate. The period chosen between November 1994 and December 2002 in my view, marked the high water-mark of this serious crisis in Nigeria's Governance and Politics. A slight overflow from August 1990 into early 2003 occurred.

The Federal Government's interpretation and application, from May 1999, of the Revenue-Allocation sections of the 1999 Constitution, failed to meet the aspirations of the Littoral States of Nigeria. Where Politics also failed to resolve the serious matters in dispute, recourse to Nigeria's ultimate Court of competent jurisdiction became inevitable.

Yet, in emphasising that critical point of departure, in Federal-State relations, over aspects of the decisive power to tax and spend, a deliberate search for exact beginnings would not be necessary. If we embarked on such a course without sufficient deliberation, it would not be easy to know where to begin and where to end. Indeed, the *Ogoni Bill of Rights* (August 1990) and the *Kaiama Declaration* (December 1998) touched upon aspects of resource control. Further back, the Dappa-Biriye-led delegations of Rivers Chiefs and Peoples to Constitutional Conferences in London during the 1950s also covered similar themes.

Hence, at the end of any long or short search for origins, one basic fact would remain and that is the cardinal issue to be addressed. From time out of mind, the several communities of the Niger Delta, like their counterparts elsewhere, no matter their divergent stages of Economic Development, did carefully seek to protect measures for their survival in their ambient environments. That sense of defence, to secure valuable property and preserve precious Life, constituted, in my view, the heart and soul, the real essence of resource control at all times and in all places. Put simply, it was defence of a people's welfare, as they thought necessary, whether or not this emphasis clashed with that of others. The clashes which occurred complicated matters for resolution.

The extent to which the various protagonists and antagonists came close to or deviated from the above yardstick, one which I consider inescapable, we shall now attempt to find out. Patience with superb understanding of the pros and cons of this Debate dispassionately, is what I do expect of readers.

I have adopted this procedure, that of hearing several voices, on the same subject, for yet another reason, a cultural one. In doing so, I have followed my father's well-tested example. My 101-year old father and Head, for over 50 years, of a War Canoe House, constantly reminded me of wisdom he himself had learnt from Okrika-Ijo elders of his era. "A snake seen by only one person", elders said, "was always a big snake". Meaning: As few people honestly admit seeing a small snake, the more observers there are will help to determine its correct size. So, here too, more speakers are needed and have been selected to reveal, in their own voices, what size they were willing to give the Resource control snake everyone saw in the snake-infested Oil and Gas wet-lands of their country.

Shortly after the *Ogoni Bill of Rights*, declared by the leader of MOSOP, on 26 August 1990, the tempo of agitation over Resource control and allied matters increased in the Niger Delta. Its protagonists came from areas within and adjoining the Niger Delta which had some crude oil and gas resources.

So, on 4 October 1994, when sessions of General Sani Abacha's Constitutional Conference continued in Abuja, interested elected and nominated delegates made Mineral Rights and Resource control their welcome fire-lighters. Before long, their fire-boxes emitted tell-tale smoke of an incipient Oil War. When that began, salvos rang from both sides of the battle-lines.

Initially, the issues at stake centred round aspects of the 1979 Constitution which then needed review and amendment. The pertinent provisions were those which dealt with items on the Legislative Lists. The combatants seized on the existing provisions to provoke brutal debates on where best to place the control of mines and minerals (including oil fields). Some wanted to place power to control these on the Concurrent List, others preferred the State List. At least one delegate wanted to put these items on the Exclusive/Federal List. Thus, the sore issue of Resource control became tangled with matters concerning Constitutional Review and Reform. Soon, protagonists and antagonists argued over which should come first: Resource control or Constitutional Review and Reform. These contestants expressed a readiness to fight over these issues and promised to defend them to the bitter end. These disputants spoke candidly on both sides of the battle-lines.

One of these combatants was Dr J.O. Ogbonnaya (Abia State) whose constituents, he said, urged that mines, oil and petroleum and other minerals be put on the State List. He buttressed their brilliant and impeccable stand thus:<sup>2</sup>

If Nigeria is to become a true federation, it must copy countries like Australia, Canada, and the US where minerals got from three feet below the soil belong to the state ... the argument has been that minerals, oil and others are gifts of nature. They might be gifts of nature because they are there. But, ... with the same argument we in Nigeria have no claim to any oil in our soil because being a gift of nature, it belongs to the entire human race. Why should any country have claim on the minerals in the soil? We might as well be prospecting oil in Kuwait ... that is why if you narrow it down to the territory or districts, where minerals are, it is only morally right to allow that state to have a say on how that mineral is exploited.

Delegates from the "Southern Minority States" greeted Dr Ogbonnaya's contribution with "a thunderous applause".

The next speaker was no less eloquent, a Government nominee, from Adamawa State, Alhaji Mohammed Gambo, former Inspector-General of Police. His contribution caused considerable resentment and fire, if it did not draw real blood as well. He spoke frankly, whether or not his audience, including delegates from the Southern States, liked his honest contribution:<sup>3</sup>

Indeed, many of our people lost their lives in the defence of this country and I have their mandate to restate here today that we are again ready to spill our blood in defence of this country... Our forefathers and indeed, the whole federal arrangement in the world have recognised the wisdom in putting the question of mines in care of the federal government with the realisation that in the event of anything, it is the collective responsibility of the people in the country to defend that land, including the minerals and natural resources that are underneath the land. This is because this has not been put there by any individual... Since there is not only one spot in this country where one could say is the only place where oil could be found, you will find that there will be a belt covering a number of states that contains oil and other minerals, thus the federal government certainly has the responsibility of coordinating and supervising, in a harmonious way, the people in getting out those minerals.

Alhaji Gambo, in that manner of speaking, effectively argued in favour of putting these items on the Exclusive (Federal) List, not even on the Concurrent List.

At that point, Senator Okon Aniete, a Government nominee from Akwa Ibom, sought to douse the fires from Alhaji Gambo's forceful speech. Senator Aniete counselled:<sup>4</sup>

What we have heard from the last speaker is an open declaration of war on our people. The threat to spill blood, if need be, to keep this country together is not the answer that led to the summoning of this conference.

The combatant who spoke next, Dr Emmanuel Nsan, former Federal Minister of Health, came from Cross River South (B), as its elected delegate. His contribution was far from moderate. The preference of his constituency, he said, was to put the issue at stake on the State List, not the Federal Exclusive List:<sup>5</sup>

... we in Cross River State, are also ready to spill blood but this time, the blood is going to be spilled in defence of justice, equity and fairplay in this country. Nobody is more patriotic in favour of this nation than the other. In fact, this is not a clash between the federal government interests and the state government interests. If the truth must be told, that truth is that this is a clash between a small class of interest group that has been holding hegemonic control over this country. It is a class struggle between a small class that has enjoyed the monopoly of the largesse of the federal government to the complete exclusion of others whom they treat as hewers of wood and drawers of water. I have the instruction from Cross River State to say that from now on, the hour of reckoning is nigh. Nobody should take any person for granted any more. There is nothing like traditional elites any more. Every state is up to the arms in defence of its integrity and of the Federal Republic of Nigeria.

Mr Nduka Obaigbena, an elected delegate, from Delta North (B) rushed to the barricade to counter Alhaji Gambo's fire-ball with one of his own:<sup>6</sup>

I like to advise our friends who threatened us with bloodshed that blood flows in everybody's veins. The people of Delta... are very slow to anger but irrepressible in battle.

South-Western Nigeria's delegates at this conference appeared lukewarm. The Southern Minority delegates, accordingly, disliked what they termed their "lilly-liverdness (sic)."<sup>7</sup> If their conduct, as combatants, was suspect, their accusers did not ignore the fact that their lands had no proven reserves of oil and gas.

Constantly, what Okrika-Ijo elders used to say about heaps of yam and coco-yam, in close proximity, of one drifting into the other group, happened also to different heaps (this time of ignitable materials). Arguments over Resource control tended to get mixed up with the pros and cons of Federalism and Re-Structuring, if not also of Ethnicism. The same would be said of arguments, for and against, a National Conference, to resolve existing problems.

Dr Odu Karibo, from the point of view of a concerned victim, in the Niger Delta, spiced his arguments, in January 1999, with an apt and lovely proverb on a fowl and her eggs:<sup>8</sup>

The social and ethnic divisions and contradictions in the country are so many that all leaders now pay lip-service towards the oil-producing minorities, while the favoured ethnic nationalities are held together by the money that comes from the oil wealth to sustain the polity called Nigeria. What we must all know is that you cannot forbid a fowl and yet eat its eggs. Remember Isaac Adaka Boro. He came, he saw and fought and died. That was some 31 years ago. Nothing has still changed. Ken Saro-Wiwa was hanged in 1995 for the same cause. Except Nigerians and their leaders shun hypocrisy and lip-service towards the minorities and courageously come out to do that which is right and just for the oil-producing areas, they will continue to kill and kill until there will be no victims of oppression to kill.

Oronto Douglas, lawyer and member of the Ijaw Youth Council, always spoke out on any matter close to his heart. This he did fearlessly in May 1999:<sup>9</sup>

The Ijaws and other people of the Niger Delta have conquered death in our peaceful struggle for self-determination... If we are afraid of death, we will not get freedom. If we fear death, we will not get justice.

In an Editorial, under the title, "Nigeria's Last Chance", *Tell* magazine told its readers this plain truth:<sup>10</sup>

The 'mistake of 1914' can surely be corrected by restructuring. This simple tool, in a Nigerian commonwealth, can, at least, ensure that we develop according to our unique needs, resources and abilities. It can, at least, avert the tragedy of the Niger Delta. This is the region that produces Nigeria's oil which accounts for well over 90 per cent of its exchange earnings. Today, through undisguised neglect and bare-faced exploitation by successive governments, the area is an ecological disaster and its people subjected to a most abject poverty. It is a mark of the times, of the historic wrongs swamping the land, of the whittling of the beneficial influences of a genuine federation, that this same territory is carved up as oil blocks for generals of the outgoing junta and their cronies. At least, restructuring should be able to halt this rape and debauchery, make any group in the country enjoy its God-given resources besides ensuring that revenue is allocated justly to the areas and peoples who produce it. All these goals shall remain unattainable with a very powerful centre that is the grab-bag of the goodies of the common-wealth.

At 68, in June 1999, Retired Major-General Olufemi Olutoye, *alumnus* of the University of Ibadan, a brilliant officer in the Education Corps Nigeria Army, still demonstrated the courage of his convictions. He entered and left military service, as a crusader, for equity and ethnic balance there and elsewhere in the Federal Republic of Nigeria. He became the second graduate recruited into the Nigeria Army, after the first: Emeka Odumegwu-Ojukwu. When *Tell* asked General Olutoye what future there could be for "an unstructured Nigeria" he frankly replied:<sup>11</sup>

Chaos. People will continue to steal; we will continue to have confusion. People will continue to be frustrated. It will result in chaos. People want to have a sense of fulfillment. Why do you think that you have the problem in the Niger Delta area now? Because they realise that more than 80 per cent of Nigeria's revenue is derived from their area. And they have nothing to show for it. But if we have a properly restructured federation, which will stipulate that more money goes where revenues are derived, they will be satisfied. They will have water to drink, electricity and good roads.

Professor Itse Sagay, SAN, former Dean, Faculty of Law, University of Benin, Pro-Democracy and Human Rights Activist, never misses any opportunity to drive home issues emanating from his multiple

roles in society. In an Essay on "The rough patches of our federation", Professor Sagay observed:<sup>12</sup>

Surprisingly, the Hausa-Fulani group who are supposedly saying today they don't want a National Conference, they don't want restructuring, were the very ones who, in fact, originated the whole idea. At the 1950 Conference, they made it clear that they would not be part of Nigeria, if at the National level (the National Assembly), they were not given 50 percent of the mineral proceeds (sic). That was the condition they gave. They made it, in fact, a condition and the two other parties - West and East - sat down at the Federal level and decided thus: Let them have it. And they were given. The Hausa-Fulani group were the ones who wanted the least powers at the centre. For instance, it would be recalled after the military intervention of January, 1966 and the counter-coup in July of that same year, a study of the memorandum submitted by the North, showed that they wanted a confederation. One is, therefore, surprised at the sudden change; all because of oil which comes from the Niger Delta. The oil, after it is taken away, is distributed to those who don't produce and who did not even feel the effects of oil production. So, as long as the oil exists, people want a strong central government just to extract the oil and divide it and even get the larger share. It is sheer greed.

Thus, the under-development of most parts of the country today is because of oil. Today, there is no talk about the groundnut pyramids from the North. The palm oil from the East has disappeared. Ironically, we were the ones who gave palm oil seedlings to Malaysia; we introduced them to oil, but today they export oil to us because we depend on mineral oil from the Niger Delta.

It was in a similar vein that Professor Sagay, a little later than the above contribution, again wrote on this theme: "Autonomy for ethnic nationalities inevitable." In that feature article, he observed: <sup>13</sup>

In 1960, 63 up to 66, every region had its coat of arms, their own motto... Every region had its coat of arms while there was a federal one for everybody but we still remained one country. Why can't there be a State of Biafra in Nigeria? What is wrong with that? They are entitled to a State of Biafra, they are entitled to an Oduduwa State in Nigeria, we are entitled to a Niger Delta State in Nigeria, we are entitled to a Middle Belt State in Nigeria. And it is going to come. Nobody can stop that. It is absolutely going to come. It is

what Karl Marx called an inexorable force, you can't stop it because if we want to remain one country, we have to loosen our present ties, reduce the powers at the centre, increase the powers of the states and regions which we may form and allow the more autonomy to do what they like so they can continue to agree to be part of ... Nigeria. That is inevitable. I can predict that inevitability. I am a prophet as far as that is concerned.

Resource control also played its own games with Amalgamation through the eyes of another vigilant observer, Gbolabo Ogunsanwo a cerebral public analyst. Concerning the political and other games Nigerians played with self, society and the state, at various stages of their country's many-sided Development, Mr Ogunsanwo attempted to call a spade a spade and nothing else. He also felt bold enough to mix Economics with Politics:<sup>14</sup>

Shorn of our hypocrisy, what we have are Yoruba-Nigerians, Hausa-Nigerians, Fulani-Nigerians, Igbo-Nigerians and so on. We all proclaim loyalty to Nigeria publicly but behind our closed doors, our first loyalty is to our various tribes...

...In what has been criticised as a measure for internal colonialism, the North has ridden roughshod over the political feelings of the Middle Belt and the South. Leaders in the areas that have dared to question their authority have been mercilessly crushed e.g., Chief Awolowo, Chief Enahoro, Joseph Tarka, J.S. Olawoyin, Adaka Boro, Ken Saro-Wiwa, increasing the bitterness of the South ... Biafra was crushed and about a million souls perished... Much earlier, Major Adaka Boro sought to lead the Ijaws out of Nigeria. He was similarly crushed. Ken Saro Wiwa tried to draw attention to the plight of the Ogonis. He was hanged and his remains allegedly dumped in concentrated acid... Chief MKO Abiola, the only Southerner (before May 1999) ever to win a democratic election into the Presidency in Nigeria was crushed. He died a mysterious death in jail, ostensibly a few days to his freedom...

Then there is the Maitama Sule neo-Hitlerite policy that some people were naturally ordained by the Lord Jehovah to rule and had been given the endowment to do so. There were others presumably talented to be permanent and efficient servants, hewers of wood and drawers of water while others were specially anointed by God to be traders ...

But what may be the ultimate joker of the South is the beginning of the demand from the Niger Delta to control 100 per cent of the proceeds from Oil that comes out of their wells. From what I understand, the entire national police personnel are not numerically enough to police the oil pipelines. There are threats from some Niger Delta ethnic militias to physically prevent the flow of crude oil...

.. the solution lies in some other people showing that it is within their own power to shake the pillars supporting the whole Nigeria (sic) edifice so strongly as to bring both the roof and the walls crashing down.

From Ogunsanwo's clever alchemy above, that of mixing Oil and Politics, in such proportions as to make Nigeria less and less fire-prone, it was clear to combatants as well as other stakeholders how dangerous Nigeria's continued Oil War has been and still could be (despite Amnesty in 2009). Strangely, in spite of these obvious dangers, neither rulers nor the ruled have agreed to devise and deploy effective tools for fire-prevention rather than fire-fighting.

Nigerian and other stakeholders would not claim ignorance in these matters of fire-prevention and fire-control. From time to time, fire-alarms gave sufficient notice to all and sundry. One such plaintive call came from one Princess M.I.A. Dan-Princewill, General Manager (Administration), Nigeria Ports Authority. Observers saw her as "an apostle of peace in the troubled Niger Delta". She used "the weapon of prayer", under the auspices of her organisation, the Niger Delta Prayer Forum. Asked to indicate what next to do in order to promote her crusade, she replied:<sup>15</sup>

Nigeria should be properly focused. Right now, we are not focused. Everyone should till his own land. The Lord has given land to the Yoruba, the Fulani, the Tiv and the Hausa. It's a wrong attitude to want to take what belongs to another person. We won't be hungry today if everybody is tilling his own land. Each group should bring to the national purse for better output. The Niger Delta situation is too bad. Right where Nigeria earns her income, the people can't wear clothes because of the heat from gas flaring. Skin diseases such as scabies are very rampant there. There are no clinics to go for treatment. The lone voice in the wilderness is crying for the sake of the Niger Delta. In the name of Jesus Christ, let something be done, if not, Nigeria cannot prosper beyond this point. Let us put the fear of God in governance. Let us take care of them in all areas, the need is urgent, even desperate.

On the eve of Nigeria's Independence Day Celebration, Year 2000, another fire-alarm rang forth. This came from Retired Major General David Akpode Ejoor, former Military Governor, Mid-West Region, and a key Federal player during Nigeria's Civil War Years. He, as a 28 year-old officer, had commanded the Guard, at the lowering of the British Union Jack and the hoisting of Nigeria's new Flag of Independence, on 1 October 1960. As a victim of despoliation and marginalisation in his part of the Niger Delta, General Ejoor joined his to the voices of others crying for justice, equity and peace in the Niger Delta. When asked for a way out of stubborn problems there, he suggested:<sup>16</sup>

The answer is simple in the sense that derivation should be 100 per cent. And let the people pay tax on their normal production as in America... You don't have a state where one region has to bow to the other and deprive them and turn them to slaves. It is a federation, so let every state develop their own resources. It pays them for the oil control to be in the hands of the Federal Government where they are able to steal and put money into their foreign accounts, whereas the people are suffering.

And they are pleading for debt forgiveness. How would they forgive you when our earnings are higher than those of the countries in question. I tell you, this is another way of making Nigeria a colony of other countries for the second time.

In the eyes of the Military as well as Civil Society, an Oil War, to replace the one witnessed, by General Ejoor and others, did Nigeria no good. Besides, in these same circles, neither neo-Colonialism nor its internal type fitted a truly Independent Nigeria with liberty and freedom guaranteed for all her citizens. Among them, as General Ejoor observed, the crucial power to tax and spend should be exercised in a manner to secure basic freedoms.

At this stage, one has to hear the Northern voice or voices as clearly as possible on these combat-prone aspects of Nigeria's tortuous development since Independence. One such credible voice was that of Alhaji Abdullahi Adamu, Civilian Governor, Nassarawa State (1999-2003), one-time Chairman, National Governors' Forum, and leader of the "Club of 19 Northern Governors". He was asked, by a *Vanguard* staff reporter, to compare and contrast his attitude to solid minerals in his State with that of the oil-producing states of the Niger Delta to their mineral resource assets in the context of local

and national needs. Governor Abdullahi Adamu, in less passionate terms, gave the reporter this account:<sup>17</sup>

I believe that everybody has the right under democracy to express their opinions. They could say that God Almighty chose to locate the mineral resources under their soil and should, therefore, have primary stake in its (sic) control. However, I believe in being a good neighbour and that oil is a perishable (item) that would end one day. I believe that one day will be one day when monkey go market and not come back (sic). It's a burning commodity and if you take the statistics of oil reserves across the world, there is no doubt it will all end one day. At any rate what has oil succeeded in doing in this country? It has merely succeeded in spoiling us and making us not to value money. It has only enhanced corruption and has destroyed the fabric of the society.

Take a look at leadership of the oil producing states. What has been the quality? Go to America and see what the leaders of the community have (done) all over the place mainly from the oil companies. Any way, I don't begrudge anybody who has oil and who wants to take control. I do appreciate and want to say the oil, the gold, columbite, tin, sapphire, whatever that we may have under the earth is on the exclusive legislative list of the constitution which means the federal government has absolute control over them. We want to start beating our chest because we have solid minerals. We do appreciate the role tin played in our economic development at a point in time and we know that oil doesn't produce kettle and nobody eats oil. So, we must learn to live together with one another. If we say everybody should take control of what is available in his area, we won't live in peace. Oil is a natural resource and it is the groundnut, the cotton, the hides and skin, the cocoa, the rubber that were used at the initial stage before oil became what it is today... It must be understood that you need food before you can explore oil. I appreciate that if you have money you can import food from anywhere, but that is a different ball game. The security of this country does not lie in oil but in food produced. So, the aces are not with the people that produce the oil, the aces are up here... They keep saying we want to take control of our oil 100 per cent. We could also say we want control of agriculture (sic) produce 100 per cent or solid minerals 100 per cent. I don't think it is the best. I agree that the monopoly of the federal government over all these things should be broken, but not to the exclusion of all other stakeholders in Nigeria. I don't believe that is right.

At the end of the South-South Parliamentary Caucus House Representatives End of the Year Press Conference (year 2000) signed statement included this section on Resource control:<sup>18</sup>

Based on the yearning and pressures from our people, the South-South Governors and the National Assembly members from the zone resolved to press for the full control of our Natural Resources at our meeting in Benin in August 2000. The decision was born (sic) out of the frustration arising from the years of wanton exploitation, devastation, impoverishment, and neglect of the area, which produces the wealth of the nation. Apparently, the funds coming from the zone have, over the years, been badly mismanaged. We decided to embark on this course of action because that is the system that operates in every true federation ... Resource control was in practice up to 1966 and the regions enjoyed faster growth and development during the period. The military intervention of 1966 and the consequent unitary form of government, which it imposed, swept away the regional control of resources. As the country has now returned to a Federal structure, it would be in the best interest of every State to own, develop and exploit its resources while taxes are paid for the maintenance of Federal services.

The Federal Government will derive more revenue from state control of resources, as the states will exercise closer and more efficient watch over exploitation of their natural resources. The large span of control, which the Federal Government exercises over resources, is responsible for the large scale pilfering and wastage prevalent in the management of our resources. A case in point is the recent discovery that Nigeria lost 300,000 barrels of crude oil (in) two weeks through unrecorded exploitation.

Resource control is not a selfish idea. It is not meant to deprive non-oil producing states of more revenue, rather it is hoped that with such practice in place, states would be encouraged to look beyond oil revenue and exploit all the potentials available. Above all, it is constitutionally correct.

Issues of Resource control and Re-Structuring naturally featured in the deliberations of 17 Southern Governors at Enugu on 10 January 2001. Their host, Dr Chimaroke Nnamani, after their Summit told the Press that, on both these issues, it was "A Question of Time". Among other things, they resolved:<sup>19</sup>

- That Nigeria's federal status as presently constituted be restructured along legal framework that would grant reasonable measure of autonomy to the states and component parts of the federation;
- That resource control and derivation should henceforth be accepted as the basis for revenue generation and allocation.

When the Federal Government took to the Supreme Court an aspect of its controversy with the eight Littoral States, their Governors and their Federal Legislators, at a meeting under the auspices of the South-South zone, condemned that action. After their meeting in Abuja, on 28 February 2001, they spoke to the Press through one of their leaders, Senator Udoma Udo Udoma (Akwa Ibom State), a lawyer by profession.

Among other things, he said:<sup>20</sup>

Basically, you know that up to 1966, the Constitution we had provided that the regions control the resources and pay taxes to the Federal Government. This period witnessed the fastest development of Nigeria. We believe that we should go back to that system that will lead to fast development. Each state will harness its resources and use them for the benefit of its people. If the states grow, the centre and indeed the entire country will grow.

If you look at the suit it is not about resources control; it is dealing with the issue of on-shore and off-shore.... The agitation is very apt at this moment because you know that the constitution is under review so we want the constitutional review panel to take this into account...

If decision is taken that the off-shore is not part of the states it means that it is not part of Nigeria because Nigeria consists of 36 states including the Federal Capital Territory. Note that this matter is not about ownership...

Chief Gani Fawehinmi, SAN, radical politician and human rights activist, when asked by a popular magazine, made his views known. He then said:<sup>21</sup>

Resource control? Well, this has to be part of a larger agenda at a Sovereign National Conference, SNC... It is oil today, it may be another commodity tomorrow. There was no oil when we had the groundnut pyramids in the North. There was no oil when we had cocoa in the West... God has not created any place to be barren... So, this

resource control let us go slowly, slowly. But that does not mean that the hewers of wood and the drawers of water must continue to suffer... The Niger Delta people should not be forsaken. They should not be poor...

Dr G.G. Darah, a brilliant feature writer, linked Resource control with Federalism and the status of Lagos. He also helped to trace the history of the Resource control aspects of Nigeria's Oil War. In a useful contribution, he remarked:<sup>22</sup>

In historical terms, the phrase "Resource control" is older than that of the "Sovereign National Conference". The initial echo of resource control came in the wake of the launch in 1990 of the Ogoni Bill of Rights...

But it was the "Kaiama Declaration" of the All-Ijaw-Youth Congress of December 1998 that raised the resource control demand to the level of a political manifesto...

The twin issues of resource ownership and control are at the heart of the federalism debate in Nigeria...

Lagos is a victim of this deprivation because it is one of the southern states that account for 95 per cent of federal revenue. The Lagos contribution comes mainly from the two sea ports (Apapa and Tin Can) which yield about 80 per cent of the import revenue of the country... Nearly 50 per cent of the V.A.T. (Value Added Tax) income in Nigeria is made in Lagos State...

In the heat of this Great National Debate, a Niger Delta Ethnic Nationalities Conference took place in Calabar, Cross River State, 18-20 October 2001. Its communique contained a statement on "True Federalism and Resource control". In this section, Conference delegates observed:<sup>23</sup>

Conference resolved that the present Nigerian political structure is not a true reflection of federalism and called for its restructuring with the devolution of power to regional government (sic) and that the federal government is left with sovereignties limited to the areas of Foreign Relations, National Defence and Monetary Management. It re-emphasised that true Federalism is the only basis for a stable and peaceful co-existence of our diverse peoples and deplored the unitarist system bequeathed to the nation by the military. On Resource control, the conference aligned itself with the thinking of Adam Smith, renowned economist and author of **Wealth of Nations**... that land, like labour,

capital and entrepreneurship, is a factor of production owned by individuals and should, therefore, be controlled by them. It recommended that the appropriate tax be paid to the central government as it is done in other federal setup in the world, particularly in the United States of America.

For Great Ovedje Ogboru, one who was alleged to have sponsored Major Gideon Orkar's abortive *coup d'état*, in April 1990, the issues at stake were misplaced. His priorities differed from those of other combatants concerning Resource control, Political Re-Structuring, Federalism and the like. As he saw it:<sup>24</sup>

Resource control,... is a very very minute issue... If we can resolve the nationality question, the issue of resource control would be resolved.

On Resource-Generation, Allocation and Nigerian Federalism, Professor I.O. Agbede, in a paper delivered at the PaAjasin Foundation Colloquium, caught the attention of *The Comet*. He then said:<sup>25</sup>

As our economy depends almost entirely on crude oil export, the urge to generate resources is practically dead. We must be grateful to the foreign firms that are saddled with the responsibility of exploring and exploiting the crude oil and, thereby, make our idleness total...

Time was when pyramids of groundnut almost suffocated the northern areas. Malaysian delegation was here to study our skill in tendering palm trees. Our cocoa wealth was an envy to other nations. Because we have to toil for all these, labour had a dignity and honesty ruled our public life. All these are now to a large extent a thing of the past...

We seem to have convinced ourselves that our oil reserve is inexhaustible. This generation may witness the end of the oil wealth. Whether that will come in 30 years is really not the issue, the real issue is what we are making of the present wealth. While excessive abundance of the national wealth circulates among a few in the corridors of power – past and present – the vast majority of the population wallow in abject penury...

Other than the 13 percent allocated to mineral producing areas, there is no mention of derivation in the sharing formula and no consideration for viability... State and local government creation became, in the hands of the military administration, a fraudulent exercise of diverting national resources to favoured areas.

Akpo Esajere, Political Editor, also spoke on "Nigeria's tortuous path to genuine derivation" in *The Guardian*. His comments include the following:<sup>26</sup>

The new term, resource control, was first uttered in Asaba, the Delta State capital, on April 30, 2000 when the governors and National Assembly representatives of Delta, Bayelsa, Rivers, Akwa Ibom, Edo and Cross River states met to discuss power-play among ethnic nationalities in Nigeria and survival strategies for their communities.

The governors and representatives of these minority states which produce oil, Nigeria's economic mainstay, conceptualised resource control as an instrument of peaceful realisation of a legitimate objective: The recovery of ownership of resources seized from them by powerful majority groups.

Viewed at first, especially by the Obasanjo government, as a mid-summer joke, the campaign has now taken on a serious outlook...

At the (1994 Constitutional) Conference, South South (sic) leaders had agitated for 50 per cent [derivation from the Federation Account]. Implementation of the 13 per cent finally agreed upon and enshrined in Section 162(2) of the 1999 Constitution by the General Abdulsalami Abubakar government is one of the causes of the frustration and anger over which the spectre of agitation has again arisen.

The administration has harped on the illegality and unconstitutionality of the campaign for resource control. Represented by Mr. Kanu (sic) Agabi, Minister for Solid Minerals and Development at an international bitumen summit at Akure, Ondo State, last November 14, Obasanjo said 'We are a nation. We must abide by the constitution as it is and not as we think it ought to be. I find it therefore necessary to remind the nation that all mineral resources are under the Federal Government and controlled by the Federal Government and not by the state.' ...

The Federal Government may continue avoiding the convocation of a national conference to re-negotiate the Nigerian project. But it seems unlikely to be as lucky with respect to sharing of proceeds in the common pool.

Chief Johnson Ukuoku, Deputy Chairman, Urhobo National Assembly, spoke his mind, in an interview with Mr Onwuka Nzeah...

a correspondent of *The Comet*. In answers to questions, Chief Ukwueku said:<sup>27</sup>

We in the Niger Delta agree that we must have six regions or zones in a restructured Federal Republic of Nigeria. Secondly, we are also in agreement that each of these regions must control its own resources and these resources should be taxed sufficiently to cater for the central or Federal Government...

What is posing the problem is that the major revenue earner for the federation today is the oil, which comes from the South-South. The money gotten from oil is about 90 per cent of the Federal Revenue and everybody wants to share from the money to the extent that those who generate the wealth don't have anything because of the vast population of the country.

The pros and cons of this controversy also caught the attention of interested editorial writers in the national Press. Among these were the opinion-leaders in *The Guardian*. In its editorial, captioned "Legal tangle over Resource control", Nigeria's most widely read and quite authoritative newspaper, made these insightful comments:<sup>28</sup>

Early this month, the Attorney-General of the Federation filed an action in the Supreme Court to seek interpretation of the constitutional provision on the ownership of revenue derivable from natural resources located offshore. The suit is a response to claims by states along the Atlantic seaboard that the natural resources found in the territorial waters of Nigeria ought to be treated or regarded as located in their respective territories. The seaboard or littoral states are Akwa Ibom, Bayelsa, Cross River, Delta, Lagos, Ogun, Ondo and Rivers. This matter became controversial following the refusal of the Federal Government to let the states in question have their share from offshore oil revenue on the basis of the derivation Principle stipulated in the constitution. Consequently, the states have consistently appealed to the Federal Government to resolve the dispute by abiding by the constitution. By taking the pre-emptive step of going to court, the Federal Government has raised the stakes in the debate over resource ownership, control and fiscal federation.

The kernel of the Federal Government's legal pursuit is to determine the seaward boundary of a littoral state for the purposes of calculating the amount of revenue accruing to the Federation Account directly from any natural resources derived from that state as stipulated in Section 162(2) of the 1999 Constitution. The Federal Government

also avers that the seaward boundary of each of the said states is the low water mark of the land surface or the seaward limits of inland waters within the state. Therefore, the natural resources found within the territorial waters of Nigeria and the Federal Capital Territory are derived from the federation and not from any state. The Federal Government also argues that the natural resources located within the Exclusive Economic Zone and the Continental Shelf of Nigeria are subject to provisions of any treaty or to her agreement between Nigeria and any neighbouring littoral state.

Although all the 36 states of the country are joined in the action, the real target of the litigation are the oil producing states because only oil and gas are the natural resources from which revenue accrue to the Federation Account...

This reintroduced the onshore-offshore dichotomy already abolished by law in 1992...

Whatever way the case goes, its outcome will have significant effect on the current national debate on the restructuring of the Nigerian Federation. Clearer understanding may emerge on such fine points as what constitutes the actual territory of a state. Implicated in all this is the meaning of maritime laws as they apply to states in a federation. It will be interesting to know, for instance, whether offshore islands such as Bakassi are part of a state or federal territories like Abuja. Perhaps, it is good for democracy that the Federal Government has chosen this legal path. The states are now in a position to present their defence in the open.... Ultimately, the resolution of the case will determine one way or the other the struggle for the restoration of a genuine federal system in which the constituent units will exercise control over their resources and how to exploit them in a just and equitable manner.

Nigeria's magazines, ever so active, in their search for controversy in the public and private domains, did not miss this opportunity to intervene, where necessary, with their own slant. One of these, also a national and international favourite, *Tell*, however, chose to give both sides of the battle of ideas a fair hearing. It did so under the caption "Battle Cry in the South-South".<sup>29</sup>

"The federal government appears to be worried over the controversy that its action is generating. Jerry Gana, the information minister (and university Professor), said the government went to court because it wanted a constitutional solution. According to him, 'the federal government has done the right thing. Only the court can interpret the

Constitution appropriately so that it does not generate controversy that can lead the nation astray'. (Bola) Ige, (Attorney-General of the Federation and Minister of Justice), on his part, maintained that the government chose the legal option since it could not resolve the issue politically. The attorney-general (also a former civilian Governor of Oyo State) said the suit would enable all the states of the federation 'to contribute to the resolution of the dispute'. By going to court, Ige said, the government wants the Supreme Court to interpret Section 162 of the constitution, which he described as one of the national question.

Such arguments do not strike the right chord with many people. Leaders of the Niger Delta are accusing the government of double standard. Kimse Okoko, president of the Ijaw National Congress, INC, for instance, says resource control is as political as Islamic Sharia. He said by going to court, the government 'has displayed an unpardonable insensitivity to the plight of the people of the Niger Delta'. When some states in the North started the implementation of the Sharia law which many have maintained is unconstitutional, the federal government said it would not go to court and would resolve the crisis politically. Okoko [also a teacher at the federal University of Port Harcourt as well as a forthright and remorseless fire-eater concerning matters of public interest] wondered why the government now chose the legal option in its effort to resolve the resource control issue.

Orji Uzor Kalu, the governor of Abia State, is afraid that the federal government may have set off a chain of events that are capable of threatening the peace and unity of the country. The (young but bold and alert) governor of Abia State said the southern states governors discarded the legal option because of the inherent dangers.

In Sina Odugbemi, what one would call The-Rest-of-Nigeria had a powerful voice in their contest with the eight Littoral States over this constitutionally and politically loaded issue. Though Yoruba, by birth, this clear-minded, fearless writer and regular contributor to the Sunday edition, of another quite popular newspaper, made his comments as forceful as possible. He did so twice on this hotly debated issue. He first appeared in *The Comet*. In this, he asked the question "Are there statesmen in the Niger Delta?" And this was how he answered it:<sup>30</sup>

A time there was in this country when nobody cared a hoot for the depredation of oil extraction in the Niger Delta region of our country, except of course those who lived there. That changed gradually and the late Ken Sara Wiwa and others played a big role in that regard. The consciences of enough people within the political elite nationwide—including newspaper editors and commentators—were pricked, as they became better educated on the subject. Gradually, it became accepted that the nation had to especially compensate (sic) the states where oil and gas are produced. The derivation argument was well and truly won. As is now clear it is all too easy to underestimate the significance of this victory, this winning of the argument. The figure was set at 13% and the states involved are now earning it. Not only that, the Niger Delta Development Commission (NDDC) was set up, with significant resource endowment. I know there are unresolved disputes, especially the onshore, offshore dichotomy that is now the subject of litigation. The point I am concerned to make is that progress has been made as a result of the Niger Delta winning the argument.

It is important to point out that there was a significant body of opinion in this country, particularly in the leadership of the core north, which opposed even this 'settlement'. The apostles of internal colonialism wanted to continue with business as usual; take the oil revenues to the centre and plunder it (sic). Note also that the elements in the current 'settlement' are still to bed (sic) down properly. The massive new flow of revenue to these states has not been going on for a long enough time for the impact to fully manifest. The NDDC is only now trying to get going. This is the political context for the current 'resource control' campaign. The campaign seeks to establish as part of our political morality in Nigeria the following principle: that the states in which resources are found own those resources, must control them, and only have to pay some tax to the Federal Government for the common pool.

Forget the merits of the case for now. I am interested only in the politics of the matter. Two things leap to mind immediately when you see such a bald statement of the principle of 'resource control'. The first is that it is a much more radical principle than the campaign for derivation that led to the 13% 'settlement'. It is a significant shifting of the goal post. The second point is that such a principle is likely to encounter fierce resistance nationwide. I mean nationwide. To prove it to myself, for a few weeks now, I have been asking Nigerians from all parts of the country that I know to give me their private reaction to the claim that all the oil and gas in Nigeria belongs (sic) to the peoples of the Niger Delta and they ought to control these resources.

Almost without exception, the reaction has been 'No way. Even if I would not necessarily say this in public, the truth is the oil belongs to all of us.' The sobering truth is that in spite of what many politicians say in public there isn't a national majority in support of the principle of resource control as it is now stated...

The point that matters is that in the face of all these political facts, it would be strange for the political leaders of the Niger Delta leading the 'resource control' campaign to do so without taking these facts into consideration.

Unlike Sina Odugbemi, Professor Itsay Sagay, SAN, pitched his camp, among his people of the Niger Delta. Thus, issues of Law combined with those of Politics, in an interview, published by *The Comet*. In it, this erudite University scholar reacted to various questions posed and said the "Resource control Suit" amounted to an "abuse of power". He continued:<sup>31</sup>

It is all about power relations. The Federal Government wants to use its power to simply seize other people's property. It is the application of raw power in a primitive society...

It is common knowledge in international law that any land under the sea is a prolongation of the littoral state; part of its landmass. And any law that conflicts with international law is null and void.

The contribution made to this National Debate by the next selected snake-watcher was valuable for a special reason. It brought out forcefully the viewpoint of a public functionary, one outside the eight Littoral States. It was the voice of Chief Okeagu Ogadah, Ebonyi State Attorney-General and Commissioner for Justice. In addition to what Governor Orji Kalu of Abia State had said, as earlier indicated, Chief Ogadah spoke also for the *Ndi-Igbo*, in his State and elsewhere. In an interview with *The Comet*, he spoke with sound political sense and tact:<sup>32</sup>

Though we are in court, we are land-locked. That does not mean that the Federal Government should bring other people's resources to share. It amounts to robbing Peter to pay Paul.

Under a federation, a balanced Nigeria, there are sufficient resources for the poorest state to eke out a living in the country. There are sufficient resources.

Mark you, that is the beauty of democracy. The mere fact that we are discussing is a way forward. We should not start climbing the tree from the top. Let's make the centre not too enticing...

We cannot carry everybody at the same time. When our papas were fighting for independence, some did not come easily along which delayed our independence. But ultimately, everybody saw the good of self-government.

It is understandable if some northern states are opposed to it. Because all along they have been depending on southern resources.

A short while ago, we heard the voice of Sina Odugbemi. This would be his second and, perhaps, last encounter here with other vigilante and competent snake-watchers on this same topic. Earlier, we learned that this veteran observer did not attempt to be counted among the friends of the eight Littoral States. Neither would it be right nor correct to see him as their enemy. The available evidence did not support any such categorisation. To suggest that he listened too intently to official spokespersons, very close to the corridors of power, at the Federal level, if not also in the States, those opposed to the Group of eight Littoral States, would not be quite fair to his sense of professionalism and rights as a free citizen.

Obviously, he held a middle ground that was quite respectable though not compelling. Indeed, he was free to speak, on any issue, in any manner and from the perspective he deemed fit. And this he did, in full measure, during his Second Coming, on the same subject of much public interest, despite the considerable agitation this matter also caused in relevant quarters.

Aspects of that agitation one would see, in some of the views expressed to him, by those who saw matters from different angles. Seen that way, it would not appear too strange, too inhumane, that other snake-watchers entertained notions of "paying for" what were clearly designated "oil and gas resources", whether or not exploited with public funds. Indeed, would such payment be a valid justification for endless Eco-Violence and what has been termed "Bio-Terror" by the World Press, in the wake of widely publicised tragic events in parts of the USA since 11 September 2001? Moreover, would other Nigerians add to the needless bloodshed and incalculable destruction of property, such as occurred during Nigeria's Civil War, by

continuing to cause more deaths, through deprivation of access to a healthy living space for millions of Niger Delta communities, for several decades, those who were condemned to that fate by a succession of Colonial and post-Colonial governments?

These, perhaps, would be questions with no finite answers. Nor would one expect unanimity, over such vexed questions, in a country with diverse eco-systems and socio-political expectations.

This type of a fairly liberal interpretation would leave several doors and windows wide open, in one's search for agreed durable answers, to the multiple problems concerning Resource control. To that extent, Sina Odugbemi did what was professionally mandatory by making available to the reading public, at home and abroad, the various shades of opinion expressed in his stimulating and widely read column of *The Comet*.<sup>33</sup>

The resource control debate has truly exploded now. For a long time, the proponents of resource control ran the debate, stating their case, asserting their 'rights', divine or otherwise and so on. Suddenly, counter-blasts are coming, particularly from the north. We are being told that the oil and gas resources (sic) of Nigeria were paid for (sic) by all Nigerians, paid for (sic) in investment funds, and in blood (the Civil War, 1967-1970) Major players are now making an explicit link (sic) between that war and the natural resources in the Niger Delta in the system, including President Obasanjo. It is now clear at least that getting the oil fields back was a major war aim of the Federal side in that fratricidal conflict. It is also being hinted none too subtly that this resource control debate can once again lead to a shooting war if care is not taken. If it was not clear before just how dangerous this controversy is, it ought to be as clear as a punch in the face now. One fairly obvious feature of the raging controversy is that, in the main, people are taking positions on the basis of whether or not they stand to benefit from resource control. If there are resources from your state that you would rather monopolize, you support resource control in principle with a blazing insistence. If you think that your state needs a rich common pool of resources badly, then you oppose the principle of resource control doggedly and angrily. One person who made this very clear recently is Governor Akande of Osun State. He pointed out that while some Yoruba states like Lagos and Ondo might qualify as littoral states, and hence with a lot to gain if resource control were to become the prevailing principle, Osun state is an impoverished land-locked state with everything to lose were resource

control to become the prevailing principle. It all depends on how this will hurt or help you.

Yet it ought to be clear that this positioning on the basis of good old self-interest will not do. We shall never solve the problem if we go on like this, and matters can quite easily get out of hand. A struggle over resources brings out the ugliest depths of human nature. To prevent a disaster we shall all need to be able to see something of the case of the other side. Ultimately, the 'resource control' crusade — whatever it means in practical detail — is about justice, the fundament (sic) of political morality. Those who propose resource control are appealing to ideas about justice, about what is right, or fair, or just in our political community or any one for that matter. Those who oppose resource control are also appealing to ideas about justice, about what is right or fair, or just. What it shows is that questions of justice are fiendishly complex; and nothing complicates claims for justice more than good old human greed.

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**Resource Control, Derivation and  
Re-structuring: Further Evidence on the Roles  
and Interests of Combatants in Nigeria's Oil  
Wars: 1999-2003 (Part Two)**

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6

On Saturday, 1 September 2001, members of the National Union of Rivers State Students, University of Ibadan Branch, had their Annual Send-Off Party at Queen's Hall of the same institution. Dr Ibiapuye Martyns-Yellowe, now late but then a Senator, representing one of the Senatorial Districts in Rivers State, and I attended it, as Special Guests. He and I listened, quite attentively, to their carefully couched addresses. We recognised that, among them, would arise new leaders of men, women, and children in their respective homelands as well as nationally and internationally. We also observed that they were not as marked with radicalism mixed with violence as other youth in the Niger Delta were: in ideas and action.

Their ideas, on the roles of elders, in their respective communities, concerning burning issues of the moment, reflected undisguised bitterness over, what they termed, our acts of commission and omission. Their words concerning visions and missions conveyed a different worldview: of change, of rapid and radical change, before all was lost in their much troubled land. These young men and women, filled with what they saw as righteous indignation and new ideas, fervently vowed to be Owners of their Tomorrow, in thought, word and deed. Repeatedly, and for effect, one of these warm-blooded speakers, amidst loud cheers of his colleagues, intoned with deliberate emphasis:

13% Derivation  
87% Deprivation.

Alhaji Kola Animasaun, regularly and famously confronted public issues, big and small, under his weekly column, in one of Nigeria's widely read newspapers. His readers saw him as "The Voice of Reason". In the *Sunday Vanguard*, he wrote fearlessly under the caption: "Consequence of Big Government":<sup>34</sup>

Donald Duke, Governor of Cross Rivers (sic), bared his fangs to the councillors in his state who were demanding to be paid very heavily for being the representatives of their people at the grassroots.

They wanted to be paid about N125, 000 (one hundred and twenty five thousand Naira)...every month of the year. They followed their demand with threat: that the young man might not return to the State House in Calabar if he failed to sign into law, the Bill authorizing the payment.

Donald, I believe, has no trouble about payment since he would be no part of the selfishness characterizing the demand. Duke's trouble is justifying the fact that the councils are owing their staff salaries for months.

Right now, councils countrywide are crying for lack of funds. The States have followed suit. Even the rich among them are crying...

The states have been complaining about \$1.2 billion surplus oil takings that must be shared. And I have heard people castigating the Federal Government for holding on to the funds...

The Donald Duke episode, the councillors' demand and the States' complaint revolve around our greed and laziness. And what has indulged us has been the easy money that comes from oil, a resource that we all lay claim to even where it is apparent that we cannot all have owned it.

It may not be easy to contemplate it the way I do but it should be clear that we deliberately do not want to realize that it is limited in the quantum of its financial return and limited in its elasticity.

But it is clear that we do not want to think so and that explains the mistakes we adamantly do not want to recognize, the thoughtless penchant for creating unviable states and the most unrealistic one of creating many lame duck councils...

The problem as I see it, and as many have pointed out in the past, is in too much government...Proliferated councils mean proliferation of staff, offices and their accoutrements.

Do the same for 36 states plus Federal Capital Territory, make an inventory of offices beginning with governors, their deputies, add their commissioners. Take into account the political office holders appointed to the statutory agencies and parastatals.

Enumerate the Houses of Assembly, their speakers, members and what have you. What is clear is that most of the income goes into paying our very large bureaucracy. We are not likely to get out of this jam except we rethink our political system.

Because we have always managed to pay for our political idiocy up till now from other people's resources, we have not bothered to work at compact government and on an impactful system.

As the *Vanguard* had pointed out in its editorials, we are financing our consumption from the single asset (and even if we add gas) that is wasting and may not last more than 60 years at the outside. The paper has pointed out that we are paying for even our food with oil.

And it posed the question: what would the future generations of Nigeria pay their living with? *Vanguard* did not merely observe with concern, it also made suggestions that we can finance our present and our future with products of natural endowment outside oil. *Vanguard* noted we could feed our nation with enough maize for internal consumption and pay for our imports with the export of maize.

We have a natural advantage in the production of groundnut, as we have for palm oil (and kernel). Our greed has transferred our gaze from that potential and we have fixed our gaze at crude oil.

Producers of palm oil, producers of groundnut, producers of rice and so on have abandoned them. No wonder the place is up in a cacophony of sharing formulae and resource control.

Crude oil politics is the one single perpetrator of political and economic instability of this country.

Take the oil out of our politics and there is bound to be stability of all descriptions.

The next snake-watcher, selected for hearing here, was one widely known to be not only vigilant but also forthright. In Alhaji Balarabe Musa, a former civilian Governor of Kaduna State, and a bold, active politician and nationalist, the opportunity for speaking out came with Nigeria's celebration of her 41<sup>st</sup> Year of Independence. In an interview, with Leon Usigbe, of the *Sunday Vanguard*, Musa spoke on "Revolution", peaceful or not. On the issues that could determine the direction of such a drastic change, if not peaceful, Musa included Crude Oil and its effects on Development. Concerning its impacts on several communities, North and South of the Niger-Benue confluence, he said:<sup>35</sup>

I think I can say that the North, economically, is not worse off... It (Oil) does not give particular advantage to any section of the country not even the Niger Delta area where you can say the oil is coming from. Of course, yes, 13 percent goes to them and so many other

things. This 13 percent is being stolen by the bureaucracy, and as a result, the people of the area are not benefiting from the 13 percent. Go and see what I'm saying from the roads they have.

Go and see what I'm saying from the medical services. Go and see what I'm saying from education. Go and see what I'm talking about from the living condition of the individual person in the Niger Delta area. Certainly it's not better than the living condition of the village man in my town. At least, the village man in my town, if everything fails, he can go to the farm and sustain himself. Can anybody in the Niger Delta where oil is produced, can anybody say that he can go to the farm and produce? Where is the farm? The farm has been destroyed.

As a swift reply to Alhaji Balarabe Musa, one would say: The North still had usable farmlands to return to after the end of an era built on Crude Oil; but not so in the waste-lands of the Niger Delta as a result of incalculable environmental pollution and degradation. The more Oil Balarabe Musa's North sucked, as un-justified revenue, the worse the plight of Niger Delta farmers and fishermen. There lay the rub as well as the rob.

The next (2002-3) phase of the Resource control Debate was so infused with Politics that it almost lost focus. Thus, at several stages of hot arguments, for and against it, speakers and actors did not draw a fine line between Resource control and principles of Revenue-Derivation from the Federation Account.

It was at this stage that one NGO, the Environmental Rights Action/Friends of the Earth (ERA), sought to clear the air. ERA, with its own obvious slant, saw things this way:<sup>36</sup>

**Derivation means:**

- 13 per cent revenue to 'Oil-producing' states;
- Suppression of the democratic aspirations of the people;
- Continuation of environmental despoliation;
- Tokenism as a solution to the myriad problems of the Niger Delta; and
- Crude centralisation in the economy and politics of a multi-ethnic nation-state.

**Resource control means:**

- Communal control of resources;
- Primacy of local interests;
- Self determination and true federalism;
- Communal protection of the environment;
- Sustainable use of natural resources; and
- Local democracy.

**ERA demands:**

- Local control over local resources.
- Respect for the local environment.
- The repeal of all unjust land and mineral laws like the Land Use Decree, the Petroleum Decree, etc.
- Dialogue with the peoples of the Niger Delta and others on their democratic demands as encapsulated in the Ogoni Bill of Rights, the Kaiama Declaration of the Ijaw, the Oron Bill of Rights, the Urhobo Economic Summit Resolutions, the Ikwerre Charter of Demands, the Aklaka Declaration of the Egi people, etc.
- Genuine federal restructuring.

The above ERA expectations and clarifications hardly placated non-Niger Delta activists on Resource control. Indeed, this phase of the Debate brought into the open several interests, those seeking to fish in the troubled waters of the Niger Delta. Their activities gave further proof of the need to give events and trends, in the Niger Delta, as done here and in the preceding chapters of this work, the emphasis they demand. It seemed to speakers on both sides of this Debate that Nigeria's Present and Future would depend much on the Niger Delta and the huge resources derived from there. At a point in the expanding perimeters of this same crisis, international interests, among Nigeria's neighbours, came into focus as well. But, more central and more disputatious were the interests nearer home. These came with misunderstandings in need of clarification.

In my view, the one that seems to make much common sense, on Resource control, is not the ERA interpretation. Against theirs, I see Resource control not necessarily as an end in itself; but, a much

desirable means to an end. That entails giving deprived people effective control over issues that, directly and indirectly, concern their Welfare.

Welfare, in this context, I regard as the Attainment of Quality of Life and solid Defence through Avoidance of Untimely Death. Both need perfect Control: writ Large for clarity and emphasis.

The main actors, in this phase of the Resource control Debate, included the Presidency, the National Assembly, the Supreme Court, politicians and other elite groups in the Niger Delta and South-South geo-political zone (Edo, Delta, Bayelsa, Rivers, Akwa-Ibom and Cross River States). It also featured a group, known as "Kano Elders Forum", with the Emir of Kano, as their much publicised leader.

Professor Itse Sagay, SAN, gave the Supreme Court decision on the matter, on 5 April 2002, and aspects of Nigeria's "Dichotomy" (On-Shore and Off-Shore) Bill, between October and December 2002, useful insights. His brilliant comments gave matters too technical, for laymen, considerable intellectual fire-power. That Professor Sagay is from Delta State did not diminish the jurisprudential quality of his submission outside the walls of the Supreme Court and the National Assembly.<sup>37</sup>

From within the Senate, a holder of a doctorate degree in Law and Chairman of the Senate Committee on Appropriation, Senator Dr. Udoma Udo Udoma, issued useful statements concerning the Bill to abolish any On-Shore/Off-Shore dichotomy.<sup>38</sup> Though of Akwa Ibom State descent, Senator Udoma gave the Northern contribution to this National Debate an admirable non-ethnic look.

Between 1999 and 2001, President Obasanjo, the Governors of the South-South group of States and opinion-leaders there and in the Niger Delta, in particular, had series of deliberations on how best to solve, politically, matters arising from Section 162(2) of the 1999 Constitution. That section affected the derivative basis of calculating Oil revenue due to them. When these attempts failed, the Federal Government went to the Supreme Court for an interpretation of that section of the 1999 Constitution and associated matters.

The Supreme Court decision, on 5 April 2002, made "low water mark" the seaward limit, of the eight Littoral States, those with known interests, in the case before it. But, Politics continued the debate from where the Supreme Court sought to rest it on grounds of legal technicalities.<sup>39</sup>

Shortly after the Supreme Court ruling, the *Nigerian Tribune*, in an editorial, re-opened the possibility of "a Political Option", as a solution to the vexed question of Resource control.<sup>40</sup> The *Tribune* noted, in particular, how Akwa Ibom became the worst hit State, though one of the largest producers of crude oil among the eight Littoral States. Its fortunes had this sudden down-turn "since its oil deposits were largely off-shore."<sup>41</sup> Indeed, from all available evidence, restlessness and threats of incalculable violence, in that State, followed the Supreme Court verdict. Its impacts on leaders of opinion there caused much alarm within and outside that State.

Obong Victor Attah, Governor, Akwa Ibom State, in an interview with *Sunday Vanguard*, admitted that "the people are aggrieved".<sup>42</sup> Governor Attah, in a paid advertisement, queried the role of Chief Rotimi Williams, SAN, the lead Counsel of the Federal Government in the case before the Supreme Court. Attah argued that the Supreme Court upheld the arguments of Chief Williams on the "On-shore/Off-shore Dichotomy". To that extent, Attah said, the verdict of the Supreme Court was "pre-determined". From Governor Attah's point of view, the position, known to Nigeria's 1960 and 1963 Constitutions, ought to have been upheld. He said Section 134(6) of the 1960 Constitution specified: "For the purposes of this section the continental shelf of a Region shall be deemed to be part of that Region".<sup>43</sup>

In the same advertisement, Governor Attah put the effects of what he termed "the New Law" thus:<sup>44</sup>

The effect of this new law is to suggest that, even though the Department of Petroleum Resources (DPR) has declared Akwa Ibom State the largest oil producer, because all of its production (100%) is Off-shore, the State shall get no direct benefit from derivation. Instead the total value of its oil production will be paid into the Federal Account. So Akwa Ibom State is left with the pollution, the degradation of its environment, the destruction of its fishing industry, the health problems, but with no benefit at all from Derivation. Can that be considered a just law?

We always know that the Law was an ass but we did not expect that in Nigeria, it would be turned into something so vilely repugnant to the social conscience.

Please let the impression not be given that, after we had formed ourselves into the matrix that binds the belligerent majority tribes of Nigeria into one country, the only reason that we are wanted in the Union is so that we can be raped and all our resources carted away in a manner that even the worst external colonialist could not have contemplated.

Elsewhere, in the Niger Delta, the sense of grievance and frustration after the Supreme Court judgement gathered momentum. On the sources of such anger, Representative Graham Ipigansi (Ogbia, Bayelsa State) spoke. He said the House of Representatives preferred a Bill to abrogate any Dichotomy such as was known to the Presidency. In his view:<sup>45</sup>

The Bill (Mr. President's) does not seek to do justice to the people of the Niger Delta and Nigerians but only pretends to, as the continental shelf and the exclusive economic zone is separated and economically segregated from the contiguous zone. What our people are saying is that we cannot separate the father, the mother and child in a family. There will be disharmony.

Through pressure of public opinion, President Obasanjo, a few months after the Supreme Court verdict, sent to the National Assembly a Bill to abrogate, as he saw it, "Dichotomy", such as would not jeopardise national interests. In place of the Supreme Court's "low water mark", as the seaward limit of a Littoral State, the President set the new limit at its "Contiguous Zone". His solution, however, fell far short of what spokesmen for the Niger Delta and South-South zone preferred. Their preferred option was Nigeria's "Continental Shelf" not even an intermediary limit: her declared Exclusive Economic Zone (EEZ).

Another keen observer from one of the eight Littoral States, Inyang E. Inyang, argued that the Supreme Court evaded "The Real issues" in its verdict. These, he said, were mainly financial. The Federal Government, he argued, deliberately held back, between May 1999 and the time of the Supreme Court's judgement, payments due the oil-producing States (particularly, the eight Littoral ones, among them). The underpayment, within the 13% derivation formula, in his view, was as high as 40%. That portion, he said, represented the "Off-shore" component.<sup>46</sup>

Inyang went further:<sup>47</sup>

The Supreme Court's attempt to create a dichotomy between on-shore and off-shore by trying to define the low water mark and consequently the seaward boundary for the purpose of revenue allocation is consequently unjust, unfair and unacceptable. Can we possibly assert that in the event of an oil spillage from a so-called 'offshore' platform or rig, the impact will be restricted to the seaward boundaries as defined by the Supreme Court? Is it true to assert that the impact of chemicals leaking from platforms and the flaring of gas (which has gone on for the past 40 years) has been restricted only to the seaward boundaries as defined by the Supreme Court? That in our opinion is the real issue.

The immediate storm-clouds of the Supreme Court verdict burst ominously over the Ijo-speaking parts of the Niger Delta. Angry reactions came out, instantly, in paid advertisements. As the Niger Delta Youth Congress saw it:<sup>48</sup>

The ruling posits that the only way for the people of the Niger Delta to regain their territorial integrity and thus enjoy the benefits of their God-given natural resources is to renegotiate their membership or otherwise withdraw from a Nigerian federation which has its laws and constitution significantly skewed in favour of an unnecessarily large, powerful and domineering central government.

The Ijaw National Congress swiftly followed. In its release, this Congress declared:<sup>49</sup>

The day of false claims by the Federal Government to our resources by all manners (sic) of laws and skewed court judgements are numbered.

THE IJAW NATION REJECTS WITHOUT RESERVATION THE SUPREME COURT RULING ON THE ONSHORE/OFFSHORE CONTROVERSY (Sic).

Another release, by the Ijaw National Congress, was more detailed than the preceding one. In this text, the Congress said:<sup>50</sup>

We saw the proceedings (of the Supreme Court) as more of an **Inquest than a Hearing** (sic.).

WE CONSIDER THIS JUDGEMENT AS A VIOLENT ASSAULT ON THE NIGERIAN CONSTITUTION EVEN AS IT IS TANTAMOUNT TO A DECLARATION OF WAR AGAINST THE DEFENCELESS PEOPLE OF THE NIGER DELTA (sic)

We declare this judgement as an economic, judicial and political invasion of our land, which can only be enforced by the awesome numbers, and the military might of the internal colonialists — the Federal Government of the majority ethnic groups (sic).

In the spirit of one Nigeria, we had accepted this position through the years of our Nation Building. It were (sic) only fair and logical that the Governments of the Littoral States, i.e. Lagos, Ondo, Edo, Delta, Bayelsa, Rivers and Akwa Ibom who are the automatic inheritors and progenitor (sic) of the regions themselves should be allowed to own and manage these lands for the common good of both the Federal Government, the States and the ethnic Nationalities in the various states.

We shall therefore continue to challenge, as our fathers did to the invading colonialists, the expropriation of our lands and waters for the exclusive benefits of a “**SO CALLED FEDERAL GOVERNMENT**”, (sic).

If the Federal Government thought that the people of the Niger Delta will be cowed by the cloak of legality the verdict pretends to portray, they could realize that they have only stirred the hornets’ (sic) nest.

They have also exposed the hidden agenda of the internal colonialists: To appropriate the God given resources of the people of the Niger Delta for their exclusive benefit.

The next advertised statement came from a body known as the National Research and Development Committee (NRDC) of the Ijaw Youth Council. In content and style, its statement was more fiery than the earlier pronouncement of Ijo elements in the Niger Delta:<sup>51</sup>

That the NRDC condemn in strong terms the judgement of the Supreme Court as it is a judicial decision designed to perpetuate the criminal brigandage of the God-given crude oil and gas resources of the Niger Delta.

The NRDC observed that the pronouncement by Nigeria’s apex court amounts to excision of the Ijaws and other ethnic nationalities of the Niger Delta from the Nigerian Nation-state and has resolved to take appropriate steps to defend and safeguard the age-long geographical, political, and economic sovereignty of our people. We assert our preparedness to re-enact the path of our leader and mentor Isaac Jasper Adaka Boro (OON).

All multinational oil companies in the Niger Delta for their own interest and the safety of their Nationals withdraw their citizens from all Oil and Gas facilities in and around all Ijaw communities and territories from Arogo Apoi Ijaw in Ondo State, through Edo, Delta, Bayelsa, Rivers and Akwa-Ibom States. For the avoidance of doubt, the Ijaw Nation covers eight hundred sqkm out of Nigeria's nine hundred sqkm coast line and extending 200 nautical miles into the Atlantic Ocean, including the so-called Exclusive Economics Zone being the Ijaw Nation.

Before and after the amalgamation, our forefather's (sic) resisted the imperialists from usurpation of our lands and territorial waters which led to the signing of the various treaties between the imperialists and the indigenous ethnic Nationalities. The Ijaws were not consulted nor did we signify interest in the Nigerian project. Britain abdicated their treaty obligations to the Ijaws and other ethnic nationalities of the Niger Delta by surrendering our sovereignty to a wicked and criminal Nigerian State at Independence instead of reverting to the old Status quo.

**The HISTORIC KAIAMA** (sic) declaration on resource control and self determination by the Ijaw ethnic Nationality is as a result of our bitter and frustrating experiences in the hands of the so-called larger ethnic groups, whom we feel have no political will to determine our future. This is demonstrated in a deliberate program of political balkanization of the Ijaws into hostile and dangerous political entities, institutions, kingdoms and hegemonies occasioning criminal exploitation of our resources, political subjugation, and cultural imperialism. Hence resource control is good governance, true federalism, equity and justice.

NRDC herein offers three options to the Nigerian State to determine our continued stay in the Nigeria project:

- The revisitation of the Niger Delta Peoples Republic as declared by the late Isaac Adaka Boro in 1966.
- Resource control now.
- The Ijaw Nation must produce the next President for 2003.

Resource control is not new in Nigeria. The groundnut pyramids were exclusively controlled by Hausa's (sic) up to the tune of 60%, the Cocoa houses were controlled by the Yoruba hegemonists as well as the Eastern oil palm produce by the Ndigbos, the Ijaw must control our oil now.

The government and people of Nigeria have stolen from the Ijaw Nation over 20 trillion dollars from the production of crude oil and gas resources. At the least protest, Ijaw youths are declared security risk at the instance of the multinational oil companies to the extent that the Nigerian government has been known to have put in place a militarisation project to wipe out the Ijaws from the historical pages of the world map. **Henceforth, for one Ijaw youth killed as a result of our protests by the Nigerian military authorities, We shall retaliate in kind for the expulsion of an expatriate oil worker** (sic). We strongly warn all diplomatic missions to as a matter of urgency comply with this directive especially British Nationals.

The NRDC regrets that a contentious issue such as offshore/ onshore was adjudicated, on the principles of common law. This is disgusting and a legal fraud, obtained by the Obasanjo administration to subjugate the people of the Niger Delta into perpetual poverty. In International law two issues are contentious: Maritime and Territorial law and that offshore falls within the ambit of Maritime law.

We are aware and conversant with the law of Convention of the sea in which Prof. Itse Sagay has given a comprehensive analysis. We are also aware that Nigeria is a signatory to this convention. Be this as it may, for the Supreme Court to have relied solely on the principle of common law instead of (Maritime) International law is an aberration of justice.

The composition of the trial judges authenticates the fact that there had been a preconceived position before the judgement was delivered. A situation where all the trial judges as stated below with their ethnic backgrounds, reflecting non-conclusion (sic) of Niger Deltans, portrays the injustice in the judgement.

- CHIEF JUSTICE MOHAMMED UWAIS - NORTHERN EXTRACTION
- JUSTICE IDRIS LEGBO KUTIGI - NORTHERN EXTRACTION
- JUSTICE MICHAEL E. OGUNDARE - WESTERN EXTRACTION
- JUSTICE ABUBAKAR BASHIR WALI - NORTHERN EXTRACTION
- JUSTICE OBIORA OGWUEGBU - EASTERN EXTRACTION
- JUSTICE SYLVESTER UMARU ONU - NORTHERN EXTRACTION
- JUSTICE IKECHUKWU IGUH - EASTERN EXTRACTION

*From the graphic description of the composition of the trial judges it is clear that there is an obvious ethnic conspiracy against the South-South peoples by the so-called ethnic groups.*

NRDC notes with nostalgia that, it was Olusegun Obasanjo who deliberately enacted the Land Use Decree against all ethnic Nationalities of Nigeria in 1976. It was the same Olusegun Obasanjo who commanded rampaging soldiers to Odi, in Bayelsa State, massacred thousands of Ijaw citizens and reduced the community to rubbles in 2000. (sic) The same Obasanjo has again (sic) through the instrumentality of a biased Supreme Court judgement delivered on the 5<sup>th</sup> of April 2002, which has now deprived the Ijaw Nation of its offshore resources.

We therefore proclaim in the name of the Supreme Egbesu that in 2003 evil shall descend upon any Ijaw son or daughter who campaigns or vote (sic) for Obasanjo's re-election.

Legal experts, such as Professor Sagay, Senator Udoma and others quickly saw how the Supreme Court pronounced on a matter not provided for in Nigeria's 1999 Constitution. That Constitution had no section on "Dichotomy" (Off-Shore and On-Shore). Therefore, setting a "low-water mark", as the seaward boundary of a littoral state, looked irrelevant. These also queried the Supreme Court's reliance on Common/Domestic Law in place of Maritime/International Law. Besides, the political storm which its pronouncement gave birth to did not quickly disappear. Hence, President Obasanjo's next political move, in a season that required some form of compromise, lay in asking the National Assembly to work out a new formula along the lines of his own proposal, though aware that simultaneously both Houses had before them their own Bill on the same subject.

The clash of Politics, as played by President Obasanjo, the National Assembly and the vocal interests in the Niger-Delta and the South-South zone, soon became obvious. Between October and December 2002, in the midst of several Party primaries and the prospects of General Elections thereafter, Politics, quite openly, coloured the shapes of the Dichotomy Bill favoured by President Obasanjo and the other proposed by the National Assembly.

The choice in setting limits to the seaward limits of the affected states, as explained by Chief Stanley Macebuh, a Senior Special Assistant to President Obasanjo, was one of four options. These, he said, were the following :<sup>52</sup>

- "Internal Sea" (extending from the coast to not more than 12 nautical miles into the sea);

- “Contiguous Zone” (extending not more than 24 nautical miles);
- “Exclusive Economic Zone” (extending not more than 200 nautical miles).
- “Continental Shelf” (extending as far as 350 nautical miles).

Meanwhile, the differences in the texts of Dichotomy Bills, one preferred by President Obasanjo and the other by the National Assembly, were made public. Each side was fully aware of the political implications of what its decision would be at a critical time of Election and Impeachment (of the President) controversies as well.

Thus, the text of President Obasanjo’s proposed bill contained this key section:<sup>53</sup>

The contiguous zone of a state of the Federation shall be deemed to be part of that state for the purpose of computing the revenue accruing to the Federation Account from that state (sic).

The National Assembly text read:<sup>54</sup>

The continental shelf and the Exclusive Economic Zone contiguous to a state of the federation shall be deemed to be part of that state for the purposes of computing the revenue accruing to the Federation Account from that state...(sic).

As this conflict continued and shortly before President Obasanjo reacted to the Bill from the National Assembly, a new body, known as “Kano Elders Forum”, led by the Emir of Kano, made a public statement on the proposed Oil Dichotomy Bills. In December 2002, this body said:<sup>55</sup>

The Bill as proposed by the executive, and amended by the National Assembly, will have devastating consequences on the economies of non-oil producing states and seriously undermine the security of the greater part of the nation and ultimately the country at large.

The Communique of the Kano Elders Forum quickly received strong counters from two State Governors in the Niger Delta parts of the South-South zone. One of these, Governor James Ibori of Delta State, retorted:<sup>56</sup>

It is obvious to me that communique and the decisions therein were sponsored and instigated as a diversionary ploy to deliberately delay the smooth passage of the well acclaimed Abrogation (of Dichotomy) Bill. The so-called communique was ill-timed, ill-informed because

having gone this far, the non-passage of this Bill at this time poses the greatest danger to the corporate existence, the unity, cohesion, security of our dear country. It is therefore my appeal to our very dear President to ignore in its entirety the suggestions therein...

It is a desire by those who don't love him, it is a desire by those who have another agenda to fracture his (Obasanjo's) political base for their own purposes.

The reaction from the Government of Akwa Ibom State contained similar disapproval of the action of the Kano Elders Forum. Its brief statement said the Kano Communique was "detrimental to the continued existence of Nigeria as a federation"<sup>57</sup>

At this stage, one should pause to ascertain whether or not these veiled threats concerning the security of the Nigerian State were mere rhetoric or something more sinister, more serious. As of 2011, nothing concrete came out of those high flying threats. Then as now, they demonstrated how the Oil resources of Southern Nigeria were seen, even by the Kano Elders Forum, as a precious buttress of the Federal Republic. In these respects and more, it would seem that the key issue at stake then was the establishment and consolidation of a post-Colonial Protectorate of Oil and Gas in Nigeria to sub-serve the interests of beneficiaries outside the Niger Delta. In December 2002, the Kano Elders Forum protest gave a telling extended meaning to the British reasons for Amalgamation in August 1898.

In the midst of this controversy, President Obasanjo, on 26 November 2002, sent a letter to the Speaker of the House of Representatives, Alhaji Ghali Na'Abba, from Kano State. It was his reply to a Bill he received on 17 November 2002. In it, the President gave a detailed explanation of why he did not sign the Oil Dichotomy Bill sent earlier by the National Assembly:<sup>58</sup>

*As you may be aware, contiguous zone which is next to the territorial sea is an area not exceeding 24 nautical miles from the base line. In this zone, a coastal country may exercise the control necessary to prevent or punish infringement of customs, fiscal immigration or sanitary laws and regulations within its territory or international sea. Furthermore, this zone appears to be farthest out into the open sea over which Nigeria or any resources therein without engendering counter-claims by neighbouring or adjacent states.*

Bearing the foregoing in mind, the Executive thought it best when preparing the Bill to limit the application of the Act on the abolishing of dichotomy to the contiguous zone adjoining the littoral states. However, in passing the Bill, the National Assembly changed this position by extending the application of the Act to the continental shelf and the exclusive economic zone contiguous to a state of the federation.

The implication of this amendment introduced in the Bill by the National Assembly is far reaching, as it is a potential source of conflict between neighbouring coastal countries and Nigeria. This is principally because unlike in the case of territorial sea which is automatic to the coastal country, both the contiguous zone and the exclusive economic zone introduced in the Bill by the National Assembly have to be expressly claimed by the coastal country, as possession of these zones is not a right per se. The case for continental shelf which is introduced into the Bill is even worse. Nigeria has not yet established its own continental shelf and it will be wrong to make a municipal law on what has not yet been established.

“Moreover, it is instructive to note that a claim by a coastal country over any of these zones may engender a counter-claim by adjacent or opposite states which may have interest in the area. In the event of such development, the contesting countries may have to resort to negotiations to delineate their respective boundaries within the framework of UNCLOS III and customary practice in international law. In some cases, resort may even be taken to war to resolve the claims and counter-claims.

In the light of the above, I consider it inadvisable and, indeed, dangerous to extend the application of the Bill to the continental shelf and the exclusive zone contiguous to a state of the federation to be part of that state for the purpose of computing the revenue accruing to the federation account from that state... (sic)

In tone as well as content, the reaction of Senator Udoma Udo Udoma was both mature and compelling. In it, he said:<sup>59</sup>

The Bill only deals with the basis of revenue allocations within the Nigerian Federation and nothing more.

Secondly, over most of our coastline we have no contending neighbours. This is because for most of the Nigerian coastline our nearest neighbours are across the Atlantic Ocean, in South America.

Thirdly, the continental shelf is a geographical fact. It simply exists. It does not need to be established. The continental shelf is simply the natural prolongation of the land surface of Nigeria into the sea. It is there, and has always been there. We do not need to establish our own 'continental shelf'.

Fourthly, and most importantly, the Bill deals only with revenue allocation and not with ownership or control, of mineral resources. As the law stands today, the ownership, management and control of all mineral resources is by the Federal government, whether onshore or offshore. Neither does the Bill seek to confer sovereignty over any part of Nigeria on any entity, other than the Federal Government. The Federal Government has sovereignty over all of Nigeria, whether onshore or offshore, the responsibility for policing and for internal security over every part of Nigeria is that of the Federal Government. The states are simply sub-units of the Federation.

It is becoming increasingly clear that mischief-makers have taken advantage of the indecision of the President and have started instigating some Northerners to oppose the signing of the bill. They are suggesting to Northerners that the President's refusal to sign the bill is aimed at protecting northern interests. This is bringing an ethnic dimension to a purely technical issue. It is clear to most of us in the South-South, that Northerners are being wrongly castigated as being opposed to the States of the Niger Delta getting our rights, and entitlements. In my experience in the National Assembly, Northern Legislators have been very supportive in matters involving the Niger delta, and fully supported the passage of the Bill. In any case, it must be remembered that it was a Northern Head of State, General Ibrahim Babangida, that first abolished the obnoxious onshore-offshore dichotomy. It was another Northerner, General Musa Yar' Adua, that chaired the Committee in the Constitutional Conference that recommended the minimum constitutional provision of 13% to mineral producing states, without dichotomy. Another Northerner, the Speaker of the House of Representatives, Alhaji Ghali Na' Abba, has been forthright in his support of the South-South and the Niger Delta.

Professor Sagay also argued forcefully that the correct precedent to follow, in this case, was that set in Section 140(6) of the 1963 Constitution. That section, he said, like a similar one in the 1960 Constitution, stated that "for the purpose of derivation, the continental shelf of a Region shall be deemed to be part of that Region". Professor Sagay continued:<sup>60</sup>

It is therefore unimaginable that some persons can conspire in 2002 to clandestinely substitute the useless contiguous zone for the vital and indispensable Continental Shelf. Are the people of the Niger Delta so ignorant and despised that they can be deprived of 200 miles of their minerals, particularly oil and gas and given 24 miles of Sea Water. Has the contempt for these oppressed peoples gone so deep? I therefore urge the members of the National Assembly, and the whole of the Niger Delta to reject this insult, and insist on the deletion of Contiguous Zone and its replacement with the original and only term CONTINENTAL SHELF (sic).

In a feature article, on "Obasanjo and the dichotomy Bill", Mr Ochereome Nnanna, a regular features-writer of superb skill and robust intellect examined critically President Obasanjo's already quoted reasons for not signing the National Assembly text of the Dichotomy Bill sent him. Nnanna's measured rebuttal took this form:<sup>61</sup>

As far (as) one can see, the President's position is beside the issue. The littoral states are not asking the country to grant them revenue from a continental shelf that Nigeria does not possess. There is no doubting the fact that Nigeria does own and operate economic and sundry interests, including those of oil and gas, in the wider continental shelf and exclusive economic zone. It does not matter how much of that zone the country is yet to take full possession of. What the agitators are asking for is that *whatever* (sic) Nigeria gets from natural resources in the existing Nigerian continental shelf, 13% of it should be repatriated to the littoral states. There are scores of oil rigs out there in the continental shelf mining petroleum products that are credited to Nigeria. There are oil blocks (sic) in the areas, which have been allocated by the Nigerian authorities to oil companies operating from Nigeria. The littoral states are asking for the due revenue royalties from these sources to be credited to the states contiguous to them. That is all. The argument that claims on resources in the continental shelf could spark conflict between nations, which in turn, could threaten Nigeria's security is therefore spurious. In what way would the proper repatriation of the 13% revenue to littoral states result in a conflict with neighbouring countries when, for years, we have tapped resources in these areas without incident?

Despite these powerful arguments, by Nnanna, Sagay, Udoma and others, Chief Macebuh, the Senior Special Assistant to President Obasanjo, continued to emphasise the official side of this National Debate in the public domain. Macebuh's further defence stressed

that Nigeria shared with seven coastal countries its southern Atlantic coast line. These are Gabon, Equatorial Guinea, Sao Tome, and Cameroun (in the East) as well as Benin Republic, Togo and Ghana (in the West). It is with them, he said, Nigeria would negotiate, if she were to extend her "oil exploitation activity to our Exclusive Economic Zone and Continental Shelf".<sup>62</sup>

Chief Macebuh stated further:<sup>63</sup>

This (Mr. President's) is a reasonable cause of action, which ought to elicit the general support of all those who truly understand the complexities of international diplomacy, rather than the capricious denunciations it is receiving, especially considering that politicians, in an election season, are prone to support whatever views they believe would fetch them votes; the President ought indeed to be congratulated for taking a statesmanlike approach to the issue, even at the cost of losing substantial support from those who disagree with him on this matter. But the one thing he most certainly does not deserve is the pernicious claim that he is motivated by deep-seated hatred of the peoples of the Niger Delta region of Nigeria.

Anyone who could interpret the above body of raw but relevant evidence should consider one more dimension that needs emphasis here: the international one, the one which linked the interest of the MNCs to those of their respective home governments. These were the wider interests solidly protected with the formidable assets of the latest Revolution in Marine Technology. Thus, oil rigs, 50 or more miles off-shore, in deep waters within Nigeria's Continental Shelf, provided greater advantage to Oil prospectors and exploiters than those on-shore. Oil rigs, on-shore, it would be recalled, were subject to frequent molestation by aggrieved Oil-producing communities such as those of the restive Niger Delta. Hence, the more off-shore these rigs were, the more susceptible they were likely to be to remote-control by agents and protectors of the powerful MNCs. Hence, Nigeria's Federal Government and the communities of the Oil-Producing States, in comparison, would be much weaker in their efforts to defend Oil and Gas resources, their more vulnerable Geese expected to continue laying golden eggs.

In Nigeria's Oil Protectorate conflict, the interests of a uni-polar world, particularly, after the War against Iraq, March-April 2003 and the killing of Osama bin Laden in Pakistan on 1 May 2011, favoured

the US, Nigeria's biggest customer for Oil and Gas exports. The US, for example, as BBC reporters<sup>64</sup> saw matters, would much prefer diversity, in meeting its crude Oil needs, to excessive dependence, on the Middle East, an area visibly prone to Violence (as amply demonstrated by Terror and Counter-Terror in Syria, Yemen, Algeria, Tunisia, Egypt, Libya, 2010-2011).

Thus, the US, as a key consumer, found quite attractive vast crude Oil resources in deep waters off the Atlantic coasts of Africa. Accordingly, "Global Reality", as of 2003, gave increased strategic importance to the Control of deep water oil-fields off the coasts of Nigeria, Angola and elsewhere in Africa as against access to the available resources in parts of the more Terror-afflicted Middle East. Correspondingly, the Defence of Oil in Nigeria, at the end of that Iraq War in 2003, assumed a new phase, with more frontiers yet to unfold.

Another short pause here would enable one to ponder on whether or not the protagonists and antagonists who had spoken, so far, were addressing the same subject or answering the same question. Also different were the priorities of the combatants. Some stressed facts, as they knew these; whilst others emphasised principles. In either case, the difference in perspectives was noticeable. Furthermore, there was another widely known element concerning wartime-Information: namely, how Truth becomes the first casualty under such conditions. Truth-finding, over the Oil Wars, in Nigeria, suffered the same fate.

These aspects of offence and defence in Nigeria's Oil War, whether or not accompanied with diplomatic forays, we would examine further in the next chapter. There, one would attempt a candid analysis of the arguments of the various protagonists and antagonists, those featured here. To these combatants, clad in full verbal and intellectual armour, not with conventional weapons of war, except in the Warri parts of Delta State, the issues of Resource control, Derivation, Re-Structuring, Devolution, Federalism, and the like, meant different things, with reference to Self, Society and the State.

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## Resource Control, Derivation and Re-structuring: A Humanitarian Exegesis of Nigeria's Oil Wars in the Niger Delta (Part One)

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7

### Major Implications of Nigeria's Oil Wars

Any careful analysis of the preceding chapters and others in this work would evoke this conclusion. Nigeria, since Independence, fought several wars: one "Hot War" (her Civil War); the other group comprised a series of "Cold Wars". In the latter group lay this unique type of Oil Wars. The post-King Koko phase of it, for polite reasons, I have called Nigeria's Great Debate, 1990-2003. This was more than a war of words. The hearts and minds of victims were sorely troubled. The headsprings of War and Peace were inevitably poisoned or polluted. Anger and confrontations followed wherever the terrain gave combatants a fair advantage against opponents on either side of the hot battle lines.

In order to understand properly the roles of participants in that Debate, one ought to consider this salient factor. There were two broad groups of Nigerians on either side of the national budget-line. Some asked Who generates the Revenue Nigerians spend?; others, instead, sought to ascertain What generates the Revenue they spend, or wish to spend? Neither side, during that Debate, was very keen to find out how long the existing situation would be allowed to continue. Available information does not suggest that Crude Oil, as of the time of that Debate, and any solid mineral later would save Nigerians, say, within the next half century, without ascertainable adverse effects. These, therefore, would constitute long-term threats to Self, Society and the Nigerian State.

Minerals and the like are to the body-politic what jewels and forms of adornment are to the human body. These could hide ugliness; but, not for long. Remove them and the contours of the body are exposed. Some of these bodies or parts thereof are not beautiful to behold.

The crucial question then was to determine what elements constituted the sinews of the Nigerian body-politic. Contrary to what honest observers who were able to see through body plus bones of that Society and the State in Nigeria would do with such elements and sinews, these stakeholders failed to admit that theirs had an abundance of those who desired to spend without generating revenue. Such characters, where they existed, resembled parasites or pests. Moreover, they glossed over the fact that any organism or organisation which consciously and consistently cultivated parasites would bring needless risks concerning the health of the host.

On the other hand, where the safety, stability and security of a nation-state are concerned, reliance on men and women is of greater and more lasting value than resting on minerals and metals with fixed time-lines. Besides, men and women, as citizens, are more reliable agents, to demonstrate loyalty to their nation-state than anaemic minerals and metals, mere natural resources, with uncertain service-terms, could do by any stretch of one's imagination.

Furthermore, in that type of analysis, the reciprocal issues of revenue-generation and revenue-allocation would constitute companion-aspects of mature civic responsibility. These also would represent matters of great relevance to the orderly development of the Nigerian State. The controversial issue of revenue-allocation was further closely linked with Federal-State relations under the Constitution. In turn, the division of functions, as one would expect under a People-driven Constitution, was not properly linked closely with the allocation of funds. State-rights would then go with State-responsibilities. These responsibilities, in turn, would have their financial implications. Sir Sydney Phillipson, former Financial Secretary to the Nigerian Government, in the 1940s and 1950s, believed that the division of functions should precede any allocation of funds. That, he said, was the correct order of things under a rational scheme of management. In matters concerning revenue-allocation, it was more respectable, Phillipson also said, to be a house-holder than a house-keeper.<sup>1</sup> As of 2003, indeed, up to 2011, the reverse was the case, under Federal-State relations in Nigeria. Its impacts on People and their proper Defence were negative.

Similarly difficult to resolve was the allied question of how to attain and maintain Justice and Equity, between stakeholders not

interested in “baking” the fiscal cake and those dictators of “sharing” the cake and nothing more.<sup>2</sup> The results of informal discussions I held with various groups of Nigerians on this matter disclosed that “baking”, in this context, was like farming; whilst “sharing” resembled a cake already made for people eager to eat it without being in the bakery. The liquid equivalent of such a Nigerian cake was Crude Oil. Farming, people also said, took time, before the harvest. Ever-ready to harvest, they further confessed, was Crude Oil. Associated Gas, to them, was a welcome bonus.

In particular, the Great Debate, highlighted in the preceding chapters amply demonstrated that the mesmerism of mineral wealth over-shadowed the dignity of labour in Nigeria. One encouraged prodigal profligacy; the other an effective stabiliser and bastion of public safety, stability, security and peace.

- (i) As much of the Great Debate and its follow-up occurred during the Presidency of Chief Olusegun Obasanjo, a word or two here would be necessary to clarify the public perception of him not only among the communities of the Niger Delta but also in the South-South zone. In doing so, a lot of misapprehension and misunderstanding would be cleared up. Much criticism of him has to be assessed in its micro-national and macro-national contexts.
- (ii) As most of the people there saw President Obasanjo, if he was not their enemy, he was not their friend. In practice, if he seemed to have loved the Niger Delta less, he loved Nigeria more.
- (iii) Similarly, if the Niger Delta and South-South zone communities talked more, on Resource Control, the Dichotomy Bill (2002-2003) and associated matters and their general welfare, in their conflicts with the Federal Government and the MNCs, President Obasanjo talked less. So, for most people (critics), silence meant consent: his acceptance of their perception of him.
- (iv) On the other hand, President Obasanjo was not an ethnic (Yoruba) bigot; but, a sincere nationalist in his own light.
- (v) Furthermore, not many of President Obasanjo’s critics, here or elsewhere, fully recognised his antecedents, in the service of the Nigerian Federal State, and their likely impacts on questions such as “Odi” and Resource Control.

- (vi) Besides, Colonel Obasanjo (as he then was) served, as Nigeria's Field Commander of the 3<sup>rd</sup> Marine Commando, with headquarters in the Niger Delta during the last critical stage of Nigeria's bloody Civil War over Biafra's failed bid for Secession: a serious threat to the 1914 Amalgamation.
- (vii) In that military vantage-point of command and control, Colonel Obasanjo initially received the Surrender of Biafra before the formalities were completed by General Yakubu Gowon in Lagos.
- (viii) Of General Obasanjo (since 1976) and Civil War officers, like him, it would be said: "Once bitten, twice shy." Few of them knew how far restiveness and protest in the Niger Delta and the South-South zone would go.
- (ix) Though several Niger Delta and South-South zone communities voted for Chief Obasanjo, in 1999, 2003 and 2007, as President, most of them, thereafter, did not see him, as the Commander-in-Chief in whom they were well pleased. Odi and Resource Control proved convenient twin-Crosses on which his vocal critics sought to hang him.
- (x) In turn, President Obasanjo proved too astute a politician for any would-be hangman to handle successfully between 1999 and 2007. Not even a desperate attempt, by the National Assembly to impeach the President, a form of political "assassination", if not attempted *coup d'etat*, between August and October 2002, succeeded.
- (xi) As President and Commander-in-Chief, from May 1999 to May 2007, Chief Obasanjo did interpret his Oath of Office as one covering the discharge of lawful duties (including protection of lives and property) throughout the Federal Republic, without fear or favour and as Father of All Citizens/the Nation.
- (xii) As one of the military architects of Centralisation, as Head of State, 1976-79, General Obasanjo (as he then was) played a key role in promulgating and enforcing some of the legislation (e.g. The Land Use Decree, and others) which the people of the Niger Delta and South-South zone labelled "obnoxious"

and protested against. More significant, people, here and elsewhere, recalled the concept of "No-Go Areas" which General Obasanjo and his Military Deputies introduced into the Constitution-making process with effect from the 1979 Constitution. This was a practice extended by his successors into the drafting of the 1999 Constitution, another major source of public anger.

- (xiii) Hence, Re-structuring, Devolution of powers and functions which, as of 1999-2007, constituted a major part of the Reformist Agenda in Nigeria, one also espoused, in the Niger Delta and South-South zone, covered core-issues which helped to concentrate widespread criticism of General Obasanjo's role throughout that era.
- (xiv) To a large extent, patent Obasanjo-bashing, on all sides of Nigeria's political spectrum, between May 1999 and May 2007, was a form of searching for a scapegoat in the midst of widespread criticisms against the managers of the Nigerian State before and since Independence. Unlike some of Obasanjo's predecessors, he did not escape from the floodlights of newly-won Democracy and its first-fruits under a Free Press. Events and trends including challenges, confrontations and conflagrations in the Niger Delta and South-South Zone, between 1999 and 2007, became Media-delights: but, often, anti-Obasanjo.

The timing of this Great Debate tested to the utmost the political skills of Nigeria's top leadership: General Ibrahim Badamasi Babangida, Sani Abacha and Abdulsalam Abubakar, between 1990 and 1999, and President Obasanjo, thereafter. The post-1999 set of basic Democratic Rights and privileges opened new vistas of Protest and Attack not available under Military Rule. Besides, the vigilant Press, at home and abroad, not only quickly spotted incidents, such as the "Ogoni Nine" forms of State Terror, in 1995, and "Odi" (Militarism), in 1999, but also condemned known offenders in terms of gross misconduct without any hesitation.

Whether or not they liked it, the advocates and protagonists of Resource Control quickly made their Crusade nothing other than an

Oil War by every available means. Accordingly, Oil-Politics became another major factor that helped to over-heat Nigeria's favourite political pressure-cookers. In the process, those who were in the mainstream of partisan politics, Nigerian style, played it with reckless abandon. Theirs was one of merciless Politics with assassination or fear of military *coup d'etat* in tow. Every step which quite desperate politicians took in maligning enemies and in seeking avenues for their precipitate downfall not only heightened tension but also spread massive apprehension. In thought, word and deed, Crude Oil dominated People and their interests in Nigeria.

In an era of so-called "nascent Democracy", players, umpires and other observers alike saw arrant behaviour on all sides. Thus, anyone who won an elective post, at the Federal, State and Local Government levels, played Politics with whatever took centre-stage. Resource Control thus became one such issue tossed in every possible direction by the Presidency, National Assembly, relevant State Governors, Leaders of thought, Youth activists, among others. Before long, Resource Control and related issues contributed their full quota towards muddying further Nigeria's already polluted waters of Politics. And, as deft practitioners engaged one another in mud-slinging, unavoidable Resource Control-driven dirt soiled the ornate clothes of anyone and everyone in close proximity.

At the time of Chief Obasanjo's first Presidency, 1999-2003, "Democracy" during the Transition from Military Rule to Civilian Control resembled a plant in dire need of tender care. But, its practitioners, among the rulers and the ruled, did not resist clear and strong temptations such as would encourage taking the law into their hands. Even members of the National Assembly often behaved as if they were above the Law. State Governors and Local Government Chairmen saw their "Executive" status, contrary to the letter and spirit of the 1999 Constitution, as one akin to Despotism, though far from the "Enlightened" type. In that milieu, two critical events occurred: "Odi" and Resource Control. Both these events the Obasanjo Presidency, perhaps, saw as serious threats to law and order, if not to public safety and security as well. Democracy, in theory and practice, was also not sure of its role as a stabilising factor in Nigerian Governance and Politics then in terms of well-known liabilities on the part of its so-called advocates.

At the same time, one would not ignore other germane aspects of the prevailing Political Environment nationwide. Within the 1999 Transition, an atmosphere of widespread expectations for easy and quick answers to the miscellany of Nigeria's knotty problems, some more than 40 years old, also prevailed. When such answers did not emerge suddenly, because of their complexity and nastiness, the Captain of the National Team of official players as well as Commander-in-Chief in constitutional terms became a convenient target of criticisms: using, as a handle, those of the Niger Delta and South-South zone. In these respects and more, the aggrieved communities in South-South Nigeria, as the earlier sections of this work amply demonstrated, acquired a special reputation. It was not that of the "Wild-Wild West" of the mid-1960s, not that of a Biafra-driven South-East, not that of a Mafia-ridden Northern Nigeria; but, that of Nigeria's most sensitive, vulnerable and inflammable tinder-box. Events in the three Oxygen-States confirmed that level of fear and anxiety within and beyond the combustible Niger Delta. For extremists, the Niger Delta resembled a War-Zone of Oil Wars, no more and no less.

That part of what I regard as the Obasanjo Inheritance, as Defender of a New Protectorate of Oil and Gas, was not an enviable position to hold against all odds. He thus inherited the Niger Delta Cross, first presented at the 1957 Constitutional Conference, in London, and the subsequent frustrations that resulted in the *Ogoni Bill of Rights* (1990) and the *Kaiama Declaration* (1998) plus their counterparts elsewhere in the South-South zone.

When new lines of policy were not forthcoming, after decades of Protest, the level of Grievance and Anger steadily built up, as illustrated, in the tone and content of the ample quotations in sections of the preceding Chapters on Nigeria's Great Debate. These were the voices of angry men (joined by semi-naked and fire-spitting women between August and November 2002) in the sorely distressed parts of the Niger Delta and South-South zone. Their list of Grievances was long and, perhaps, tedious; but ever-present and ever-perplexing. Their frustrations included Resource Control, the Dichotomy Bill and associated arrow-heads. Add to them, if one could, those which several others nationwide also felt. In that group lay the far-reaching trauma of Nigeria's bloody Civil War, SAP, Poverty, Hunger, Unemployment, Disease, Shelterlessness and the like. Then and then

only would the exact nature of the Heap of Troubles on the heads of Nigeria's new Civilian Rulers, during May 1999 – May 2010, be properly assessed. The People's cumulative Anger followed several pathways before explosions and flashpoints throughout the Federal Republic occurred in menacing proportions and greater frequency.

It was in that general context that what I considered the Era of Nigeria's Great Debate, 1990-2003, first began. Its ingredients were not only those in which the *Ogoni Bill of Rights*, the *Kaiama Declaration* and others featured. More incidents, indicative of multiple Threats and Crises, developed elsewhere in Nigeria during the same period, as amply discussed in the succeeding Chapters of this work.

Though not always polite in tone, Nigeria's Great Debate, 1990-2003, also represented serious attempts to settle the other difficult question of determining what kind of Federalism, following clear precedents, as set out in the 1954, 1960 and 1963 Constitutions, a New Nigeria should take. The attempts then focused on how best to fund the Centre and its periphery without cries of Injustice and Inequity. Under that set of Constitutions, particularly, those of 1960 and 1963, the Federal Government allowed principles of Derivation (50% to the Regions) and use of the "Continental Shelf" for Regions that qualified under that category, for Revenue-Allocation. These arrangements, because of the Civil War and the resultant magnet of Centralisation, changed, without remediation, under a succession of military regimes, until the time of General Ibrahim Babangida. His Presidency removed (under Decree 106 of 1992) the "On-Shore/Off-Shore" Dichotomy, put in place by General Gowon, between 1969 and 1971. Again, the 50% derivation, from the era of General Gowon, fell to 1%, later, 1.5% and 3%, before it rose to 13% in 1999. In all these cases, those in power refused to restore the Derivation level to the 50% mark of the 1950s and 1960s. As of 2011, they also proved unwilling to concede the principle of granting littoral states the 1960 and 1963 arrangements concerning Nigeria's Continental Shelf for purposes of Derivation.

The Great Debate, between 1990 and 2003, was, therefore, all about review and reform in fiscal and political contexts so as to benefit the communities of "Oil and Gas" as well as those who produced something else of value in the total Defence of Self, Society and the State. The Golden Era of that arrangement spanned the 1950s

and 1960s. Then, the Palm Oil and Kernel (Palm Produce) of the former Eastern Region, the Rubber of the Mid-West, the Cocoa of the Western Region, the Cotton and Groundnut “pyramids” of the Northern Region, under a wise Derivation Formula and sound management, provided security, prosperity and peace nationwide. It was Nigeria’s Finest Hour of Self-Sufficiency, Industry, Discipline, and Promise-of-better-Days-to-come. So, Nigeria’s Great Debate was much about a return to those days of Wealth-Creation and Consolidation in the national interest with Derivation of the 50% order, if possible, as a correcting principle, to ensure Equity and Justice among working and non-working groups. But, the Niger Delta and South-South advocates of Change agreed to accept the 13% offered, if extended to Nigeria’s Continental Shelf. That request the powers-that-be denied them. Their struggle for Justice and Equity ended in clear defeat unlike the diplomatic language used to end Nigeria’s Civil War. In terms of dignity and self-respect, the Niger Delta communities lost much while their antagonists nationwide looked askance. Put simply, it hurt and badly too, losers said.

The Era most admired, that of the 1950s and 1960s, permitted Self-Sufficiency as well as Dignity of Labour plus Productivity through the bounties of Mother Nature. These amply provided employment for millions of Nigerians, those willing and able to work. Dependency on a distant Centre, as a “Father Christmas”-type of Giver of All Gifts to States and Local Government Areas, did not exist. But, the Great Debate began (1990) and ended (2003) without a firm decision on whether or not Nigeria should return to the Era of Fiscal Federalism, as successfully applied, between 1954 and 1965.

It was also the same Era of Self-Sufficiency and Hard Work that weathered successfully the storm of the bloody Civil War fought for other well-known reasons. The Federal success then was without the benefit of Crude Oil; but, from the agricultural assets of Nigerians. If there was any doubt on this, the authors of Nigeria’s Second National Development Plan 1970-74 confirmed that conclusion.<sup>3</sup> Planners then, quite confident, expected that Nigeria’s economy would continue to be strong, without Crude Oil and associated Gas resources.

However, on the veiled threats of Secession over Resource Control, the Dichotomy Bill, among others, one has to distinguish

between rhetoric and realism. Yes, Anger of indescribable proportions under-pinned those verbal attacks as deliberately documented in the preceding chapters. These help to illustrate that the pathways of Nation-Building did not run smooth. Neither painless were those of Peace-Building and Peace-Consolidation, through Social Defence: the main thrusts of this work and its companion-study.

Yet, the territorial integrity and sovereignty of Nigeria, as the Civil War Years emphasised, were issues not negotiable. These were settled questions thereafter. Secession, therefore, was not a threat to be attempted by any group of Nigerians without aggravated bloodshed, such as the new Global Climate/Order, since the 1990s, no longer tolerated with few exceptions. To that extent, one would say, after the Civil War Years, Nigerians lived in a Secession-proof National House. Serious threats to the structures of that House, not exactly fire-proof, stemmed from different directions, as these complementary studies would demonstrate.

And what is more, planners, in the 1970s and their successors, had built into their own concept of State-Creation a safety-catch: one to plug any conceivable loophole for Secession of the Biafran kind. Translation: Biafra, as the former Eastern Region, with known Oil and other assets, one with easy access to the sea and an attractive market for goods and services, was not to be repeated in the political geography of Nigeria's crop of new States. The new States of the post-1967 era, sought, as much as possible to prevent any replication of the former Eastern Region (as it was before the creation of new States on 27 May 1967). For reasons of consistency, policy-makers simultaneously split the Northern Region and Western Region into smaller States.

And this was how the same planners, in the 1970s, confidently put it:<sup>4</sup>

*The perennial psychological threat of 'regional secession' has gone for good. It is no longer necessary for investors to plan their projects on the basis of four 'regional markets'. The economic advantage of the new States structure is that no one unit is in a position to pose to the outside world as being able 'to go it alone'. There will henceforth be one integrated Nigerian market.*

In the light of that hope and prediction, the inter- and intra-State squabbles (some boundary, some land, some chieftaincy disputes, among others), within the Niger Delta sub-region and the South-South zone, were and are of such intensity as not to permit secessionist threats, using these two as new geographical focal points. Besides, agreements on Resource Control and a Dichotomy Bill (with Continental Shelf arrangements) did not mean approval of lack of accountability on the part of some State Governments concerning known and suspected abuses of public treasuries.

From a wider point of view, the immediate fiasco of the involuntary Secession threat, the one involving 5 Northern States, out of the Nigerian Federation, as suggested by Major Gideon Orkar, in April 1990, meant that most Nigerians, then, experienced a measure of weariness (fatigue) over such wild cats.<sup>5</sup> Indeed, no Secession-bid, of Biafra's type, has taken place in post 1970 Nigeria. In the final analysis, the walls which policy-makers, since the 1970s, built against Secession, are still impregnable. These, however, are not strong enough to dam incessant cataracts of tearful cries against over-centralisation, injustice and inequity.

For some of the reasons already indicated and others unknown, policy-makers refused to take due advantage of Nigeria's Great Debate, 1990-2003-phase, to adopt Self-Correcting measures. These required an early departure from Oil and Gas, as the main buttresses of the Nigerian Federal State, to the more solid and more credible Agro-Industrial base of Wealth-Creation and Consolidation for sustainable General Welfare of all citizens. Thus, at a key vantage-point in Policy Review and Reform, Nigerian leaders and the led lacked sufficient political will and skills to put the fiscal foundation of their Federation, then, in deep crisis, on a new and solid foundation: to replace the slippery one based on Crude Oil.

In conclusion, this emphasis has to be made. The Federal Planners of the 1970s and their successors exaggerated their belief that State-Creation alone would prevent future secession of the Biafra Kind. In truth, the real stabiliser of the Nigerian State, thereafter, was Crude Oil. But, that service came with a heavy price: disgust, disenchantment and dangers in the Niger Delta. Its polluted communities suffered grave losses in terms of Quality of Life, whereas beneficiaries elsewhere considered the Quantity aspects of the messy

Oil and Gas Industry. It was like robbing Peter to pay Paul. Prevention of Secession through State-Creation became a Federal Cloak for further Injustice and Inequity in the disaffected Niger Delta Communities.

**References**

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## **Resource Control, Derivation and Re-structuring: A Humanitarian Exegesis of Nigeria's Oil Wars in The Niger Delta (Part Two)**

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8

### **The Categorical/Moral Imperative as the Neglected Element in Resource Control, Derivation and Re-Structuring**

These reported aspects of Nigeria's Great Debate, 1999-2003, confirmed the unique role of the Niger Delta in any attempt to find meaningful answers to what others termed the "National Question". Without the Oil and Gas resources explored and exploited there, the viability of the other States of the Nigerian Federation would have been seriously compromised. It was this financial aspect of Resource Control, Derivation and Re-structuring which caused tempers to rise on both sides of that battle of ideas in Nigeria's Oil Wars.

Thus, the Niger Delta had the potential for being a source of more threats to security, safety and stability than the record so far indicated. Through these known resources and fiscal assets, the Niger Delta deserved to be termed the "Key of Nigeria". But, because of its high potential for controversy and conflict, it would be Resource Control and its derivatives that would, better, qualify as the Key Determinants of Peace, Violence and Counter-Violence. This Great Debate, above all, demonstrated a fundamental conflict, one between Defence of Oil on one hand and Defence of People on the other.

Unfortunately, several commentators, as reported, in the preceding sections, emphasised the material aspect of the National Debate on Resource Control and its associated fire-points more than others. In my view, far more important, indeed, more decisive, if not also divisive, were its Moral Aspects. These were the aspects which rulers and the ruled emphasised less and less as the heat of the Debate became more and more intense.

Moreover, what several snake-watchers saw and reported on, as set out earlier, would not exhaust all the clues one needed to put

those troublesome matters to rest. For example, their already quoted comments failed to show any agreement on how best to define, interpret and apply the controversial term of "Resource Control" and on how best to advance the cause of Justice and Equity in matters concerning Revenue-Derivation and Resource-Allocation. Additionally, what these preceding sections amply demonstrated was the lack of consensus and political will to remove that difficult bone of contention in inter-State and inter-Governmental relations.

Another absent feature, under the existing system of Nigerian Federalism, was a thorough, root, stem and branch review, through an agreed mechanism, in which the majority of the people would have confidence. For this purpose, some have recommended a "National Conference", "Sovereign" or not, to handle both grand strategy and tactics in achieving agreed goals. But, as of 2011, such calls did not succeed in winning acceptance among the relevant authorities at the Federal and State levels. Meanwhile, Nigeria, as a sick society, continued to suffer from festering sores: moral and otherwise.

The Political Reform Conference, in mid-June 2005, fell far short of the expectations of advocates of a National Conference. Then, as now, they found no viable alternatives to the stiff obstacles which they encountered in 2003 and later in 2005. The details of these developments will be discussed in later chapters.

Indeed, the flashpoints and indiscriminate Terror, from the Life-support and equally lethal Cylinder in the Niger Delta cluster of Oxygen-States, between 2006 and 2009, would be traced to the delayed consequences of insults and injuries inflicted during the course of that Great Debate. Its outcome victims regarded as needless injustice in thought, word and deed. Their predicament, after that Great Debate, also meant, in more senses than one, a cumulative and widely felt Disgrace writ large. Disgrace of that kind proved harder to erase in the hearts and minds of Niger Delta victims than the victimisers reckoned during that national Debate anchored on Crude Oil.

To deal effectively with these needless wounds of a sick society, an alternative path would have been tried. But, that did not happen. This is what I call the pathway of a Categorical/Moral Imperative:

including the power to tax and spend at every level of Governance in Nigeria.

The thrust of the Minority voice in favour of Resource Control and allied matters lay in the plea that every State of the Federation deserved to exercise that power to tax and spend with optimum reliance on its own available resources. The systems of Control needed and sought here would be such as each State of the Federation would adopt to attain and maintain appropriate and sufficient discipline at the twin points of taxation and expenditure. That way, Democracy as well as representative Governance would have been as credible as New World advocates urged in their famous cry in 1776: "No taxation without representation".

If one were to neglect such effective systems of Control, then injustice, inequity, indiscipline, corruption, crime, among other forms of malpractice, would easily creep into all conceivable aspects of management of available resources: human, natural, physical, financial, educational, cultural, otherwise. Besides, attempts to increase the size of the public purse of each State of the Federation by whatever means without corresponding efforts to control expenditure effectively would leave un-plugged avoidable channels of wastage. These, in turn, would also generate complex problems concerning balanced budgets at the appropriate State and Federal Treasury levels.

Furthermore, any concentration on control of Revenues without a simultaneous control of Expenditure would leave several Fiscal Doors wide open to Debts, Deficits and other forms of burdensome liabilities. If followed strictly, these novel aspects of Resource Control would have considerably strengthened the defences of Self, Society and the State without much conflict and controversy.

It was in that same context of the Categorical/Moral Imperative that I spoke, on 9 August 2001, when I delivered the Third Convocation and Investiture Ceremony Lecture of the Nigerian Academy of Letters (NAL). Its theme was: "Fighting for the Soul of Nigeria: Its Cultural, Theological, Ethical and Historical Dimensions".<sup>6</sup> What I said there on the ethical dimensions of Nigeria's current and recurrent predicament was wider in scope than the aspects highlighted here.

Then as now, I have preferred measures, based on People and ethical principles, to material priorities, in the Defence of Self, Society

and the State. Besides, where there was a clash of interests between the perishable and non-perishable, between foundations of rock and sand, between the sustainable and non-sustainable, between God-centred and Man-contrived priorities, I had expected Rational Man to make reasonable choices. But, I also realised that, in practice, Realism differed, by a wide margin, from Idealism. I further became painfully aware that, in any contest, between Oil and People, as instruments for Defence, the choice of a Champion Village Wrestler who knew best how to handle oily and slippery bodies would make more sense than that of a Nigerian politician at the Federal, State and Local Government levels.

Moreover, in August 2001, when I spoke at the NAL Convocation and Investiture Ceremony, the tragic events, those associated with bloody Terrorist Attacks, in New York City, Washington DC and parts of rural Pennsylvania in the US, on 11 September 2001 were neither predictable nor predicted. These later hit world headlines and spread the perimeter of Terror far and wide. While people in several parts of the world continued to mourn the dead and comforted their families and friends, while the latest global hunts for suspected victimisers proceeded with means open and clandestine, observers as well as sympathisers could not ignore some of the key lessons of that national and global tragedy.

One need not construe any such probe as an Apologia for Terror. Nor should any such exercise be seen as needless rationalisation of Fear and Counter-Fear, a subtle glorification of Terror. Indeed, without this type of analysis, Civil Society in Nigeria would be so ignorant as to fall victims to further waves of Terror in support of any given cause. In this connection, one would recall that Sina Odugbemi in his comments, in *The Comet* (15 April 2001), as quoted in the preceding sections on Primary Evidence, had expressed fears that Nigeria's controversy over Resource Control could result in "a shooting war, if care is not taken". Were his fears justified? Were they not? Just before Amnesty in 2009, there was some justification because of Violence and Counter-Violence in Gbaramatu kingdom in Delta State: one of Nigeria's three Oxygen-States.

Even so, the discussion which follows on lessons worth learning would attempt to indicate the urgent necessity for emphasising my idea of the Categorical/Moral Imperative on a wider front so as to

stress its relevance to issues in Nigeria and abroad, particularly, as these would reveal the roles of victims and victimisers, past and present. One would also need to ascertain why events and trends in the Niger Delta did not always follow the path of Terror, Counter-Terror, Violence and Counter-Violence, despite prolonged provocation from Colonial times. My concept of the Categorical/Moral Imperative would include that aspect as well: the limits of Terror, of Victimisation, through intimidation in any Struggle for Survival. This crucial aspect, for other reasons, which need no elaboration here, did not feature in my NAL Lecture in August 2001. Its inclusion here would make this picture of a learning curve more complete: for all stakeholders at home and abroad.

What aspects of that learning process for emphasis in a study of this kind would depend on one's perspective. Thus, public policy-makers and business executives as well as Defence experts and others would follow trails of particular interest to them. Historians also have familiar pathways to guide their analysis of events as troublesome and as infectious worldwide as those of 11 September 2001 in the US. Of course, my key determinants of History, including Chance or Accident have amply provided for variability in results in the face of seeming similarity of events. Even so, some abiding principles in historical enquiries would be useful, if applied to a discussion such as this.

When things happen or do not happen and a historian is in a position to analyse them, it is usual practice to ascertain their proximate as well as underlying causes (as it were, the causes behind causes). Where also multiple causes were at play, in place of mono-causal possibilities, it would help, if one, like a professional historian, or a Sherlock Holmes type of Crime detective, were to cast his net as wide as possible. In that process, no material piece of evidence, big or small, deemed relevant to the Chain of Causation would be ignored. The foundation of this latter procedure would resemble the simple and useful philosophy, in the familiar Children's song: "Little drops of water make the mighty ocean".

Terror, Counter-Terror, Violence and Counter-Violence tended to follow similar paths in known cases worldwide. The persistent demands by the Niger Delta communities for a Resource Control Plus basket of issues arose from miscellaneous causes and causes

behind causes as clearly indicated in chapters of this work. Restiveness had Colonial roots. But these, for long, unattended to by the relevant authorities later grew into larger ones till they made the mighty ocean of Resource Control Plus others. Fortunately, these issues of Resource Control Plus, with exceptions in the "Ogoni Nine" hanging of 1995 and Odi "Massacre" in 1999, did not evoke worldwide condemnation or attention. Indeed, few in Nigeria and abroad cared when the obviously weak communities of the Niger Delta repeatedly cried out against various forms of Terror against them. In the end, realism and sound common sense prevailed. Hence, all through decades of being victims, these Niger Delta communities, aware of their vulnerability, helplessness and lack of organisation, did not contemplate embarking on any foolhardy scheme of Counter-Terror against formidable and better-endowed victimisers. Their plight, as victims, did not change under military and civilian forms of Governance in Nigeria since Independence.

Also worthy of consideration, for purposes of comparison, was the swift and national reaction of the US Government in the summer of 2010 when British Petroleum (BP) polluted the Gulf of Mexico from sources one mile deep. The compensation which the US asked from BP, for the short duration of that pollution, was much higher than any MNC paid for graver and more long-spread pollution in the Niger Delta since 1937. BP promptly took innovative steps to clean up its mess in the Gulf of Mexico. But, not so in the Niger Delta.

The recent global concerns over "Terror", in the wake of the well-known tragedies of 11 September 2001 or "9/11" in the US provided an opportunity for scholars and others interested in Peace Studies to investigate, as much as possible, the psychology of victims and victimisers in all such events. While one would await the results of such detailed studies for further guidance, one could try to ascertain short-span answers to this question concerning Conflict-Resolution on the basis of available evidence.

Would the rest of the world learn useful lessons from how the Niger Delta communities coped with repeated and repeatable instalments of "Terror" against them? Such lessons are possible and necessary even though the UNO and other relevant authorities did not, so far, agree on what "Terror" really meant in a world of diverse cultures, ideologies, visions and missions. Meanwhile, one would adopt the following simple Dictionary definition of this far from plain term: organised intimidation, coercion,

violence or resort to “extreme fear”. Other valuable interpretations exist for application; but these are not necessary here.

In ascertaining Niger Delta responses, in the light of this definition of “Terror”, one would also feel free to use familiar ICT-driven and globally recognised expressions for purposes of comparison. In doing so, one would further recognise that the current vocabulary of *Terror*, popularised since the events, of 11 September 2001, has brought into the public domain a wide range of terms with meanings far from plain. One would, however, use these terms as an illustration of a local situation with disturbing connotations, if based on the Categorical/Moral Imperative principle suggested here.

Seen in that context, the local equivalent of the first of “Twin Towers” that were hit and destroyed, in the Niger Delta, since the 1950s, lay in the people’s high-rise expectations of a brighter and better future in their fatherland. The second Tower that fell had its foundation in the failure of power-conscious civilian and military politicians to honour their promises to address and redress their often-repeated grievances: injustice, inequity, intimidation, oppression, among others. The section of their “Pentagon” that was significantly shattered was the familiar concept of “*Salus Populi suprema (est) Lex*” (The General Welfare of the People is the Supreme Law). Their “Stock Markets” which encountered unexpected shocks, despite differences in time-frames, were their familiar farmlands, fishing grounds and associated occupations which the Oil and Gas industry and its agents in the public and private sectors seriously destroyed and continued to threaten. Their “Ground Zero” was a multiple one: valuable property, including households irretrievably wrecked, directly and indirectly, by the combined effects of Environmental Violence and Eco-Terror.

Yes, these sorely distressed communities, in “extreme fear” of their lives and property, knew the local and foreign equivalent of an “Osama bin Laden” and the “Cells” that gave aid and comfort to Niger Delta-based Evil-doing. The homelands of the MNCs with Oil and Gas interests in Nigeria knew where these “Cells” were embedded. Also known were their sources of funds and other relevant “weapons of mass destruction” for terrorising innocent communities in the Niger Delta and South-South zone in Nigeria. These did not require ICT-marvels and covert operations to unravel. Instead, as

Niger Delta victims became weaker and weaker, their victimisers felt stronger and stronger. Observers came, face to face, with the double standards of the world of the strong in dealings with the Weak. Their conclusion repeated the old and now familiar refrain: The strong tend to attack the weak: often and with impunity and with few exceptions. Nigeria's Great Debate, 1999-2002, amply demonstrated that phenomenon.

However, the Niger Delta communities could not launch any counter-attack, overt or covert, because of another form of "extreme fear". There was real fear of costly punitive expeditions, from well-known units of the Military and Police, latest forms of "Gun-boat Politics", Colonial-style, at the disposal of the Federal Government controlled by military specialists and civilian authorities.

Moreover, there was no hope of mustering any lasting "Global Coalition", with the blessing of the UNO, NATO and other regional and sub-regional interests because of another form of "extreme fear". This came from the offshore diplomacy of the powerful Multi-National Corporations and their backers at home and abroad. Indeed, with very few exceptions, Magnificent Patience became the Watchword of the sorely terrorised and victimised communities in the Niger Delta even when notions of honour, dignity and self-defence regularly suffered irreparable harm.

On the Psychology of well-known victimisers against the Niger Delta communities, the plain truth is that not much is, at present, known. One would not rely only on their miscellaneous goals and means. Self-interest, measured in cash and kind, would not be a sufficient indicator of the evils attributed to them. One has to await the outcomes of more detailed investigations.

Thus, the relative quietness of the Niger Delta communities, despite intense and persistent provocation, through acts of Eco-Terror, from Colonial times (1937), was an act of undisguised but, so far, unrecognised Patriotism. Indeed, continued denial of their reasonable demands for adequate protection of their lives and property against persistent threats resembled State-Terror. Their Patriotism, however, remained unquestioned. Latest events and trends, in the heartlands of similarly victimised communities abroad, underscored that rare record among the majority of Peace-seeking communities in the Niger Delta. "Eco-Terror" or Silent Genocide began here in 1937.

Next, what CNN and BBC World News broadcasts, between 24 September and 13 October 2001, termed “Bio-Terror”, in the USA, had meanings extended, from the latest Bio-Chemical Fear-Points abroad, to Environmental Violence or Eco-Terror witnessed, for decades, by the defenceless communities of the Niger Delta. Their victimisers were the same Multi-National Corporations based in the US and other countries of Euro-America, with large interests in the Oil and Gas industry in the Niger Delta. These were the same organisations that opposed, with the firm support of the Federal Government in Nigeria, throughout the 1990s and beyond, the serious threats/Terror points of Environmental Degradation and Pollution, core-issues raised in the *Ogoni Bill of Rights* (1990) and the *Kaiama Declaration* (1998).

The distressed communities in the Niger Delta would further argue that continued refusal to concede their demands for Resource Control and the like by the relevant Federal authorities in Nigeria and the Multi-National Corporations which aided and abetted them was a clear form of Fiscal Terror. Indeed, the Rivers State Students’ cry, as already reported, in the preceding chapter, of “13% Derivation: 87% Deprivation”, demonstrated another relevant concept of Fiscal Terror as they understood it. Theirs was a cry also heard elsewhere in the Niger Delta communities.

Terror by individuals, corporate and non-corporate organisations, States and other bodies, was also seen in, at least, two other relevant and significant ways. It was quite capable of growing into a giant plant from little seedlings. Its seeds, its roots, therefore, needed constant watching, in any credible preventive strategy. Furthermore, its roots were traceable too to the less visible human heart which Christian believers still see as the harbinger of all manner of “evil thoughts”, including murders (*Matthew 15: 19*). These, understandably, could develop into visible actions, particularly, felonies and cases of gross misconduct. Thus, grievances, resentment and resultant anger, from miscellaneous sources, could well fertilise the plant of Terror. In these respects and more, the phenomenology and aetiology of Terror, as applicable locally and globally, could prove quite complex, though quite relevant and significant as in the Niger Delta communities, if not elsewhere.

So far, I have tried to relate the phenomenology and aetiology of Terror to events and trends in the Niger Delta, since Colonialism, and the US, since 11 September 2001, from the point of view of one historian, the present writer. I, therefore, found it necessary, in my attempts to ascertain an appropriate sense of balance, to compare my views with those of one more key snake-watcher, an actor quite able to influence events at home and abroad. In the light of the recent US experience of Terror, President Olusegun Obasanjo, that other vigilant snake-watcher, made an apt observation. He did so in *The Guardian* on the causes behind causes of Terror worldwide. What he said there and then, *mutatis mutandis*, had some relevance to the deeper roots of the Niger Delta agitation for Resource Control Plus in one form or another since Colonial times. In October 2001, this leader, experienced in War and Peace, saw causes behind causes of Terror thus:<sup>7</sup>

The world we live in now is not just enough. It is not equitable enough. Unless America can lead us to a world that is more just and equitable, we may not get out of the problem of terror. We may catch and punish the culprits this time, but there will be more culprits in future.

Indeed, no matter how one could look at Terror, Counter-Terror, Violence and Counter-Violence, in the light of the humanitarian interpretation suggested above, and in the context of events and trends in the Niger Delta, if not elsewhere, the problem of Control would become quite important. What one would need is a meaningful choice between, at least, two possible alternatives. One is Containment; the other Prevention. In this regard, overt and covert operations, no matter their scale and cost, would not be able to penetrate that formidable hideout of the human mind or heart. They would belong only to the Fire-Brigade sector of Containment. Of course, less costly efforts, centred on Prevention, would seem more likely to succeed. Here, again, my concept of the Categorical/Moral Imperative would play a crucial role in determining the outcome of a contest between Peace and Violence. Also, the decisive role of the human mind or heart, for good or evil, would continue to be relevant to any serious analysis of the complex phenomenon of Terror as it could affect, one way or another, relations within and between Societies and States.

So, how did rulers and the ruled, in the Niger Delta, meet these basic considerations, particularly, in the light of latest developments worldwide? A few pockets of unrest from Major Isaac Adaka Boro's military misadventure, in February-March 1966, through the brutal deaths, by hanging, of the "Ogoni Nine", in November 1995, to the "Odi Massacre", in November 1999, would suggest that the Niger Delta was not a complete Haven of Peace. But, it was neither a Den nor Cell of Terrorists. These reported pockets of unrest were significantly local and fuelled by dangerous emissions, commissions and omissions from two principal sources. These were the Multi-National Corporations engaged in the Oil and Gas industry on one hand, and civilian agents of the Federal Government of Nigeria on the other. The latest fires, over Resource Control-driven forms of agitation, were not only controllable but also preventable through timely resort to Justice and Equity in every troubled Nigerian community in the Niger Delta, in particular, and nationwide.

In the light of all above, we are not yet able to find easy answers to the difficult question: Who are "Terrorists" in Nigeria? Answers from the Niger Delta and from The-Rest-of-Nigeria are not and would not be the same. Moreover, each of these sectors has potent but not always patent macro- and micro-terrorists as interpreted here.

But, a resolution, one way or another, of this major conflict in Nigeria is also necessary in the public interest. In my view, this is better done sooner than later; peacefully rather than by force or with violence: in place of "Eco-Terror" or Silent Genocide.

This is more so, if a majority of people would agree that Resource Control is all about Ownership of Land and all resources associated with it: horizontally and vertically. So, it is one of Nigeria's vital components of her Engine of Nation-Building which closely linked the often-repeated Niger Delta Question with other weighty National Questions. One major aspect of it is substantive review of the Constitution, including prompt abrogation of the Land Use Act entrenched in it. Yet another would include Nigeria's future in Federalism, her theory and practice of Political Restructuring and Devolution as well as agreed credible lineaments of Equity, Justice, Stability and Peace in every aspect of an agreed "New Deal" for all Nigerians (not paper-thin Amnesty) sooner rather than later.

This is more compelling because many Nigerians still see the Niger Delta communities only as the geese which lay their country's golden eggs, in terms of increasing revenue from Oil and Gas. But, these same persons, in public and private circles, continued to care, less and less, as the consequences of the Environmental Violence in their Oil and Gas lands became more and more grave. Their governments continued to hang on to Derivation Formulas, as if "Compensation" rather than "Prevention" of State-Sponsored Terror, as already indicated, was an ethically sound solution to pollution. Indeed, the Resource Control sections of my Nigerian Academy of Letters Lecture clearly demonstrated how Nigerian Governments and interests outside the Niger Delta sought to sacrifice their long-term interests for others short-term. In the light of the above, these were the ones firmly embedded in the group of Incurable Advocates of 13% Plus. Their Plus was the NDDC and Amnesty in Year 2000 and 2009 respectively.

These same persons and the organisations which continued to back them, at home and abroad, failed to understand the long-term consequences and implications of their short-term answers to the issues raised by the National Debate on Resource Control Plus. In doing so, they failed to see how Nigeria was gradually being transformed into a tinderbox. If and when any part of Nigeria was truly on fire, the rest would burn quite dangerously. So, Resource Control Plus could be that necessary fuse or cutout unit which, in an emergency of political fire, would be expected to protect everyone's priceless House of Nigeria. No other insurance policy seemed affordable or credible, under human inspiration, organisation and perspiration. The only viable alternative is the Grace of God. But, that too, is the major hope only of believers: those who fear God, obey His Commandments and recognise these, as their "Whole Duty" on Earth, with Divine punishment to follow in cases of disobedience (*Ecclesiastes*, 12: 13-14). That however would re-open inescapable issues of a possible conflict between aspects of my Moral Imperative and Secularism in every aspect of Life here on Earth.

### **Applicable Heuristic Dimensions of Interpretation**

Let me, in conclusion, draw attention, briefly, to the uniqueness of the content, not just the format, of the preceding chapters which underpin this. The contributions made there by the speakers highlighted in

Nigeria's Great Debate on Resource Control Plus demonstrated a rare mix of the interests of micro-nationalists and macro-nationalists concerning a proper Defence of their conflicting interests.

Let us take these one at a time. Here, a keen observer would find a demonstrable clash of interests between Defence of Oil and Defence of People. Concerning the former, Defence of Oil, this natural resource exerted more force on policy-makers and their executives than rival and rational arguments concerning Equity and Justice ever did. In that context, alternatives, such as fiscal federalism and re-structuring, were ignored.

Concerning Defence of People, the communities of the Niger Delta and the South-South zone did not matter much to Federal policy-makers and executives during the period covered by this study. What mattered most to them were the interests of a clear majority of Nigerians outside those geo-political areas. Thus, any resultant conflict from such choices Officialdom resolved in favour of that majority. Their excuse, from 1999 to Amnesty in 2009, was an interpretation and application of Democracy as a game of numbers. Before then, the grim logic of Gun-Rule held sway. Accordingly, Minority interests, as under the Colonial era, gave way to those of the Majority. To the Minorities concerned, Independence brought no visible change of attitudes, policies and practices. As the Minorities of the Niger Delta cried out, before and since the establishment of the Willink Commission (1957-58), so they did all through the era of the *Ogoni Bill of Rights* (1990), the *Kaiama Declaration* (1998) and similar Bills and Declarations of the same era. In doing so, what Officialdom, from Colonial times to Independence, neglected were key aspects of offence and defence. These were the most relevant and significant ones expressed in proverbial terms which can be regarded as the Centre of Gravity in nation-building and State-consolidation.

- (i) Construction of any edifice, including nation-building and consolidation, would require many hands; but, for destruction, a few hands would be enough.
- (ii) Building, naturally, starts from below; demolition, from the top. (Or, no one climbs a tree from the top).

At the other level of relevant interpretation here, the most significant and applicable set of interests worthy of consideration

required an equitable choice between Globalism, macro-nationalism and micro-nationalism. Thus, this linkage would have, at one end, Nigeria's membership of OPEC, responsibilities under it and involvement with the Politics of global Oil markets. On the other hand, the macro-nationalism and micro-nationalism aspects involved Nigeria's policy-makers and executives in difficult choices over what concept of "People" to support, even though that hurt others in competition for parity, equity and justice.

The micro-nationalism-aspect was not as simple nor as straightforward as it sounds. Here, too, were obvious clashes of interests: for example, between competing groups of micro-nationalists (Ijo, Urhobo and Iteskiri, quite frequently) and others (Edo, Efik, Ibibio) less frequently, but within the Niger Delta and South-South communities. It was not quite often that these micro-nationalists behaved on the basis of the familiar principle: "The enemy of my enemy is my friend." Accordingly, there were several criss-crossing currents of interests. These made the jigsaw-puzzle of the Niger Delta and South-South conflicts more complex. Thus, conflicts, confrontations and conflagrations occurred with much frequency, between and within the various groups of micro-nationalists.

At the macro-nationalism level, the dividing line cut the Oil-Group from the non-Oil Group. The interests of the Oil-Group are now obvious. Those of the non-Oil Group took this form: Share Oil profits but not the inevitable suffering with Ecological Degradation and Pollution. Thus considered, at the end of Nigeria's Age of Oil, long or short, the non-Oil Group would return to their own natural resources; whilst the Oil-Group would be left alone to mourn the complete and permanent loss of theirs. Nationalism or Patriotism, in such terms, meant nothing else but Roguery by other means.

Moreover, in the midst of these and other contending factors, the Niger Delta, particularly, during the Great Debate, witnessed signs of political instability through previous threats to public safety and security. Simultaneously, the elements of insults and counter-insults in communication made these events and trends sources of considerable irritation and concern among observers at home and abroad.

Developments such as these gave the old caustic remark "*Ex Africa semper aliquid novi*" (Out of Africa always something new)

another comparable twist. The Niger Delta seemed to have replaced Africa in that context. It was Oil, Crude Slippery Oil, that gave the Niger Delta cauldron its new, ugly look and foul odour among the latest but un-registered Watchmen's Society of the World. These same observers also tended to regard the wetlands of the Niger Delta as the bad lands of Nigeria. Its people were not born so nor were their habitats so endowed by benign Nature.

### **Valuable Lessons not Learnt**

Yet, there remained viable solutions, some for addressing, others for redressing, social wrongs by the relevant authorities in Nigeria. Out of the valuable contributions to the Great Debate and comments made elsewhere in this chapter and work, valuable lessons not learnt included these:

- (i) Adopting the model of Revenue Derivation as set out in Nigeria's Independence Constitution (1960) and Republican Constitution (1963) and subsidiary legislation concerning 50% Derivation and extension of the limit of a Littoral State to the "Continental Shelf".
- (ii) Accepting the "Categorical/Moral Imperative" arguments and their implications as set out in this Chapter and elsewhere.
- (iii) Recognising that People are more important, more valuable, than Oil or other natural resource.
- (iv) Encouraging People to make optimum use of their skills and talents not only for Wealth-Creation and Consolidation but also for Character-Reformation.
- (v) Educating People on how not to pollute their Environment, their minds, themselves, Society and the State.
- (vi) Getting People fully mobilised in every aspect of Social Defence.
- (vii) Avoiding, as much as possible, making Crude Oil (against the well-known protests of disaffected communities in the Niger Delta) as well as Refined and Imported Oil (against the pro-People pleas of the Nigerian Labour Congress between 1988

and 2003) the twin burning stakes for Nigeria and Nigerians, needlessly in the 21<sup>st</sup> century and beyond.

- (viii) Replacing Nigeria's latest Protectorate of Oil and Gas with a robust Defence of People through the best possible mix of Political Will and Skill.
- (ix) Distinguishing between "Welfare" for the High and Mighty and "General Welfare" (whose absence becomes a major cause of all manner of reactions to Injustice).
- (x) Recognising, at every conceivable level of Governance, the incompatibility between Injustice and Peace not only among the sorely distressed communities of the Niger Delta but also in every part of the Federal Republic of Nigeria in dire need of Re-Structuring and Devolution of powers and functions along lines determined by the People for the People, freely and fairly, and at the earliest opportunity.

**References**

6. For details see Tamuno, T.N. (2003). "Fighting for the Soul of Nigeria: Its Cultural, Theological, Ethical and Historical Dimensions." In Steve Ogude (ed.), *The Nigerian Ideal (Occasional Publications of the Nigerian Academy of Letters, No. 3)*.
7. *The Guardian*. (2001). 5 October, p.2.



**Dimensions of Militancy and Radicalism: Goals and Means of Militant Elders in the Niger Delta**

Since all manner of Militancy, among stakeholders, from causes to consequences, will feature a lot in this chapter, it is convenient to attempt making this difficult term as plain as possible for interpretation and application here. This, indeed, is a term used elsewhere in its broad sense. It can be said that a "Militant" is one who adopts force or pressure as a means to achieve one's desired goals.

Many have done so in life, from birth to death. In that process, terms, such as "Militias" and "Militia-groups", commonly described members of activist groups ready to use force as a means of achieving their goals. How Civil Society felt about their tactics or activism did not seem to have deflected them from doing so.

There was an interesting dichotomy introduced by the National Human Rights Commission (NHRC) in Nigeria concerning "Ethnic/Religious Conflicts" and "Ethnic Militias". In a public statement by the NHRC concerning both these categories, on the occasion of the International Human Rights Day, 10 December 2001, this body said<sup>1</sup>:

**ETHNIC/RELIGIOUS CONFLICTS**

It has become increasingly apparent that the effective enjoyment of human rights by Nigerians is being threatened by religious/ethnic conflicts. The National Human Rights Commission is disturbed by this development which unfortunately is coming at the heels of our euphoria for the return of democracy.

We see this as a challenge to Nigerians. We need to be vigilant. We need to protect and promote the rights of our citizens and strengthen the mechanisms for seeking redress in cases of violations. We should respect the constitutional provision that guarantees the right of every Nigeria to reside in any part of the country of his or her choice. We should accept that one man's sorrow is a sorrow of us all. Whether it is in Odi or Zakibiam, in Jos or Warri, in Aguleri or Modakeke we belong to the same human race.

## ETHNIC MILITIAS

Nigeria has in recent times witnessed an upsurge in ethnic militias masquerading under different names. These groups formed to allegedly cater for the security or the interest of the various ethnic groups operate with some degree of support from some highly placed Nigerians and even constituted authorities. Their modus operandi violates all known virtues of civilized societies. They are the judges, the prosecutors, the jury, and the executioners in their own case. We seize this opportunity to reiterate the Commission's opposition to these groups. They are illegal, unconstitutional and constitute an affront to the rule of law.

The excuse that the law enforcement agencies are incapable of handling certain situation, giving rise to the formation of these groups is not tenable. We believe that given better equipment, operational facilities and adequate funding the Nigeria Police is capable of handling any situation as evidently demonstrated in their various assignments outside the shores of the Country. We are worried moreso that these groups could be potential coercive undemocratic agents in the hands of politicians. We therefore appeal to the Federal Government to condemn and prosecute all those associated with these illegal gangs and ensure the effective equipping and motivation of the Nigeria Police and other security agencies in order to enable them discharge their statutory duties effectively.

Militancy was not necessarily a response reserved for the poor in society. In practice, it spread its tentacles to the rich also. In its buttresses, thrusts and impacts, it was local as well as national, international and global.

Radicalism brought another dimension into this equation. Both forms of Protest were no respecters of geographical frontiers. For example, a son of a Nigerian billionaire was so radicalised that he became a member of Al-Qaeda. He thus attempted air-borne terror in the US on Christmas Day, 2009. Here was another case of radicalism: the story of how a prominent son of a Nigerian High Court Judge, in Rivers State, and a University undergraduate in Law, who later became sufficiently radicalised that he converted others to the same cause in the Niger Delta Struggle for Justice, Equality, Equity and Good Governance from the 1990s to the Present. Indeed, Saro Wiwa, a famous writer and University graduate, became a martyr as a radical activist and leader of MOSOP in the Ogoni part of Rivers State

during the 1990s. On the other hand, there were the poor, really poor, who easily became foot-soldiers of Terror, North, South, East and West of the Niger-Benue rivers. Radicalism made some of these, martyrs to Poverty and the suffering it entailed.

With Oil Politics nationwide, the Niger Delta, source of Nigeria's Oil and Gas resources, became the prime centre of agitations which cut across all segments of my SSS Triangle. But agitation over Resource Control was seen by most Nigerians merely as a cry for higher percentages in Derivation formulas for subsequent distribution. These stakeholders, therefore, failed to see Resource Control as more than money, indeed, as Control of a people's totality of resources: political, economic and social. Issues of Justice and Equity for the communities, whose welfare and quality of life suffered irreparable harm from pollution and ecological degradation, made little or no impacts on The-rest-of-Nigerians.

A World Bank study in 2006 suggested that about 1% of Nigeria's population (140 million, then and more since then), got 80% of her Oil and Gas revenues. Accordingly, "The other 99 percent of the population receive(d) the remaining 20 per cent of the Oil and Gas revenues, leaving Nigeria with the second lowest per capita oil export earnings put at \$212 (N28,408) per person in 2004"<sup>2</sup>.

The same World Bank study put the loss at "over 100,000 barrels per day, with state officials accusing faceless highly placed Nigerians of being the masterminds."<sup>3</sup> Moreover, uncontrolled illegal bunkering activities engaged in by these officials and their agents, at home and abroad, created big holes in Nigeria's revenue bag. Imperfect management and control, at all these levels, produced and re-produced seeds and fruits of anger, wrath and threats among the Niger Delta communities.

One special report by the Commission of Nobel Laureates on Peace, Equity and Development in the Niger Delta Region of Nigeria was quite frank and authoritative. Its 2006 Report was comprehensive, reflective and pro-active on Nigeria's past, present and future.

In its Report, in December 2006, the Nobel Laureates observed:<sup>4</sup>

### **Background**

The Niger Delta region includes six states of which Bayelsa, Rivers, and Delta states produce the most oil and suffer from significant violence. The region is a maze of creeks, streams, and swamps formed by the Niger River as it divides into six main tidal channels before spilling out into the Atlantic Ocean. Before oil was discovered by Royal Dutch Shell near the village of Oloibiri in 1956, the Niger Delta region had the most extensive lowland tropical and fresh water forests, aquatic ecosystems, and biodiversity in West Africa. Residents cultivated rice, sugarcane, plantain, palm oil, yams, cassava, and timber. At least seven million Ijaw, Ogoni, Itsekiri, Andoni, Ibibio and a host of other people speaking distinct languages live in Bayelsa, Rivers, and Delta states alone. Most of the oil and gas reserves are found on Ijaw territory.

### **Windfall**

Since 1970, Nigeria has earned at least \$300 billion from energy development. It took in \$45 billion in 2005 alone. With about 40 billion barrels of proven oil reserves, Nigeria currently produces about 2.4 million barrels of oil/day. It is estimated that Nigeria will produce 4 millions barrels/day by 2010. It is also home to the world's seventh largest supply of natural gas. Nigeria's low-sulphur oil – so-called "sweet" crude – is much sought after by refineries in the United States, which purchases about 40% of current production. Nigeria provides 11% of U.S. oil. It is the fifth largest source of oil for the United States.

### **Environment**

The U.S. Department of Energy estimates that over 4,000 oil spills discharging more than two million barrels of crude have occurred in the Niger Delta since 1960. Oil slicks cover the region. Blow-outs and leaks affect creeks, streams, and related traditional sources of livelihood, poisoning the water supply, destroying mangrove forests, eroding soil plots, and killing aquatic life. Hundreds of well-sites have flares, which come from the burning of associated gas. The flares heat up everything nearby and turn day into night, releasing 25 million tons of CO<sub>2</sub> and 12 million tons of methane annually. Resulting sulphuric acid mists damage plants and forests. Flares pollute rain water, cause acid rain, and contribute to climate change.

## Poverty

According to the United Kingdom's Department for International Development, 'Nigeria has some of the worst social indicators in the world.' For example, the World Bank estimates that 92.4% of Nigerian women are living on less than \$2/day in 2006. Though the Niger Delta's energy assets provide nearly three-quarters of government revenues and roughly 90% of foreign exchange earnings, they have not resulted in socio-economic development. Unemployment hovers at about 90%. Many schools and hospitals lack staff, equipment, and necessary supplies. Most riverine areas remain unconnected to electricity grids. Bayelsa State has only one multi-lane, paved road in the entire state, which leads only to the capital. In April 2006, President Olusegun Obasanjo promised a \$1.8 billion road-building project for the Niger Delta region. No action was taken. Many Niger Delta residents see his pledge as yet another opportunity for elites to enrich themselves with 'bogus contracts.'

## Violence

Disenfranchised by rigged elections in 1999 and 2003, many youths had joined local militias that sabotage oil facilities and kidnap oil workers. Though violence has been sporadic to date, radicalisation is on the rise with some groups threatening to disassociate from Nigeria unless the government satisfies demands for political rights, economic development, and social justice. Many young people are migrating from their villages to Port Harcourt and other urban areas. The Niger Delta region has the highest incidence of HIV/AIDS in Nigeria; prostitution and teenage pregnancies are on the rise. There is also a spiral of hooliganism, robbery and spontaneous violence.

The Movement for the Emancipation of the Niger Delta, among others, vows to continue attacking oil installations and Nigerian military units until oil assets are brought under local control. Impoverished and hopeless youths are fed up with the present state of affairs, which degrades the environment and loots local wealth. As a result of recent violence and the kidnapping of international oil workers, Nigeria's overall production of petroleum has been reduced by 25%. At the official level, President Obasanjo has named two peace envoys: human rights activist Fr. Matthew Kukah for the Ogoni dispute with Shell, and Ken Wiwa, son of slain Ogoni leader Ken Saro-Wiwa, for the region as a whole. Delta NGOs have undertaken a variety of dialogue

and conflict prevention initiatives. However, civil society representatives warn that violence will escalate if the Nigerian authorities do not address its root causes. The detention of community leaders, like Dokubo Asari, might also spark further conflict.

### **Governance**

Nigeria's military governments centralised control of the oil industry under the presidency. The 1969 Petroleum Act transferred all energy earnings to the federal government and the 1978 Land Use Act assigned all land ownership to state governments. The 1999 Constitution further vests predominant powers in the executive branch. The constitution does, however, stipulate that 13% of oil revenues be returned to the oil-producing states in addition to their share of revenue distributed to all 36 states. President Obasanjo also serves as oil minister, thereby limiting public scrutiny of the country's corrupt oil sector.

### **Corruption**

Corruption undermines economic growth, jeopardises financial stability, and undermines confidence in government institutions. It also leads to criminality that has corrosive effects on governance and the rule of law. Transparency International ranks Nigeria 152 out of 159 countries in its corruption index. Federal and state governments have stolen or wasted \$380 billion since the country became independent in 1960. The culture of corruption is pervasive affecting state government as well as local officials; 31 of the 36 state governors are currently under investigation for crimes and corruption.

The fact that Nigeria's coffers are awash in oil revenue further fuels corruption by national and local political elites. All state government allocations are given directly to the governor by the federal government, who is then supposed to distribute funds to local governments. Allocations to state governments are sizable. Rivers State, for instance, received \$74 million and Bayelsa State \$57.6 million in July 2006. In practice, governors withhold large portions of such allocation for dubious projects, which are frequently awarded to cronies. Kingpin politicians are the primary beneficiaries of oil bunkering operations.

*For example, the governor of Bayelsa State was recently impeached for corruption. It was discovered that he used public funds to acquire*

several multimillion dollar properties in the United Kingdom, setup seven British bank accounts, and buy (sic) a yacht.

### **Elections**

Local and international monitors reported ballot stuffing and tally altering during elections in 1999 and 2003. According to the European Union, the 2003 elections fell far short of international standards for a free and fair ballot. Opposition parties were shut out of nearly all layers of government leaving voters with no real political choices and no alternatives for social action. Election victors in the Niger Delta, nearly all members of the ruling Peoples Democratic Party (PDP), are firmly aligned with party barons that put them in office.

Serious concern exists about elections scheduled for April 2007. There is widespread speculation that President Obasanajo's supporters may provoke a national crisis to justify a delay or annulment. The Independent National Electoral Commission (INEC) is grossly unprepared and, in a strategy of calculated incompetence reminiscent of 2003, local monitors warn that INEC could declare that it is unable to organise the election, and thus give President Obasanjo the opportunity to declare a state of emergency and extend his term in office.

### **Oil Companies**

Shell, Mobil, Chevron, Agip, Elf, and Texaco are major partners with the Nigerian National Petroleum Corporation, which retains 55-60% of earnings from joint ventures and heavily taxes the balance. These companies have been criticized in recent years for their environmental practices in the Niger Delta. They have also drawn fire for assisting the Nigerian military and endorsing its heavy-handed tactics.

Kidnappings of Nigerian and foreign oil workers have increased in recent years. In 2004, Shell acknowledged that its business practices had inadvertently contributed to conflict, poverty, and corruption. Shell and several other oil companies have sought to address the situation by taking steps to improve their human rights practices and channel more development funds directly to communities. The Nigerian Extractive Industries (Transparency) Initiative (NEITI) holds companies and the government to a series of rights standards and best practices. It also requires regular audits. The first such audit was held in 2005. In early 2006, the federal government revealed a

significant discrepancy between what the oil companies paid to government and what the government recorded. Community leaders routinely complain that promised funds often do not arrive, or that the companies do not follow through on their commitments.

A local NGO leader warns: 'The people are tired of government corruption, killing and stealing. Frustration is rising and things are getting worse. There is real concern about an outbreak of violence across Nigeria. Violence will explode, especially in the Niger Delta, if there is any rigging or attempts to stop the election.'

### **The Way Forward**

Fundamental problems must be addressed to reduce the likelihood of conflict escalation:

- The people of the Niger Delta have no duly elected representation at any level of government and thus have no formal political voice.
- The Niger Delta produces the majority of Nigeria's wealth, but still enjoys only a small portion of its returns.
- The rise of the militias in the Niger Delta is a direct result of massive unemployment and lack of socio-economic development.
- Wealth earmarked for the Niger Delta is substantial, but it is largely stolen by politicians and their supporters who benefit from continued crisis.
- The Niger Delta's ethnic diversity has been manipulated by political leaders to keep communities from collaborating on region-wide initiatives.

Nigeria's new government can demonstrate its credibility by taking the following steps:

### **Elections**

The 2007 elections must not become the spark that ignites the Niger Delta's simmering fuse. Under no circumstances should the elections be postponed or the constitution amended to prevent the peaceful transition of power. The international community should impress upon President Obasanjo the opprobrium Nigeria would face if he manipulates events to try to hang onto power.

Nigerians must be confident that the electoral process is free and fair. To this end, the international community should support Nigerian monitoring groups and deploy large numbers of international monitors across the country, including the Niger Delta states. Monitors should not parachute-in, but, rather, stay in-country until all the votes are counted and the results are verified. International donors can also help by supporting voter education and providing technical assistance to INEC. Nigerian authorities should facilitate the registration of international election monitors. Empowering an ombudsman to receive complaints from civil society representatives and INEC personnel about irregularities would enhance transparency and accountability. Special attention should also be paid to protect the free functioning of political opposition parties.

### **Corruption**

Nigeria's federal and state governments should more adequately resource official anti-corruption bodies such as the Economic and Financial Crimes Commission (EFCC). Donors should also finance NGOs working in the field of anti-corruption. To show that it is serious about cracking down, the government should prosecute high-profile violators, including presidential allies. Reducing the number of officials covered by constitutional immunity would demonstrate that no one is above the law. Setting-up regional branches of the national anti-corruption commissions and a new anti-corruption ombudsman – supported by passage of the Freedom of Information Act – would help enhance the watchdog function of local communities.

### **Development**

More equitable development is critical to mollifying aggrieved Niger Delta residents. The 2005 NEITI audit of oil revenues should be published ensuring that oil companies in NEITI are fulfilling their obligations. Remaining companies that have not signed onto NEITI should do so. To make sure that government projects actually meet local needs, civil society groups should be more extensively involved in development planning by government agencies and international donors. Oil companies can enhance socio-economic development by training and hiring local residents. They could also establish a 'Community Investment Fund' channelling a specific percentage of gross revenues directly to local community organisations working in the fields of health, education, micro-credit, and infrastructure development. The Niger Delta Development Corporation (NDDC) should be eliminated in order to

reduce bureaucracy. Eliminating the NDDC would also enable more funds to be channelled directly to community associations, in a context of proper auditing and community oversight.

### Environment

The Community Investment Fund could also support clean-up, conservation and restoration activities. In addition, oil companies should clean up oil spills and eliminate gas flares. They should also provide special compensation to communities devastated by environmental degradation. The expanded use of renewable energy technologies would further reduce dependence on fossil fuels thereby limiting damage to local ecosystems.

### Security

It is unrealistic to expect local militias to disarm, demobilize and reintegrate until after upcoming elections. Even then, Nigerian authorities will have to take verifiable steps to address problems before local militias give up the gun. Meanwhile, oil companies can start building confidence by phasing out their security payments to official security agencies and militia groups, emphasising instead 'community based security' for site protection. Future disarmament efforts should be based on a sustainable package of amnesty, weapon buyouts, job programs, and sensible law enforcement initiatives.

Nigeria's stakeholders, fiercely divided over Oil Politics, demonstrated their anger during sessions of the National Political Reform Conference in mid-2005. When delegates from the South-South zone walked out,<sup>5</sup> with lukewarm support from delegates of the other zones, the critical sore point was whether or not the current 13% Derivation should be increased and, if so, to what extent. Whereas the South-South wanted a return of the 50% mark under the 1963 Republican Constitution, others preferred something much less: 15% or 17% (as proposed by different speakers).

At that stage of the bitter controversy, South-South zone delegates revealed to their colleagues the following telling statistics<sup>6</sup>:

## Contribution of Zones (States) to Federation Accounts, April 2005

S/N	Zone	% Contribution of States to Mineral Revenue	Total
1.	<b>North East</b>		
	Adamawa	0.00	
	Bauchi	0.00	
	Borno	0.00	
	Gombe	0.00	
	Jigawa	0.00	
	Taraba	0.00	
	Yobe	0.00	<b>0.00%</b>
2.	<b>North West</b>		
	Kaduna	0.00	
	Kano	0.00	
	Katsina	0.00	
	Kebbi	0.00	
	Zamfara	0.00	
	Sokoto	0.00	<b>0.00%</b>
3.	<b>North Central</b>		
	Benue	0.00	
	FCT -- Abuja	0.00	
	Kogi	0.00	
	Kwara	0.00	
	Nassarawa	0.00	
	Niger	0.00	
	Plateau	0.00	<b>0.00%</b>

S/N	Zone	% Contribution of States to Mineral Revenue	Total
4.	<b>South East</b>		
	Abia	1.31	
	Anambra	0.00	
	Ebonyi	0.00	
	Enugu	0.00	
	Imo	1.44	2.75%
5.	<b>South West</b>		
	Ekiti	0.00	
	Lagos	0.00	
	Ogun	0.00	
	Ondo	3.97	
	Osun	0.00	
	Oyo	0.00	3.97%
6.	<b>South-South</b>		
	Akwa Ibom	16.93	
	Bayelsa	23.42	
	Cross River	1.53	
	Delta	20.1	
	Edo	0.084	
	Rivers	29.58	91.64%

*Source: Federal Ministry of Finance, 2005*

The amounts received by individual States reflect their contribution to oil production in Nigeria. Rivers, Bayelsa, Delta and Akwa Ibom States are the major contributors of mineral revenue, and by implication, to the Federation Account. Majority of the States contribute very little to the Federation account. Amounts received by States in the South-South zone reflect their contributions. While they contribute nearly 86% to the Federation Account, they receive just 17.3% of the total Federation Account. (See Table 4).

### Sharing of Revenue from the Federation Account

Yesterday, a delegate presented some figures which gave the impression that the South-South zone receives an excessive share of funds from the Federation Account. The figures were however misleading.

Firstly, it should be noted that the Derivation Account is a first line charge on the Federation Account. It is not part of the total shared between states. The true proportions received by the South-South zones are shown in columns 2&3 of the table below.

**Table 4: Sharing of Revenue from Federation Account Jan-April 2005**

Zone	Amount	%	Zone	Amount	% Total to Zones, States & LGA	Misleading figures of a Delegate
South-South	145.171	14.51	27.879	2.79	17.3	41.3
South-West	42.502	4.25	31.829	3.18	7.43	12.1
South-East	33.476	3.35	21.361	2.13	5.48	9.6
North Central	45.811	4.58	29.010	2.90	7.48	11.0
North-East	46.213	4.62	33.788	3.38	8.00	11.2
North-West	44.488	4.45	38.653	3.86	8.31	148
Federal Govt	44.488	43.45	-	-	-	-
Local Govt	182.522	18.2	-	-	-	-

*Source: Federal Ministry of Finance*

The figures above show that the South-South zone received only 14.51% of total revenue in the Federation Account, plus another 2.79% going to Local Governments in the zones and not 39.6% as implied in figures presented yesterday.

But, that revelation did not influence the outcome of that National Debate positively to ensure Justice and Equity to the sorely distressed communities in the Niger Delta. Instead, more acrimony followed.

At that critical point in Nigeria's Politics and Governance, at least, two major pathways seemed open to militants in the Niger Delta. One was the channel of compromise adopted by elders. The other was the "barrel of the gun" route preferred by disgruntled Youth.

From 2005 till 2009, these two major pathways attempted to give the Niger Delta Question a place on the national front burner.

Less emphasised was a third option: a middle passage, through the activities of such bridge-conscious leaders of thought and action as Chief Harold Dappa-Biriye and Chief Edwin Kiagbodo Clark. Their essential roles were those of giving the voices of Protest greater credibility at home and abroad and in serving as facilitators of dialogue and messengers of Peace nationally and internationally.

The elders and leaders of thought and action, during the 1999-2009 era, recalled the roles of their pioneers: Jaja of Opobo; Nana of Itsekiri; King Ibanichuka of Okrika; Oba Overanmi of Benin; and King Koko of Nembe, among others. In the same way, the Youth brought back memories of their heroes: Isaac Adaka Boro, Ken Saro Wiwa of the Ogoni Bill of Rights in 1990 and his martyrdom in 1995, as well as the architects of the Kaiama Declaration, 1998.

Shortly thereafter, South-South leaders of thought formed a political organisation known as South-South Peoples Conference (SSOPEC). On 9 November 2004, the elders and leaders of thought, under the inspiration of Dr Raymond Dckpesi, a Television mogul, brought into being another body known as South-South Peoples Assembly (SSPA) at their inaugural meeting in Calabar. Its front-runners were the Governors of the six States in the South-South geo-political zone: Cross-River; Akwa Ibom; Delta; Edo; Rivers; and Bayelsa. Its other leaders included Chief Edwin Kiagbodo Clark, former Vice-President Admiral Augustus Aikhomo, former Chief of General Staff Admiral Mike Akhigbe, former Senate President Dr Joseph Wayas, Ambassador Matthew Mbu, former Service Chiefs, former Governors, Senators, Ministers, Speakers of the State Houses of Assembly, Vice-Chancellors, University Professors, SANs, Retired Justice of the Supreme Court, Honourable Justice Adolphus Karibi-Whyte, among others.<sup>7</sup>

At the SSPA second National Convention in Yenagoa, on 5 February 2005, its host, Chief Diepreye Alamiyeseigha, Governor, Bayelsa State, described the South-South zone thus:<sup>8</sup>

... no one listening to us now will dispute the claim by our people that the Almighty God has been very kind to us. If Nigeria were to be compared to any nation or place, whether past or present, including Biblical times, the South-South would no doubt be called Canaan, a

land flowing with milk and honey. Our region is the California of Nigeria, the keeper of the well-being of our dear country. There is no doubt that we have kept this nation together at great cost to our people, our environment and our livelihood.

The Bayelsa State Governor Alamiyeseigha was widely seen then as “Governor-General” of the Ijo of the Niger Delta. He behaved as such then.

SSPA delegates, gathered in Yenagoa then, were expected to redress age-old wrongs as well as erase the feelings of disaffection. They had invited former jurists, academics of distinction and others to recall historic wrongs and suggest ways of redressing them. One of these, Professor B.I.C. Ijomah, in February 2005, reminded them of one such wrong concerning Nigeria’s topmost post of President:<sup>9</sup>

...the North East has ruled for six years, South East (six months) North Central (23 years), North West (six years), South West (12 years and four months). Meanwhile, the South-South had never produced a military head of state or a civilian president.

So, at its February 2005 Convention, South-South People Assembly (SSPA) delegates expressed high hopes that one of them would qualify for the post of President during Nigeria’s 2007 Election.<sup>10</sup> Meanwhile, the SSPA Conference, in 2005, adopted a comprehensive 13-Point Agenda:<sup>11</sup>

- (i) True Federalism;
- (ii) Resource Control and Ownership;
- (iii) Power Rotation and Distribution;
- (iv) Religion and Ethnic Nationality;
- (v) Social Security;
- (vi) Environmental Justice;
- (vii) Communal and National Reintegration;
- (viii) Local Government Reforms;
- (ix) Energy Access;
- (x) Democracy and Accountability;
- (xi) Food Supply;
- (xii) Conflict Prevention and Resolution; and
- (xiii) Communal Harmony and Self-Sufficiency.

The SSPA Agenda above was not one which the South-South zone, on its own, could implement successfully and in a sustainable manner. At the end of its Conference, in February 2005, the stage was set for Nigeria's National Political Conference in mid-2005. There, as indicated earlier, fissures and fractionalisations in Nigeria's body-politic appeared, such as no superficial Dialogue could easily resolve. Moreover, South-South zone Politics took a turn for the worse at the end of the second SSPA Conference in February 2005. Issues over funding, control, rival ambitions and intrigues split SSPA front-liners further apart till more dramatic events over PDP choices in late 2006 overtook their manoeuvres. For example, Chief Alamiyeseigha, as Governor of Bayelsa State, thereafter, experienced misfortunes far beyond the scope of this study. His colleagues, among South-South zone Governors, entertained such ambitions for the 2007 Presidency which, in the end, cancelled theirs in favour of a surprise candidate from Katsina State, Governor Umaru Yar'Adua, who eventually became President in May 2007.

However, in all these, the key factor of Chance in History visibly played its part. Through it, in May 2007, Dr Goodluck Ebele Jonathan, successor to Chief Alamiyeseigha, as Governor of Bayelsa State, became Vice-President of Nigeria in circumstances which were more dramatic than otherwise. His known competitors in Rivers State and Cross River State lost their widely suspected Corruption-driven bids for the Presidency in 2007. Through another dramatic turn of events, Dr Jonathan from the group despised by The-Rest-of-Nigeria in June-July 2005, as we have seen earlier, on 9 February 2010, by a joint Resolution of the Senate and House of Representatives with the prior consent and recommendation of Nigeria's Forum of Governors, became Acting President of the Federal Republic of Nigeria, Commander-in-Chief of the Armed Forces. Significantly, this same Dr Jonathan, an ethnic minority man from the Local Government Area which includes luckless Oloibiri, where Nigeria first exploited and exported Crude Oil in commercial quantities, in 1958, enhanced his career further as Nigeria's top ruler in May 2010.

Dr Jonathan's dramatic rise to power and fame came by chance on 23 November 2009. As in Shakespeare's *King Henry V*: "There

is some soul of goodness in things, evil men would observingly distil it out." The rest is history.

Earlier, the case for a possible Third and Middle Passage lay in the unforgettable roles of Chief Dr Harold Jenebiwari Dappa-Biriye, CON, and Chief Dr Edwin Kiagbodo Clark, CON. Earlier chapters have indicated the key roles which Chief Dappa-Biriye played concerning the Niger Delta Question till his death. This chapter will demonstrate the roles of his able successor.

Indeed, Chief Dappa-Biriye was quite at home within the walls of Whitehall in the UK as he was in the criss-crossing creeks of the Niger Delta. Though not a conventional University graduate, he was an accomplished spokesman and a powerful People's Advocate well schooled in the University of Life. In his life-time, no other calling was more pressing than that of Justice, Equity and Fairplay for the distressed and disaffected communities he represented, from the late 1940s, in that long struggle. He spoke with all the rhetorical assets at his command for his people's self-determination within the context of Nigerian Federalism; but not for Secession of the kind the abortive Biafra Movement attempted in 1967-70.

So, with Chief Harold Dappa-Biriye's death, on 17 February 2005, it seemed the Niger Delta communities had lost a brave freedom-fighter, not widely known as a militant in a conventional sense. Fortunately, as in the familiar Old Testament story, concerning succession, in leadership, from Moses to Joshua, all that was needed was courage in the midst of fierce opposition. When Chief Dappa-Biriye left the scene, in 2005, Chief Edwin Clark, without formal protocols, assumed top leadership of the Niger Delta Struggle.

Courageous and confident, Chief Edwin Kiagbodo Clark, 80 years of age in 2008, came into the Niger Delta Struggle with formidable combined assets. He was a University graduate; Solicitor and Advocate of Nigeria's Supreme Court, since 1965; Mid-West Commissioner of Education and Finance, 1968-74. He was also the first Pro-Chancellor and Chairman of Council, Mid-West Institute of Technology and later University of Benin, 1970-75; first Pro-Chancellor and Chairman of Council, Federal University of Technology, Minna, 1982-83. He also served as Commissioner of Information 1975-76; Senator, Delta State, 1983; PDP stalwart; and leader of the South-South Delegation to the National Political Reform

Conference, 2005.<sup>12</sup> It was with a stroke of his traditional walking stick on a desk before him that the famous Walk-out in 2005 took place: an event not rehearsed.

Intelligent, diligent and well-focussed, Chief Clark feared no foe in pressing his vision and mission for his people in the Niger Delta. To that extent, his crusade for Justice and Self-Determination continued the well-orchestrated contributions of his eminent predecessor in the same Struggle: Chief Dappa-Biriye.

Their followers, much-younger in age and less celebrated and endowed, remained ever faithful to the cause of the Niger Delta communities. The degree of their militancy, of course, not the same as that of their leaders, did fit missions assigned them from time to time. In these respects and more, they strengthened the intellectual fire-power with their services, as assailants and with their efficiency and efficacy as tireless foot-soldiers of the Struggle ably led by Chief Dappa-Biriye, Chief Edwin Clark and others as elder statesmen and crusaders for the fundamental rights of their own group of stakeholders among Nigeria's 389 or more ethnic nationalities.

Chief Clark's prodigious presence and prestige were such that peace-makers, among stakeholders, in the private and public sectors, constantly exploited them to the full. To his residence at Kiagbodo, accessible by creek and road, came captains of the industry among multi-national companies or corporations, leaders of militant groups, State Governors and top Federal functionaries. His envoys held Creek Conferences, where necessary, with militant leaders in their camps to serve the ends of reconciliation and peace. He was quite mobile too. He attended Conferences of Niger Delta elders and youth as well as briefing sessions with the powers-that-be in State capitals and the Presidency at Aso Rock, Abuja. As a result of these frank and frequent encounters, President Obasanjo, President Yar'Adua and President Jonathan held Chief Clark in high esteem.

Yes, not everyone loved Chief Clark. Indeed, he was so outspoken and anxious to tell the truth of what he knew that he was not a friend of all stakeholders active on both sides of the fierce battle-lines. This son of a noble Ijo father and Urhobo mother easily made his services available to non-Ijos as well; but some hated him to the core for his frankness and refusal to be bought over, contrary to the pre-eminent dictates of Justice and Fairplay. To that extent,

Chief Clark received hefty blows from his vociferous enemies and critics. He countered theirs with his as best he could.

Even among Ijos, not everyone was Chief Clark's friend and ally; but, he understood well existing differences without making embarrassing compromises. Those who, therefore, trusted him knew he was a man of respectable principles.

To put the roles of Chief Harold Dappa-Biriye and Chief Edwin Clark in a proper perspective, one has to recall and re-emphasise the antecedents of the Niger Delta Question. Indeed, the roles of elders, as spokesmen of their people eager to regain Freedom lost, has a long and chequered History in The Bights of Benin and Biafra (later Bonny). In this regard, the roles of Chief Dappa-Biriye, Chief Clark, among other elders, were part of that tradition which spanned centuries, not mere decades. It was as long as the era of the Trans-Atlantic Slave Trade and the severe socio-political and socio-economic dislocation it caused all along that coast and its hinterland. Its middle path cuts across the subsequent era of legitimate commerce: with palm produce (particularly, palm oil) in the ascendant, when Colonial officials formed an informal pact to advance the cause of Western European concepts of "Civilisation" against the interests of local people. Annual punitive expeditions followed, with more and more loss of lives and destruction of property. The African Opposition, at first, comprised kings, community elders and their subjects and followers. Deportation or exile, for long or short periods, became the price leaders of the Opposition paid.

In the 1937-1958 era of the gradual displacement of palm produce by crude oil, as the dominant item of export from the two Bights, new stakeholders also played prominent roles at the expense of the local people whose lands were despoiled and their concepts and traditions of freedom, justice and equity severely impaired. As the old freedom-fighters rose and fell, younger ones came forward to continue their Struggle for fundamental human rights. The former Bights, parts of which became known as the Niger Delta, knew no peace. Consequently, security, stability and safety also became seriously threatened as one set of stakeholders jeopardised the interests of another set: more so, during 1999-2009.

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**Young Militants in the Niger Delta: 1999 – 2009**

It is time now to focus on the second channel of Militancy, in the Niger Delta, from 1999 to 2009. That channel was the one preferred by the majority of young militants in the Niger Delta. To the Youth, the route of their rulers, elders and leaders of thought, through the SSPA and other short-term pressure-groups, was not only one of unwelcome compromises but also a trap for slow motion without promise of timely dividends of Justice, Equity, Equality and Peace for accelerated Development in its widest possible sense.

To these militants, time was of the essence. Their Past, as experienced by their forebears, was one of utter neglect for several decades, if not centuries. Yes, in their view, time lost could not be regained; but the Present and Future which they claimed for themselves were not to be sacrificed again on an Altar of False Promises. Since Dialogue had failed their predecessors to achieve the ends desired, the options of Violence and Counter-Violence appealed to these angry Youth with readily available weapons of revenge and defence in their group of disaffected stakeholders.

Among all other forms of exerting pressure through force, it was Militancy in the Niger Delta that Nigeria and Nigerians encountered and feared most with impacts effectively felt by a wide range of stakeholders at home and abroad. In a vicious circle, such effects extended from sudden variations in the volume of Oil exports, as well as revenues derived from them to unpredictable fluctuations in National Budgets at Federal, State and Local Government levels. In terms of its long duration and reluctance of policy-makers to reduce the level of Militancy substantially, one would have concluded, though wrongly, that it was a game which stakeholders initially were willing to play. So, the Trek to Amnesty became long and tedious with many stakeholders covered in tears, sweat and blood.

In fairness to President Obasanjo and President Yar'Adua, the serious threats to national security from militancy were quickly felt. For example, President Obasanjo began and ended his two administrations, 1999-2007, with bold attempts to reach out to militant leaders in the Niger Delta and encourage them to follow paths of reconciliation and peace. But, long debates on effective ways and means delayed progress and aborted President Obasanjo's pro-Peace efforts, formal and informal. Some of the informal peace efforts of the Obasanjo Presidency were not publicised. As indicated in another chapter, an Okrika Community Peace Committee (OCPC) led by me with fifteen other members sought to win over much dreaded Ateke Tom and other fire-spitting militants operating there to Peace, between October 2005 and October 2006. Moreover, another Peace Mission, led by Dr Godknows Igali, then Adviser to President Obasanjo on Niger Delta Affairs, which comprised Professor Sotonye Amakiri and others, engaged militant leaders in a two-week camp-by-camp tour of the affected areas in early April 2007.<sup>1</sup> So, some strands left behind by President Obasanjo were those President Yar'Adua took over before his temporary success in a formal Amnesty made effective on 4 October 2009.

Before that Amnesty, both sides of stakeholders sought victory on their own terms. At least two major sets of reasons (one, on the side of these militants and the other, from consideration of State policy) would explain why the victory expected by either side took long in coming.

First, militants lacked coordination and preferred command and control functions organised under individual leaders who operated from their several camps in the creeks: some close to friendly communities and others much further. These camps covered a long coastal terrain from Akwa Ibom State in the East to Arogbo Creek in Ondo State on the Western border of the Niger Delta communities. Camp-mindedness divided their mainly selfish leaders who sought to protect their respective turfs, for purposes of huge revenues from illegal bunkering and access to illegal firearms. So, Creek warfare, with lethal weapons, destroyed not only innocent civilians but also ferocious militants. In that milieu of fire and counter-fire, combatants needed more money from illegal bunkering for more illegal firearms for offence and defence.

In addition, the prevailing atmosphere of combat, of fire-counter-fire, between rival militant camps and of militants versus JTF units, conditioned the minds of Ijaws among them to resort to a familiar, pre-Colonial device: an *Egbesu* charm. Discussions I had with some of their leaders, in March 2010, indicated that the *Egbesu* charm had known specialists in several Ijaw communities, some of a higher reputation than others. This charm was administered by its specialists, free of charge, though gifts in appreciation were acceptable. Its taboos, where not completely observed, were believed to neutralize the effects of the *Egbesu* charm. My informants further confirmed that specialists would decline to administer this charm to persons of dubious character. So, persons of respectable character, some of them highly placed public functionaries of Ijo stock, were known to have obtained the *Egbesu* charm as a protective device.

However, its main purpose, my informants averred, was protection against firearms and the elimination of fear in combat. These informants emphasised that its potency extended to instant elimination of fear during dare-devil operations by its believers, even though physically weakened by serious malaria attacks at a time of grim danger to self and others. Under the alleged influence of the *Egbesu* charm, one of them confessed, Ijo prisoners in Lagos were forcibly rescued, without firearms and a Magistrate Court trial was aborted through seizure, in open court, of vital documents and their subsequent destruction in favour of highly placed accused persons who had hired the services of *Egbesu* protected activists.

In other words, outlawry of this kind had an extensive and flexible field of application. Charms of the *Egbesu* kind and others elsewhere, among OPC and other militant groups nationwide, threatened quite seriously formal means to prevent and contain criminality throughout Nigeria. The producers and users of these charms amply qualified to be termed militants.

Second, State responses became unconvincing. Officials made *half-and-half* cosmetic offers of peace while hoping that an all-out war would stamp out Militancy, root and branch, if possible. That the Nigerian State did not use its monopoly of fire-power to extinguish Militancy completely in the Niger Delta surprised some observers but not others.

Though public functionaries did not give reasons for not adopting that option of force-counter-force to its logical conclusion, it is reasonable to suggest the following as some likely factors considered. First, though Militancy in the Niger Delta was most pronounced, there were others, such as OPC, MASSOB and Boko Haram to contend with. But, to apply force to quell Militancy in all these manifestations needed planning and massive deployment of troops at a cost not affordable. Second, the political risks of simultaneous attacks were also incalculable. Third, probable negative responses abroad were such as to favour the adoption of more peaceful options.

Among these external factors worthy of consideration were the following:

- i. The watchful eyes of the world, through the UN, AU and other interested stakeholders worldwide, were ready to spot and enable their organisations to raise cries of genocide and impose punitive sanctions against the Nigerian or any other State.
- ii. In the post-Cold War era, from the 1990s to the Present, such loud outcries were available to dent further Nigeria's already poor image abroad: one with UN Security Council membership ambitions.
- iii. Moreover, in an indeterminate warfare between the State and Militia groups, quite a serious risk would be the poorly laid Oil pipe-lines as well as other Oil and Gas installations on-and off-shore: all these at the expense of watchful multi-national corporations operating in the Niger Delta.
- iv. The resultant impacts on global Oil prices were enough to offend further stakeholders in far-away Oil markets. Among these were powerful stakeholders in the US and UK whose Oil interests Nigeria did not wish to jeopardise.
- v. Policy-makers in Nigeria during the end of the Cold War did not seek to rekindle embers not effectively extinguished during the Civil War Years 1967-70, particularly, in their relations with European advocates of small nation-states.
- vi. It was not in the national interest to offend the IMF, the London and Paris Clubs, owners of Nigeria's huge foreign debts, by fighting Oil and other wars at home, simultaneously or not.

For as long as the Federal Government, for reasons such as the above, did not mount a frontal attack on the Niger Delta militants, they remained strong in their Creek camps. Each war-lord protected his camp as best he could.

These differed in their organisations as well as operations. But, basically, each camp ran its activities as an autonomous group under its own command-and-control structure. Each camp had its leaders, a middle group of specialists and foot-soldiers. The top ranks in these militia-camps comprised unemployed graduates whilst the lower ranks were filled with drop-outs from all rungs of the educational ladder.

The informal Peace Mission, led by Dr (later Ambassador) Godknows Igali, which comprised such dedicated Peace-drivers as Professor Sotonye Amakiri and others, saw these camps and their occupants in early April 2007. Professor Amakiri's Report on that Mission confirmed that tripartite division concerning the organisation and control of these camps.

Discipline, of course, was their hallmark in a set-up which emphasised dictatorship by each camp's commander. Brutal reprisals occurred when a camp leader encroached on the territory of another commander or attempted to steal its members. Thus, in their origins, these camps observed a form of personality-driven allegiance and tried to avoid any desertion which proved too costly for any such deserter and a receiving group. Punishment included death and maiming.

Fighting for higher principles in defence of the Niger Delta and its familiar interests was not their topmost goal before 2005. The roots of that trend lay in the aftermath of the "Carry-go" Elections in 2003. With an escalation of Violence, militia-group leaders witnessed widespread disappointment from the politicians they had helped before. New alliances with protectors replaced old ones. Thereafter, militia operations increased confrontations with foreign Oil-workers employed by the multi-national corporations.

When militants resisted Federal Government measures to protect Oil workers who were threatened in Nigerian waters with hostage-taking and other activities, friction between them and the relevant authorities increased. Thereafter, the Joint Task Forces (JTF) which the Federal Government deployed in what I termed the three Oxygen-States of Rivers, Bayelsa and Delta, attacked by air, land and sea. Militants counter-attacked.

From late 2007, one of these fire-prone States, through its own security measures, to counter reinforced militant attacks by Ateke Tom and others, sought the services of foreign specialists in night-vision warfare as well as training in associated tactics. At that level of confrontation, targets of militant attacks shifted from local enemies to the State writ large. These extended to Oil installations in Lagos State which, in turn, led to confrontation between MEND and OPC counterparts.

That type of graduated violence and shifting of target-enemies also came from the twists and turns of local Politics, particularly, during Nigeria's key Elections in 1999, 2003 and 2007. During and after the heavily rigged 2003 Elections, State Governors, with horizons higher than the state writ small, recruited and paid from their large un-audited Security votes myriads of militant gangs to destroy their opponents and steal their votes in order to optimise their importance in the eyes of Party (PDP) moguls in Abuja. To that extent, rival militia groups, at first, had lucrative services as foot-soldiers of politicians at Federal, State and Local Government levels. Disappointments, however, followed with repercussions too.

It will, therefore, be an exaggeration to claim that, before 2005, militancy, in the main, had wider interests than those at grassroots levels. In all this, Militancy, such as was associated with Muhajid Dokubo-Asari, was a special case to be discussed later.

The second major category of militants, before and since 2005, comprised opportunists and criminal malcontents who sought to fish in troubled waters with huge and quick profits as their main objective. The Niger Delta and its problems, as serious as these were, did not interest these groups of mercantilist criminals.

To their own people, militants were unrepentant oppressors who Terrorised all within their reach. To escape from their brigandage, actual and potential victims sought safety in flight. Such undisguised terrorism led to involuntary migrations to safer abodes far from home with all the risks inherent in such flights. The choice available was one of flight or fight.

Those who operated at sea were pirates and hoodlums. Others involved themselves in indiscriminate hostage-taking, kidnapping and cell-phone threats to would-be targets. Sometimes, victims and victimisers came from places where they were known to one another,

such as families, extended or not, churches, corporate organisations and other work-places. It was also widely believed that persons meant to protect State interests, particularly, Security organisations, such as the Police and the Military and public functionaries, aided and abetted transactions involving the latest trade in ransom-for-hostages for immediate monetary gains. Where inflated ransoms were demanded and often paid, some beneficiaries included those who facilitated these felonies in the first place.

Since perpetrators often escaped detection, arrest, trial and punishment in Courts of law, in the pre-Amnesty era, critics used these criminal activities to give more authentic militants, particularly, those of the post-2005 MEND class, a bad name in order to hang them on a cross of widespread public disdain, disaffection and criticism. Till the post-Amnesty era, stakeholders in Civil Society hardly believed the distinction between MEND and its rivals with criminal intent. That element of plain criminality and rascality began to be seen, more and more, in widely reported cases of kidnapping-for-ransom in Anambra, Abia and other States outside the Niger Delta in deep throes of Terror after the 2009 Amnesty.

With incessant hostage-taking, particularly in Oil rich Rivers State, millions of displaced Nigerians as well as expatriate workers in Oil and Gas and Construction industries fled to Lagos, Calabar and other cities. Public works in Port-Harcourt, capital city of Rivers State, were held up for years through such flight of skilled labour.

One major plank of this study has been the argument that the strong attack the weak. What has been said, so far, in this chapter will suggest that where militants felt strong enough, they attacked the weak. And, to a large extent, though the multi-national companies involved in Nigeria's Oil industry were global behemoths, their operations in the Niger Delta were found to be vulnerable to militant attacks.

For example, their pipelines were poorly constructed and, in swamps and more open lands, these appeared exposed and close to unfriendly communities whose farmlands and fishing grounds constantly encountered the hazards of Oil spillage without adequate and urgent compensation. Among these, gas-flaring, uncontrolled by Nigeria's National Assembly, as of 2011, apart from obvious pollution of the environment, inflicted on the affected communities

day and night Terror. Conventional Corporate Social Responsibility services, among these communities, yielded some concessions in cash and kind; but, these were quickly expropriated by the greed of well-placed local chiefs and functionaries within and outside the Oil industries. Intra-and-inter-community disputes followed. These too, in turn, resulted in further acrimony.

One representative group will suffice. The fate of the "Ogoni 9" and "Ogoni 4" represented a common misfortune with different consequences in several communities of the Niger Delta. The return, in late 2004, of the remains of Ken Saro Wiwa and six others, hanged, on 10 November 1995, for alleged complicity in an earlier murder of the "Ogoni 4", mischievously called "Vultures", did not help the cause of reconciliation in Ogoniland. Indeed, the return of these remains did not bring immediate peace to troubled Ogoni-land since the rise of MOSOP and its famous Ogoni Bill of Rights in 1990. There was no closure for several reasons. The forensic tests conducted on the remains of the "Ogoni 9" in Canada were incomplete: one body was still missing in 2004.<sup>2</sup> Besides, the Federal Government, as of 2011, did not grant the request of Ogoni stakeholders, a request pending since 1995, for a "State Pardon" of the wrongly convicted and hanged "Ogoni 9".

Moreover, a belated payment, in 2009, of reparations by the Anglo-Dutch Oil octopus, Shell Petroleum Development Corporation (SPDC), in favour of 10 Ogoni plaintiffs (the "Ogoni 9" plus Ken Jr., the son of Ken Saro Wiwa) complicated matters. This out-of-Court settlement amounted to a payment of \$15.5million to be put in a Trust for agreed social welfare services in Ogoniland. That payment resulted from litigation, based on an off-shore law of ancient vintage, the Aliens Tort Claims Act, 1789. This was invoked by Ogoni plaintiffs in a US District Court in Manhattan, New York, to help redress the balance in favour of petitioners in far away Ogoniland. That action spoke volumes for justice and fair play in the US as against the dictatorial tendencies of General Sani Abacha's Nigeria. Indeed, after the reign of Terror associated with that regime in Ogoniland, stakeholders there effectively prevented SPDC from operations in their territory. In 2008, Yar'Adua's Presidency recognised reality by suspending the offending company's licence for operations in Ogoniland.<sup>3</sup>

Despite the settlement allowed by the US Court, Ogoniland stakeholders were so divided that they extended their factional disputes to MOSOP. There, Ledum Mitee, a lawyer and immediate past president of MOSOP, engaged his rival, Goodluck Diigbo, in fierce struggles: each speaking on behalf of stakeholders for and against the "Ogoni 9" and "Ogoni 4" in their relations with SPDC and the Federal Government.<sup>4</sup>

In other words, deep communal wounds, inflicted by Militancy, as a result of stakeholders' responses to the operations of Oil and Gas industries in their midst, did not heal quickly in Ogoniland. In all such fratricidal conflicts elsewhere in the Niger Delta, age-old tactics of divide-and-rule played their customary roles in fanning embers of existing crises to new heights of intensity.

If Poverty underpinned such conflicts, among militant foot-soldiers, the same was not true of the roles of the high and mighty behind them and their provocative agents of Terror and Counter-Terror for additional benefits, such as politicians often cherished: power and fame. Thus, bigwigs at Federal, State and Local Government levels were often behind Oil pipe-line vandalism and illegal bunkering. With powerful connections, these were able to engage foreign partners to hurt Nigeria financially and politically. These types of interests adopted available ways and means in the familiar games where the strong attacked the weak and scored goals to advance their multiple ambitions, as stakeholders too.

For example, in September 2004, there was considerable controversy over a missing ship, *MT African Pride*. The ship had on board 15,000 barrels of Crude Oil worth N20 billion. Enquiries by a House of Representatives Committee revealed that Naval Chiefs (at Admiralty levels) were involved in that carefully organised plunder. In the course of that enquiry, the Nigerian National Petroleum Corporation (NNPC) revealed that Nigeria lost an average of N2.5 billion daily to "Oil theft". According to Engineer Funso Kupolokun, NNPC Group Managing Director, through that well-planned channel of mischief, Nigeria regularly encountered much "economic sabotage."<sup>5</sup> In March 2007, Timi Alaibe, Acting Manager, NDDC, told all stakeholders who cared to listen that Nigeria also lost a total sum of N1.3trillion to Militancy in the Niger Delta during the period, March 2006-March 2007.<sup>6</sup> Thus, a bleeding Nigeria was unable to

ascertain the true extent of her losses through high-powered thievery of her vast Oil resources from the 1970s to 2011. Militants in the Niger Delta who decried such losses did not escape a charge of participatory looting as well, particularly, in illegal bunkering.

Haemorrhaging of such dimensions also affected the interests of US, UK and other stakeholders in Nigerian Crude Oil exports. Of course, some of the holding companies of Chevron, SPDC and Elf-Total were in these countries, including France. Activities, such as illegal bunkering in the name of Militancy and for other purposes adversely affected their own interests as stakeholders.

Thus, Governments in the US and UK, in particular, did not hesitate to re-affirm their interests, as stakeholders, in the affairs of Nigeria when threatened by Militancy as described here. Of course, militants and other observers suspected US and UK clandestine supply of firearms and training facilities to the Federal Government in its efforts to contain Militancy in the Niger Delta. Obviously, in all such matters, the truth of the matter was not always told. For example, the nature and scale of such involvement were matters kept secret by persons in a position to know, on-and-off shore.

Despite all such reservations, what US and UK spokespersons admitted was enough for sober reflection. Stakeholders who knew the high value of Crude Oil, particularly, of the Bonny Soft and Light categories, in volatile global markets, also knew how best to protect their multiple interests in Nigeria.

Moreover, though some of the hostages taken by militants in the Niger Delta were Philipinos and Asiatics, some were US and UK nationals employed by the multi-national corporations. These regularly appealed for help from their respective home governments since the Federal Government got trapped in local Politics.

So, when Lord Mark Mallock-Brown, the UK Minister for Africa, Asia and the UN, visited Nigeria, in September 2008, shortly after President Yar'Adua's visit to London in July 2008, the Nigerian Media had an opportunity to seek clarification on weapons and other matters of interest. Indeed, they recognised that the UK Minister was a former Administrator of the United Nations Development Programme (UNDP) and former Deputy Secretary-General of the UN and Vice-President of the World Bank. Hence, what the Minister had to say in an interview the Media took seriously. In one such encounter, Etim

Imisim of *This Day* spoke extensively with this Minister and reported thus:<sup>7</sup>

*Do you mind giving details of your discussion with President Yar'Adua on the Niger Delta?*

Absolutely not. When the President came to London in July, there was this unfortunate misunderstanding in the press, afterwards, that the UK government was going to help Nigeria solve the Niger Delta problem with more military aid. We don't; we have always held, first and foremost, that this is a political and development problem. Huge resources of the country are spent in the Delta which, when compared to the rest of the country, is a very high per capita number, because the region is small. Still, the people of the Delta feel that that money is not reaching them in terms of services like education, jobs and infrastructure. So completing the good governance reform that has been going on for some years, which is now given greater transparency on how resources move from Abuja to the state capitals, is very important. The Nigerian government needs to show how resources are also moving from the state capitals to villages and communities, so people can see for themselves whether they are getting a good deal in terms of the healthcare and schools and jobs that they want. This is a matter for the rebuilding of the basic social contract between the people of the Delta and their national government and state governments. That was one big part of our conversation. I also met with some NGOs and oil companies and they understand that they have important parts to play, that they must provide effective partnership for development programmes and focus on issues of advocacy and transparency, to make sure that government resources are effectively spent. The oil companies were telling me that making sure that a huge majority of their incomes to government in the form of royalties gets to the people of the Delta and the rest of Nigeria is their key objectives. The security dimension is incredibly important for the energy sector for effective operation and therefore for the economy of Nigeria. Insecurity, kidnapping and this kind of problem disrupt production. Nigeria needs the oil income and the world needs Nigeria's oil and gas. So we have said that we would help with training and that kind of support to make the marine unit and other unit involved in policing the Delta more effective in their job. But I also want to say to your readers that Britain is not in the business of sending direct military assistance. What we want to do is to conduct training and this is something that we have done for a long time with

the Nigerian armed forces, and this is an expansion of that programme. It is not Britain getting directly involved in the security tasks in the Delta itself.

*Niger Delta militants responded to the reports threatening to target British interests in the country.*

It is not exactly clear that they made the threat, but the point is that there is a misunderstanding of the nature of the military assistance. We have been providing training principally to Nigeria's peace-keeping units for a long time and this is not different from what it was 20 years, 30 years ago. It is a continuing relationship between our armed forces and it is limited to training and in the basics. Now we would like to extend that support to the units operating in the Delta. But again it is training back at base. It does not involve British advisers, troops or equipment. It involves keeping the peace in the Delta.

*What is the target of the training and what is its expected outcome?*

The training is of two kinds. At one level it is helping Nigeria improve the discipline and effectiveness of the troops involved and make sure that they act in appropriate way with respect for human rights and the different conventions that govern (in environments like this.) It is to make sure that the troops are properly educated on the codes of conduct that operate in an environment like this. Second, it is helping to improve the integration and coordination of the different troops involved – army troops, navy troops, even helicopter support and other things, given the sort of reactions against some of the oil installation, against rigs, and other offshore facilities. The different components of the Nigerian security forces need to act and operate in a coordinated way. We have a lot of experience in that – that is also a part of the kind of training we would be offering.

*I would like to get this straight. What is the difference between the kind of military assistance that you are giving and what was reported by the media?*

As I understand it, what was reported was as if we were going to offer gunboats directly for use by the Nigerian navy or indeed perhaps with advisers and others on board. What I am saying is that all this is completely exaggerated and wrong. What we are offering is training to the units that is (sic) operating in the Delta and that is what we have been doing for a long time. It has nothing to do

with the interference or independence of Nigerian security forces. It is not a way to impose some outside components to law and order in the Delta.

*What you are saying is that what you are doing is extending the military assistance that you traditionally give to the Nigeria Army to the units in the Delta.*

Military assistance is a loose word because this suggests that we are offering equipment. This is about training, it is about training units behaving in a disciplined way, which is good for the Delta. We want units to be keeping the peace there, to understand international human rights laws, to operate in an effective way, to avoid hitting civilians in their operations. It is about making a more effective law and order force to carry out the very complex mission that they have been tasked with.

*How can the militants themselves benefit from this assistance?*

I think that the militants themselves, where they should be looking is what I said earlier, on the political side, because on the political side we are saying that Britain can help in the EITI (Extractive Industries Transparency Initiative; NEITI in Nigeria), which I am sure you are familiar with, which Britain is the main funder here in Nigeria. That is about creating transparency and accountability, that government resources are spent on development and social needs. That is what the militants should be focusing their attention on. In fact, they should be working with us to make sure that that accountability doesn't stop at the state government house, but goes down to the local communities as well.

In May 2009, when the militant offensive, under MEND direction, reached such a frightening intensity as to jeopardise vital US interests, including humanitarian concerns there, Mr. Russ Feingold, Chairman of the US Foreign Relations Committee, condemned the killing of innocent civilians caught in that part of a relentless Oil War with Federal forces attacking communities by air, land and sea. Chairman Feingold urged US President Barack Obama "to interfere with a view to halting the military onslaught."<sup>8</sup>

Chairman Feingold spoke further:<sup>9</sup>

I am very concerned by reports that hundreds of civilians have been killed and potentially thousands displaced by the Nigerian military's ongoing offensive in Nigeria's oil rich Delta region. Some military actions may be justified to stop the criminality, kidnappings and killings by militants in the Niger Delta, but such measures should be accompanied by a larger political strategy. Genuine peacemaking will require not only legitimate political negotiations but a convincing case for transforming the illicit war economy into one of peace. The Nigerian Government needs to undertake a serious and sustained initiative to address the underdevelopment of the region. I urge the Obama administration to think creatively about how we can work multilaterally to help end this long-standing crisis in the Niger Delta.

At home, stakeholders in defence of the Federal Government continued to beat war drums in the hope that such warfare was winnable. In particular, Nigeria's House of Representatives only represented that point of view in clear defiance of the hopes and aspirations of the distressed Niger Delta communities. In their over-confidence, members of the House of Representatives passed a Resolution in favour of an intensified attack on militants engaged in that costly Creek war.

To counter the war-mongering stance of the House of Representatives, Chief Edwin Kiagbodo Clark spoke out. In his outcry, Chief Clark pleaded for wider understanding of the roles of President Yar'Adua and his Vice-President Dr. Goodluck Jonathan, former Governor, Bayelsa State, in their joint prosecution of a war they were not sure to win in what I had called the three Oxygen-States of Delta, Bayelsa and Rivers.

The Gbaramatu phase of that war had begun in mid-May 2009 with ferocious attacks by unrelenting JTF units. Among the dead in that war were 13 soldiers killed by militants. Chief Clark's venom was focused on the House of Representatives Resolution which failed to emphasise the need for dialogue and peace at a time when force through firearms did not provide a final and lasting solution of the protracted Niger Delta Question. He recognised that embittered Niger Delta stakeholders had asked Vice-President Jonathan to resign forthwith from President Yar'Adua's Administration and War Cabinet. Critics of Dr. Goodluck Jonathan had vainly hoped that he would have played a restraining role in the Niger Delta conflict.<sup>10</sup>

Chief Clark's criticism condemned the House of Representatives Resolution in these terms:<sup>11</sup>

That resolution is reckless. That irresponsible resolution passed by the House of Representatives of Nigeria shows that what was going on in Gbaramatu does not mean anything to them as long as they get the petrol dollar from the area where the oil money comes from to pay them the salary which nobody else earns in Nigeria.

Chief Clark, eloquent advocate of the Niger Delta Struggle, always sought to advance arguments which were not only attractive but also compelling. As indicated earlier, instances of illegal bunkering, kidnapping and hostage-taking of innocent Nigerians and foreigners were some sordid aspects of a conflict devoid of ethical assets and desirables. Chief Clark, therefore, frankly made his views on these matters known to President Obasanjo and President Yar'Adua, respectively, following the aggravation of tension in the post-2005 era.

Shortly after one of such contact with President Obasanjo who, in 2006, pushed more and more for dialogue and an end to incidents of hostage-taking, among others, which damaged Nigeria's image, at home and abroad, Chief Clark thanked MEND leaders who had released hostages on his request, even as stakeholders in Civil Society favoured such moderation for their own safety. Chief Clark, however, used every opportunity to press home his justification of militant responses to the elusive Niger Delta Question over the years.

For hostage-taking, Chief Clark admitted, "Militants have been called all sorts of names, but Ijaws are behind them."<sup>12</sup> The crux of the matter Chief Clark traced to this unsavoury sequence of events in an interview at Kiagbodo, during the era of President Obasanjo, with Emma Amaize, the South-South Regional Editor of the *Sunday Vanguard* in early 2006:<sup>13</sup>

*Ijaw is behind MEND*

Even though hostage taking is against international laws and we condemn taking of human beings as hostages, the crisis was not without a reason. The Ijaw youths have been fighting over the years for their rights to be recognized as part of Nigeria. A situation whereby an oil producing community is the poorest in this country cannot be tolerated. It is unacceptable. Nobody can accept it. Everywhere in

the world, whether in America, Britain or Russia, Middle East or Canada, areas which produce oil, are the wealthiest but the reverse is the case in Nigeria.

These boys are not criminals; they are not just fighting for fighting sake. We have been dubbed as vandals, pirates, bunkerers. Enough is enough. The boys are not fighting for nothing. The whole of Ijaw nation is behind them and we thank Mr. President for his maturity this time in not fighting. The situation would have been worse for the whole nation. So, now that Mr. President said there should be dialogue, violence should be ruled out, hostage-taking should be ruled out because the innocent expatriates are not stakeholders. That is why we condemn this hostage taking.

*How FG can solve the problem*

As was said by a former ruler of this country, these people who produce the wealth of this nation have a peculiar case. They were to have been enjoying 50 per cent derivation as other states did before and after independence, but was cancelled due to the civil war and being restored piece meal from one and half per cent to three per cent, and later the late Sani Abacha raised it to 13 per cent. And with the establishment of OMPADEC, nothing also happened and OMPADEC was scrapped and replaced by NDDC. This is the problem. As the former ruler said, OMPADEC has failed, NDDC is also failing because the laws establishing NDDC are not properly observed and where it is said that development should be based on oil and gas production quota, it is not observed. What is presently happening? Areas which do not produce oil now get more attention from the NDDC than the areas that produce oil. The 13 per cent, which is being paid by the Federal Government to the state government, is not used properly for the Ijaw people. And so, the Ijaw people have a good case.

So, as the former head of state said, now that the NDDC is also failing, there should be a direct intervention by the Federal Government like the Marshal Plan in Europe after the Second World War. And this is what we should now be discussing - direct intervention, crash programme for the Ijaw people - to show to the youths that they are not being neglected and that they are not being deceived or intimidated again. So, we appealed to the youths, drop your arms, release the hostages and adopt dialogue. And that is what they are going to do. Dialogue will solve the problem.

*Soldiers took over the job of the boys*

In 1998, there was the Kaiama Declaration giving the oil companies 30 days to move out of the Ijaw area, from the Niger Delta. I was one of the elders who tried to intervene to negotiate...

Now, what followed? Nothing happened to the resource control matter, which was the heart of the Kaiama Declaration. What the boys are now saying is that all that we fought for during the Kaiama Declaration has not been met and that they need employment. And these are some of the things that have been listed out. These are some of the things the boys are fighting for. So immediate action has to be taken. It does not require long dialoguing because everybody knows the problem of the Ijaw people. They are the most neglected people in this country, they are the marginalized race and they can no longer tolerate this nonsense. They are part of this country; they have no other place to go to.

*Our youths are not oil bunkerers*

That is calling a dog a bad name with a view to killing it. I told you about the Kaiama Declaration. These are the same boys that were at Kaiama. They are educated boys who have left school for eight years without jobs. But people come from the West and East to take these jobs. The Igbo and Yoruba are the owners of the oil companies, the Ijaw are mere onlookers. So, when they come back after their National Youth Service Corps and find nowhere to work, they become restive.

*Military men are the bunkerers*

So, the idea that Ijaw people are bunkerers, and any attempt to fight them, they will fight back is a lie. In fact, these boys have now stated and they have given it as a condition that they are prepared to supervise their area as security men against bunkering and we shall see who will suffer. The military people are bunkerers – past military officers are bunkerers, senior government officials are bunkerers. The recent case of the Russian ship, was it brought by the Ijaw people? How did it end? Ijaw people are ready and they are challenging the Federal Government and it is again one of the points they want to dialogue on with the Federal Government – give us the authority to supervise the riverine areas to prevent bunkering and they will send away all these sophisticated bunkerers and we shall see who will suffer. Ijaw people will not do bunkering. If they are doing bunkering, it is domestic bunkering. We are being employed by people to do bunkering.

*I reported to Obasanjo*

I have told Mr. President at a meeting in Aso Villa when we the Ijaw, Itsekiri and Urhobo went there during the crisis in Warri that it is the military, past military officers that are responsible, and that his security officers sitting with us at that meeting knew what was going on. Mr. President called General T. Y. Danjuma at that meeting, "you hear what Chief Clark is saying; could you investigate it", I want you (*Sunday Vanguard*) to ask General Danjuma what were his findings, am not going to tell you.

*The night we freed the hostages*

You know before the release of the six hostages, Delta State government together with Ijaw leaders, formed a committee, headed by one Chief Ari from Gbaramatu and the committee worked for sometime. And later, the FNDIC, headed by Dr. Bello Oboko, George Timinimi joined the committee and the negotiation continued. Now, six were freed unconditionally. The remaining three were kept because the boys were still afraid that the government might not grant them amnesty. That is the armed forces will still come to attack, so they kept the three as human shields waiting for government to keep to their words. It was at this juncture that the Ijaw leadership met at Yenagoa and took a decision, directing and appealing to the boys to release the hostages and the communiqué was very direct to that point. Bayelsa State governor, National Assembly men, state legislators, and representatives of Ijaw people from the six states of the Niger Delta attended under my chairmanship. Now, these boys, as they told you, have respected us as elders and therefore, decided to release them.

You can, therefore, see how tedious it was. We did not sleep that night. We finished at about 6.00 am. We are very grateful to the boys for respecting their elders on this matter. So, we do not want to go to that area of hostage taking once again. It was a very bad experience, it was something that could damage the image of Nigeria and portray the Ijaw people in bad light. But the boys, according to them, have not done anything, they were attacked by the military unprovoked on a Wednesday, Thursday and Friday, and when they knew that they could not resist the Federal Government, they decided to go to Forcados Terminal and kidnap these nine expatriates and use them as human shields. That's what happened, they had no alternative; you can see that they did not demand for any ransom. All they are now saying is, develop our area, pay attention to us, employ us, and regard us as oil producing communities. That's all.

*We could be killed if..*

We are in a very difficult position. I won't tell you a lie. We have a duty. We can never be on the side of the government. The boys are fighting for the Ijaw people and we realize that if we do that, that is sell them out to government, we will become the Ogoni vultures. We will be killed. Some of us have made sacrifices, refused to receive patronage from the Federal Government simply because we believe that the Ijaw nation should be developed, not developing just a few individuals. That is what we have been sacrificing for. So we have promised these boys that we would negotiate with the Federal Government. Therefore, the dialogue must start now and we are happy to note that the Federal Government set up an ad-hoc committee with the chief of defence staff, Lt. General Alexander Ogomudia, the minister of state for petroleum, Dr. Edmund Dakouru, Senator Diffa, former Ijaw National Congress president, Chief Fumuodoh and some others as members and they have made up some points for discussions.

*Obasanjo shocked the Ijaw*

I am really surprised, really surprised and shocked that Mr. President is now thinking of another jamboree meeting after the Bayelsa meeting that took place after the four hostages were released.

What we are saying is that the Ijaw people have a peculiar problem. Any person outside Ijaw area can never understand the case of Ijaw people. This has been proved by the Willink Commission in 1958, which said that Ijaw problem can never be understood by the man who lives on land and that is what has been happening. We have been called all sorts of names and for us to say again, let us meet like it happened during the Abdulasalam Abubakar period, it was actually a jamboree, everybody would talk...

So as far as we are concerned, we will be marginalized again. The Ijaw can never be part of the jamboree they are arranging in the name of stakeholders' conference in Abuja. Let the Federal Government discuss with us – the Ijaw. We fought and we know what we are fighting for. We know where it is paining us.”

Who then were these spit-fires that brought so much unrest to their respective environments, disquiet to their elders and rulers as well as perturbation to stakeholders abroad? Why? Among them, the familiar saying of Nigerian elders was true and made manifest. It is this, as

the child does not sleep so also the mother. It is the same cause-and-effect relationship between the sleeplessness of the poor and that of the wealthy in their ambient environments. Militancy inflicted on everyone in close proximity similar results.

Elders, such as Chief Clark, as set out in the last quotation here, honestly confessed the sleepless nights they and others spent in the difficult task of peace-making focused on the release of hostages taken by angry militants in their own defence. Elsewhere, the price paid for putting out local and distant fires compelled stakeholders involved to make enormous sacrifices for reasons we shall explore next.

Surely, there was sufficient tinder in pre-1999 Nigeria to cause such wild-fires at the least provocation. As these accumulated under the Civilian eras, controlled by President Olusegun Obasanjo and President Umaru Yar'Adua, stakeholders found that they had less and less space left to hide. Again, as these wildfires spread quickly available fire-fighting services became overstretched with horrendous impacts on stakeholders far and near. For a while, militant stakeholders ignored those consequences. Not always fighting for the same purpose, their means also differed.

The increase in the tempo of Militancy in the Niger Delta, during the era of the Obasanjo Presidency, could be traced to, at least, two major factors. The first stemmed from widespread disillusionment, among the majority of stakeholders, as a result of the massively rigged elections in 1999 and 2003. Consequently, the giant PDP benefitted more than other mini-Parties from those deformed Elections. Correspondingly, the PDP and other representatives, elected or selected (as critics said) after the far from free and fair Elections in 1999 and 2003, did not command the confidence of stakeholders nationwide. These became more pronounced in the Niger Delta with high expectations of change for the better after decades of arbitrary rule.

The second reason resulted from yet another set of high expectations of positive change, from the New Year 2005, when President Obasanjo raised hopes of reform through his National Political Reform Conference later in the same year. When that Conference came and went, without the expected reforms, frustration and desperation set in, more so, in the Niger Delta.

In the Niger Delta, youths also realised that the programmes of their PDP State Governors and elders in the SSPA, after their Calabar Convention in November 2004 and Yenagoa follow-up in February 2005, left much to be desired. In their view, the SSPA Agenda, as set out in a 13-Point Agenda, did not go as far as earlier Youth Declarations, particularly, those as set out in the Ogoni Bill of Rights, 1990, and the famous Kaiama Declaration, 1998, went. Indeed, military intervention and political reprisals of the Federal and relevant State Governments, such as those which ended in the hanging of the “Ogoni 9” in 1995 and “Odi Massacre” in 1999, amounted to unilateral reversals of their earlier mantras.

Consequently, a new militant youth organisation, in the Niger Delta, began in early February 2005 and flourished for a short while. This was then known as the “Lords of the Creeks”.<sup>14</sup> Its real name was Pan Niger Delta Action Conference (PANDAC)<sup>15</sup>.

PANDAC comprised quite a mix of existing radical organisations then. Its one-day inaugural session in Port-Harcourt, in February 2005, was attended by the following delegates:<sup>16</sup>

- The Niger Delta Peoples Volunteer Force (NDVF) led by Mujahid Dokubo—Asari
- The Niger Delta Vigilante Group led by Ateke Tom
- The Ijaw Youth Council
- Upata Youth Council
- Abua/Odual Consultative Forum
- Ijaw Republican Assembly
- Supreme Egbesu Assembly
- Ogoni Solidarity Association
- Institute of Human Rights and Humanitarian Law
- Egbema Youth Development Forum
- Urhobo Youth Council
- Itsekiri Youth Development Association
- Obolo Liberation Movement.

The principal organiser or facilitator of PANDAC was Isaac Osuka, leader of the Chikoko Movement, named after the prevailing dark soil of the Niger Delta coastline, also known as the Pan Niger Delta Movement. He observed that:<sup>17</sup> “at a period of heightened crises

within the Nigerian state as seen in the failure of governance, despair, criminal plunder and marginalisation of the Niger Delta, PANDAC is being introduced as a historic initiative and process aimed at mobilising the enslaved people to consciously intervene in the unfolding crises within the Nigerian state.”

Osuka also saw public functionaries as “thugs and looters”. These, he said, “came to power by virtue of violent hijack of the so-called 1999 and 2003 elections.” Hence, he stated further, “those in power cannot claim to be true representatives of the people.” The planned National Political Reform Conference he termed “a hoax”. Instead, their trust lay, he argued, in a Sovereign National Conference. Moreover, the Agenda of the SSPA he considered “a sham”.<sup>18</sup>

Another delegate, Dokubo-Asari, told his audience that he had “lost faith in the present political configuration called Nigeria.” He went further:<sup>19</sup>

I don't believe in Nigeria. I told Obasanjo that I am not a Nigerian. I don't believe in Nigeria and he said what of your passport. I said it's a colonial barge(sic). I will carry it until the day that I will drop it. One day I will drop that Colonial barge(badge). I am an Ijaw man. We have concluded that we will not go to the conference. You will agree with me that for those who will not carry arms, civil disobedience is okay. The vast majority of the people are on our side.

Yet another delegate, Chief Sara Igbe, also a former adviser to the Rivers State Governor, regarded President Obasanjo's proposed National Dialogue as “a charade designed to bamboozle Nigerians and the international community that the government was interested in welding the country together.”<sup>20</sup> Chief Igbe's priorities, for such a Dialogue, from the point of view of the needs of Niger Delta stakeholders, were “resource control, self-determination, true federalism and the presidency in 2007.” Anything less, from the outcome of such a national Dialogue, he continued, would “not be acceptable”. Concerning viable alternatives, Chief Igbe stated further:<sup>21</sup>

We can stop the oil from flowing without firing the gun. Take the Kula community for example. Nigeria will come to beg us and then we can negotiate. We will not use violence; and if the government dares to kill us, that will be a case of genocide. We want to export our oil, if we are Nigerians; or allow us to go.

On the “Quest for Peace in the Land of Oil”, PANDAC noted how group pressure for fundamental human rights did not achieve the desired results. These included the efforts of the following pressure-groups for such rights:<sup>22</sup>

- The Warri Conference, 25-29 June 1999, and the Warri Accord.
- The Chikoko Movement, August 1997.

(This hardly known body saw the Chikoko soil of the mangrove belt in the Niger Delta as “a balm”. Its pollution and degradation would have deprived the people of their precious assets of the Chikoko soil: mangroves and abundant seafood derived from them. This Movement’s key political objectives included the right of Self-Determination; Demolition of existing State and Local Government structures; Repeal of “Unjust Laws”, such as the Land Use Act, the Petroleum Law (1969); ending “ecological devastation” of the Niger Delta as was inflicted by Government-backed Trans-National Companies/Corporations, such as Shell, Chevron, Mobil, Texaco, Agip, among others; clean-up of the areas polluted by these organisations; “immediate withdrawal” of these Oil companies from the Niger Delta till it enjoyed the benefits of “ethnic nationalism”, “Constitutional recognition” of the languages and cultures of the Niger Delta and the “demilitarisation” of the Niger Delta).

- The Ogoni Bill of Rights, 1990.
- The Kaiama Declaration, 30 December 1998.

The PANDAC Action Plan pinned its hopes for the future on Nigeria being “a Federation of Ethnic Nationalities”.<sup>23</sup> It was for this ultimate solution to the perennial Niger Delta Question that the PANDAC preferred the Sovereign National Conference Idea to anything else in 2005. Furthermore, the PANDAC delegates said this at their closing session:<sup>24</sup>

In the course of its deliberation, the group described the Nigerian experiment as a colossal failure because the country’s foundation was built on fraud and that it does not seem to have any meaningful purpose for the ethnic nationalities of the Niger Delta. It accused the state of a policy of eliminating patriotic and well meaning indigenes of the region, namely, Isaac Jasper Adaka Boro, Prof. Claude Ake, Dr. Obi Wali, Ken Saro-Wiwa, Marshall Harry and Chief Aminsoari Kala Dikibo.”

In that list, it can be said that Dr Obi Wali died from other causes, whilst the evidence for the allegation in respect of the other names appeared inconclusive. If the State can be held responsible for the deaths of innocent people in the Niger Delta and elsewhere in Nigeria, the evidence, even though still indirect as of 2011, would seem to lie on its acts of commission and omission in the socio-political and socio-economic domains of public policy before and since Nigeria's Independence.

For the avoidance of doubt, the Pro-National Conference Organisation (PRONACO) leaders issued, in August, 2006, their detailed proposals for a new Nigerian Constitution resting on their preferred basis of "ethnic nationalism". Concerning Nigeria's structural re-definition, the available Draft PRONACO Constitution emphasised the following relevant proposals:<sup>25</sup>

- A Federal Republic of Nigeria comprising Regions and a Federal Capital Territory;
- The Regions, as Federating Units, shall, in turn, create States and Local Government Areas;
- A total of 18 Regions comprising 12 "mono-ethnic nationalities" (as listed in a Schedule);
- A total of 6 "multi-ethnic nationality Federations" (as listed in a separate Schedule);
- Each of the ethnic-nationalities... has the right to self-determination and shall be at liberty to secede from the federation if it is no longer satisfied with the union. This shall be in accordance with universally recognised procedures including plebiscite or referendum supervised by the Nigerian Union and/or the United Nations;
- Power to create States lay with the Regions;
- Power to create Local Government Areas lay with Office of the States;
- President of the Federal Republic of Nigeria to be rotated amongst the Regions;
- Office of Prime Minister;
- Parliament (Unicameral) called House of Representatives;

- Council of Ministers;
- Nigeria (Federal) Police Service headed by an Inspector-General of Police;
- Decentralisation to allow Regions, States, Local Government Areas, Communities to “set up and maintain their own police services”;
- Armed Forces of Nigeria, comprising an Army, a Navy, an Air Force and “such other branches of the armed forces of the federation as may be established by an Act of Parliament”;
- Other Security Services (Immigration, Prison, Customs, Central Security, National Intelligence);
- Certain Federal Executive Bodies (Federal Civil Service Commission, Electoral Commission, Judicial Service Commission, National Judicial Commission, National Defence and Security Council, National Population Commission, Police Service Commission, Revenue Mobilisation, Allocation and Fiscal Commission;
- Supreme Court of Nigeria;
- Federal Court of Appeal;
- High Court of the Federal Capital Territory;
- Further Courts (Regional High Court, Regional Court of Appeal, Regional Supreme Court);
- Auditor-General of the Federation; and
- The Exclusive List of 41 items (the 3<sup>rd</sup> Schedule).

Significantly, among Niger Delta’s sets of militants, only PANDAC and Alhaji Mujahid Dokubo-Asari were the strongest advocates of PRONACO options in constitutional review and reform. Other stakeholders in Nigeria did not, as of 2011, engage themselves in rigorous national debate in order to make their views for and against the Draft (2006) Constitution of PRONACO known. One expected them to have done so for possible guidance at appropriate levels of consultation in policy formulation, for possible consent, collaboration and cooperation by all shades of stakeholders in implementation.

Indeed, in more ways than one, Mujahid Dokubo-Asari was a unique militant. In my view, apart from Isaac Adaka Boro, who later became a Federalist during the Civil War, so as to liberate the newly-created Rivers State, Dokubo-Asari was the most consistent crusader for the Niger Delta. Critics would say, as they did, compromise could better serve the cause of peace. That, however, was not his avowed philosophy. He preached Fighting for Freedom and practiced it as best he could. In doing so, he feared no foe. He confronted the high and mighty wherever and whenever occasions demanded it and upheld his principles as firmly as possible. He was a valiant fighter in word and deed. The sacrifices he made included long, solitary confinement at a secret Government detention centre in Abuja. Before and since that dreadful ordeal, Dokubo-Asari bravely assailed fellow militants, State Government officials and Federal functionaries in Aso Rock, Abuja. Among his multiple contributions to Militancy in the Niger Delta was his role as an effective publicist.

In all this, one has to remember that Dokubo-Asari himself declined to call himself a "militant" but "Liberation Fighter".<sup>26</sup> Accordingly, he did not avail himself of President Yar'Adua's 2009 Amnesty Programme. Instead, he took his case to an Abuja Federal High Court for a constitutionally-correct declaration; but, as of 2011, he has not had his day in Court.

Born on 1 June 1964, Dokubo-Asari, first son of Honourable Justice Milford Goodhead, of the Rivers State High Court, developed beyond the expectation of his Kalabari-Ijo parents. He, in his third year, abandoned a Law degree programme at the University of Calabar in 1988. In the same year, at Calabar, he converted from Christianity to Islam and took on the name of Mujahid Abubakar Dokubo-Asari. For his opposition to the Abachā regime, he was briefly arrested in the Republic of Benin and Sweden. His heroes were Isaac Adaka Boro, King Amachree, Nelson Mandela and Osama Bin Laden, among others.<sup>27</sup>

For the Liberation Struggle, he founded the Niger Delta Peoples Volunteer Force (NDPVF) and, at first, cooperated with similar struggles led by the OPC and MASSOB.<sup>28</sup> He remained faithful to that Struggle. In 2004, Dokubo-Asari admitted involvement in illegal bunkering and private refinery activities. And this was the basis of his defence:<sup>29</sup>

I am not an illegal bunkerer. I am taking what belongs to my people and giving it back to them. How can petrol sell at N45 per litre in Abuja, and Lagos and today in Buguma and Nembe it is sold at N200 per litre? This same oil I am refining it and selling at N15 per litre in the riverine areas. It is N15 per litre.

He engaged, he said, rival Ateke Tom and his gangs sent by Rivers State Government officials to kill him twice: once in Port-Harcourt on 12 October 2003 and next at Buguma on 23 November 2003. He was determined, he vowed, not to be killed by agents of the same Government which had, earlier, destroyed its enemies, such as Marshall Harry and Aminasoari Kala Dikibo.<sup>30</sup> He continued such combat with JTF forces later in Ogbakiri and other creek areas controlled by his forces in Rivers State.

In an interview with *The News* magazine, in September 2004, Dokubo-Asari made his position on two burning issues quite clear. These were Nigeria's Amalgamation and a Sovereign National Conference. His forebears, in the late 19<sup>th</sup> century, he said, signed Treaties of Protection which did not contemplate the emergence, in 1914, of an Amalgamated Nigeria.<sup>31</sup>

Dokubo-Asari then said:<sup>32</sup> "I would like Nigerians to know that the basis of this struggle is very simple and that is that Nigeria as a state is illegal. And the people in authority should know that Nigerians have the right to sit down and decide on a Sovereign National Conference to make Nigeria legal. Who made the so-called constitution that we are using today? Is it not the military who forced it on us? Our struggle is that this conference must be convoked so that different ethnic nationalities could decide whether to be in Nigeria or not. And whatever is decided must lead to a referendum and whatever the people of Nigeria decide should be the basis for the existence of Nigeria..."

In a communication, addressed from his detention cell in Abuja, since 19 September 2005, to "Dear Comrades", on 24 November 2005, Dokubo-Asari repeated the statement quoted above as one of the grounds for his ordeal there. He continued:<sup>33</sup>

I chose to be in prison to demonstrate to the whole world that what we have is not in any way or sense a democracy, but a full blown iron fist dictatorship...

Dokubo-Asari's operations, such as those he code-named "Isaac Boro" and "Denni Fiberesima", he said, in September 2004, were guerrilla wars which sought "to cleanse the state" of those he called "tyrants."<sup>34</sup> He, therefore, urged youths under his control to take up arms in an attempt to seek Justice and Equity for their "Ijaw Nation."<sup>35</sup> Dokubo-Asari recalled, in 2004, that he was, at various times, Vice-President, Deputy President and President of the Ijaw Youth Council. He explained the scope of his "Ijawness" and reasons why:<sup>36</sup>

The Nigerian state is stealing from us, we say no more stealing from our resources. Give it back to us.... We are saying that we were forced by the force of arms to be Nigerians, we are not Nigerians. We are Ijaw people.

He said, since 1999, at least, 2000 youths had been killed in that Struggle. As he further explained, some of these youths were victims of inter-gang warfare, such as gang-leaders had among themselves.<sup>37</sup> For such combat, Dokubo-Asari told a *Newswatch* reporter, in September 2004, that he received training, for one year, in "guerrilla warfare", but would not disclose where.<sup>38</sup> Skills acquired in such training he deployed in a fierce encounter he and his boys had with JTF units who attacked them on 4 June 2004 when lives and property were destroyed in Ogbakiri, Buguma, Tombia and Okpruta. These ghastly events, he said, were transmitted live by BBC correspondents in close proximity.<sup>39</sup> When questioned on whether or not he used *Egbesu* charms for such fierce combat, Dokubo-Asari said, as a devout Muslim, he did not; but that his "power", in such exploits, came "from God".<sup>40</sup> Moreover, he said:<sup>41</sup>

Egbesu is the Ijaw god of war. I am a Muslim. They can shoot me anytime, if God says so I will die. A new leader will come, if they know him good, if they don't know him, terrible for them.

Dokubo-Asari also said he was not the "Military Commander" of NDPVF which had its own General Officer Commanding (GOC).<sup>42</sup>

It would seem strange to some that Dokubo-Asari who began life as a Christian later became radicalised as a Muslim following that transformation at the University of Calabar in 1988. Not also clear was whether or not his conversion and radicalism compelled him to abandon his Law Degree studies there the same year. Thereafter, Dokubo-Asari said:<sup>43</sup>

I decided to acquire the name Mujahid Abubakar Dokubo-Asari because I believe that it would add spiritual impetus to my struggle for the freedom of my people.

Politically speaking, Dokubo-Asari was once “an active member” of the Social Democratic Party (SDP), one of the two manufactured by President Ibrahim Babangida. His SDP choice, he said, arose from his belief that despite the antics of a “militician” (politician in military uniform) like General Ibrahim Babangida, SDP was “more to the left and close to his belief in socialism”.<sup>44</sup> Again, because of his strong condemnation of the level of rigging in the 2003 General Election, Dokubo-Asari’s rebellion against the State, writ large or small, intensified. Thereafter, whilst his rival Ateke Tom allied with the Rivers State Government, Dokubo-Asari became “an arrow head of militant opposition against Governor Odili and the Obasanjo regime.”<sup>45</sup>

Among militants of Ijaw stock, Dokubo-Asari came closest to the Isaac Adaka Boro model, though not a carbon copy of that original. Whilst in detention at the Government cell in Abuja, in May 2006, Dokubo-Asari bemoaned the celebration of “Isaac Boro Day” in Rivers and Bayelsa States on 23 May 2006 [the 40<sup>th</sup> Anniversary of his famous 1966 Struggle]. In an interview with *Tell* magazine, Dokubo-Asari then saw State Governors as “executive cheer leaders”; law-makers as “Ghana-must-go legislators”; royal fathers as “double-speak traditional rulers” and the Youth as “followers-less youth leaders.” With reference to these, he continued:<sup>46</sup>

What do we feel? Do we feel fulfilled or do we feel destitute? Where do we stand? Are we in the Canaan of our freedom or in the Egypt of our captivity? Is there any legacy of Boro still left with us?... Today, they stand as the bankrupt and dubious legacy of Isaac Jasper Adaka Boro.... Why do we ever bother to celebrate his memory when we cannot carry the gauntlet of the struggle for emancipation which he stood for? We claim to celebrate his memory while we spit on his grave! Boro turns in his grave in pains.

Still in that mood of anger and disappointment over derailment from the ideals and activism of Isaac Boro, Dokubo-Asari again assailed the coyness and lack of vigour, courage and determination on the part of other militant groups in the Niger Delta. Among these, he selected for criticism “activists in Ijaw Youth Congress (Council)

IYC, Niger Delta Peoples Volunteer Force, NDPVF, Movement for Emancipation of the Niger Delta, MEND, Martyrs Brigade and COMA” for their “romancing with corrupt Niger Delta governments, Aso Rock, Niger Delta Development Commission, NDDC, Shell and other oil companies to the detriment of the struggle.”<sup>47</sup>

Despite Peace talks with President Obasanjo, in early 2005, Dokubo-Asari remained an un-reconstructed Freedom-fighter for his Niger Delta communities. He admitted that, during the talks, he dined with President Obasanjo and his wife; but such courtesies had nothing to do with the pure goals of his Struggle: Self-determination, Sovereign National Conference, and Resource Control, among others. He continued:<sup>48</sup>

Yes, I was in Abuja. . . . But what does that mean to me? It has not changed anything. In fact, there was no agreement reached in Abuja. It was *mago-mago*. We returned and nothing has happened. So, that is why we are determined to dismantle the evil state called Nigeria. The illegal state called Nigeria will crumble like the former USSR, Yugoslavia and others because it is not founded on justice and truth. . . .

It is sheer nonsense to say I have been settled. . . . Mind you we are not begging. We will take what belongs to us. The time for begging is over. Ken Saro Wiwa begged and nothing happened. . . .

We are not denying that we carry arms. . . . we bought the arms from our international waters, Ijaw international waters. We buy them, we use them. . . .

For how long will we talk? How long had people been calling for dialogue with the Nigerian state? The Nigerian State is dead(deaf?) and dumb. Rewane called for dialogue, he was killed. Saro Wiwa did the same thing, he was killed. Gani did the same thing, he was chastised. The only language Nigerian State understands is bang, bang, bang because they are deaf and dumb.

Not always did Dokubo-Asari behave as a guided missile. At least once, one such shot missed its target. In March 2005, Dokubo-Asari, during an NTA interview, said Chief Obafemi Awolowo, when he had a chance to do so, did not develop Ijaw-land. That charge quickly brought out the ire of OPC leaders. One of them, Chief Gani Adams, OPC coordinator, boasted that he would adequately dispose of Dokubo-Asari without firing a shot.<sup>49</sup>

Dr Reuben Abati described Dokubo-Asari's allegation of Chief Awolowo being "a devil" who did not help Ijaws, in his interview with the *Champion* newspaper, in these unflattering terms:<sup>50</sup>

What is Asari Dokubo trying to achieve? Picking up a fight with the Yoruba and the OPC does not in any way advance the Ijaw cause. Abusing the dead for the problems of the living serves little purpose; it is cowardly and crude. As Dokubo tries to learn the complexities of Nigerian politics, and seeks to make the transition from gun-slinging to power-games, he should realize, for his own good, that certain things are better left unsaid. Maybe the OPC is just being needlessly silly by trying to intimidate a man for no reason other than that he expressed an opinion, but the Nigerian government has a duty to call Asari Dokubo to order. Awo's place in history is secure; that of Dokubo remains unknown.

What was the exact content of Dokubo-Asari's comment, in the interview with the *Champion*, which made Chief Gani Adams so furious? Apparently, Dokubo-Asari had then said:<sup>51</sup>

To me, as an Ijaw man from the Niger Delta region, Awolowo is not our hero. In fact, he is the only devil the Ijaw man knows to be the cause of his problem.

The expression "devil" in that statement so irked Otunba Gani Adams that he put Dokubo-Asari under his unforgiving hammer. So, this High Chief roared in anger: whilst giving him no specific time-limit within which to apologise:<sup>52</sup>

Giving Dokubo an ultimatum is not necessary. I can tell you that he is finished, unless he apologizes and begs us. If he thinks he has about seven Kalesnikov and now feels he has arrived, he has another thing coming. He is a small boy. Where was he when we were fighting the military? Where was he when NADECO and other groups were fighting? I don't reckon with him. I reckon with other Ijaw activists like Oronto Douglas and others, but he is definitely not among them.

He has proved that he is indeed a megalomaniac. He is already involved in illegal bunkering. Now that he has made so much money, he thinks he can insult anybody. He is just too small to take on the Yoruba race.

He does not even know what he wants. He has been running from one religion to another. Now he claims to be a Muslim. But, I ask,



that I cannot get necessary weapons of warfare. But we don't want any problem with any group.

Despite the characterisation or castigation by Chief Gani Adams who truly was Dokubo-Asari, other than being a Kalabri (Buguma) Chief? As indicated earlier, Dokubo-Asari was unique among his peers in the Niger Delta. Not what Gani Adams said of him but what Dokubo-Asari himself confessed, warts and all, suggested useful clues.

He was born Nasford Budec Junior, first son of Honourable Justice Nasford Budec (later Milford Goodhead). His father was an Anglican Mission Christian and his mother a Baptist. He preferred his mother's denomination to his father's and so became a Baptist too. But that choice did not satisfy him for long. Next, his fundamentalist streak took him into membership of the Deeper Life Church. His next move came about, he said, for the following reasons:<sup>54</sup>

But, sorry to say, I later found out that Christianity says turn the other cheek, which I found rather absurd. Of all the religions that I have studied, it is only Islam that talks about struggle or agitation. So only Islam suited my nature, because it talks about struggle. It says when you see evil, you should resist it with your hand, speak against it with your tongue, or hate it with your heart.... Then Islam says the best thing a man should do is to speak the truth to a tyrant. Islam itself was founded as a movement against the tyranny of the aristocratic class in Mecca. Today, Islam remains the only religion that is resisting western domination in the world. Every other culture and belief system has succumbed to western values.... Buddhism, Judaism, Christianity, Confucianism, every one of them.

Therefore, to suggest, as Gani Adams did, that Dokubo-Asari was merely a doctrinaire Muslim would be far from the truth. Dokubo-Asari, much earlier, had strongly denied any close connection with the *Egbesu* belief-system, unlike others in the Ijaw militant fold.

Dokubo-Asari himself said, it was on 17 September 1988, at the University of Calabar, that he got converted from Christianity to Islam. Thereafter, he went to Rivers State University of Science and Technology, Port-Harcourt, again to study Law. As at Calabar, he dropped out in his third year. Before then, he was the first President of the Muslim Society (Rivers State), and first President, Ijaw Muslim

Congress. He belonged to the Salafi School in Islam. And because he was or still is a Salaf, he did not mind being called “a fundamentalist” like all his Salafi brethren. As at 2006, Dokubo-Asari had two wives, Hajia Mujidat Dokubo-Asari and Hajia Zainab Dokubo-Asari. With both he then had six children: Amirat, Amir, Habibat, Hassan, Hussein and Osama bin Mujaeed. On relaxation, he said:

I read a lot. I play with my computer. I don't go out. I don't drink. I don't smoke. Not because of my religion, I just don't like them. I don't go to parties. But I like the company of women, good women... I don't go and meet just any women. Most of the women around me are people who are either volunteers or who are part of us.<sup>55</sup>

Reporters of *Saturday Punch*, Emeka Madunagu and Olayinka Oyebode, who interviewed Dokubo-Asari, in early 2006, also sought to know whether or not, in an era of fundamentalism, he would not qualify as a “terrorist”. His response emphasised that he was not worried about such labelling since one of his admirers, Nelson Mandela, despite such branding, attained his main aim of freeing South Africa from the shackles of Apartheid. Moreover, he continued:<sup>56</sup>

So what is wrong with that, if I am branded a terrorist? Tell me, who has not been branded a terrorist? Yasser Arafat was a terrorist. Nelson Mandela was a terrorist. Mommar Ghadiffi was a terrorist. Kwane Nkrumah was a terrorist. Sb, who is not a terrorist? ...I have no apology to anybody who sees me as a terrorist. I am not afraid of being branded a terrorist.

Dokubo-Asari, detained in the Abuja cell, for his radical views which, according to the Obasanjo Presidency, bordered on treason or treasonable felony, from September 2005 to June 2007, did not stop defending the basis of his long Struggle. MEND forces, in strong support, made his release one of their prime conditions for dialogue and peace during the Presidencies of Obasanjo and Yar'Adua. Their other condition was the release of Henry Okah, alleged leader of MEND, but foremost supplier of firearms, to the militants of the Niger Delta, whom Nigerian and foreign allies arrested in Angola and later repatriated to Nigeria. There, for charges similar to those brought against Dokubo-Asari, Henry Okah was secretly tried and denied bail despite his alleged ill health and request for urgent treatment

abroad. Despite repeated pressures on him, Dokubo-Asari refused to be a Prosecution witness against Henry Okah.

On his release on bail, from detention by President Yar'Adua, in June 2007, Dokubo-Asari again said that only a Sovereign National Conference was capable of ending the crisis in the Niger Delta. On the occasion of Dokubo-Asari's release, the head of Supreme Egbesu, Sergeant Warinipre Noel Digifa, urged President Yar'Adua to free 150 Ijaw Youth who were detained for the same cause.<sup>57</sup> More critical for the Federal Government was how best to end the Niger Delta conflict.

On an Exit-Strategy, to end the Niger Delta Struggle, efforts were also made abroad in early 2010.<sup>58</sup> The sponsors of a Peace Conference, one to resolve the Niger Delta Conflict, were aware of President Yar'Adua's Amnesty in October 2009. These same sponsors were members of an NGO, Hope for Niger Delta Campaign (HNDC), founded at the Hague, Netherlands, in 2005, by a Nigerian of Isoko stock, Comrade Sunday Ofeghe. He had fled to the Netherlands, on 26 November 1995, sixteen days after the hanging of Ken Saro-Wiwa's Group of "Ogoni 9" and in the wake of the anti-Democracy stand of the regime led by General Sani Abacha. Thus, during the International Conference on 25-26 February 2010, at the Hague, Ofeghe and other sponsors sought to give President Yar'Adua's hasty Amnesty bid some semblance of permanence and sustainability. However, these same sponsors knew that the Shell (SPDC) international headquarters at the Hague had every capability to use their Conference as "a listening post" on the Niger Delta's future in peace, if sustainable. Neither the Federal Government in Nigeria nor the Netherlands Embassy in Lagos wanted to be directly involved with that Conference and its Agenda, hidden or not. Hence, complicated visa problems ensued for delegates. Some former MEND chieftains, including Victor Ebikabowei Ben *alias* "General Boyloaf", and others were denied visas.

On the other hand, Dr. Chris Ekiyor, President of Ijaw Youth Council, was present. He it was who said: "There is no bad peace and no good war... we have told ourselves that the road to peace must be pursued."<sup>59</sup>

Yes, Dokubo-Asari, who escaped the visa crisis and was present at that Hague Conference, appeared, physically, not robust; but, his

spirit remained as defiant as ever. Before the assembled delegates, he did not care whether or not his crusading message was picked by unregistered listening-posts. In spite of all known obstacles, Dokubo-Asari declared.<sup>60</sup>

The same blood that flows in the vein of the oppressor flows in my vein also. If they are the first to shoot me, I may die, if am the first, they may die also. I am ready to die. Revolution is sure. No point of talking, they are not listening; the kind of peace they want is that which enables them to continue doing what they are doing...

The peace they want is close your eyes and close your ears. My father was cool tempered, we now have super-rich and super-poor. We don't have middle class... I don't want peace of the graveyard. I want peace of mutual respect of each other. I am not a Nigerian. I'm an Ijaw, an Ijaw chief with 15 children....

Today, I am blind. I cannot read, my bladder cannot even hold solid materials for long time, all these because of the suffering that was meted to me by the Nigerian state for demanding the rights of my people. I submitted 3213 rifles and several millions of ammunition to the Nigerian state in the name of peace. After I accepted peace, I was arrested and put in prison for 22 months by the former President, Chief Olusegun Obasanjo who called me one day and said I will die in prison. But I told him I will not die.

The peace I seek is the peace that respects me as a human being, peace that respects the environment, not peace that degrades me, not peace that degrades my people. If you fire me, I fire you, that is the peace I want.

Whether or not, at the Hague Conference, in February 2010, Dokubo-Asari appeared injured in body, he had played a key role in the Liberation Struggle of the Niger Delta before then. Of all young militants in that Struggle he was, as he himself preferred, the most dedicated "freedom-fighter" amongst persons of his generation. But, one generation after another, the Niger Delta produced and reproduced others as runners in a relay race. Of course, amongst them, he was not the first nor the last to carry the baton of Freedom in that long Struggle, as earlier chapters have shown. However, a short list would put Dokubo-Asari in the class, not generation, of Major Jasper Adaka Boro and Ken Saro-Wiwa.

All three provided a complementary group: one armed with a powerful pen and two with target-wise muskets. In that indefatigable trio, two (Boro and Saro-Wiwa) were stopped short of their destination by the wiles of their enemies; only Dokubo-Asari survived to fight another day, if necessary, for Freedom. In the final analysis, as sturdy flag-bearers, these representative trio blazed unforgettable trails on behalf of their distressed communities in the Niger Delta. But, what these valiant three did not finish others continued in more ways than one.

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### From MEND to Amnesty Proposals

From 2005, there was also a MEND way attempted by other Camp-commanders to end the same bitter Struggle. Though Dokubo-Asari was not a member of the Movement for the Emancipation of the Niger Delta (MEND), he lent its leaders whatever support he could.

For example, Dokubo-Asari was visibly angry in May 2009 when, contrary to peace moves, which President Yar'Adua had encouraged, shortly after his establishment of a separate Ministry of the Niger Delta, on 10 September 2008, and the setting up on 5 September 2008 of a 45-members Technical Committee on the Niger Delta, headed by Ledun Mitee, former President of MOSOP, JTF units stormed the camp of a foremost MEND commander, Government Ekpémupolo, *alias* Tompolo, and the adjoining Gbaramatu community. Dokubo-Asari called that bloody JTF attack in mid-May 2009, "premeditated". The same attack indicated to him that President Yar'Adua's channel of peace was not a better option. As Dokubo-Asari saw it, President Yar'Adua had betrayed a sincere convert to Peace in MEND camps, Commander Tompolo.<sup>61</sup>

And this was how Dokubo-Asari lamented the plight of Tompolo who had fled, not to Ukraine, as was first thought; but to the small intestines of the creeks he knew so well for safety from the better armed assault of the JTF units.<sup>62</sup>

I know that the government is not sincere and I have been saying it, I have been hammering on it. So, what happened is a confirmation of what we have been saying. I am really surprised because I know Tompolo is a very disciplined young man. I have known him for a very long time, he has been very pivotal in my success, in my struggle and I have always prayed for him and I feel sad about what has happened to him because Tompolo is one of the people that believe and tell me that we cannot fight the Federal Government.

He told me that what we can do is to make them to understand our problems, that we should be involved in the oil industry, the day to

day running of the government in our area, they should address the Ijaw problem in Warri, they should settle the Ijaws and Itsekiris so that we can live amicably, our people should be in all sectors of the oil industry, he has said to me all what the politicians are saying. Unlike us, who say look, the land and the resources belong to us and we must take it. It is our legitimate rights to take it, when you meet him and you try to tell him there is a need for us... he would say I just spoke to Yar'Adua, I just spoke to Jonathan, I just spoke to Uduaghan, I just spoke to Timipre Sylva, there is a need for us to find peaceful solution to this problem, it is not every time we will fight even though we have guns, we can just use it to make them to listen to us, but, we can't fight all-out war. That is the very reason in all these attacks, he has not fought back, as is expected.

The major common characteristic of the Obasanjo and Yar'Adua Presidencies, in their responses to the challenges of the Niger Delta Question, was the mixture of Coercion (State Terror) with a Peace Option (through Dialogue and cosmetic administrative reforms). Some of these we shall explore later; but first is the advent of MEND into the heat of the battles.

MEND qualified as one of the key areas where a historian has to admit that not enough is known yet about its origins, organisation and methods of operation. Concerning its vision and mission, its name is suggestive and, to that extent, helpful as a starting point of enquiries to be advanced later by scholars better placed than the present author to fill in missing gaps in evidence available now.

With the entry of the Movement for the Emancipation of the Niger Delta (MEND), there was not only a reinvigorated Struggle with the Federal authorities over such core issues as Self-Determination, Justice, Fairness and Welfare but also a fierce battle to win the hearts and minds of stakeholders inside and outside the conflict-zones. Warfare, therefore, took these two forms: physical and ideological. At first, Oil pipelines, carelessly laid and exposed to attack throughout the Niger Delta, were easy targets. Later, targets off-shore were hit hard as and when necessary. The ideological phase of MEND's operations lay in the hands of competent experts with sophisticated ICT assets which reached millions of stakeholders at home and abroad.

Concerning the origins, roles and top leadership of MEND, one account available, in 2008, has not yet been controverted in its entirety.

On Sunday, 25 May 2008, Emma Amaize, South-South Regional Editor of *Sunday Vanguard*, interviewed a MEND warlord at one of his camps in Bayelsa State. This interview revealed something of value concerning the origins of MEND and its motives. The warlord, Victor Ebikabowei Ben, *alias* "General Boyloaf", was a University graduate, though not known yet are his University and academic discipline. For years, he said, he had reflected hard on the predicament of communities in the Niger Delta and sought measures for redress through combat operations: not to kill innocent people but to threaten and impair Nigeria's Oil-driven Economy through all-out attacks on relevant infra-structure. Without specialist training, he and his boys accomplished their mission with operations based on three camps: Ezetu, Azuzuama and Agge which they controlled.<sup>63</sup>

He admitted involvement in illegal bunkering, no matter what other coloration that activity received in official quarters. Hausas, Yorubas and others, he said, were in it as well. But they were not as discredited as Ijaw participants in the eyes of the public.

His account on the origins, motives and leadership of MEND was not one which would not be flattering, if true, to some highly placed officials. Here, then, are excerpts from that interview:<sup>64</sup>

... There must be bloodshed one way or the other. Even in the Bible, it was made clear that the kingdom of God will suffer violence upon violence until it is taken by force. So, I believe what we are doing is not bad. Even the first president of the United States said it that rebellion against tyranny is obedience to God.

*Somebody spoke to me on phone, sometime ago, saying that Boyloaf had decided to stop arms (sic) struggle in the Niger Delta. How come you are sounding tough when we were made to believe that you have embraced peace? What is amiss?*

Well, as a matter of fact, I did not speak to anybody; there are so many boys parading themselves in the street, claiming to be one person or the other in order to make money for themselves. That is what they do, they are every where. I don't believe in dropping arms; they cannot buy me with money. How can they bribe you with your own property because I believe that the money is ours? So, they bribe you with your property to betray your people, I mean the gods of the land must surely fight back and you will receive the repercussion. I did not make any comments; all these boys are just

fraudulent people who are deceiving the government, using people's names, companies, Government House, all to make money. But somebody like me, Boyloaf, I don't believe in calling people because (one) I don't beg government and (two) I am not a politician. I don't like them and I hate government because I believe they are not straightforward and so I don't believe in calling them. All these people are criminals, fraudulent people; they impersonate in order to make money.

*The Federal Government has, since last year, been working on a peace process with Niger Delta activists. Are you not part of this peace process?*

Well, as a matter of fact, my boss, Henry Okah, asked us to lay down arms for some time to see what the government will do since it was a new government. But we never knew that it is a kind of fraudulent government, a kangaroo kind of thing. After laying down arms and everywhere was calm, at the end of the day, they collaborated with a foreign government to trap down our man. Let me tell you, there will be no peace, I don't think there will be peace. In fact, peace, the way the Nigerian government sees it, is a kind of delay tactics by government to buy time. At the end of the day, they will attack you, but, as an individual, I understand their logic, so, as they are buying time, I am preparing fully. Like now, as I am talking to you now, I am fully prepared, anytime, any moment, if they try, I fuck them up, and that is the truth. There is no peace; I don't think there will be peace when Henry Okah is in detention.

Then, what are they talking about? They cannot fool the people, they can fool the people some of the time but you cannot fool the people all the time. Before they talk about peace, Henry Okah should come out; he should be a major player in that peace process, which is how they will get genuine peace. But any person that is telling you about peace, whether a militant or any leader, all these people are collaborators with government, all to betray the struggle. So, there is no peace and no matter how it is, even if all the militants betray the cause, the gods must surely guide one man to fight this cause and we must surely get to our destination. That is my belief, I don't think there is peace anywhere so long as Henry Okah is being held; anything about peace without him is a camouflage.

*Vice President Goodluck Jonathan is from Baylesa State like you and he is in-charge of the Federal Government peace dialogue with Niger Delta freedom fighters. Are you saying that*

*he has not contacted you or his emissaries have not reached you on the need to embrace peace?*

Well, right from time, I don't like the vice president because I see him as a glorified federal house-boy. He is not somebody that is a part of this struggle. He is just opportuned to be there. They know that the man will betray us, that is why they kept him there. We have so many people that are supposed to be there, but they kept him there in Aso Villa just as an observer, a flower to decorate the place, a yes member, he doesn't have any say. So that guy is one of the biggest betrayers we have, in fact, he is the biggest problem we have in Niger Delta now, that is the truth. So, being there, he is following instructions, he does not have a say. If he makes any noise, they will just throw him out. That is why we call him glorified federal houseboy. He is even the major person that created this setup against Henry Okah, this is the truth, and he is there for his own selfish interest and that of his family.

*But, contrary to what you have just said, Ijaw leader, Chief Edwin Clark, believes Jonathan is doing well as vice president*

I respect Chief Clark very well. I know that Chief Clark in his own way knows who the man (Jonathan) is. But he doesn't want to say it out.....

*You just called Henry Okah your boss. Within MEND, there is the confusion about the real MEND and the fake MEND. Can you shed light on this matter by telling us how MEND came about, the forces behind it and the position of Okah in the scheme of things in the group?*

The truth of the matter is simple. I told you earlier that we, Ijaw people, are poor and our betrayal is as a result of the poverty and because this poverty has been with us for a long time, when little cash is thrown into the system, they can always betray their brother. When you talk about Henry Okah, he is the overall boss, the pioneer of MEND, that is the struggle for the emancipation of our people, Niger Delta people. The MEND itself, the name was given by me, not anybody. I designed the struggle, if any person comes out to say he is the one that designed this struggle, bring that person out, I will challenge him. I designed this struggle, pushed it all the way from Port Harcourt to Delta State, and from Delta State, I piloted the whole movement all the way to Bayelsa State to destroy every area. At the end of the day, when some people saw that so much relevance

is coming out of it, you know there are many politicians, they went into these people and created confusion within their ranks by either giving them money or connecting them to higher authorities. Like I told you, our people are very poor and the kind of money that has gone into the system is the thing that is spoiling our system. . . . I was with all these people and I saw everything, nobody is telling me anything, it is what I saw by myself, I just decided to go away from them because of the kind of poison they are injecting into the people. These people prefer to be given political posts than the struggle for them to achieve their own selfish aim. But they should know that this struggle is for the whole of Niger Delta people, not for only the Ijaw people. But if you see all these people, they want to grab everything for themselves. It is unfair. This struggle is a full-size battle, it is not Ijaw people that are alone in it, Niger Delta is comprised of many tribes, we have many states too and you cannot corrupt everybody. . .

They forget that the money is just like a visitor that will come and go. But one thing I believe is that nobody can betray the true struggle, the proper struggle has come to stay.

*I am enthused by your statement that you designed the MEND philosophy, which is to say that you must have been involved in a lot brain-cracking sessions. What motivated you to design the MEND struggle and how did the attention-grabbing name come about?*

Well, I saw that it is not only the Ijaw people that are suffering in the Niger Delta, other tribes in the Niger Delta are suffering too. If you call it Ijaw struggle, it will not comprise of all the tribes. I am sure you must have seen in the camp because I saw you interacting with the fighters in the camp. I told them to feel free to talk to you; you can see that we have Ogoni people, Andoni, there are people from Akwalbom, Urhobo, Iteskiri and all the rest here. Why we called it the Movement for the Emancipation of the Niger Delta is for it to cover the whole of Niger Delta. As for the reason I designed this struggle and why I decided to go about it this way, one thing you have to know about Nigeria, if the Nigerian government sees that you are fighting yourselves, they will take it that you are fighting your fellow human beings, they will not have time for that, they will only send the army and that one will not stop anything, but, I believe the economy is the power. Like you may have known, I don't believe in fighting human beings, I believe in crumbling the economy. On my way crumbling the economy, if any military man comes across me and

tries to stop me, I mean those people will kiss their grave. My bullet, my nozzle is always targeted at the flow stations, pipelines, etc, I don't believe in fighting human beings. Before we formed the MEND, our people were fighting, but it was a war between the Ijaw and Itsekiri, that was not the Niger Delta struggle. And if you look deeply at the struggle, you will see that it's just like a set up by government. What they were doing then was not the struggle, those were clashes between two communities but most of our people erroneously thought that it was the struggle. This is why I am telling you that some of our so-called leaders are fooling the people because the people don't know what they are doing, they are using them to trade and get positions in government.

The above account emphatically said MEND's top leader was Henry Okah from Amassoma in Bayelsa State, one who, for personal reasons, preferred to reside in South Africa where he married a citizen. Other Camp Commanders associated with MEND, such as Tompolo, regarded Okah only as a business man who specialised in supplying firearms to MEND fighting units. Presidents Obasanjo and Yar' Adua also saw him in that light. The latter had him arrested in Angola. He was later extradited to Nigeria where the Federal Government secretly tried him on a 62-count charge, including treasonable felony and traffic in illegal firearms. His long trial and detention in Abuja irked "Boyloaf" and other MEND militants.

Of course, what "General Boyloaf" said of Dr Jonathan Goodluck, Vice President (as he then was) and Chief E. K Clark, if true, were related to their more positive roles as Peace-makers who were fair to stakeholders on both sides of the battle lines. It is true that others who felt like "General Boyloaf" not only attacked the Vice-President's property in Bayelsa State but also held hostage members of his family there. But, as indicated elsewhere in this chapter, Vice-President Jonathan took serious risks, in late 2007, when he and others accompanied Tompolo to sue for Peace in Camp 5. Apart from the Commander of the JTF unit who went with Vice-President Jonathan, other orderlies and Security staff were disarmed before they were allowed to set out on that perilous mission.

On the second front of MEND's operations, publicity and propaganda, a mysterious character, simply known as *Jomo Gbomo*, served as a spokesperson. Contacts, through electronic media, with

stakeholders, at home and abroad, made MEND a dreadful force worldwide. Though often confused with Henry Okah, *Jomo Gbomo* had a separate identity known only to insiders. Some imagined *Jomo Gbomo* was singular; others were more inclined to believe a plural identity was more credible. In that category, MEND's effective propaganda machine was also gender-sensitive.

MEND's existence did not bring to an end the activities of other militant camps throughout the Niger Delta. For example, neither Dokubo-Asari nor Ateke Tom was a self-confessed member of MEND. Both retained their separate organisations from 1999 to 2011. In other words, through an admixture of State Terror with Dialogue, which typified the strategy and tactics of President Obasanjo and President Yar'Adua, in their responses to MEND and other militant attacks throughout that period, both sets of leaders sought to contain since they could not prevent them.

And so began the slow pace of Peace-making during that critical period when stakeholders in Civil Society had high expectations of Peace with Security and Development as part of their "Dividends of Democracy" from May 1999. However, reality was something else before 4 October 2009: Amnesty Day.

In the vicissitudes of one more Camp Commander and militant leader, Ateke Tom, one saw how the pulls of war-mongering and Peace-making divided stakeholders on both sides of the battle-lines. This man of lowly beginnings came to wield considerable power and influence among the high and mighty at State and Federal levels. He explored and exploited abundant resources in illegal bunkering as well as local and State Politics to make himself attractive to highly placed stakeholders who had sworn solemn Oaths to "preserve, protect and defend" Nigeria's 1999 Constitution; but did otherwise in their relationships with militants.

His sudden rise to power and influence in the Politics and Governance of Rivers State and later at the Presidency in Abuja did amply demonstrate the extent to which actors, at these and other levels, behaved as that familiar Italian exemplar of Politics without scruples: Niccolò Machiavelli, 1469-1527, famous Florentine political theorist, diplomat and statesman. Step by step, this skilled hit-man (Ateke Tom) feared and detested by his people, spoke and dined with power-wielders at all conceivable levels. At first, a great antagonist

of Dokubo-Asari in Creek warfare, Ateke Tom later made peace and warned his way to stakeholders who regularly needed his services, between 1999 and 2007; but later gave him the boot.

Ateke Tom watched these trends with dismay. In an interview with reporters of *Sunday Vanguard*, on 8 July 2006, Ateke Tom described how he rose from the Okrika mainland “bad bush” in Rivers State to become a national figure through his deft combination of Militancy with Politics plus manipulation of Key players.

In the pre-MEND era, many militants resembled Ateke Tom in opportunism and mutual manipulation for agreed benefits in political and Party circles. To some extent, what is said here about the fortunes and misfortunes of Ateke Tom provided a valuable case-study. His background, as he himself portrayed it, did not encourage the post-May 2007 Government in Rivers State to trust him as one ready to embrace Peace on the fig leaf of President Yar’Adua’s Amnesty. His description of camp-life in the creeks was quite revealing, as symptomatic of the mind-set of other militants whose fatigue had prepared them to embrace Peace on the terms promised by President Yar’Adua.

George Onah, in his contribution entitled “The Story of Ateke Tom”, recalled that ugly Past, of his humble origins, and how he was used and later discarded:<sup>65</sup>

About three years ago, precisely Saturday, July 8, 2006, *Sunday Vanguard* met with the leader of the Niger Delta Vigilante Niger Delta Patriotic Forces Ateke Tom in his hideout in Okrika forest. It was shortly after he was attacked and chased out of Okrika community by the Joint Task Force, JTF, in Rivers State. He was later declared wanted by the government and JTF. Ateke was bitter and threatened fire and brimstone. However, he was not given a breather by the force to actualize his threat. During the interview, Ateke mooted the idea of peace if his boys could be granted amnesty, provided skilled training and afforded jobs for them to live normal life.

The man spoke about his original means of livelihood before engaging in militancy, saying he was a farmer, sand digger/seller as well as a poultry farmer. He told *Sunday Vanguard* about his wish to leave the bush and live like every normal human being, live with his wife and bring up his children like a good father. Ateke recalled with nostalgia his exploits as a warlord but regretted being used by the government of those days and dumped.

In another interview, during the sitting of Justice Kayode Eso Truth and Reconciliation Commission, last year, far away from his former base of Okrika, he said he was tired of living like an amphibious animal and would want to leave the swamps and creeks because he was not a fish or crocodile. Accordingly, he called on the government to quicken the pace of amnesty. Based on his frequency of demand for amnesty, it was obvious that Ateke had become war weary, lost his major source of livelihood and a crucial percentage of his foot soldiers.

### *Creek-Camp Life & Amnesty*

It therefore did not surprise many people when, in what appeared like a surrender note, he 'reminded' the Federal Government, through his solicitors, last week, about its amnesty promise. While the Federal Government was delighted about Ateke's wish to 'throw in the towel', the Rivers State Government said the militant leader should not be believed because he had a long history of duplicity and was therefore a chronic and fundamental liar.

Excerpts of the July 8, 2006 interview:

*How do you say you are living?*

Like animals of course. Are we not living in the bush? You can see that I came out from the bush, is that how people live? It is the way they have turned us to.

*You mentioned that people are being used, dumped and killed, have you been used before?*

Of course, everyone knows that I worked for PDP in the first and second coming of the party. In Rivers State. There is no one who does not know that I was used to get votes for the party.

*Now, let us start from the beginning. How did you start this your vigilance group which later became a large group that is being patronized now by the powers that be as you said?*

It all started when I was in Port Harcourt, around 1999. The people, particularly in Okrika my home town, noticed an emergence of a cult group that was involved in stealing, robbery and brigandage. They indulged in raping girls, snatching girls from fellow folks in the town, causing confusion in the town, particularly during ceremonies and all that. I was informed about this and asked by the community people to do something. We then organized ourselves in Okrika and started fighting them and stopping them from their obnoxious activities. Our

actions attracted commendation from the community and some boys started embracing our group. We continued until we conquered those boys and there was peace. After a while, I was invited by the government.

*At what point were you invited by the government to assist in the elections?*

When the election was tough for the party and the areas which I conquered for them were many. I conquered many Kalabari towns, Ogu-Bolo, Okrika, Nkoro, Opobo and all those places. They know, the government knows.

*For now, how large do you think your boys are as to be able to protect the Niger Delta, as the name implies?*

My boys are many, they are everywhere. In the event of any problem in the Niger Delta, as soon as we are invited, we go and stop the trouble.

*What is the source of your money, in terms of feeding your boys: clothing, provision of soap, and that?*

Right now, things are very difficult. Look at the way I am, even to feed is a problem. In fact, since I started working with them (government), I have not had peace, it is one problem after the other.

*What else would you want the government to do for you and your boys so that there could be peace, that is, in addition to the compensation for what was damaged during the attack on your base?*

Let the government find jobs for the boys and involve those who wish to learn any trade in skill acquisition, so that they can live their lives peacefully.

*Are you saying that if the government comes and says bring the list of the names of your boys so that they could be employed, as a sort of amnesty, will that end the problem between you and government?*

Of course there will be no more trouble; we would not feel concerned about anything anymore. Because we are not robbers, we are loyal citizens going about our lives quietly.

All the chiefs and elders in all our communities and in the Niger Delta love my boys and me. They know how we operate and that I don't tolerate nonsense or any wayward behaviour from any of my followers.

*If the problem between you and the government is settled, how would you want to live your life?*

Already I am a quiet man, since (Alhaji Dokubo) Asari and I made peace and resolved to keep the peace, I have been living quietly, I have nothing against anyone. But our things must be returned or compensated for and we will remain quiet.

*How is your family reacting to all these things happening to you? By your family, I mean your wife, children, nephews, nieces and others...*

They all feel bad, very bad. Right now my wife and children are all scattered in different places. You don't expect me to bring them to this bush. Let me tell you we sleep here and there and not in one place. Come here tomorrow and you will not find me, can I be moving with my family like that?

*Before you became the chairman of the vigilance group, what were you engaged in as a form of livelihood?*

I was a fisherman, a strong one at that. I was into selling of sand at beaches; I was a farmer as well and keeping poultry, rearing goats and others.

*Before going into this vigilante stuff, were you married?*

Yes, I was married with two kids. But then I had not formally wedded my wife. It was recently that I wedded my wife because I want to live well.

**Conditions:** Apparently troubled by the way of life in the swamps and steady decrease of his followers, coupled with the olive branch of amnesty from the Federal Government, Ateke Tom, paradoxically, wants peace but he, through his lawyer, unfolded a five-point agenda before peace could be realized. His counsel, Mr Ikenna M. Enekweizu, at a press conference in Port Harcourt, on June 15, 2009 said:

- That Chief (Comrade) Ateke Tom, the Niger Delta Vigilante, the Niger Delta Patriotic Forces are satisfied with the efforts so far made by the Federal Government of Nigeria as led by President Umaru Yar' Adua with respect to the matter of the grant of amnesty to militants. They are also convinced that the present Federal Government of Nigeria is sincerely committed to the granting of amnesty to militants and to the restoration of peace in the Niger Delta.

- Hereby declares on behalf of himself and all members of the Niger Delta Vigilante, the Niger Delta Patriotic Forces, that he is prepared to hand over all arms and ammunitions in the hands of himself and his boys to the Federal Government, the moment the modalities for the grant of the amnesty is (sic) completed and announced by the Federal Government. Chief (Comrade) Ateke Tom hereby calls on the Federal Government to immediately make public the conditions for the said amnesty and put in place all necessary frame work (both legal and otherwise) for the facilitation of the grant of the said amnesty.
- Is prepared and ready to return to his home town (Okrika), from where he hopes to continue to meaningfully and positively contribute to the peace and development of Okrika land, Rivers State, the Niger Delta and Nigeria as a whole.
- Hereby calls on all his brothers in the struggle to lay down their arms and fully embrace the amicable solution of the Niger Delta questions, through the amnesty granted by the Federal Government to the militants.
- Also, hereby calls on Mr. President to match his words on the issue of the grant of amnesty to all militants with action, and show-case government's sincerity to the cause by stopping, forthwith, all military operations in the Niger Delta, and immediately withdrawing its troops and men of the JTF from Gbaramatu Kingdom and all places where such troops are presently stationed. This is the only way to convince the people of the Niger Delta that he has truly embraced the peaceful option in resolving the Niger Delta question and is sincerely committed to the grant of amnesty to the militants.

But, in a swift reaction, the Rivers State Government said it could not be fooled by the antics of Ateke and quickly issued a statement describing his surrender of arms notice as 'diversionary' and 'insincere'. It continued, as reported by the same source:

A statement from the office of the acting chief press secretary to the governor, Mr. Blessing Wikina, said the militant leader should not be taken seriously in view of his several antics in the past which led to severe consequences on his people.

'Peace cannot be achieved by proxy, it is either he is committed to the process or he is not', Wikina said, adding, 'he is insincere and should not be listened to.'

The statement added that if Ateke was serious about his commitment to the peace process in the Niger Delta, and the Federal Government's amnesty, he should have come out of hiding with his loyalists and guns, rather than speaking through a proxy.

'This is not the first time Ateke Tom has deceived the people with a promise to contribute to the peace process in Okrika and we believe that it is a ploy to re-enter Okrika to unleash mayhem', the statement said, puncturing Ateke's claim to contribute to the restoration of peace in Okrika.

The governor's spokesman therefore urged the people of the state to discountenance Ateke's claim as they do not contain any iota of remorse over the series of the 'self confessed killings he masterminded in the state.'

Further to this, the government said 'while the Rivers State Government welcomes every genuine effort at seeking the Federal Government's amnesty, we believe that such persons must show genuine and remorseful commitment to the process'. It then called on the people to be focused in their commitment towards peace and should not allow Ateke Tom's many antics to dissuade them into believing him as serious in the quest for amnesty.

Well, it is not known whether the man is truly remorseful in his present move or aiming at another prank. But he confided in this writer in the last interview at his base that 'being able to control this number of armed boys involves a lot of efforts and self discipline and I think I want this whole thing to come to an end'. By this solemn revelation, clearly, Ateke Tom is a tired war horse needing permanent rest.

Despite the misgiving of top functionaries of the Rivers State Government, concerning Ateke Tom's readiness, in mind, body and spirit, to accept the Federal Government's offer of Amnesty, he along with Tompolo, "Boyloaf" and other former Camp-Commanders, among repentant militants, were received by President Yar'Adua at Aso Rock, Abuja, before the end of the 60 days allowed on 4 October 2009. Television pictures of these events were widely publicised. As of 2011, there was no major breach of the Peace traceable to any of these former fire-spitting militants in the Niger Delta.

Yes, to President Yar' Adua belonged much of the credit for his version of Amnesty as part of a total Peace-package for former militants in the Niger Delta. But, his predecessor, President Obasanjo, was no less eager to achieve similar ends without the instrument of a formal Amnesty by Executive *fiat* only. President Obasanjo's preferred instruments were Technical Task Forces and Councils of Stakeholders. For a while, President Yar' Adua followed a similar route before bravely branching out to proclaim Amnesty as a Presidential Act of State.

It could be said, perhaps, through hindsight, that the acrimonious national debates on Resource Control, on-and-off-shore Dichotomy, Constitutional Review and Reform, National Political Reform Conference, "Third Term", "Military Option", among others by the Federal Government, between May 1999 and May 2009, did not provide the best possible climate for a peaceful resolution of the long Niger Delta conflict through Amnesty, even as a first major step. Hence, the failures of that era of trial and error helped to point the way to Amnesty as the next viable option. On the choice of that option, the balance of advantage lay more with President Yar' Adua than with President Obasanjo. Above all, President Yar' Adua, not being a soldier and Civil War hero, had no reputation to lose in the eyes of war-weary militants and restless stakeholders in Civil Society. Amnesty, therefore, was no mean surrender to Terror to him.

The pre-2009 carrot-and-stick approaches to Conflict-Resolution in the Niger Delta, under the Obasanjo and Yar' Adua Presidencies, included measures which were, more or less, conservative. In most of these, policy-making involved non-creative approaches to Peace-making. And so, conventional seeds produced and reproduced conventional fruits.

It will be recalled that a few exceptional Community-based thrusts, such as the models of Peace-making meant for Okrika and Ogoniland, between 2005 and 2006, died on the hard rock of stubborn opposition in both areas of deeply embedded pests to seeds of Peace. The Okrika Community Peace Committee (OCPC), as indicated earlier, worked under my leadership. The Ogoni team was led by Rev. Father Dr (later Bishop) Matthew Hassan Kukah. Internal political non-cooperation at the level of the State Government made the tasks of both Committees extremely difficult. Other developments, nationwide, overtook these missions.

One of President Obasanjo's early carrots to the Niger Delta was the establishment, in 1999, of a body called Niger Delta Development Commission (NDDC). Its enabling law, in 2000, had many flaws. It was also top-heavy with members outside the Oil-producing states of the Niger Delta. Indeed, the 19 Northern States had greater representation on the NDDC than those in the South. Moreover, the NDDC was not only poorly funded but also badly managed. It, therefore, did not rise above the familiar criticisms of its predecessors since the 1960s.

Next in the line of President Obasanjo's earliest carrots was a seemingly powerful Task Force he inaugurated on 8 November 2001. It had 23 Security Chiefs and was led by one of them: Lt-General A. O. Ogomudia, Chief of Army Staff. Its other members were Vice-Admiral S. O. Afolayan, Chief of Naval Staff, Marshal Jonah Wuyep, Chief of Air Staff, Mr. M.A.K. Smith, Inspector-General of Police, and Retired Colonel L. K. K. Are, Director-General, State Security Service. This formidable team included representatives of the NNPC, major Oil Companies and Secretaries to the Governments of Oil-producing States in the Niger Delta.<sup>66</sup>

Called the Special Security Committee on Oil Producing Areas, this Ogomudia Committee had more to do with National Security than with Peace. As Chief U. J. Ekaette, Secretary to the Government of the Federation, explained at its inauguration, the Federal Government had embarked on this approach to address such concerns as an upsurge in the disruption of the operations of the Oil majors, through hostage taking, abduction of Oil workers, mainly foreigners, loss of lives, vandalisation of Oil pipelines as well as Youth restiveness, negative impacts in foreign investments and denting of the Government's image at home and abroad.<sup>67</sup> The several communities lacked representation on it.

The committee's report, submitted on 19 February 2002, covered several recommendations. Among these were the following key areas:<sup>68</sup>

- Increase of Revenue Allocation Formula to 50% to pacify the people and promote accelerated development;
- Resolution of dichotomy between "on-shore" and "off-shore" urgently;

- Construction of Lagos-Calabar Road to pass through Ogun, Ondo, Edo, Delta, Bayelsa, Rivers, Akwa Ibom and Cross River States;
- Mass Coastal-Marine Transport System for Oil Producing Areas;
- Prompt payment of compensation to local communities for Oil spillage;
- Transparency in utilisation by State Governments of allocated funds;
- Constant Dialogue between communities and Oil Companies with State and Local Government Area representatives as moderators;
- Establishment of an integrated Oil Producing Areas Security and Safety System with a National Maritime Operating Centre linked to all Security Agencies nationwide;
- Maintenance of all pipelines in accordance with international standards and statutory requirements to ensure integrity of the pipelines and prevent ruptures;
- Control of environmental problems such as pollution, oil spills, gas flaring and effluent discharge;
- Reduction in “militarisation” of the Niger Delta;
- Measures to ensure “effective representation at the Federal Level” of Oil producing areas;
- Abrogation of such outmoded laws as The Oil Pipelines Act, 1959; Oil Terminal Dues Act, 1965; Land Use Act, 1978; Associated Gas Re-injection Act, 1979; among others;
- Correction of wrong naming of Oil wells, fields and flow-stations which caused frequent conflicts between Communities and Oil Companies;
- Sovereign National Conference;
- Resource Control; and
- Making State Governments the focus for resolving all Community Crises as each Governor is the Chief Security Officer of his State.

As usual, the Federal Government did not act on the above recommendations urgently and in a positive manner. So, the Obasanjo Presidency, as others before and after it, failed to ask the right questions for widely agreed answers. Questions ignored included the following elements at the heart of the Niger Delta Crisis:

- Who produces the Wealth of the Nation?
- Who spends it?
- Why?

The Obasanjo Presidency, with further intensification of the Niger Delta Crisis, abandoned the Ogomudia Report, 2002, in favour of a Conciliar approach to Peace-making in April 2006. It then set up a 50-member Council on Socio-Economic Development of the Coastal States of the Niger Delta (CSEDND). President Obasanjo assigned this body a 9-point Development Plan. With it, the President asked militants to drop their guns with this statement: "You cannot carry a gun and expect a warm handshake."<sup>69</sup>

CSEDND died shortly after it was born because it had few friends. Chief E. K. Clark was among its principal critics. Others, such as Barrister Orono Douglas, a former Bayelsa State Commissioner for Information, saw in it nothing attractive. Instead, Orono Douglas said the Niger Delta Communities Struggle would end only "when the issues of their survival and political protection and representation are addressed to the satisfaction of our people"<sup>70</sup>. Another of its vocal critics, Barrister Akpo Mudiaga-Odje, commented that stakeholders in the Niger Delta had had "enough Councils and Commissions" and so preferred "practical development."<sup>71</sup>

With CSEDND still-born, President Yar'Adua had nothing credible to inherit from his predecessor, apart from the much maligned NDDC. So, President Yar'Adua continued the mechanistic approach in his early attempts to resolve the undying Niger Delta conflict.

Did President Yar'Adua, at first, see the Niger Delta Question through Northern eyes? Perhaps, his advisers misled him. President Yar'Adua had earlier sought the help of Ambassador Ibrahim Gambari, then serving with the UN Secretary General in New York, to come home and assist with putting out local fires in the Niger Delta. But, public opinion was strongly against that choice because of the

unfavourable antecedents of Ambassador Gambari in the era of a military dictator, General Sani Abacha.<sup>72</sup>

So, on 5 September 2008, President Yar'Adua set up a 45-member Niger Delta Technical Committee, headed by Ledum Mitee, former President of MOSOP, to assemble and appraise all previous Reports on the Niger Delta since the familiar Willink Report in 1958.<sup>73</sup> Originally given ten days to complete its monumental exercise, in a country with scant respect for keeping records, the Mitee Committee eventually completed its work and submitted a comprehensive Report in December 2008.

The key Recommendations of the Mitee Report were the following:<sup>74</sup>

- 25% Derivation;
- Dualisation of the East-West Road;
- Disarmament, De-Commissioning and Rehabilitation of militants within six months;
- Withdrawal of JTF troops, within six months, to build confidence among the communities;
- Creation of Employment opportunities for, at least, 2,000 youths, in each Local Government Area through a Youth Employment Scheme; and
- Payment of all outstanding grants to the NDDC.

The Mitee Report, meant to dust all previous Reports, added its own weight of matters arising to the existing pile in the Presidency. To begin with, it was yet another example of procedural mistakes concerning Development through a Review-Reform route. Essentially, it repeated that familiar Top-Bottom pattern in place of something better: Bottom-Up. Moreover, as in previous Project-based Reforms for the Niger Delta, the Mitee Report provided yet another potential paradise for contractors, the Midas-type in search of instant gold, as against unalloyed service to communities in deep, deep trouble. Again, contrary to the expectations of the Edwin Clark, Oronto Douglas and other radically-minded stakeholders in the Niger Delta, this Report did not go as far as root-and-branch reformers had expected. Even so, it did cover other areas of interest such as a DDR (Disarmament, Decommissioning and Re-Integration) approach to Amnesty. It also

touched on devolution of powers down to the level of Village Committees. Above all, it urged that Implementation, the bug-bear of previous Reports and Recommendations, be faced head-on henceforth.<sup>75</sup>

So, while the key recommendations of the Mitee Report waited long for implementation, restless stakeholders urged quick action. Meanwhile, President Yar'Adua, in October 2008, publicly admitted: "Niger Delta gives me nightmares".<sup>76</sup> He said as much through Vice-President Jonathan who represented him at the Passing-Out-Parade (POP) Ceremony of Officer-Cadets at the Nigerian Defence Academy, Kaduna. There, the President explained:

The Niger Delta situation continues to be a major concern facing this government. While acknowledging the nightmares it gives us and the challenges facing the people of the Niger Delta, we must not allow the activities of a few criminal minds to create a permanent state of insecurity in the region, destroy the economy and scare away investors.

Later, Alhaji Yerima Shettima, National President of the Arewa Youths Consultative Forum (AYCF) and a strong PRONACO advocate, in August 2008, said that "Yar'Adua made fundamental errors". This AYCF leader admitted that, hitherto, he had been one of the President's "twelve apostles" in which capacity he urged him to choose Peace rather than War with Niger Delta militants. For this purpose, he further said, he had engaged in conversations with Dokubo-Asari and other Niger Delta militants to abandon their own stand. Suddenly, all this had collapsed, he said. President Yar'Adua, he continued, had also been won over to warfare since the MEND attack on the off-shore Bonga Oil facility. In anger, Alhaji Yerima Shettima, the AYCF leader, added to his privileged account of developments this sober and candid reflection on the Past, Present and Future of the Niger Delta Question as far as he was concerned.<sup>77</sup>

*Private meeting with Yar'Adua:*

As a matter of fact, I was privileged to be part and parcel of the move initiated by some prominent northern leaders in solving the Niger Delta crisis. Presidency asked them to inform me to facilitate a meeting between Mr. President and selected Niger Delta leaders. That was about ten, eleven months ago. I was able to facilitate that meeting. I brought some core Niger Delta youth leaders on board. Asari Dokubo was one of them, IYC representative and some prominent Ijaw leaders, about twelve of us were there. The first meeting we had was a private meeting. We discussed this issue extensively. We had a chat with Mr. President and he asked us to go back and put our thoughts in writing, which we did. We had to stay back in Abuja for eleven days to come up with a blueprint; road map to resolving those issues bordering on the Niger Delta crisis.

One after the other, we made recommendations to Mr. President. We had another meeting with Mr. President, four of us, including some of those leaders and we also discussed extensively. He had to even send his economic adviser who came on board too. He met us in our guest house and we discussed extensively, believing that 'yes, we have discussed with people who have a voice, we have discussed with people who have a link with the same people we are talking about.' We call them all sorts of names; militants, criminals and so on and so forth. We discussed extensively, believing that at least the president will look at this matter thoroughly and work accordingly so that we could now try and see what will come out of it. After discussing with Mr. President, we came back. To our greatest surprise, it is almost one year now; none of those resolutions was adopted by Mr. President to be a step in a good direction to help us achieve the peace we intend to achieve. Quite saddening and above all, the next thing we heard when we were expecting Mr. President to say, 'based on those things these people recommended, let us feed them back to see how we can revisit this same issue', was the commencement of a military campaign in the Niger Delta. As a matter of fact, some of us are not pleased. We feel betrayed. We spent our time, we spent our energy, and we spent our ideas to sit down for the well-being of Nigeria and we gave guideline on what should be done. The president ignored all those ideas.

The next thing we heard later was a marching order, given in the aftermath of the attack on Bonga, to fish out the perpetrators. How can you do such a thing? Why didn't you do what we asked you to

do in the first place? And why do you think military option would have been the best option at that level? It is disaster. No responsible government wages war against its citizens. The idea is not different from what Charles Taylor, Hitler, Saddam did. Yes, we agree that there are criminals among them. But we will work with those who are among them to assist us to apprehend those who are the criminals. You can't bring a total stranger and ask him to go to the creeks. If he tries to capture the criminal and he can't, the next option he has is to eliminate anybody; he begins to fire. Innocent people will suffer for it; children will suffer, mothers will suffer, everybody will suffer. At the end of the day, would you wipe out the entire Niger Delta?

If he thinks the Americans are supporting him, the same America, UK and the Europeans came up to say there was no election in Nigeria in 2007. They did not recognize Yar' Adua government as legitimate and the same people again are telling him that they are going to give him military support to invade Niger Delta. How can you trust such people? How can you leave your domestic problem and begin to work by international advice? Does it mean they want to use him at the end of the day to take what rightfully belongs to Nigerians than allowing the Niger Deltans negotiate with them? What kind of country are we running? Dialogue remains the answer.

*What and what were your specific recommendations to the president as a way out of this crisis?*

One of the recommendations is that some of those youths of the Niger Delta, recognized leaders, should be brought into the picture. As a matter of fact, the issue of kidnapping came after Asari was arrested. Before then, Niger Delta was not all that volatile because I know that on many occasions he addressed issues. He came to do away with all those criminal acts and addressed some fundamental issues. This struggle by the Niger Deltans is different from criminal acts.

*North misplaced priority*

But it's about facing reality and insisting on those things that are in the people's best interests. If that becomes the case, I knew in the early 1960s the north has been producing groundnut, cotton, and so on and at that time, the derivation percentage given to the north is not what is given to the South-South. I was baffled when some government officials from the north went to the national political conference and rather than bringing a project agenda that will benefit

the common man in the north, think of how to develop our people, all they totally put their strength was in negotiating derivation percentage. Some were saying 14½ percent, some were saying 13½ and those people were agitating for 50 percent. If they say they want 50 percent, can't the north live without oil? Niger Delta has no soil to plant anything. They can't farm. But we have good soil in the north. So, if we go back to agriculture, we can generate more fund than what oil is doing.

If at the end of the day we resolved that 50 percent be given to the Niger Delta. I tell you, oil will not be there forever. But our own land will ever remain there. So it means that if they are generating their own funds (and) we are generating ours, and we are all given 50 per cent derivation, that 50 per cent will be there for us forever. The Niger Delta oil will come and go. You see, people think about what they see today. They don't think about what happens tomorrow. As you, for selfish reason, do what is wrong, we have conscience and conscience is an open wound. So, it is quite saddening to have arrived at the situation we have found ourselves. Somebody stays somewhere negotiating amount of money that should accrue to Niger Deltans and asking, 'what have they done with it?' Tell me one thing a state governor in the north has achieved. We see a lot of beautiful cities in the south. What has one governor in the north done compared to the beautiful cities in the south. What has one governor in the north done to benefit the common man in the north? If they can take care of our less privileged and make education compulsory for the next ten years for every northern child it is enough achievement.

*In this whole matter, what would you consider the way forward?*

The only way Niger Delta can move forward now is for the government to make sure that they do the right thing in the right direction. One, there must be sincerity of purpose. Two, they must bring major stakeholders, not minding their age. They must bring people that work with the people that are doing all these things that are frustrating them. They should leave those men of yester-years who have lost credibility even before the youths of that region. They must bring people with credible antecedents that can talk to them (militants), people that are very influential among the militants. And they have leaders and they listen to their leaders. Otherwise, President Umaru Musa Yar'Adua will spend his four or eight years without achieving anything there like Obasanjo.

For President Yar'Adua, the year 2008 proved extremely difficult in his attempts to resolve the Niger Delta conflict. The key issues at stake then were: first, President Yar'Adua's plea for Peace and the conditions militants imposed; second, claim by the forum of Northern Governors that their people would survive without crude oil from the Niger Delta; and third, an allegation that Britain would train Special Forces for deployment in the Niger Delta. That aspect, according to a *Vanguard* Report, was based on Intelligence sources outside Nigeria. The US, then, was considering the need for an "Africom" (Africa Command) deployment in the Gulf of Guinea, with Nigeria expected to play a key role. This was how reporters, Emma Amaize and Bukola Ojeme, saw matters in early October 2008:<sup>78</sup>

Movement for Emancipation of the Niger Delta says militants would not pay heed to President Musa Yar'Adua's recent call for peace in the troubled region except the Federal Government consent to justice by releasing its leader, Henry Okah, who is undergoing secret trial. MEND's words, 'We cannot move forward except he (Okah) is released and except we hear from him'. It also pointed out that government has to address the root issues of the Niger Delta crisis such as absence of federalism, resource control etc.

Also, some elders of the region, including Ijaw leader, Chief Edwin Clark, former national chairman of the Association of Traditional Rulers of Oil Minerals Producing Communities of Nigeria (ATROMPCON), Pere Charles Ayemi-Botu, and the Otosodin of Warri, Chief Isaac Jemide, have carpeted the northern governors over their recent statement that 'the north can survive without oil.' The fact that the Arewa Consultative Forum (ACF) upbraided the northern governors for the statement did not stop the leaders from lambasting the governors who they described as myopic. And, as part of the offer to assist Nigeria combat criminal elements of the Niger Delta struggle, British security forces, *Sunday Vanguard* learnt, weekend, will train select Nigerian military personnel in the art of fighting in the swamp and creeks.

MEND conveyed its position on Yar'Adua's plea to the elders, opinion leaders, militants and other stakeholders in the Niger Delta to give the government peace for him to transform the region in an exclusive electronic mail to *Sunday Vanguard*, signed by its spokesman, Jomo Gbomo. Also reacting to the Northern governors stand, the MEND said, 'This is a positive development from our armed agitation. At the end of the day, when every region taps into their natural and

human resources under true federalism, the country as a whole will experience true prosperity.' However, Niger Delta leaders, who commented on the peace call by Yar' Adua, said it was a welcome one and urged the militants to heed the call. The president had sent his peace call to the Niger Delta stakeholders through the minister of special duties. Elder Godsdoy Orubebe, at a function in Port-Harcourt last weekend.

MEND, in its statement, said 'Before President Musa Yar' Adua would call for peace in the region, he should first of all ensure justice. Like Peter Tosh sang, 'Everyone is crying out for peace, none is crying out for justice'. This is the irony in the Niger Delta region. MEND expects the process to follow a configuration of justice before peace, before development and prosperity.

The group said it declared a ceasefire following the directive of Henry Okah after the vice president, Dr. Goodluck Jonathan, visited him in South Africa, last year, on the Niger Delta peace process, only for the government that is allegedly lacking credibility to ask the Angolan government to detain him (Okah) on fabricated allegations. *Jomo Gbomo*'s words, 'We declared that peace only after Henry Okah asked us to. When the government lacking sincerity asked the Angolan government to detain him on trumped-up charges, the ceasefire was called off.' According to MEND, 'We cannot move forward without his release and we hear from him. You know how it is when a man has waited for years for something, but finds the remaining minutes most agonizing? We have waited for over five decades and can afford to wait for some years to get things right.'

*MEND should hold fire, says Clark:*

But speaking to *Sunday Vanguard*, Clark said, 'I am still calling on MEND to ceasefire, not to do anything to obstruct the negotiation the elders and leaders are having with the Federal Government. On the issue of Henry Okah's release, I am in contact with his lawyer, Femi Falana. I spoke to him not too long ago. I know that he is doing all the legal fire-works for his release and, on our part, we have told the Federal Government that trying Henry Okah is not the solution to the Niger Delta crisis. Some of the youth leaders, including those discussing the peace process with the Federal Government, are among those whose names are in the charges against Henry Okah, even though it was stated that they are at large. People like Mujaheed Dokubo-Asari, Government Ekpemupolo, Dagogo Farah, Boyloaf and others were mentioned.

If Okah is found guilty today, they will automatically be guilty too. These are the issues we are handling with the Federal Government. It is not easy for the Federal Government to just succumb to our demands, so the militants have to hold fire; tell them I said they should hold fire because the government, from all indications, has piped down on the issue of seeking external support to fight them.' On the statement by the northern governors, he said, 'I think they were reacting to the interview by Dokubo-Asari which described the north as parasites. What I will say is that the position of the governors is unfortunate. Dokubo-Asari was not speaking on behalf of the Niger Delta people. It was just his personal opinion and it is weird for the Northern Governors Forum to rise from a meeting and say that they can survive without the south. We depend on one another, no part can do without the other, whether you have oil, etc, we are inter-related. Nobody should think he can live alone. The era that people threaten that they will break away is gone; nobody should be making inflammatory and disgusting statement as this.

I think that statement is arrogant, every Nigerian should cooperate with the Federal Government to find a solution to the Niger Delta problem and not to say things that will worsen the crisis.

*It is hypocrisy of the highest order – Ayemi-Botu:*

Pere Ayemi-Botu condemning the northern governors statement, said 'I did not find the statement palatable, If the north says they can live without oil, it is height of hypocrisy and total falsehood. It is practically impossible and the greatest untruth of the century. Is it not the same north that has not stopped at nothing in cornering our oil? I have said it before, the former inspector general of Police, Gambo Jimeta, said some years ago, that the north would go to war because of oil.

You see, it is like a man who knows how to bite but does not want to be bitten. When agronomy was the mainstay of the nation's economy, they took 50 percent derivation, did they share the windfall with us? Nobody knew at that time that oil will one day be found in such a measure in the south-south and it would become the mainstay of our economy. They never envisaged it and, for 28 years, because of military rule, they have controlled the economy of the country through political power. Let me tell you, the governors are joking, they are bluffing, they cannot stay for a minute without oil money. They are talking about agriculture, which money did they use to buy fertilizers that they are sharing only to the northern people? Is it not oil money? Clearly, it is an unguarded utterance coming from the governors of

the north and to believe that Niger State Governor, Alhaji Babaginda Aliyu, would stand unashamedly to mouth such a verbiage should be a cause for worry to well-meaning Nigerians.

Visibly piqued, the royal father asked, 'If they say they can stay without oil, why are they kicking against the 50 per cent derivation for the oil states? Let me tell you, they are saying that to make us to change our stand on 50 per cent derivation, which they were paid in the past. But, we cannot change our stand, it is our right and that is why we are demanding for it.'

*They are talking garbage, says Jemide:*

Jemide echoed the monarch's sentiment. The Itsekiri leader said, 'If the north says they can survive without oil, that is good, let them show us how they can do that with example because their groundnut pyramids are no longer there. Since they tasted oil money, oil has swallowed the pyramids. The truth is that they are only making noise and, for their information, the people of the Niger Delta will be glad to have what belongs to us because that means we will have enough to share. In fact, the statement of the northern governors is utter rubbish, they are not serious, if they are saying that they can survive without oil, it is a very good development but let them show it, not to open their mouth and talk garbage.'

*Northern govs displayed immaturity:*

A Niger Delta leader, who said he would not want to dignify the northern governors by responding to their diatribe, simply said, 'It is stupidity, the country is just deteriorating, there is no rhythm any more if people can just wake up and start vomiting debris, as if they have diarrhea of the mouth, The implication of what they have said is that the Niger Delta can have 100 per cent derivation. There is no maturity in such statement from people that were elected as governors. The Niger Delta people are only asking for 50 percent which they, the north, got in the past when their agricultural produce were the bastion of the economy. We have not asked for anything that is strange and has no precedence in the history of Nigeria.'

*Special warfare forces:*

Meanwhile, as part of the offer to help deal with the criminal elements of the Niger Delta struggle, British security forces will train select Nigerian military personnel drawn from the three services in the act of fighting in the swamp and creeks of the region, it was learnt at the

weekend. The series of kidnappings, sabotage of oil pipe lines and killing had led to further deterioration of the security situation in the Niger Delta, including the loss of over 150,000 barrels of crude per day, impacting negatively on the pricing of the commodity in the international market. The British prime minister, Mr. Gordon Brown, had offered his country's assistance to Nigerian military forces to deal with the situation in a meeting with Yar'Adua in London.

The course content of the training programme, as gathered by *Sunday Vanguard* in Abuja, will include, unarmed combat, rescue operations, raid, ambushes and patrol, helicopter drill, attacking terrorist camps, making of explosives and booby traps and bomb disposal. A security source that spoke in confidence said the training programme is contained in the proposed basket of assistance to the nation's military conveyed to the Nigerian government last week. According to the source, besides the training of the Nigerian military personnel, the navy would benefit on improvement in its platform, particularly in the area of fast attack craft fitted with night vision and infra red facilities that would enable them confront militants at night. The source stated further that this initiative would lead to the formation of a tri-service agency on special warfare which would integrate the bulk of officers and men of the counter terrorism division of the Nigeria Army and, Infantry Corps Centre and School, ICCS.

Since 1994, the ICCS has graduated many officers and soldiers in counter terrorism known within military circle as 'Death Machine', but the elite counter terrorism division, as learnt, had been unable to make any impact in the fight to scale down the activities of Niger Delta militants because of the lack of adequate technical input in the course content. The British assistance, though to come with an unspecified price tag, *Sunday Vanguard* source said, would also include installation of electronic monitoring devices with a central base station within the Niger Delta, that would help security agencies ensure the safety of commerce and oil exploration activities in the region. The source added that the training programme would be rounded off with an exercise in the creeks of the Niger Delta like the 'Exercise Green Eagle' in Sierra Leone in 2006 which will include the whole range of airborne and landing craft raids and assaults up to full commando size. 'You may have been aware that this exercise improved Sierra Leone's capacity to deal with the emerging lawlessness after 10-years civil war. 3,000 British military personnel, under the Royal Navy Task Group, took part in that amphibious deployment,' he said.

The source noted, The British assistance would substantially improve the military ability to conduct joint operations in the Niger Delta and contribute significantly to the fight against terrorism by tapping into the Royal Navy's enduring maritime security operations capability. Minister of the Interior, Major General Godwin Abbe (rtd), had, last week, defended the controversial offer of British assistance in scaling down the rising violence in the Niger Delta, with the clarification that the expected assistance is limited to upgrading the technical competence of the security forces to deal with the situation. Abbe, who spoke during a ministerial press briefing in Abuja to mark his one year in office, had declared that 'the British will come in to redress the lacuna in the technological capacity of the Nigerian military,' saying, 'The British government has offered to make available to us superior facilities, which we could use to address our security problems. In accepting this offer, it is not to say we are incapable of handling the problem of the Niger Delta. It is to say we are willing to accept support in matters of technical aid and training, because, whatever it is, every country will continue to train, and we are well aware, without self delusion, that there is a lacuna in our technological capacity for now.'

He stressed that the Federal Government also accepted that British offer because it is fully persuaded that if we develop our manpower and we are able to join the technological capacity, we have the potential in this country to be able to catch up as quickly as possible. Abbe dismissed insinuation that the nation's security forces are incapable of addressing the problem of the Niger Delta or that any foreign country is being invited into this country, adding, 'The truth of the matter is that the people of the Niger Delta are Nigerians and what they are asking for is not unusual, what government is doing is that arrangements are on to make sure that that area is developed.' He warned that government resolve to explore the option of winning the hearts and minds of the people of the region should not be mistaken for weakness, adding that criminal elements that had infiltrated the struggle would be isolated and dealt with. Contacted for clarifications, the acting director of defence information, Captain Senebi Hungiapuko, claimed ignorance of the development, saying, 'I am not aware of what you are talking about.'

The crisis over Security in the Niger Delta, at a time when the UK and the US also expressed their own concerns, helped to raise the temperature of events in the Niger Delta. Thereupon, close watchers

spoke out. One of these was Solomon Asemota, SAN, a fervent advocate of the fundamental human rights of Nigeria's "ethnic nationalities" as set out in PRONACO's Draft Constitution in 2006. He was also one of its prime architects. Asemota quickly disclosed what, in his view, enemies of Nigeria, in general, and the Niger Delta, in particular, then planned as their "Final Solution" to the Niger Delta Question. What he said, in October 2008, made abundantly clear the frightening lineaments of President Yar'Adua's Military Option:<sup>79</sup>

As faulty and fraudulent as the Nigerian Constitution is, the Government and Mr. President have revealed that they intend to retain and work with that document for the obvious reason, that it serves 'their' purpose. This position is in utter disregard of the fact that the same Constitution is antithetical to the interest of the majority of Nigerians and in particular to the people of the Niger Delta. Mr. President appears to listen but neither takes notice nor reacts to what the people say. Still, even when he pretends to react, the process is slow. It is therefore instructive that Alhaji Musa Yar'Adua's Administration which hitherto promised a service/people oriented leadership in the servant/leader philosophy seems to profess it only as a decoy.

We make the above statement, based on information at our disposal that outlines government's plans and intentions to solve the Niger Delta problem militarily. We are also made to understand that governors of the Niger Delta were faced with a *fait accompli* and left with no option but to acquiesce to the military option when consulted on the issue. We hasten to add that this scenario is not new.

As the umbrella body of Ethnic Nationalities in our country, we wish to state for the benefit of Nigerians that the following actions are being contemplated by government against the Ethnic Nationalities of the Niger Delta in order to ensure the unrestricted and unhindered exploration and exploitation of the mineral wealth of the region. Government is embarking on this enterprise in utter disregard of the consequences to both human and material losses that these would occasion in the Niger Delta. Some of these measures include:

- A. A military build-up, especially by the Navy and the Air Force designed to accomplish a Federal Government's 'final solution' to the legitimate agitation of the youth of the Niger Delta who are deliberately labelled militants. It is even more frightening

and criminal that the actions being contemplated are designed in a manner that do not distinguish between old and young, men and women, children and even livestock etc. These measures only go to prove the desperation of the Federal Government of Nigeria and its attitude of leaving nothing to chance in its attempt to 'sanitize' the region once and for all and leave it open to reckless exploitation.

- B. It has been established that even though the Niger Delta supplies the bulk of the nation's resources, the region and its people have been programmed for 'pacification' as was the case with *Ndi'Igbo* and Ogoni in order to make them pliable and helpless in resisting the unfair exploitation of their God-given wealth. The hope is that once the exercise being contemplated is accomplished, the perennial agitation of the people for a more equitable and humane treatment will end. Again, we hasten to say that this ploy like others before it is doomed to fail as nothing can be done to silence the will of the people as the Ibo and Ogoni experiences have clearly demonstrated.
- C. It is ironical that Israeli Special Forces to train the trainers have been contracted for the programme. We wonder why the Israelis who themselves have suffered the worst genocide in the history of mankind are getting involved in such a genocidal scheme which only purpose is to subjugate the people of the Niger Delta for their oil.
- D. The Nigerian government is calling a people yearning for freedom miscreants and this has since been spread to mean all indigenes of the Niger Delta, so that when they kill them they would be seen as only 'taking out' miscreants. We are also not unaware that certain leaders are being targeted.
- E. We are indeed aware of both the British and the U.S. Government who in order to ensure the continued flow of oil from the Niger Delta region of Nigeria have elected to collaborate with the Federal Government of Nigeria by supplying logistics and training support in this enterprise of 'pacifying' the Niger Delta. We wish to remind these two countries that this criminal enterprise in which they are involved border on the abuse of the fundamental rights of our people. We also wish to state that we will hold them responsible for every drop of blood spilled in the unholy exchange for oil. In the same vein, we also serve Aso Villa notice of the existence

of the International Criminal Court (ICC) that can prosecute civilians found, guilty of mass murder. This is particularly important because what is being contemplated for the Niger Delta if executed would certainly end up with the International Criminal Court (ICC). We therefore pray that God would soften the hearts of the hawks in Aso Villa to have a rethink. Furthermore, we like to remind Britain and the U.S. that the people look up to them for understanding and support against the mindless oppression of their people. In particular, we seek to remind the British that the problems of Nigeria even as they are in the present, is (sic) of their making and this is why we expect that they will help to ensure equity, fairness, and true federalism in our country.

The British need to be reminded that they created the political problems that have refused to allow for progress in Nigeria. Their bias for the North as against the South at Independence created the unfair advantage now being exploited by the North even when the resources of the country are generated solely from the Niger Delta region. Since independence, Nigeria has been surviving and serving the interest of that leadership only, that is, those who were installed by the colonial masters. The struggle in the Niger Delta is indeed a struggle for the survival of the country as a nation. Nigeria must survive and move from being a 'mere geographical expression' and away from the 'mistake of 1914' to become a nation state truly federal with the Ethnic Nationalities as federating Units.

Our ultimate concern as a people is peace and tranquility in our country. This, no doubt, cannot be achieved with the strategy being contemplated by government. We therefore like to emphasize that we remain resolute in our desire to ensure that Nigeria becomes a country where equity, justice and fair-play become sacrosanct. It is therefore important for all those in authority in Nigeria to contemplate the following issues:

- 1 In a space of a few months, the price of oil fell from over \$140 per barrel to \$65 per barrel. By 'tomorrow' when oil becomes virtually worthless, who from other parts of the country will be willing to use their regional resources to develop such a difficult terrain as the Niger Delta?
- 2 The ice caps of the world (the Arctic and Antarctica) are melting, threatening to dump six meters of water into the oceans and seas. Nowhere in the Niger Delta is land as high as six meters

above current sea levels. When all the homesteads of the Niger Delta are submerged who in Nigeria would accommodate the people of the Niger Delta as bona fide indigenes of their ethnic space?

- 3 The Nigeria we want is a place of peace, where equity, justice and fair-play reign. Without justice there can be no peace and without peace there can be no development. We advise President Umaru Musa Yar'Adua to get the order right this time around.

We therefore appeal to the Nigerian government, Britain, U.S. and Israel to seriously reconsider their decision to decimate and conquer the Niger Delta region, because as we all know, history is always on the side of the oppressed. Finally, we wish to advise that we do not need to create a Darfur or a Rwanda in Nigeria before we come to terms with the reality of Nigeria.

Alarms from other quarters cut across geopolitical lines. Under the caption of "Nigeria is not one Nation", Chief Seth Abel Maiyekogbon, former member of the Think-Tank Committee of Afenifere, the pan-Yoruba cultural organisation, and former Kwara State Secretary of the Unity Party of Nigeria (UPN), raised such an alarm. In August 2009, a correspondent, Ralph Omololu Agbana, quoted him thus:<sup>80</sup>

*When and where did things start to go wrong with Nigeria, talking about lawlessness, insecurity, anti-democracy, corruption, the problem of the Niger Delta, etc?*

Don't be carried away; there is no country like Nigeria. The British were here for economic purpose; not to develop the country.

We started having this mentality as a result of the military incursion, which did not allow the political class to evolve. World over, democracies are about people and people make mistakes and correct their mistakes. Decisions that would affect millions of people were briskly taken by a few individuals.

Because Nigeria is not one, we have bastardised the land and geographical situation of the Niger Delta people; we have rendered their water undrinkable and those in the riverine areas, who normally live on fishing industry, have been made to lose that opportunity.

It is my opinion that we have taken wrong decision in killing those people who naturally are agitating that their rights be given back to them, like Ken Saro Wiwa and eight others.

When you kill people, the result is what we are having in the Niger Delta today. Blood is thicker than water.

In fact, if you want to wage war against the economic base of the nation, then you are not helping the nation. Until the money that is being splashed on individuals, senators, governors, councilors, *etcetera*, is made to go round, through creation of jobs and people are allowed to elect their own representatives, we will be deceiving ourselves about a seven point agenda.

We should particularly pet the Niger Delta people and create all available resources that can make their economy return back to compensate for all the resources sourced from their land.

If the government can develop Abuja from nowhere, the hen that lays the golden egg should be taken care of and be well fed and not killed. But like I told you, Nigeria is not one.

In May 2007, yet another critical observer spoke. He was Emmanuel Chiejina, a law graduate of the University of Lagos and former Deputy Managing Director, Elf Petroleum Ltd., also a product of Cranfield Institute of Technology in the UK and the European Institute of Business Administration. In May 2007, this former MD of Elf said:<sup>81</sup>

*What are your general impressions of the oil industry today and its problems?*

The first problem the industry faces is that it is one industry that is seriously misunderstood by the public. It is one industry that is over-regulated and yet the people regulating it do not know about the activities of the industry. Therefore, the operators the IOCs (International Oil Companies) find themselves being slowed down by the various obstacles being created by the government or the legislation, that do not get enough input before decisions are made.

*But the question of the problems of the oil industry brings to mind the Niger Delta crisis that we have on our hands. Has our attitude to handling this Niger Delta crisis been right?*

I would boldly say no. The Niger Delta, first and foremost, is a difficult area but a development option is to bring the Niger Delta to the level of Nigeria before you start addressing inequalities. A place like Bayelsa, until last year, had no national grid and that is the major oil-producing state. There is no major road, no dualized road linking Benin, Warri, Port Harcourt, Eket. Yet, this is where heavy equipment,

machinery and people who have to do oil exploration have to go through. Therefore, the people of Niger Delta themselves feel deprived. It is not basically because of the derivation because that can be negotiated, but there are a lot of pre-emptive actions the government needs to take. One, they need to talk to the militants. You cannot solve a problem by repressive action. People like Adaka Boro died fighting this cause; Ken Saro-Wiwa was hanged. These have not brought about the desired peace; government has to talk to the militants. They are agitated, they have a cause and I don't think they are averse to discussions. There are many things that should be discussed with them; a lot of things should be exposed to them. They should understand that the entire revenue of the country needs to be distributed evenly. So I think everybody needs to get round the table and educate each other.

*But it would appear that as negotiations are going on with the militants, they keep growing in number, so one is a bit worried. It looks as if this kidnapping thing especially has gone completely out of hand.*

Remember that the militant group like MEND is completely different from the organized pocket criminals who go into the cities; there's a distinction between the militants and these groups. They have a purpose, they are organized, they have websites, and they come out openly to tell you who they are. So we should not group them all as criminals.

*Militants complain about the activities of the oil companies, without mentioning any company in particular; they keep holding one or two oil companies responsible for their plight. What comment do you have on that?*

The *modus operandi* of the oil companies differs from company to company and location to location. A pragmatic approach needs to be discussed to understand what the workings of the society are. Is it a republican society where the leaders have the control or the people? You must find where the power is and then discuss with them. The people are not asking you to give them money; they are basically saying development. If in the course of building infrastructure for them, people get employed, that is not to say you have given them money. You are developing them as well as engaging them. Everything doesn't boil down to money. It depends on how you use the money that was being made available to them. But where are the roads, water, and electricity? These common basic amenities must exist. Why should they be buying fuel higher than the rest of the

country for example? Sometimes it hurts when you face the militants and they tell you what is agitating them. And that's where I'm saying that there needs to be pro-active action. People should be able to enjoy the good things of life, including fuel in their own area as the rest of the country. They deserve light, water, good roads or even water, rails; these can be developed. But it is not only the IOCs' responsibility, it needs a combined effort of the federal, state, NDCC, and the oil companies because the ladder of anarchy starts from the Federal Government to the state, NDCC and to the oil companies. But in the order of proximity, the oil companies are the immediate punching bags. That is actually the cross.

With the inconclusiveness of the JTF assault on Gbaramatu and Tompolo's stronghold at Camp 5, May-July 2009, President Yar'Adua turned his back on the Military Option and favoured a peaceful resolution of the Niger Delta conflict. As the tide began to turn, many MEND leaders and their camp-followers appeared skeptical at first.

A body, called "The Peace Advocate", opposed what they termed "Gunboat Diplomacy". A Kalabari female activist, Ms Annkio Briggs, of the Ijaw Republican Assembly (IRA), argued that President Yar'Adua's Amnesty was "not far-reaching enough" and urged the Federal Authorities to extend it by disbanding the JTF which she regarded as "an Occupation Army" in the Niger Delta.<sup>83</sup> Moreover, another female activist, Ms Cynthia Whyte, on behalf of her Joint Revolutionary Council (JRC) including MEND, the Martyrs Brigade, and a Reformed Niger Delta Peoples Volunteer Force, called the same Amnesty "a ruse" and "a Greek gift."<sup>84</sup>

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### The 2009 Amnesty and Matters Arising

In its efforts to secure Amnesty and complete freedom for Okah, Tompolo and Ateke Tom, the combined Joint Revolutionary Council (JRC) forces launched an attack, codenamed "Hurricane Piper Alpha", on 21 June 2009, on Afremo Oil field owned by SPDC and adjoining facilities 14 nautical miles off-shore, a first-time hit, to underpin their opposition to that phase of Amnesty (without the release of their leader Henry Okah). The Adamakiri and Kula facilities, in this aspect of the Oil Wars, were also hit.<sup>85</sup> At that stage, MEND, on its own, emphasised the need for a more comprehensive Peace formula to address "the root causes" of the Niger Delta Question.<sup>86</sup> These included reconstructed Federalism, Justice, Fairplay, concrete Development, among others.

At first, South-South Governors behaved as if they were spoilers of the long-discussed Amnesty Option. In July 2009, they withdrew from an Amnesty deal. Seemingly nonchalant, they preferred credible steps, on the part of the Federal Government, to remedy "Injustice on their land and people." For a while, they exerted pressure on resolving conflicts over the siting of the Petroleum University at Effurun, and a draft Petroleum Bill. When these issues were later resolved, the South-South Governors began to show some interest in the Amnesty deal.<sup>87</sup>

Meanwhile, some critics in the Northern States and others elsewhere continued to put the onus of wastage of huge funds allocated, under the Derivation Formula on the South-South Governors. The same criticism came from observers in South-West Nigeria.

Meanwhile, criticism of the entire Amnesty deal continued. But, its defenders nationwide did not hold their peace. In that awkward middle lay the Governors of the Niger Delta States or the South-South States. Allegations of profligacy in the disbursement of funds from the Federal purse hit them in all possible directions.

One of their critics was Hon. Dimeji Bankole, Speaker of the House of Representatives. He was invited to address a post-Amnesty Summit in Kaduna, on 15 October 2009, a gathering sponsored by the Governor, Bayelsa State, with funds his critics complained of. Indeed, other critics in the Niger Delta States condemned that choice of a venue and said he and his colleagues amply deserved the fierce fire from the unforgiving tongue of Speaker Bankole. In an impromptu Address, as Speaker Bankole himself confessed, he chose to use his abundant rhetorical assets to blast the brotherhood of Niger Delta State Governors and gave their colleagues in the North a Surprise Toast of Dishonour he willfully and audaciously proposed, much to the discomfiture of the targets of his unrestrained attack. Though impromptu, every word in his petulant diatribe landed on its chosen targets in the Niger Delta.

Thus, Speaker Bankole's lampoon spat fire as it ran its swift course.<sup>88</sup>

The governor of Bayelsa State called me and said I must be here, I said well I will be there but I hope we will still be friends after I speak...

First of all I must congratulate the gentlemen and ladies who are handling the Amnesty Programme. I say congratulations and well done. You have done a great job. And also congratulations President Umar Musa Yar'Adua for the well conceived programme.

Since I didn't come with a speech, I am going to speak from my mind. I hope I don't get screaming headlines.

If we are to be honest with ourselves, we have not been fair to the Niger Delta (applause). The region has been producing the funds with which we have been running this country for so many years. The funds that we used to build Abuja, those bridges and offices that you see in Abuja came from the funds from Niger Delta. I have not seen such bridges and roads in the Niger Delta. Until those roads and infrastructure come to the Niger Delta, we will continue to put the request on the front burner of Nigerian politics.

However, things have begun to change. In the last ten years there has been tremendous difference in the governance and financing in the Niger Delta. In the last ten years indigenes of the Niger Delta have been operating at the highest level of government in Nigeria.

Today, the Vice President is from the Niger Delta, the Head of Civil Service which is engine room of government is from the Niger Delta. The Chief of Defence Staff is from the Niger Delta. Until few months ago, even the Inspector-General of Police was from the Niger Delta. So when it comes to economics, security and politics, Niger Delta is at the top. Now let's come to the finances. To some of you who have been in Lagos in the last one year I am sure you will notice a difference. And I am not shy to appreciate that there is a difference in Lagos. It is good governance.

I will tell you today, Your Excellency, the governor of Bayelsa State collects 9.2 times more money than Lagos State from the Federal Allocation. That's a recent development. Don't compare it with 20 years ago. I know that Rivers State collects more money than the entire North-Eastern States of Nigeria today, I know that Akwa Ibom State collects more money than the entire North-Western States of Nigeria. I know that Bayelsa State collects more money than the entire North-Central states of Nigeria (applause) Hold on! You said I should speak!

Nigeria budget this year was around N3 trillion. However, by the time you add the budgets of the Niger Delta States alone, it is over 1.5 trillion. (sic) Those are the facts that ten/twenty years from now, people are going to ask me, people are going to ask Governor of Bayelsa, people are going to ask all of us that what did we do when those facts were put on the table. These figures may not be completely accurate but know it is not far from the truth (applause). Wait now, when they start abusing me in the headlines, remember what I told you.

Now we have opportunity. With the funds there must be a difference. Because people of the Niger Delta would begin to ask questions from their leaders on how these monies were spent. We may have excuses in the past that we were unfair to the Niger Delta, but today those excuses are no longer tenable. Because when they ask me I will say go and ask them, they are the ones. What did they do with the money? Nobody will come from Abeokuta to tell you what to do with your money. You will ask yourselves about how your money was spent.

Which House of Assembly in the Niger Delta or in the whole country would perform its constitutional responsibility to ask questions on money spent by the Executive? If they ask questions, we better have answers for them.

The information I have for you today, not only have we been unfair to the Niger Delta, we have been unfair to the North-East, we have been unfair to the North-Central, we have been unfair to the North-West, we have been unfair to the South-East.

Like I said, there is no difference in what is happening in the Niger Delta from other parts of Nigeria. It's just that when the Niger Delta youth see the effects directly, they react. And they didn't start today. They have been reacting for so many years. We now find ourselves, facing one another and telling ourselves the truth.

Anyway, my own take is this: there is no solution to the Nigerian issue, Niger Delta or otherwise, in oil. Oil will not give us solution. It's very simple. The technology involved in development of oil cannot employ Nigerians. If you cannot employ, you cannot solve the Nigerian problems. The only technology that oil production has is common drilling and that is on water. You cannot compare it with any other development strategy.

Therefore our dependence on developing technology in oil sector of the economy will not solve the collective problems of not only the Niger Delta but Nigeria as a whole. So let's just forget it. It is not going to work. It has never worked in any country in the world...

Our dear fathers, Emirs, Governors, Presidents of Northern extraction, 80% of our arable land are not cultivated. If you cannot cultivate, you cannot process. If you cannot process, we are going nowhere. So the solution has to do with performance in governance.

Despite Bankole's ferocious attacks and those of others of a similar class, MEND leaders asked President Yar'Adua for an extension of the date of the Amnesty Deal, under discussion. He did not. Instead, President Yar'Adua moved haltingly to secure Peace despite signs known to him, of the deterioration of his health. However, till the failure of his earlier plans to meet force with force, he did not wholeheartedly embrace the Peace Option. For example, on 13 May 2009, he had ordered his JTF units to wage a fierce war with militants under the Command of High Chief Government Ekpemupolo, *alias* Tompolo, Ibe Ebidowei of Ijaw land, war lord of Oproza town in Gbaramatu kingdom, Delta State. But that show of force, by July 2009, failed to secure the surrender of Tompolo. That, therefore, became a clear sign to President Yar'Adua to return quickly to the Peace Option.

For whatever reason, not excluding self-awareness of the state of his ill-health then, President Yar'Adua adopted measures which gave his Amnesty Deal the tincture of a rushed programme. Matters after the end of his offer of Amnesty to be concluded, as earlier announced, on 4 October 2009, did not take into cognisance issues raised by MEND for a possible delay till 31 December 2009. Thus, the Amnesty which President Yar'Adua endorsed on that earlier date did not address more substantive issues, such as MEND called the "root causes" of the Niger Delta conflict.

In retrospect, that decision against delaying the date for formalising President Yar'Adua's offer of Amnesty, as requested by MEND leaders, from 4 October 2009 to 31 December 2009, was quite significant. Suddenly, in the night of 23 November 2009, President Yar'Adua's handlers rushed him to a hospital in Saudi Arabia for urgent treatment of a wasting disease. He did not return to Nigeria till 93 days were over. Thus, Amnesty, if inconclusive, as of the due date, had a lucky escape.

Among these core-issues, not considered in the Amnesty Deal, were those inescapably raised by PRONACO and partly addressed in its 2006 Draft Constitution. These, however, were not issues capable of resolution with the consent of divergent interests nationwide.

Events, after Yar'Adua's Amnesty, demonstrated divisions in the ranks of MEND leaders over what could be termed the "Unfinished Business" concerning the Niger Delta conflict. One such incident involved bombing with some fatality associated with MEND at Warri on 15 March 2010 when a *Vanguard* Newspapers-sponsored Conference on the Niger Delta ended in smoke.<sup>89</sup>

That incident contrasted with a prediction by Chief D.S.P. Alamieyeseigha, in January 2010, that "Militancy (was) dead."<sup>90</sup> He stated further:<sup>91</sup>

'... the face of warfare in Ijaw land has changed and it is now goodbye to military warfare as it is no longer in vogue. The new phase, he continued, would no longer take the form of a battle of weapons but of intellect and wisdom.'

Thus, not clear then was whether or not President Yar'Adua's Amnesty was an end in itself. Its MEND critics saw it as a temporary means to an end: General Welfare in the Niger Delta communities

through a speedy cessation of an era of undisguised Injustice and Inequity nationwide.

Who then were the Niger Delta politicians who were said to have approached former "General Boyloaf" and told him to reject President Yar'Adua's Amnesty? He neither named nor shamed them. He, however, admitted publicly that he and his colleagues were already fed up with Camp-life in preference to the freedom allowed them under the Amnesty they willingly embraced. It is significant that "Boyloaf" who had earlier told the world that he coined the term "MEND" for his colleagues was the first to embrace Amnesty through a well publicised meeting with President Yar'Adua in Aso Rock, Abuja.

In July 2009, "Boyloaf" had cried out:<sup>92</sup>

I am prepared to lay down my arms, some people are using this struggle to make money, they cannot fool me, I am not a fool, I know what I am fighting for. Most of these Niger Delta youth leaders are using the struggle to enrich themselves and they don't want the militants to hand over their arms, that is the problem now.

### **Setbacks at the Tail-end of Amnesty**

President Yar'Adua's Amnesty Option, as conceived and implemented, had a rough take-off and bumpy-landing. Passengers on board, several stakeholders, he sought to take along, felt uncomfortable if not terribly agitated as well. Its drivers had no specialised training in such risky manoeuvres: in sailing, as it were, between Classical Scylla and Charybdis, through the turbulent physical and metaphorical waters of the Niger Delta conflict. Frequently, their passage also resembled one where the blind led the blind in uncharted territory. Moreover, it was neither a Truce nor Amnesty with UN best-practice guidelines. So, no safe arrival at an agreed destination was taken for granted.

Not every stakeholder agreed to be on board President Yar'Adua's Amnesty vessel. One such conscientious objector was Dokubo-Asari. Dokubo-Asari based his challenge on a constitutional provision (Section 175) quoted in President Yar'Adua's Amnesty Proclamation. Indeed, that Proclamation, dated 25 June 2009, said:<sup>93</sup>

*Yar'Adua's 'Niger Delta' Amnesty Proclamation Pursuant to Section 175 of the Constitution of the Federal Republic of Nigeria.*

Whereas the Government of the Federal Republic of Nigeria acknowledges that the challenges of the Niger Delta arose mainly from the inadequacies of previous attempts at meeting the yearnings and aspiration of the people, and have set in motion machinery for the sustainable development of the Niger Delta States;

Whereas certain elements of the Niger Delta populace have resorted to unlawful means of agitation for the development of the region including militancy thereby threatening peace, security, order and good governance and jeopardizing the economy of the nation;

Whereas the Government realizes that many of the militants are able-bodied youths whose energies could be harnessed for the development of the Niger Delta and the nation at large;

Whereas the Government desires that all persons who have directly or indirectly participated in militancy in the Niger Delta should return to respect constituted authority;

Whereas many persons who had so engaged in militancy now desire to apply for and obtain amnesty and pardon.

NOW THEREFORE, I, Umaru Musa Yar'Adua, President of the Federal Republic of Nigeria, after due consultation with the council of States and in exercise of the powers conferred upon me by the provisions of Section 175 of the Constitution of the Federal Republic of Nigeria, make the following proclamation:

I hereby grant amnesty and unconditional pardon to all persons who have directly or indirectly participated in the commission of offences associated with militant activities in the Niger Delta;

The pardon shall take effect upon the surrender and handing over of all equipment, weapons, arms and ammunition and execution of the renunciation of Militancy Forms specified in the schedule hereto, by the affected persons at the nearest collection centre established for the purpose of Government in each of the Niger Delta States;

The unconditional pardon granted pursuant to this proclamation shall extend to all persons presently being prosecuted for offences associated with militant activities;

This proclamation shall cease to have effect from Sunday, 4<sup>th</sup> October 2009. MADE UNDER MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009.

UMARU MUSA YAR'ADUA Umaru Musa Yar'Adua, GCFR at the Proclamation of Amnesty for Niger Delta Militants 25 June 2009.

Dokubo-Asari did not regard himself as a "convicted" person who needed State pardon through the Amnesty process. He, therefore, approached a Federal High Court in Abuja to "void" the said Proclamation and make a Declaration to clarify any subsisting reasonable doubt.<sup>94</sup> But, the relevant authorities there declined to treat his matter with the urgency he asked for. And so, his matter remained unresolved as of 2011. Not covered by the said Amnesty, during the pendency of that matter, Dokubo-Asari and his boys in the NDPVF and Peoples Salvation Front vowed to "continue with the struggle" despite the Amnesty. In their unrepentant circles, a Sovereign National Conference remained the "minimum demand" to end the Niger Delta Conflict.<sup>95</sup>

Concerning the legal technicalities in the same Proclamation, Professor John Moyibi Amoda, an eminent authority in Diplomacy and International Security Studies and Dean at Igbinedion University, Okada, Edo State, also expressed serious doubts. He was not alone in doing so among legal luminaries in Nigeria. But, their reservations, like his, were ignored by the relevant authorities. Yet, as a matter of record and for ease of reference by other scholars in future, this was what Professor Amoda said in November 2009:<sup>96</sup>

An amnesty is a general pardon of offence by government, a deliberate overlooking of offences against a government to pardon is to release the criminally culpable from the just punishment of the law; it is to cancel or not to exact punishment due for an offence. Thus, the relationship assumed by government between it and the Niger Delta militants is juridical; the militants are pardoned instead of being punished. But what exactly is the offence of the militants? Their offence is that they declared and waged war against the Federal Government. The war is, by the majority of the militants, characterised as a resource control war, or a liberation war; or a protest war waged for effecting remedies for the exploitation of the Niger Delta indigenes resulting in the ruinous condition of their society and the peoples' subsistence economy. Amnesty thus defined is not the making of peace between warring parties. Peace made by warring parties brings to an end the

relation of war between warring parties. Peace made establishes the end of war or civil strife.

Peace is negotiating resolution of differences that led to war. Peace is an agreement to end the war resulting in a relationship of harmony between parties hitherto in open armed conflict; in the place of conflict carried on by force of arms between hostile parties, there is an agreement for cessation of all hostilities and on the reconciliation of differences that led to war. Indeed, amnesty is premised upon the Government denial of a relation of war between the Niger Delta militants and Government. Amnesty is therefore not a peace agreement. It cannot lead to peace agreement except both parties, the Government and the militants, were to acknowledge that the Niger Delta Region had been a zone of war waged by the militants against the Federal Republic of Nigeria.

Beyond legal technicalities associated with Amnesty, opposition of MEND to it followed. To begin with, such opposition became part of its own disintegration. Some of its key members, such as "Boyloaf" and Tompolo, welcomed it on behalf of their Camp followers who themselves were war-weary. Resultant fatigue broke their ranks. "Boyloaf" called the MEND remnants "paper tigers" or "toothless bull-dogs".<sup>97</sup> "Boyloaf" went further:<sup>98</sup>

... there is nothing like MEND anymore with the decision of Tompolo, Ateke Tom and Farah Dagogo to surrender arms... who is MEND, how can people who don't know how we formed the organization be saying that they are MEND. Those who formed MEND have left MEND, so there is nothing like MEND any more. They are mere propagandists, they should disarm by surrendering their laptop and email password because that chapter is over...

Meanwhile, MEND boasted that it had "enough capable unknown lieutenants" to replace those who left through separation of the "men" from the "boys" of their Struggle which, it said, would enter a new phase. That phase, MEND said, would be more intellectual than physical. Moreover, to accomplish that revised mission, MEND relentlessly put out its message of defiance through *Jomo Gbomo*, sometimes singular and sometimes plural representative of its Media Department and Extension Service to the world.<sup>99</sup>

Indeed, *Jomo Gbomo*, in the MEND tradition of assertiveness, told people at home and abroad on Amnesty Conclusion Day, 4

October 2009.<sup>100</sup> "... come October 1, 2010, will be as like that day when we will know if today's Amnesty has been a failure or a success."

MEND divisions went so deep as to disturb relations between their former leaders. Thus, "Boyloaf" and Tompolo who, along with others, had fought for the release of Henry Okah and made that an essential condition for their acceptance of the Amnesty Option, later turned against him. Tompolo, a former "marine expert", who went into the camps of the creeks for the Struggle, in 2003, saw Henry Okah merely as a "business man" interested in profits.<sup>101</sup> "Boyloaf", shortly after his participation in MEND's bombing of Atlas Cove Jetty in Lagos on 12 July 2009, even as negotiations for Amnesty were in progress, told people, at home and abroad, that Henry Okah was "not a freedom fighter but an arms dealer" who lived in South Africa but had no camps in the Niger Delta.<sup>102</sup> Such disputes apart, at meetings between MEND leaders and President Yar'Adua, such as the one he had with them at Aso Rock on 19 October 2009, Henry Okah was treated as their leader.<sup>103</sup>

Divisions among MEND leaders intensified over their approaches to the selection of a Mediation Team for Amnesty and later Peace. In September 2009, Henry Okah and his close associates in MEND embarked on forming an "Aaron Team" for negotiations. On the origins of this Team, with an Old Testament Biblical connotation, available information from the most competent source on 15 May 2010, which this author confidentially got, indicated that none present when this idea was first mooted questioned its name. Members present unanimously accepted the idea and name. Above all, the composition of the "Aaron Team" as well as the name itself was not "clannish".

The division which developed subsequently arose from membership of the Aaron Team. Originally, it was to comprise two members of intellectual strength and widespread acceptability but not mere Camp leaders and followers. When President Yar'Adua rejected the MEND proposal to extend the deadline for the conclusion of the Amnesty Option to 31 December 2009,<sup>104</sup> the need for a more permanent Mediation Team to examine further the "roots" of the Struggle and monitor the implementation of that Option became inescapable. So, MEND chose these original mediators on its Aaron Team:<sup>105</sup> Professor Wole Soyinka, Nobel Laureate; and Vice-Admiral

Mike Akhigbe, former Chief of General Staff. In November 2009, the list included Major-General Luke Kakadu Aprezi (Rtd), Dr Sabella Ogbobode Abidde, and Mr Amagbe Denzall Kentebe who had replaced Human Rights activist Ann Kio Briggs. Her replacement, for reasons undisclosed, further split MEND apart. For example, the Warri-Ijaw Peace Monitoring Group was against the removal of Ms Ann Kio Briggs who, it said, had "paid her dues".<sup>106</sup>

Retired General Godwin Abbe, Chief of the Amnesty Administration Team, vehemently opposed the Aaron Team idea and its composition. He criticised its use of members who were not "militants" and persons not regularly resident in Nigeria. He also said it lacked credibility since its membership was not determined on the basis of consensus.<sup>107</sup>

At the special meeting which President Yar'Adua had with members of the Aaron Team at Aso Rock, Abuja, on 14 November 2009, present were all its members plus Henry Okah flown there from South Africa for this purpose. Its opponents included General Godwin Abbe, Tompolo and Ateke Tom, among others. President Yar'Adua had agreed to meet this Team, since the approval he conveyed to them during their earlier meeting on 10 October 2009, despite stiff opposition to his decision among its critics. He, on 14 November 2009, promised to visit the Niger Delta "in the shortest possible time to see things for himself".<sup>108</sup> Of course, *Jomo Gbomo* saw that meeting as "a successful outing".<sup>109</sup> Nine days later, in the night of 23 November 2009, President Yar'Adua was flown out of Nigeria for urgent medical treatment.

Left, right and centre, it seemed, MEND had few friends and supporters to commend its efforts, with President Yar'Adua's Amnesty firmly in place. Some criticised its Aaron Team for lack of consultation. Others accused Henry Okah of arrogance. Among one of its sturdiest critics was Dr Chris Ekiyor, President, Ijaw Youth Council. In November 2009, he described MEND as "a faceless organisation that was created as a child of necessity." He further claimed that "no team, whether Aaron or Moses or whatever name can come now and talk for us". He said none could inspire his constituency with confidence since there were other more capable persons excluded from the Aaron Team.<sup>110</sup>

In a similar vein, seven “ex-Generals” of MEND, in a joint petition, asked the Federal Government, the international community and corporate bodies not to recognise Henry Okah and the Aaron Team. These seven “ex-Generals” of MEND were: John Togo, Ezekiel Akpasibe-Owei, Pastor Reuben, John Isiaye, Alex Preye, Frank Ibigone and Pius Wareyai. In their petition, they said:<sup>111</sup>

We hereby categorically state that it is only the following war generals and our men at alert who will meet and nominate credible leaders of Niger Delta to represent us to negotiate sensitive issues with federal government for permanent peace in Niger Delta. They are as follows: (i) General Tompolo, (ii) General Boyloaf, (iii) General Tom Ateke, (iv) General John Togo, (v) General Farah Dagogoh, (vi) General Egberipapa, (vii) General Ezekiel Akpasibe-Owei, (viii) General Soboma George (ix) General Afrika (x) General Ogobosh, (xi) General Joshua Mackiver, (xii) General Pastor Reuben, (xiii) General Shoot-At-Sight (xiv) General Darekoro.

We, the generals and our men at alert in Niger Delta arms (sic) struggle know ourselves that we are all ‘school drop-outs’ who have signed their death warrants and sacrificed our lives for Niger Delta liberation. We know that we cannot speak big ‘grammars’. But no individual should feel larger than life with his chains of university degrees to hijack the struggle of our lives. We want Mr. President to know that if Henry Okah who claimed to be our general leader has any troops, he too should surrender arms as we creek generals do, before he identifies himself a general. Henry Okah is a paper general without a battalion. We sincerely regret and apologize on behalf of our arrogant brother, Henry Okah to all members of the Aaron team for what this might have caused their personality. We are particularly apologetic to Nobel Laureate Professor Wole Soyinka for what the selfish and personal aggrandizement of Henry Okah had caused to his personality. We respect and prostrate before the Nobel Laureate for his wisdom, ingenuity and creative power as a genius.

On the other hand, one Comrade Dennis Otuario, in Zurich, Switzerland, had no doubt in his mind that “some of the ex-militants are being used by politicians to paint the Aaron team in a bad image.” He not only supported Henry Okah’s efforts in the Struggle but also agreed that the Aaron Team was formed in the best interest of stakeholders in the Niger Delta.<sup>112</sup>

The Disarmament and De-Commissioning aspects of the Amnesty also left much to be desired. For example, as of 11 October 2009, one week after the final day for militants to surrender firearms in their possession, the Federal Government claimed to have received these weapons from former militants: 2,760 guns of different caliber and types, 287,445 rounds of ammunition; 18 gun-boats, 763 explosives and 1,090 dynamite caps. These it promised to destroy.<sup>113</sup> But, in the light of experience gained after the end of the Civil War, 1967-70, practice did not permeate promise. Moreover, then as now, combatants did not surrender all weapons in their possession. On this, the reservation by Chief Rita Lori-Ogbebor, an Itsekiri Community leader and activist, was much nearer the truth than what the Federal Government then believed. She then observed:<sup>114</sup>

Every militant knows what the gun is for – the guns for them represent implement to get food for themselves. If they give one gun, they will keep five for themselves. The militants are no fools.

As the Federal Government believed, the Amnesty Option gave former militants “a safe landing” pad,<sup>115</sup> an escape route from the hard Camp-life in the creeks after years of struggle independently or as members of a loose body called MEND. Ateke Tom, for example, though not a member of MEND, was one of its allies. He and other Camp Commanders and their foot-soldiers led lives in hazardous circumstances. The agreed Creek life for them, as fighters, was not the equivalent of “a bed of roses”. Instead, it was grim and uncertain in terms of physical comfort and survival. Yet, for as long as it lasted, most of these former militants tolerated what they could not avoid. So, only a few of them deserted at much peril: for, if caught, punishment, through death and maiming, was certain and instant.

One foot-soldier, “Paul,” described the perilous conditions which prevailed in the various Creek camps in a chilling manner. Small wonder, Amnesty provided the safest possible escape-route which mere courage, on the part of a deserter, could not. And this was what Paul told Sam Oyadongha of the *Vanguard* in Yenagoa concerning what he and fellow foot-soldiers experienced wherever their Camps were pitched.<sup>116</sup>

He said the experience was so bad because they were always confronted with dead bodies, wounded people and blood. All we see is blood, and all our songs are war chanting and incantations. We also do some rituals and drink charms. We didn't live permanently in the creeks, sometimes we stayed for weeks in and two weeks out or more depending on operations; this is because of accommodation inadequacy. And in the camp we knew no sleep; we were always on the alert and very vigilant. We suffered from mosquitoes bites, and *craw craw* (rashes), most of us fell ill often because of the environment. The camp in the creeks was made with wood, segmented into small room apartments, with about 13 militants per room. Sleep on 6x6 mattresses, there were television sets well connected to cable – DSTV – and fans in the rooms. We had enough of assorted foods, and we ate and drank as we liked. Normally, we operated two weeks in and two weeks out and paid N20,000 monthly, and in some cases small tip or allowance would be added depending on operations.

Life out of creeks is sweet. The most important thing is the fact that we are free, and have nothing to fear again. No fear of the unknown, death, blood and killings. But initially we were afraid because we knew that we were against the government, so we had every reason to be afraid of the intention of government on amnesty. At first, our leaders thought it was a trap, so we refused.

But due to pressure from the governor, traditional rulers and other important people, we decided to partake in the amnesty thing. But in the camp, the food could not be compared to the creeks, even the hostel, except that it is on land, but we were more comfortable in our creek camps than in amnesty camps. And that is why we protested.

On his plan for the future, he said, *Wetin I need na work wey dem go pay me well, some people say dem want learn work, some say dem want go school, but for me, na work for oil company or government.*

**Most dreaded operation:** Any operation that involved confrontation with JTF was always dreadful, because people must die. Usually, our leaders have information and were always prepared. But sometimes, we carry out operations which are code-named by our leaders can't remember any specific one.

As part of its Amnesty package, the Federal Government, in October 2009, announced a "Marshall Plan" for the Niger Delta.<sup>117</sup> But, President Yar'Adua who made that himself hardly understood its

true origins and complex limitations, if applied to the Niger Delta in the context of my key determinants of History. What that huge programme made possible for post-World War II Reconstruction/Recovery, in war-torn Europe, with large funds provided by the US Government then could not be said to meet the requirements of the Niger Delta from 4 October 2009, the terminal date for acceptance or rejection of the Yar'Adua Amnesty. In addition, the vast resources, will and capacity demonstrated by all stakeholders in the US-sponsored Marshall Plan for Europe then no sane optimist could replicate in Nigeria as of 2009-2011.

Yes, President Goodluck Jonathan, President Yar'Adua's successor from 6 May 2010, came from Bayelsa State in the Niger Delta. But, the nerve-racking circumstances of his succession and grim uncertainties concerning his political future in a Nigeria still endangered could not and did not promise changes positive and far-reaching enough to make a Marshall Plan equivalent for wholesale reform and reconstruction in Nigeria's Niger Delta a realisable dream in the foreseeable future.

So, a Marshall Plan, associated with a temporary end of one phase, the Amnesty phase, of a larger Peace-package for the Niger Delta and The-Rest-of-Nigeria, hit stakeholders in October 2009 without any reasonable assurance that those who made such an undertaking had made adequate feasibility studies, including complicated environmental impact assessment in that deltaic environment. Moreover, they did not provide sufficient funds to back such a sensitive Plan for ecological and associated reasons. Planners, if any, did not alert the relevant authorities on how far stakeholders outside the Niger Delta were ready to accept the huge costs involved in a pragmatic Marshall Plan and not the one in their dreams. And so, by their acts of commission and omission, these Marshall Plan dreamers set a bad trap for Nigeria: Disillusionment with Danger.

This self-imposed national tragedy happened in these stages. First, from the London Constitutional Conference in 1957 which sought to handle pressing pre-Independence matters, such as the Ethnic Minorities Question, to Amnesty in 2009, the majority of Nigerians had no sympathy with peaceful approaches to the Niger Delta Question. Next, the discovery of Crude Oil at Oloibiri and its first export, in commercial quantities, in 1958, made matters worse.

Nigeria's, step by step, addiction to Crude Oil and its quick dividends thereafter made peaceful resolution of that conflict more and more difficult. Moreover, with the advent of MEND, in 2005, these same beneficiaries of the Crude Oil equivalent of an adult pacifier of their otherwise multiple problems, reluctantly, accepted the middle way of an Amnesty: of the kind hurriedly put in place by President Yar'Adua in October 2009. Before then, between May and July 2009, he had hoped to pursue the on-going military option such as was taken in the Gbaramatu phase of the Oil Wars. When that option eventually collapsed, in July 2009, President Yar'Adua quickly endorsed Amnesty, in October 2009, to placate Nigerians and give himself much needed rest.

The evidence, available as of 2011, suggests that the 2009 Amnesty was the product of a sick President. Only his medical doctors and political handlers knew how sick President Yar'Adua was at the time he hastily concluded the Amnesty Option as his answer to the perennial Niger Delta Question. His dramatic night trip, on 23 November 2009, to Saudi Arabia for urgent medical treatment indicated all was not well with him during the course of the Amnesty negotiations. These included complicated matters not resolved at the end of his contact with the Aaron Team at Aso Rock, Abuja, on 14 November 2009: nine days before his sudden trip to Saudi Arabia.

Here, again, one had to relate President Yar'Adua's unfortunate medical condition, in the context of the 2009 Amnesty, to the prevalent public mood which was far from favourable to the Niger Delta cause before and since Nigeria's Independence. Hence, both President Yar'Adua and The-rest-of-Nigerian society failed to learn useful lessons from professional foresters who, in their attempts to treat a known disease with root-causes, started where it mattered most. That, however, was not the preferred procedure adopted by the political equivalents of foresters, in Yar'Adua's Presidency and Civil Society, to treat the "root causes" clearly identified in the Niger Delta plant from 1957 to 2010. Accordingly, in the well-known Nigerian search for scapegoats, President Yar'Adua was not the goat which they constantly beat for allegedly eating their yams in the Niger Delta. The trap Nigerians fell into was one they made, consciously or unconsciously, without considering who else would be its victims.

### Implications of a Nigeria in an Amnesty Trap or Spider's Web

As MEND saw it,<sup>115</sup> the real name of President Yar'Adua's famous Amnesty was "disarmament without discussion of the root issues" deeply embedded in the current and recurrent Niger Delta Question. So, as in a solution of a Geometry-type of a question, without getting the first step right, there was simply no way of saying QED (*Quod erat demonstrandum*) at the end. So through several issues which these hasty approaches to Peace could not and did not resolve, the silent strangulation of Nigeria and Nigerians continued, from a regional Struggle for basic fundamental human rights applicable to the distressed communities in the Niger Delta to slow poisoning of all manner of systems nationwide.

- (i) Unfortunately, neither MEND nor other stakeholders helped to re-phrase the fundamental aspect of the Niger Delta Question in its most appropriate form: Ownership of land, no more and no less. That was how Henry Okah and others before him, since the era of the Kaiama Declaration (1998) believed was at the centre of a pragmatic solution to the Niger Delta Question. If that was a generalisation, it was not far from the Truth. With such Ownership and with a flexible and comprehensive interpretation and application of the term "Land", resources on it, below it and above it, would have legitimately and irrevocably belonged to the several communities in the Niger Delta. So, the Land Use Act, a military Decree imposed in 1978, which Military Rulers later not only planted into but also preserved, protected and defended in the 1979 and 1999 Constitutions, under prescribed Oaths of Office, was a flagrant breach of the fundamental human rights of all Nigerians and more so of the Niger Delta communities in particular. Hence, any attempted resolution of a conflict arising from such unilateral deprivation had no chance of success through adjectival adjustments in an imposed Derivation Formula, but through substantive review and reform of that section of the extant 1999 Constitution. But, neither President Obasanjo nor President Yar'Adua saw lasting solutions in that light between 1999 and 2009. Accordingly, all the panaceas sought, as set out in this Chapter and elsewhere in this study, were merely

diversionary. The Centre of Gravity of the Niger Delta Question, since its 1978 phase, caught and kept a steadily strangulated Nigeria in that Spider's Web whilst stakeholders in my SSS segment, though in grievous pain, remained helpless.

- (ii) To some extent, the MEND hardcore, after desertion by its key leaders, such as "General Boyloaf", Tompolo and others, did not fail in drawing public attention to the need to address what they termed "the root causes" of that Struggle; but they too stressed other "fundamentals", such as Self-Determination, Justice and Equality, which more powerful stakeholders brushed aside in favour of President Yar'Adua's Amnesty, as it provided them with continued access to Nigeria's vast Oil and Gas resources. Hence, their short-term gains helped to short-change the long-term benefits of those stakeholders in Civil Society trapped in that strangulating Amnesty Web.
- (iii) Divisions in MEND, over Amnesty, denied The-rest-of-Nigeria's stakeholders much lasting good. As the final stages of Yar'Adua's Amnesty approached, divisions among "General Boyloaf", Tompolo and Henry Okah intensified. Despite a brief meeting between Tompolo and Okah when the latter was freed by the Federal Government from a long detention and trial for seditious felony and gun-running, no lasting end to their feuding resulted. Instead, their feuds over the implications of Okah, as a "business man" and imputations of profits by him from gun-running, made them quite vulnerable to attack through infiltration by their overt and covert enemies. In the end, by splitting their ranks the way they did, their followers in their several camps, jumped out with whatever firearms they could carry from their Creek hide-outs without proper signs of credible change of heart and mind concerning the issues which, initially, drove them into Militancy and supplementary criminality. It is believed, in several unofficial circles, that, with the benefit of the mismanaged Cash-for-Arms Exercise, in 2004, not all the ex-militants surrendered all the firearms they had, particularly, the heavy ones which they could not carry by hand and private transport. So, how many of such heavy weapons still lie carefully concealed in several

creeks inaccessible to JTF units? Indeed, how safe are those creeks, in terms of National Security, now and in the foreseeable future?

- (iv) Though Dokubo-Asari and members of his NDPVF had challenged the validity of President Yar' Adua's Amnesty in an Abuja High Court, the relevant authorities did not put, for authoritative determination, challenges, based on the 1999 Constitution, on their fast track. Hence, on 4 October 2009, the due date for concluding that Amnesty, the matter remained unresolved by the Courts of the land. Thus, Dokubo-Asari and his NDPVF units were left to keep their formidable firearms and remain outside the official boundaries of the said Amnesty.
- (v) The administrators of the Amnesty, as determined through the Presidential Panel headed by Retired Major-General Godwin Abbe, former Military Governor of Rivers and Akwa Ibom States, later Minister of Internal Affairs and then Minister of Defence, did not have sufficient time and other resources to manage what was quite untidy from beginning to end. Though a sum of N50 billion was officially budgeted for this exercise, the release of funds, late in all such cases, was a different matter. Hence, persons who, as militants, had ready access to big cash assets, were compelled to wait for the meagre monthly allowances approved. With families and hangers-on, in their places of residence, unlike the exclusivity which Camp and Creek life provided, financial constraints complicated obvious DDR-driven problems. Moreover, numbers of registered ex-militants remained uncertain and so complicated management options. As of 26 October 2009, General Abbe's team had expected a total of 17,000 ex-militants though, as of that date, only 15,260 had registered.<sup>119</sup> What the final figure was few outsiders knew. With the lack of statistics essential for accurate planning and implementation, the post-Amnesty era administrators left many doors wide open for mayhem as and when possible for miscreants.
- (vi) Through the hasty approach adopted by the Amnesty administrators, no psychiatrists and other health-care specialists were known to have been deployed to help these fairly large

numbers to re-integrate them properly into their respective communities under a credible DDR programme. During my Peace-making roles, as Chairman of OCPC in Okrika community, 2005-2006, experts made known to our team that most of the militants drank cocktails of human blood mixed with diverse potions for expected benefits in their criminal operations, including gang-rape of innocent civilians and violence, murder and maiming, amongst others. In such circumstances, militants and ex-militants were carriers of HIV-AIDS among other lethal diseases. Without proper investigation and treatment, a careless Amnesty Administration let loose on society ex-militants who deserved better treatment. Moreover, reports received then plus subsequent confirmation elsewhere did suggest an urgent need to prepare communities with deep grievances, from the criminal acts of militants in the pre-Amnesty era, to reconcile themselves to unreformed ex-militants. Hence, the absence of any credible Reconciliation Agenda, as an effective part of the 2009 Amnesty DDR programme, rendered several recipient-communities not only vulnerable but also not sufficiently ready to forget and forgive past wrongs, including murder, maiming and wilful acts of destruction of private property and public works.

- (vii) Besides, the post-Amnesty Administrators failed to put in place early rehabilitation of such property and public works destroyed by the militants in several towns and villages. Indeed, estimates brought before the OCPC, including that of Okuruama which was completely sacked by militants in Okrika, ran into billions of naira as of 2005-2006. But, neither the Rivers State Government nor the Federal Government, then as now, felt able to engage in rehabilitation projects. What Okrika community witnessed then was replicated in other communities of the Niger Delta. To millions of victims, such neglect amounted to a flagrant condonation of criminality. Indeed, the meagre sum of N50billion which the Federal Government voted for the Yar'Adua Amnesty excluded much heavier costs for proper rehabilitation in the Niger Delta.

- (viii) Moreover, by not punishing such criminality, because of the beneficence of President Yar'Adua's Amnesty, he and his successor, in continuance of this programme, made criminality and insurgency against the State pay. To that extent, they compromised future Terror.
- (ix) Furthermore, discordant signals were given to parents and guardians concerned with proper control and discipline of children and wards. Those who ran away into creeks and camps, contrary to the dictates of strict family discipline, were amply rewarded unlike those who stayed at home and endured relentless hardship and poverty, because they obeyed the dictates of their parents and guardians.
- (x) Again, in a family with several children, including unemployed graduates and others qualified but unemployed, the return of ex-militants with preferred State benefits did adversely affect morale among those who obediently rejected such available temptations to rush to the creeks and carry lethal weapons against the State and innocent individuals. Skill-Development in other families with children in need was also not available: discriminatory practice not disguised.
- (xi) Beyond family lines and imperatives of discipline and control, there was the likelihood of impacts on innocent school children whose schools became temporary warehouses for the miscellaneous firearms surrendered by ex-militants. As observers of Terror in their surroundings, whilst the Niger Delta Oil Wars lasted, these became exposed to mental images of violence and counter-violence with incalculable implications for their future conduct in Civil Society.
- (xii) In addition, Amnesty of the Yar'Adua type was not extended to others, such as OPC and MASSOB, whose members had their own sets of grievances against the State. Though the OPC, throughout the post-NADECO era from the mid-1990s to the Present, managed its in-house Security devices among the faithful in several South-West States and so were seldomly molested by State law-enforcement agencies, MASSOB wings of protest encountered regular harassment from NPF units. In particular, Chief Ralph Uwazuruike, MASSOB leader,

constantly clashed with Police and Court authorities who arrested and tried him, with or without option of bail. During his detention in Abuja, his supporters demanded from President Obasanjo bail terms similar to those extended to Dokubo-Asari. Hence, in MASSOB and OPC circles, the Yar'Adua Amnesty appeared discriminatory in a country whose Constitution, as its Supreme Law, was meant to discourage such practice. Where such discrimination inflamed passions, the MASSOB message had sufficient potential to cultivate underground support among the *Ndi Igbo* and so gravely compromise National Security.

- (xiii) For example, from private information made available to this author, one open challenge to constituted authority by MASSOB leaders and followers in 2004 occurred. On 26 August 2004, MASSOB leaders had asked followers to "stay at home" nationwide to mark their Biafra Movement. In obedience, MASSOB sympathisers tied to the tops of huge trees, between Orlu and Okija, Biafra flags which Police units found difficult to spot and remove. Moreover, MASSOB communication networks, for such purposes through "Okada" (motorcycle) drivers and riders, official law enforcement agencies found difficult to prevent. At their grassroots level, MASSOB leaders effectively spread their gospel of protest to target masses who were in a position to compare policy and practice meant for them and others in the same fatherland or motherland. Among them, if not elsewhere, including OPC circles, the 2009 Amnesty was a bad example of equal and similar treatment in one's country whose supreme law was not meant to be a respecter of persons, even in the granting of State Clemency or Pardon exercisable by the President.
- (xiv) In other words, the relevant authorities who sponsored the Yar'Adua Amnesty did not seem to understand the wider implications of treating insurgency differentially in a country with agreed criminal and penal codes. Therefore, current and recurrent MASSOB and OPC aspects of insurgence did not receive the same treatment as MEND and its allies had under the Yar'Adua Amnesty. It was the same for Boko Haram, 2009-2011.

How far the 2009 Amnesty precedent, in the resolution of multiple conflicts at federal, state and local government levels, could be stretched has become an albatross over the shoulders of stakeholders in the SSS segments. For example, some States in the South-East Zone expected Amnesty for victimisers in the offence of kidnapping or hostage-taking, for political, personal and other reasons, with huge ransoms at stake, which, had increased nationwide. At first, widely seen as part of the Niger Delta Question, in its post-1999 phases, kidnapping, after the 2009 Amnesty, spread elsewhere like wild fire which, according to a familiar saying of Nigerian elders, goes where it is not sent. So, what was obviously a blessing to politicians in the Yar'Adua School of Amnesty became a patent source of further challenges to the NPF and other law enforcement agencies in their, so far, unsuccessful combat with all manner of crime in Nigeria since Independence.

ii) Planned or accidental, the relevance of and necessity for Dialogue, real Dialogue by authentic stakeholders democratically chosen to pursue vigorously an agreed Exit-Formula for the perennial Niger Delta Question, suffered a hefty blow through the sudden crash of the "Aaron Team" approach. Indeed, the fiasco of that approach, contrary to the expectations of MEND remnants, punctured seeds of emanative dialogue so seriously that prospects of their germination in a healthy state seemed jeopardised for a long time to come. Thus, both the Yar'Adua side and that of MEND parted ways prematurely before an agreed pathway of compromise and reconciliation was pursued to its logical conclusion in order to yield sustainable Peace-dividends not only for the Niger Delta but also for the rest of much-troubled Nigeria and her sharply divided stakeholders among SSS segments.

iii) In these and other ways, as set out above, Yar'Adua's Amnesty created more problems than it solved and, in the process, did a thorough resolution of the Niger Delta Question more harm than good. It skimmed the surface and left the solid substrata of the conflict untouched. It raised expectations of

far-reaching measures to follow; but, with the sudden demise of its architect, such hopes vanished as quickly as they came out of a more darkened Niger Delta skyline. His predecessors did the same. They abandoned what was not possible and left. One and all, they seemed to have followed what this author, during Peace conversations with Afenifere groups, picked up, in 2010, from a disgruntled Nigerian statesman and stakeholder in South-West Nigeria. He then said: “No elder or ruler can solve Nigeria’s problems. Do the best you can and go.”

- (xviii) The dramatic change of leadership from President Yar’Adua to President Jonathan, on 6 May 2010, brought with it the possibility of continuity or change of policy concerning the Amnesty Option given former militants in the Niger Delta. As President of Nigeria, though from Bayelsa State, Jonathan continued his predecessor’s general policy thrust but quickly realised that the Amnesty Implementation Committee headed by General Godwin Abbe gave it a Command Character not suitable for peace-making. Indeed, before this Presidential Transition, some MEND leaders had clashed with General Abbe over resultant friction. One such key MEND leader, Tony Uranta, made his criticism of General Abbe public.<sup>120</sup> So, it was not surprising that President Jonathan dissolved the old Amnesty Implementation Committee and made Timi Alaibe, former Managing Director of NDDC, later Special Assistant to President Yar’Adua on the Niger Delta, who had played a key role during the Amnesty negotiations, Chairman of the new Committee.<sup>121</sup> He later left that role for gubernatorial pursuits in Bayelsa State before the 2011 General Elections.

Indeed, Mr Denzil Kentebe, member of the Aaron Team, Niger Delta activist and Chairman, Ijaw National Congress (INC), Lagos State Branch, explained the failure of the old Amnesty Implementation Committee thus. Matters arising, including the disbandment of the JTF, earlier made a pre-condition for Amnesty during negotiations with President Yar’Adua, became clear in an interview he gave to Emmanuel Oladesu, Deputy Political Editor of *The Nation* in May 2010.<sup>122</sup>

*What are the challenges that will face the Jonathan Administration?*

Between the time former President Umaru Yar'Adua fell sick and the former Vice President became the Acting President, there were uncertainties and instability in the country. Dr Goodluck Jonathan who is now President allayed our fears. He rose to the occasion to the delight of many Nigerians and the international community. He needs to do more for the nation now that he is firmly in the saddle. A lot of things must be accomplished. He cannot afford to rest on his oars. The administration has a short time to accomplish much in terms of delivering the dividends of democracy to the people. Nigerians yearn for a credible and transparent leadership that will guarantee an enabling environment for free and future elections...

The President must also focus on the Niger Delta, especially the post-Amnesty programme. He must ensure gainful employment for our youths and improve conditions of life for the people of the region. Nigerians look forward to stable power supply because it will kick-start the moribund economy.

*You are an activist in the Niger Delta. How can the Niger Delta question be resolved?*

I have a vision of a region full of economic activities and opportunities; employment for the youths, a haven of peace and tranquility. The goose that lays the golden egg must be adequately catered for. This cannot happen when you take all the resources from the region and neglect it. That is rape. We will continue to demand for equity and justice. Why can't each region take charge and care of its resources and pay back to the centre? Why should the centre take all and give back only what they think is proper? Nigeria must return to true federalism that was practised in the days of cocoa of the West and groundnut pyramid of the North.

*Why did the post-Amnesty programme fail?*

The Amnesty was initiated by the late President Yar'Adua. He had a good intention. But it was not well thought out. Its implementation was a disaster. One of the goals is the re-integration of our youths and people in the Niger Delta. But there was a missing link. The implementation was handled by those who lacked the capacity for mediation. They were not trained to mediate but to fight war. The argument of some of us in the civil society groups is that you cannot

have someone like Major General Godwin Abbe (rtd) as the leader of the implementation committee. It is a delicate assignment. He is used to giving orders. To that extent, I think the federal government has not taken the issue of Amnesty seriously. The stakeholders have not been given enough opportunities to come together to discuss the best way to implement the Amnesty programme. Some people just sat down and came up with a plan.

It is refreshing that the Amnesty Committee has been disbanded and the responsibility for bringing lasting peace has been given to Timi Alaibe, the Special Assistant to the President on Niger Delta Matters. He understands what he needs to do and those he should carry along. I think that he has the skill and experience to drive the Amnesty process.

*The President is an Ijaw from the Niger Delta. With him in the saddle, don't you think that it will be easy to resolve the Niger Delta question?*

President Goodluck Jonathan is the President of all Nigeria. He will do the right thing. He disbanded the Amnesty Committee because he knew that it was not doing what it was supposed to do. In the zone, there are people who believe in the Amnesty and those who do not believe in it. MEND raised a committee to examine the reason for the armed struggle. The committee was led by Prof Wole Soyinka, Admiral Mike Akhigbe, Gen Azzazzi. I am on the committee. We met with the late President. We will meet again with the new President to continue from where discussions with the former President stopped.

*What is your reaction to the withdrawal of the Joint Task Force (JTF) from the Niger Delta?*

It is a welcome development. It was long overdue. Now, in the past few months, we have not witnessed any major crisis in the region. The resources allocated to the JTF should have been used to develop the region. We don't need the JTF in the area. We have the Nigerian Police which must be empowered to handle crisis situation. When the people see the JTF, they feel that government has come to oppress and subdue them. They see the display of raw power. How can investors come to the region when you create perpetual fear? Some of the governors have even decried the activities of JTF. It had outlived its usefulness before it was disbanded.

Again, with such changes made in the administration of the Amnesty Programme, former Camp Commanders, among militants, agreed to support President Jonathan's efforts in this direction within the

space allowed him by other stakeholders. In a statement by Whyte, spokesperson of the Joint Revolutionary Council, these former militant Commanders welcomed the appointment of Abaibe who, they said, was more accessible to them. The Commanders who pledged their support included Tompolo, Ateke Boyloaf, Farah Dagogo, Ken Opusingi, Busta Rhymes, George, Soboma Jackrich, The Young shall grow, Joshua Aboy Muturu, Clever Osei, Nico Sinteh, Egbema One, among others. The JRC statement, however, ended with this timely warning:<sup>123</sup>

There are a few more active combatants in the creeks and they will not surrender unless they are sure that the Amnesty is true, sincere and for the good of all people.

Additionalities, along with those critical issues indicated earlier, were not promised Nigeria's stakeholders in the familiar Amnesty Web. But, under Gooluck Jonathan, his predecessor's Amnesty, good or bad, remained largely unchanged, as of 2011.

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## **Conclusion: What Prospects of Lasting Peace Exist in the Niger Delta and Nigeria?**

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### **Introduction**

In truth, and because of His familiar attributes, only God can tell. Indeed, what lies in the Future and in the hearts and minds of human beings, truly, belongs to Him. Hence, other answers, including this, to that intriguing Question would stand second best. And with that necessary reservation, I now proceed.

Peace in the Niger Delta is in the interest of all stakeholders in Nigeria, including Christians (throughout Nigeria's Bible Belt) who are enjoined by God in (*Matthew 5:9*) to be Peace-makers in order to be blessed as children of their Almighty and All-wise Father. Muslims and adherents of Nigeria's several African Traditional Religions (ATRs) are similarly encouraged to seek Peace rather than War.

In this chapter, I have attempted to put together my thoughts on Peace in the Niger Delta with emphasis on why this region had few friends. Some of these thoughts I had expressed at gatherings where Christians and members of the other faiths came together for specific purposes, between 2008 and 2009. I discovered that Nigeria had more Pests or Parasites of Peace than necessary.

Their numbers did not diminish before and after President Umaru Yar'Adua's Amnesty in 2009. But that Amnesty was more of a Truce than sustainable Peace after a long period of Oil Wars in the Niger Delta. So, I decided to examine Christian dilemmas first before those of other Pests of Peace in Nigeria.

### **Reflections on Christian Dilemmas over the Niger Delta Conflict: Past, Present and Future**

In this chapter<sup>1</sup> I owe myself and readers this consequential duty. It is to warn myself sufficiently, thrice, as Magistrates do or are required to do in using uncorroborated evidence in trials before them in a Nigerian Court of Law. The Court of Conscience would need similar

self-warning. Also, as required when one approaches the Temple of Justice, a petitioner or relief-seeker is expected to come with “clean hands”.

But, how clean are my hands? Here are some reasons to suggest I need to warn myself again. I am a Christian of the Anglican Communion. I come from the Niger Delta. I have written and spoken a lot on the Niger Delta Question. I am also a professional historian: one required to use customary lenses even though some are inexact and, where available, such evidence is often incomplete or unreliable. Hence, our long stories on the causes, courses and consequences of major events plus cures for resultant problems sometimes provoke controversies. Moreover, our comments may or may not be coloured by an occupational disease called perspective or bias (special pleading).

The domain of Causes is littered with such problems. So, if the first step is wrong, the foundation will be too weak to support castles built on it. For example, who, except God, the Almighty, the only wise and omnipresent, can penetrate the labyrinth of hidden agendas in the hearts and minds of human beings as key actors in any story? These are the secrets which affect, directly and indirectly, so-called policies, practices, programmes, projects, among others, in the open sector of Society and the State. Then, the theatre of operations shifts to Self, what one will call “You”. In that tripartite puzzle is planted an already complex set of affairs. I call that the SSS Triangle, not the one which most Nigerians fear when it comes to secret probes. Often, some relevant documents are willfully destroyed by actors to hide their acts of commission and omission. So, who is the best Judge in the Court of Conscience, the You-Court or U-Court?

Surely, the first Conclusion, even before this Introduction is finished, is this: What is not known to History or to a historian is known to God and Eschatology. In the end, the evidence for God’s own Conclusion is written and infallible: the one in His Book of Life (*Rev. 20:12*). So, the Last Word will be in His-Story of the Niger Delta, Ancient and Modern, not the one by me or any one else. It will be the only authentic History of that sorely troubled part of Nigeria.

A second Conclusion is this: Christians (in Nigeria’s Bible Belt) need not feel too embarrassed over the complexities of the Niger Delta Story. These are perplexing to mortals with known limitations,

the dimensions of which are too wide to explore here. Several stakeholders betrayed their Consciences when they regularly worshipped at Altars dedicated to Oil and Gas nationwide. In saying so, I am aware of the feeling of guilt in any U-Court through the General Confession by members of the Anglican Communion: concerning doing what we ought not to do and not doing what we ought to do. The Truth, the Confession continues, is not in us. From these divided loyalties, our offences and others, secret and open, seem uncountable. But only God knows their exact number and why.

Reasons for Christian exposure to these double-edged pricks of Conscience in the quoted part of the same General Confession are many. But, we need not go beyond these select few out of a very long list. Directly and indirectly, it seems, Nigeria's vast resources in Oil and Gas have seriously compromised the Consciences, loyalties and priorities of most Nigerians across frontiers of Religion. One and all, Nigerians have become voluntary and involuntary prisoners of Oil and Gas. Some Christians are traders and consumers of Oil and Gas products. Some are salary-earners and expectant pensioners with revenues largely derived from the high percentage of Oil and Gas exports. Some Nigerians have become or are hoping to be wealthy contractors with public and private funds from the same sources. Some Churches have members and Congregations active in tithes and other forms of sacrificial offerings from miscellaneous sources in a national Economy largely driven by Oil and Gas. Those so compromised are legion. That firm grip which both essential products exercised became more apparent when Nigerian stakeholders, in late 2011, clashed with the Federal Government over withdrawal of heavy Fuel Subsidies.

Other Nigerians continue to think they are so poor that any form of help from their Federal, State and Local Governments which depend on Oil and Gas, under the guise of "General Welfare", was most welcome. These hardly took kindly the thought that a man or woman, with ten fingers, should not blame God for his or her portion of Poverty. These same dependents on Oil and Gas ignored the natural intendment of *Prov. 6:6* on ants and sluggards. It is also written, in *2 Thessalonians 3:10*, that a man who does not work should not eat. But not many cheer the purport of the somber message there. Yes, Poverty, for causes and cures, divides many: no matter their belief-systems.

Above all, there are millions of Nigerians, including Christians, some deists, atheists and animists, among a total population of 140 million (2006 Census) who do not consider real the meaning and application of the familiar "Judgement Day" Doctrine. Since there is no date certain for it, as revealed in *Matt. 24:36*, lots of people still treat it with utter contempt.

The increasing Culture of Lying, now transformed into a delicate art-form, nationwide, is one other manifestation of such contempt as well as impacts of epidemic corruption, crime and indiscipline in public and private places. One recent example of this lay in evidence given before a Truth and Reconciliation Commission, set up by the Rivers State Government in July 2007. It was the one headed by Justice Kayode Eso, formerly of the Supreme Court, one with much national and international repute in matters of jurisprudence and arbitration. He has also been Chancellor of the Anglican Diocese of Ilesha for several years. Those who testified falsely before him and his team included the high and mighty in Nigerian Society, some, dignitaries of top-level Christian Churches and denominations.

At the Federal, State and Local Government levels, particularly, at those of the National and State Assemblies, Judiciary, the Nigerian Bar Association, the Armed Services, Parastatals and Corporate organisations, among others, there were highly placed functionaries (across frontiers of belief systems) who constantly failed to advocate Justice and Fair-play in the Niger Delta. Though exact figures are not available, the number of registered electors, for all manner of Elections, also included millions of Christians. Yet, no meaningful review or reform of legislation considered obnoxious to the Niger Delta has taken place since Nigeria's Independence. It has been more talk and less walk in all these areas and more of Nigeria's gaseous public debates on the Niger Delta Question before and since Independence.

In the light of all above, certain considerations and hypotheses have encouraged me to take a pessimistic view of any quick fix or substantive change in the fortunes of the distressed communities in the Niger Delta. Several Parasites of Peace, as I call them, have been at work, each with a voracious appetite and focused on a defenceless target: the Niger Delta. These persistent and robust enemies of Peace included the most vexatious, if not also pernicious, types which feed on miscellaneous matters arising from the following:

- (i) Lack of explicit reference to and proper guidance from the Bible on a correct Christian attitude to a mineral resource called "Crude Oil" encouraged a lot of confusion over assessments and choices. The little theology I know is that God, as Creator, did not say He put Oil and associated Gas, as natural resources, in His Garden of Eden. Indeed, Adam and Eve were meant to be agronomists or agriculturalists. For the avoidance of doubt, the only Oil which the Old Testament emphasised was extracted from olives for religious, culinary, medicinal and other purposes (*Deut*, 32: 9, 13; 33: 24; *Job* 29: 1, 2, 6). Surely, Christians know and care more about Olive Oil than Crude Oil. So, arguments, one way or another, on the latter tend to pass them by. Olive Oil was treated as "Holy" not the "Crude" type found in the Niger Delta: known as "Bonny Soft", the sure idol of world markets. It is not, as I believe, beyond the wisdom of God to make the nations of the world solely reliant on Oil and Gas, if these were in their best permanent interests. Geologists, I concede, would argue that both resources were derivatives from raw materials God created, though not mentioned nor mined in His Garden of Eden. Even so, He knew that the effects of these pollutants would corrupt manners and consciences more than fertile lands and their enabling environments. Nor should one forget that God expressly forbade re-entry into the Garden of Eden (*Gen*. 3: 24). Modern Science, Technology and Economics, not governed by the Creator's Blueprint and Commands, would emphasise contrary results as they do now in the Niger Delta and other similarly troubled parts of the world where people tend to treat minerals like idols and worship them at the profane altars built for them. God forgive me, if I am wrong.
- (ii) Metaphorically and otherwise, the Niger Delta Crisis is like a Life-threatening disease in Nigeria's body-politic. Miracles apart, not all such diseases are curable.
- (iii) The strong attack the weak as big fish eat the small with no exception in the Oil and Gas sector.
- (iv) The permanent interests of the actual and potential enemies of the Niger Delta, in particular and Nigeria, generally, at home

and abroad, were far more decisive than permanent friendships. These barred Ethical Principles.

- (v) Corruption, in contemporary Nigeria, knows no bounds, including ethical and spiritual standards, rules and regulations as set by persons who had no faith in them.
- (vi) The Rule of Law concept, as espoused by its advocates in Nigeria, begins and ends with the Rule of man, of fallible man. Hence, minuses there extended to matters concerning Oil and Gas.
- (vii) In-built and rock-solid obstacles to constitutional review and amendment, as enshrined in sections 8 and 9 of the 1999 Constitution, continued to delay substantive changes in favour of solutions to the Niger Delta Question and others elsewhere as against palliatives of uncertain value.
- (viii) Lack of Unity and Peace, as a result of ancient and modern grievances, in the internal affairs of the constituent States of the Niger Delta, weakened them further and made them more vulnerable to attacks by the strong.
- (ix) The predominant Profit-motive of such key players in the Niger Delta Crisis as its powerful Trans-National Corporations, active there since 1937, seemed irrepressible.
- (x) In the context of Secularism per Section 10 of the 1979 and 1999 Constitutions, what was left, as guidance, were the Consciences of fallible men and women concerning matters of Conduct.
- (xi) "The Heart of the matter is the (human) heart". (*AD 2008 Daily Guide*, p. 130). Since Biblical Creation, that centre has not changed.
- (xii) God's own assessment of the wickedness, evil and deceit in man's heart for which He all but regretted making man in His own image. (*Gen. 6:5-6; Jer. 17: 9*). His assessment has no valid amendment.
- (xiii) The UNESCO Motto which traces issues of War and Peace to the minds of human beings. These, so far, have not been favourable to the Niger Delta.

- (xiv) Neither the 1999 Constitution nor other subsidiary legislation effectively banned Secrecy in the conduct of public affairs.
- (xv) Though the Niger Delta lies in the Bible Belt of Southern Nigeria, its problems have not yet united Christians, sub-regionally and nationally, in defence of Justice, Equity and Peace. Instead, what has been on the ground there continued to defy the known tenets of Christianity, particularly, Godliness and being like Christ in thought, word and deed. Worship there and elsewhere is more of Mammon than God. Furthermore, Christians were on both sides of the battle-lines: for and against the Niger Delta. Among Christians and non-Christians, the protracted Niger Delta Struggle for Justice and Equity has split families and friends just as Wars, Civil and Un-Civil, have done in History across frontiers of time and place.
- (xvi) Christians, as well as non-Christians in Nigeria, saw Crude Oil and associated Gas as their Elixir of Life (Easy Life, with minimum labour and optimum Profit garnered quickly and effectively protected through widely available Corrupt Practices). For most of these seekers of Happiness (of the World-acclaimed type in Nigeria), and Epicureans-at-large, Crude Oil and Gas Wealth in Nigeria, from the 1970s to the Present, was nothing other than an adult-Pacifier in the midst of obvious stresses and strains of daily-living.

### **The Heart of the Problem of Peace Elsewhere <sup>(2)</sup>**

Let me take my Parasites of Peace Syndrome a stage further through a more penetrative search for internal and external types in the current cluster of Niger Delta States. Some of these have threatened and still threaten Peace among individuals and within and between families, hamlets, villages, towns, clans, communities, states and geo-political zones, among others. Others have explored and exploited divisions between "Core States" and "Peripheral States" of the Niger Delta.

Surprisingly, Niger Delta mariners who should know better seemed negligent in yet another aspect of their Threat Analysis and possible application for adequate defence of their permanent interests in the face of constant threats from miscellaneous quarters. They

failed to learn useful lessons from the defence strategies of such behemoths of the sea as sharks and whales.

It is common knowledge that these marine giants prefer to stay at the bottom of their customary oceanic habitats. Not in vain did Okrika Ijo elders use, as a drum name, this apt saying, *Opu deke chukube chukube* (Big mullet fish always at the bottom). In whaling and all such dangerous pursuits, it is the practice to wait as long as possible for a careless whale to come to the surface and play there for long and short periods. It is then that the indomitable hunter attacks it with a harpoon or other instrument capable of disabling the erstwhile strong creature of the sea. The punishment of an erring whale is swift and certain. Big enemies of the Niger Delta behaved that way: before and after the era of President Goodluck Jonathan.

Here is a convenient stage to emphasise this cardinal point in Threat Analysis concerning the link between Oil and Gas in the Niger Delta and the Future of the Nigerian State in terms of Nation-Building. It would be a mistake for anyone to think that the open and silent enemies of the Niger Delta did not know where their bread was buttered: if only one knew what bread that was. Despite nationwide misgivings over Amalgamation, the Lugardian House formally commissioned in 1914 and developed by his British and Nigerian successors, there was no doubt whatsoever that their own best interests lay in keeping alive the critical Economic buttress of the newly developing Nation-State. That stabiliser of the Nigerian State, in 1914, as this Study showed, was Palm Oil; later, and till the Present, this became Crude Oil with associated Gas. Thus, all through several Secessionist and other threats to Nation-Building, from 1953 to the Present, and with some break during the 1950s and 1960s, that categorical imperative has not changed. Instead, it has been strengthened by the current and recurrent national interest in keeping safe such Southern ports as Apapa/Tin Can, Port Harcourt and Warri as perennially available and safe anchors of Nigeria's inland States for imports and exports.

In the final analysis, the three most potent Pro-Peace magnets as well as Key nation-building blocks which significantly cemented or glued Nigeria's Amalgamation further, since 1958, were these Southern Ports, a large population-driven market-place in a globalised Economy and Crude Oil plus associated Gas. That Triangle of Forces made possible the ultimate Triumph of Economics (Common Market Interests) over Politics (modalities for sharing the Spoils of Office) in Nigeria's New Protectorate of Oil (1958-2011).

## Out of Oloibiri something New?

Here is another convenient place for reopening an issue raised in the latter part of the Introduction to this study. It was the point made there about the Niger Delta being in a series of Oil Wars with The-Rest-of-Nigeria, particularly, since Crude Oil was exported from Oloibiri in commercial quantities for the first time in 1958. Thereafter, Oloibiri lost its asset and value to Nigeria when its prime resource was exhausted and new Oil fields were found in Ogoniland and elsewhere in the Niger Delta.

That was the first time Oloibiri in the creeks of the Niger Delta hit World headlines. The next was when one of its extremely fortunate sons, Dr Goodluck Ebele Jonathan, became President of the Federal Republic of Nigeria as a result of the sudden death of President Umaru Yar'Adua in May 2010. That first succession I would call an Accident of History: one of my four key determinants of that discipline, as set out in the companion-volume to this work: *Stakeholders at War in Nigeria: From Lord Lugard to President Goodluck Jonathan*. It illustrated the Chance-factor in my set of four.

Thereafter, Nigeria witnessed a dazzling political miracle, her first, in the 21<sup>st</sup> century. That was when an unknown Child of Oloibiri twice became Nigeria's First Citizen, officially, in May 2010 and May 2011 respectively.

So, what would one say of President Jonathan's epoch-making victory in the free, fair and credible Presidential Election votes on 16 April 2011? That victory was strictly on personal merit and intense mesmerism, not exclusively on plaudits to be claimed by President Jonathan's Party: the People's Democratic Party (PDP).

He enjoyed strong and wide cross-Party support. As of April 2011 and to a clear majority of electors, among millions of stakeholders, he seemed the right man in the right place at the right time. Others said: it was to placate MEND permanently.

But, it was not necessarily Pay-Back Time for The-Rest-of Nigeria. Any such claim would amount to a gross misinterpretation of the significance of Amnesty in 2009 and huge Presidential Electoral success in April 2011. The-Rest-of-Nigeria knew what was also in their best interest as well as the right and best option for them: Crude-

Oil-for-All, no matter the sufferings and complaints of communities of the Niger Delta. Their consciences were not necessarily pricked. It was business as usual: Supremacy of the Economics of Crude Oil over Ethics in Nigeria. Short of saying, brashly, let the suffering in the Niger Delta continue for as long as the Oil flows, politicians (in the majority) preferred the easier and familiar route of “Let sleeping dogs lie”. But, who in the Niger Delta could afford to sleep with fire in their own houses, hearts and minds not shared with The-Rest-of-Nigeria where different life-styles prevailed? So, neither Amnesty in 2009 nor Presidential success of an Oloibiri son in April 2011 truly represented a sustainable break with the Past in terms of lasting Peace.

To that extent, the new Presidency of Dr Goodluck Jonathan, after his Inauguration on 29 May 2011, was expected to improve upon the Amnesty Platform designed by his predecessor in 2009 as part of a Peace process for the Niger Delta. Areas ignored by policy-makers then included the following which, though necessary for a more sustainable Peace-Package not only in the Niger Delta but also nationwide were, as of 2011, ignored.

- (i) Tests for integrity and rectitude which would be so comprehensive and severe as to prevent effectively a new generation of looters and adventurers in post-Amnesty Niger Delta. These were the types of quick-money making men known as “Carpet-baggers” shortly after the end of the US Civil War, 1861-1865. They were constant irritants to the people among whom they committed unmitigated robbery.
- (ii) Unless this form of salutary check was put in place and strictly enforced, these brigades of Evil-doers would attempt to turn the Niger Delta, during the eras of President Jonathan and the next, into Nigeria’s wasteland of abandoned projects. Indeed, the mere sight of such derelict structures, if not prevented in the next decade or more, would encourage future generations of Youth to take the present level of needless mayhem to new and more devastating heights of Violence and counter-Violence. That, if allowed to happen, through errors of commission and omission on the part of the relevant authorities, would make the forgettable and forgivable now less forgettable and

forgivable for purposes of Peacemaking and Peace-building in the Niger Delta and the rest of our grievously troubled country.

- (iii) Experience, under OMPADEC, was a sufficient eye-opener concerning the extent to which an unfettered reign of contractors, mainly, high and mighty opportunists, outside the sorely distressed areas of the Niger Delta, callously deflected plans meant for the General Welfare of the wretched of the Earth there to lining their pockets with the results of fraudulent acquisitions: taken to safe hideouts at home and abroad.
- (iv) Sufficient awareness that Violence, like Oil for domestic use, in any of one's fingers, would eventually spread to the rest when not cleaned in time. For the same reason, sages of all ages continue to emphasise "A stitch in time saves nine."

#### **Further Dimensions of the Involvement of Politicians in Nation Building: The Niger Delta Experience, 1914 - 2011.**

Despite the change of baton, from President Yar'Adua to President Jonathan, through political miracles, the first in May 2010 and the next in April 2011, from a stranger to the Niger Delta to one of its latest sons in Nigeria's highest office, much caution over lasting Peace on a fast track has to be exercised. There is a lot in Nigeria still against any notion of quick success in nation-building despite obvious good intentions. The relevant issue of long delays in doing first things first, at least, in over 100 years (1898-2011), has severely injured precious goodwill in the disaffected areas and thus mounted costs at this time of a severe national and global Recession for purposes of sustainable Development not only in post-Amnesty Niger Delta but nationwide.

There was considerable rejoicing over the popular mandate Jonathan received in the April 2011 set of Elections. But, within his First 100 Days, thereafter, unrestrained public criticism followed. Then began serious doubts over his ability to comprehend the dynamics of Nigerian Society and apply his understanding to purposeful Governance. Here, then, were some booby-traps over which he almost lost public goodwill at that critical stage of Presidential leadership.

Today (2011) Nigerians can be meaningfully divided into, at least, three political classes: Optimists or *Nigeria go better people*; Pessimists or *Na Lie people* and Know Nothings or *Na dem sabi people*. These local Pidgin-English equivalents and banners would leave no one with lingering or reasonable doubts over their identities.

Let me briefly clarify this honest classification and indicate the main reasons for doing so. On any matter in dispute, Nigeria and Nigerians seem to defy standard or Western European and North American concepts for purposes of comparison, such as upper, middle and lower classes. Something unique seems more appropriate, as suggested here.

The first group of “optimists”, if examined closely, has a lot of rulers and leaders. And, as a familiar Nigerian proverb says, in Pidgin English: *Fish wey dey spoil na for him head it dey begin*. These headquarters of Corruption, measured in multi-millions, billions and trillions of naira, have no other cause than to protect their lives and property through professed Optimism and rugged preservation of the *status quo* (or Old Order).

The “pessimists”, like tail-enders, had nothing to lose through radical changes in structures, systems and values. Some of these resembled cobras whose tails packed lethal poison or plain Terror.

What of the “Know Nothings”? By the acts of commission and omission, on the part of their rulers and leaders, they derive their strength from multiplication in numbers and staying power. As their groans get louder, they make their services available to opportunists willing and able to pay handsomely for mayhem when and where needed. These too are the rootless men and women in Society who have nowhere to hide and easily become denizens of streets and slums. Their Politics is pragmatic: paying back Evil for Evil in equal measure, if not in excess.

The best name for these “Know Nothings” comes from what Okrika-Ijo call *Nemikabiri*, the same for the middle section of a python or boa constrictor. Their main contribution to Politics is more negative than positive. Their key role lies in increasing the size of any conflict or crisis by making it longer and fatter than necessary. As in the case of a python, this is the section often used to strangle a victim to death. These specialists in slow-and-steady strangulation, including stress from not knowing what to do next in Governance on

the part of their victims, serve no useful purpose in economic production. They also serve as population-enlargers, not quality-products enhancers. As major contributors to Nigeria's overblown population, they are more a liability than an asset. In addition, they help to extend the perimeter of Evil-doing and general bad manners in communication. Yes, the *Nemikabiri* of the Python class resemble fatty tissues in Nigeria's body-politic: a present and potential danger to her chances of a steady heartbeat and good health measured in security, stability, safety and peace.

'Know Nothings' behave more as nation-destroyers than nation-builders. Issues, such as set visions and missions, those needed for nation-building, as determined by national and international soothsayers, descend on them like water on a duck's back. Nationwide, these are powerful enough to make incipient nation-states and notions of durable nation-building weep, go to sleep or bleed to death from self-inflicted internal and external wounds.

Concerning their production and reproduction in Nigerian Society, this brief hint will suffice. Bloody events, before and since Independence, played key roles in multiplying their numbers. For example, Nigeria's Civil War Years produced hordes of displaced and psychologically traumatised children and Youth in their teens (13-19 years old). Their numbers increased during decades of Violence and counter-Violence occasioned by protracted Un-Civil or Mini-Civil Wars, from the 1970s to the Present. These, at ages 20 and above, produced further groups of the ungoverned and ungovernable in Nigerian Society. With little or zero Education and bereft of requisite Skills Development and assured Employment Assets, these proved too vulnerable to the multiple attractions of Evil writ large, including providing cannon-fodder for all manner of Terror without minding the costs to the cause of nation-building.

On issues, such as the Niger Delta Question and Nation-Building, these three segments of Nigeria's political class merely agreed to disagree. Indeed, none of these three groups is homogeneous in terms of goals and means concerning any issue at stake. Hence, those who say "Yes" today can easily and quickly say "No" at the next available opportunity on the same core-issue. Variability is the name of their game. And this, in turn, poses enormous problems for policy-makers and executives. Moreover, when, through the

appointments and disappointments of the era of Information, Communications and Technological Revolution, the world today has shrunk to what is generally termed “a global village”, a cough in one place causes a hiccup in another within the twinkling of an eye. Nigerian copy-cats then tend to domesticate their brands of Trouble-making for Terror, raw and devastating.

In a pervasive environment of Change, in pace and range, adaptability is of the essence for success or failure. Hence, Time-cast approaches would cause enormous delays and so increase frustration. Here, again, familiar cultural and ethnic factors are still at work in Nigeria, each injuring processes for a speedy review and reform of identified bottlenecks.

At a time of great expectations, in the Niger Delta and elsewhere in Nigeria, adaptations of the best possible kind would promote the interests of nation-building through emphasis on justice, fairness, equality, equity and peace for all. Unfortunately, the Niger Delta Question has divided, rather than united, key political and socio-economic interests in Nigeria contrary to the intentions of well-wishers among stakeholders. These are the ones able and willing to make necessary sacrifices in the expected cleaning-up process which would interest all persons under a common political umbrella. Issues, such as these, I have discussed at length in the companion volumes to this study: sections on “We, the People”.

### **Core Issues on what is available or not on a select *Sine Qua Non* List**

To begin with, one has to recall that the Yar’ Adua Presidency, sworn into office on 29 May 2007, had as Vice- President, an Ijo academic, Dr Goodluck Jonathan, former Governor, Bayelsa State. His appointment was unprecedented. So, it raised hopes that an Ijo Vice-President of the Federal Republic of Nigeria would help to make an important difference in the fortunes of the Niger Delta communities: for better rather than worse.

Considering the age of the Niger Delta Question, and in the light of the recommendations of the Technical Committee set up by President Umaru Yar’ Adua, in 2008, and the establishment of a distinct (but not a distinctive) Ministry of the Niger Delta then, was there a sure cure for it or none? This was one of the key issues which

divided members of the three political classes already identified. Some critics said these reforms came too late to make an important difference. Others maintained the old line of it is better late than never.

Nothing, however, more concrete than the recommendations of that Technical Committee emerged before President Yar'Adua set up his Amnesty Platform in 2009. That landmark decision, after his sudden death, ran into serious bureaucratic and political bottlenecks. These were not unusual in the light of Nigeria's Past.

Moreover, with issue-less Politics, lack-lustre principles and floating loyalties, Nigeria's political Parties, before and since Independence, proved as stable as confetti. Indeed, after the Lancaster House Constitutional Conference in 1957 and the Report of the Willink Commission in 1958 that followed it, the Niger Delta became, as it were, a "bartered bride" in the Politics and Governance of Nigeria. Its suitors, one and all, demonstrated their infidelity and unsuitability for any sustainable relationship. Hence, they forfeited the trust of the so-called bride. That unfortunate position has not changed to any large and visible extent. If the truth of the matter is to be told, the Niger Delta has, so far, lacked trustworthy political friends in need and deed.

In these circumstances, the current and recurrent resort to Militancy and shades of criminality, though much distasteful to critics everywhere, manifested that palpable lacuna in contemporary Nigeria. Among ardent voices crying for Change, there was no discernible turning of the tide. To them, promissory notes which constantly failed in decades past could not and would not fare better now and in the foreseeable Future. Cosmetic surgery, so far, did not appeal to them and others of an earlier generation.

Contrary to the thrust of ancient and modern wisdom, Nigerian politicians failed to understand the best possible speed of Giving. For example, ancient Romans once said: "*Bis dat qui cito dat*" (He gives twice who gives quickly). The time to give quickly and cheaply came twice but members of the same political class ignored both. The first was the Ogoni Bill of Rights (1990). The second followed with the Kaiama Declaration (1998). Crude Oil prices, in anxious world markets then, gave Nigeria's Treasury ample surpluses which, in turn, were ignobly wasted. Today (2011), the position has changed

so significantly that it does not favour costly ventures, no matter how urgently needed and requested by the sore distressed Niger Delta communities. So, because of such politically-motivated tardiness, incalculable financial consequences, at local, national and international levels, have occurred with detriment to the cause of lasting Peace and Stability not only in the Niger Delta but also nationally.

In retrospect, how would Nigeria's political class assess the total costs of their needless delay in meeting the urgent needs of the Niger Delta communities for several decades? Nigerians everywhere have, by such delays, fallen into an uncomfortable trap today. Step by step, they have fallen between two stools of doing something concrete and doing nothing concrete. When Nigeria's political class, in mid-2005, had an earlier opportunity of making amends, its members abysmally failed by concentrating merely on acrimonious debates which did the cause of Nation-Building no demonstrable good. As usual, the grammar of Nigerian Politics, then as now, displaced the necessity for timely compromises in the national interest. Above all, they lacked the mind to mend fences and embrace Compromise in the national interest.

Meanwhile, fast changing events, at home and abroad, have made obsolete current plans on the drawing boards of Nigeria's master-planners for the Niger Delta as well as tightly drawn schedules for their implementation. Besides, the gap between planning and availability of funds, aggravated by inflationary spirals and other germane factors, including Budgetary Politics, continued to grow wide, with more and more grievances in the disaffected communities of the Niger Delta.

Simultaneously, calls for Diversification of the Nigerian Economy, from the 1970s, when rulers and the ruled experienced an unprecedented boom in Oil revenues, went unheeded. With uncontrolled wastage, no sustainable Development occurred. The impacts of Nigeria's Wasted Decades, since the 1970s, are indeed far-reaching in the light of the 2008-2011 collapse of Economies at home and abroad: particularly, of the Dollar and Euro types.

Far more urgent and necessary is a search for what honest answers The-Rest-of-Nigeria, in the present circumstances of politicking, would give to resolve the age-old Niger Delta Question.

Further punishment of the goose that lays Nigeria's golden eggs would obviously be impolitic. Moreover, Holy Writ is also against any such line of action. For distressed communities in the Niger Delta section of Nigeria's Bible Belt, any word of comfort would be most welcome. And this is one such consolation "Thou shalt not muzzle the ox when he treadeth out the corn." (*Deuteronomy 25:4 KJV*). The implications for the Niger Delta and its Crude Oil are obvious. Elsewhere, the relevant ox was not muzzled: as in the US, Scotland, Norway, among others. Nigerian legislators who made costly trips to ascertain lessons to be learnt in those countries and more, since 1999, cannot afford to do otherwise. So, what held them back?

For this purpose, the current hopes and aspirations of politicians at the national and Niger Delta levels would be seriously dashed without a closer look at what military politicians had done through the Land Use Act (Cap. 202 LFN) in Section 315(5)(d) of the 1999 Constitution. Through that military fiat, also enshrined in the 1979 Constitution, all Land, meaning, what is on, above and below it, is left with Government rather than with the several communities as of old. Since that Act amounts to a flagrant abuse of the sacrosanctity of Property rights, no proper development of available resources based on Land would be feasible not only in the Niger Delta but elsewhere in Nigeria.

Yet another critical impediment to all such hopes lay in current and recurrent misunderstanding over Constitutional Review and Reform in the near Future as part and parcel of the expected changes in the Niger Delta and other distressed areas in Nigeria. Here, Rhetoric tended to displace Reality.

In this regard, the superficial constitutional amendments made in July 2010 were not substantial enough to remove the Land Use Act and other manifestly unjust sections from Nigeria's extant (1999) Supreme Law. To that extent, continued Tardiness seriously jeopardised the cause of Peace in the Niger Delta and nationwide.

On the Future of the Niger Delta, in a post-Amnesty World, there was no consensus that optimists, among Nigerian politicians, would be proved right under the Presidency of Dr Jonathan and his successors after 2015. OMPADEC lessons of misadventure left their ugly marks to remind future politicians likely to engage in similar ventures.

On Environmental Pollution, pessimists argued that its threats were more potent than those over Infrastructure yet to be installed in the Niger Delta in the post-Amnesty era. Concerns for Quality of life would not match multiplication today or in the near future of several abandoned projects or others neither suitable nor properly maintained for obvious reasons. Hence, NDES earlier called for an immediate application, in the Niger Delta, of a universally recognised penalty or deterrent: that of “the Polluter pays” as applied to the Mekong Delta in South-East Asia and elsewhere. That approach, in their view, would impose on powerful trans-national and local polluters a mandatory cleaning-up process without recourse to protracted and costly litigation as at present. So, farmlands, fishing grounds and waters would be made safe for the relevant communities with immediate effect. That would also give them an opportunity to restart their broken lives with self-respect. These sufferers would, thereby, avoid being seen and treated as beggars at home and abroad. It is the same method of teaching a person in need how to fish instead of giving him or her fish on daily basis. Moreover, these are people who already know how to fish or farm without further dependence on trainers.

## **Conclusion**

One would start with the general mood of the people directly affected by the lack of progress so far. A mood for Compromise, between what is ideal and what is practical now, in terms of urgent needs, is necessary. With it, there would be an agreed end to the vicious circle of Violence and counter-Violence. One consequence of such timely Compromise would be an atmosphere more appropriate for Reconciliation, Re-structuring and Re-construction in the national interest.

Compromise, after a long and worthy Struggle for Justice, in the Niger Delta, is not necessarily a sign of weakness. Instead, in my view, Peace, lasting Peace, should come from the barrel of Compromise, not any more from the barrel of a gun. I mean Peace negotiated and agreed by genuine representatives of the parties in dispute. In the final analysis, Nigeria cannot exist, as it should, without a secure and peaceful Niger Delta of contented communities.

So, again, in my view, the time has come to observe a Cooling-Off period concerning hitherto acrimonious Derivation Disputes. Emphasis should then be placed on an Aggressive Agenda concerning Agreed Goods and Services for the accelerated Development of the Niger Delta till 2014, marking the first Centenary of Nigeria's 1914 Amalgamation. Thereafter, these measures can be reviewed by the relevant authorities, at the national level, and genuine stakeholders in the Niger Delta.

My Peace Formula has the following additional components. This, then, is my preferred acronym for Quality Peace in the Niger Delta on a sustainable basis:

- P. Performance, not politically-motivated Promissory Notes;
- E. Equity with Equality;
- A. Accountability to authentic autochthonous authorities;
- C Consultation, Consent and Cooperation; and
- E. Education, More Education and yet more Education, including Entrepreneurial Education along with Evergreen Environmental Engineering.

And, here, it is pertinent to recall for emphasis a point earlier made in respect of Nigeria's Future as a Nation-State: without assuming the familiar toga of a Prophet; contrary to what one would expect of a professional historian. It is this. As a concerned Nigerian citizen, one sincerely hoped that the long era of Wars would eventually be over for Peace, lasting Peace, to begin in the affairs of the Nation-State.

Though Politics tended to tear Nigeria further and further apart, it is necessary to observe that Economics, with emphasis on General Welfare, has sufficient potency and potential to provide a much needed bullet of Peace. It has done so worldwide.

In the final analysis, age-old (indeed, pre-Colonial) considerations in favour of inter-dependence for Commerce as well as sound Commonsense, possibly, through the Wisdom and Grace of God, would consolidate that positive trend, in the national interest, whenever Crude Oil ceased to play its customary roles, as set out in this study, since 1958. That fervent hope, if realised, would bring due closure to the protracted era of Oil Wars in the Niger Delta.

From all above, it would be clear that, next to Nigeria's Civil War, the Niger Delta Question constituted, by far, the greatest threat to National Security before the 2009 Amnesty. However, between 2009 and 2011, another threat, *Boko Haram* (Western Education is Sin), which critics mocked as "Book *Haram*", posed further Terror from Nigeria's North-East Zone. Details of core-issues in that *Boko Haram* threat, such as its local, national and international dimensions, demands for equal treatment with MEND concerning Dialogue, Amnesty and other matters, I have analysed, comparatively, comprehensively and critically in this book's companion-study: *Stakeholders at War in Nigeria: From Lord Lugard to President Goodluck Jonathan*.

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3. Tamuno, T. N. (2009). Amended text of Guest Lecture during Ijaw National Day events in Yenagoa, Bayelsa State, on 23 February. Present were Elder Godsdan Orubebe, Minister of State, Ministry of the Niger Delta, Deputy Governors, Commissioners, Delta State former Civilian and Military State Governors, Chiefs and Elders, representatives from Niger Delta communities, officials and other members of the Ijaw National Congress and Ijaw Youth Council, Other Youth organisations, Women's Organisations, among others.

## Appendix I

### **OGONI BILL OF RIGHTS: Presented to the Government and People of Nigeria (26 August 1990)**

We, the people of Ogoni (Babbe, Gokana, Ken Khana, Nyo Khana and Tai) numbering about 500,000 being a separate and distinct ethnic nationality within the Federal Republic of Nigeria, wish to draw the attention of the Governments and people of Nigeria to the under-mentioned facts:

1. That the Ogoni people, before the advent of British colonialism, were not conquered or colonised by any other ethnic group in present-day Nigeria.
2. That British colonisation forced us into the administrative division of Opobo from 1908 to 1947.
3. That we protested against this forced union until the Ogoni Native Authority was created in 1947 and placed under the then Rivers Province.
4. That in 1951 we were forcibly included in the Eastern Region of Nigeria where we suffered utter neglect.
5. That we protested against this neglect by voting against the party in power in the Region in 1957 and against the forced union by testimony before the Willink Commission of Inquiry into Minority Fears in 1958.
6. That this protest led to the inclusion of our nationality in Rivers State in 1967, which State consists of several ethnic nationalities with differing cultures, languages and aspirations.
7. That oil was struck and produced in commercial quantities on our land in 1958 at K. Dere (Bomu oil field).
8. That oil has been mined on our land since 1958 to this day from the following oil fields (i) Bomu (ii) Bodo West (iii) Tai (iv) Korokoro (v) Yorla (vi) Lubar Creek and (vii) Afam by Shell Petroleum Development Company (Nigeria) Limited.
9. That in over 30 years of oil mining, the Ogoni nationality have provided the Nigerian nation with a total revenue estimated at over 40 billion Naira (N40 billion) or 30 billion dollars.

10. That in return for the above contribution, the Ogoni people have received NOTHING.
11. That today, the Ogoni people have:
  - (i) No representation whatsoever in ALL institutions of the Federal Government of Nigeria;
  - (ii) No pipe-borne water;
  - (iii) No electricity;
  - (iv) No job opportunities for the citizens in Federal, State, public sector or private sector companies; and
  - (v) No social or economic project of the Federal Government.
12. That the Ogoni languages of Gokana and Khana are undeveloped and are about to disappear, whereas other Nigerian languages are being forced on us.
13. That the ethnic policies of successive Federal and State Governments are gradually pushing the Ogoni people to slavery and possible extinction.
14. That the Shell Petroleum Development Company of Nigeria Limited does not employ Ogoni people at a meaningful or any level at all, in defiance of the Federal government's regulations.
15. That the search for oil has caused severe land and food shortages in Ogoni, one of the most densely populated areas of Africa (average: 1,500 per square mile; national average: 300 per square mile).
16. That neglectful environmental pollution laws and sub-standard inspection techniques of the Federal authorities have led to the complete degradation of the Ogoni environment, turning our homeland into an ecological disaster.
17. That the Ogoni people lack education, health and other social facilities.
18. That it is intolerable that one of the richest areas of Nigeria should wallow in abject poverty and destitution.
19. That successive Federal administrations have trampled on every minority right enshrined in Nigerian Constitution to the detriment

of the Ogoni and have by administrative structuring and other noxious acts transferred Ogoni wealth exclusively to other parts of the Republic.

20. That the Ogoni people wish to manage their own affairs.

Now, therefore, while reaffirming our wish to remain a part of the Federal Republic of Nigeria, we make demand upon the Republic as follows:

- (a) Political control of Ogoni affairs by Ogoni people;
- (b) The right to the control and use of a fair proportion of OGONI economic resources for Ogoni development;
- (c) Adequate and direct representation as of right in all Nigerian national institutions;
- (d) The use and development of Ogoni languages in Ogoni territory;
- (e) The full development of Ogoni culture;
- (f) The right to religious freedom; and
- (g) The right to protect the OGONI environment and ecology from further degradation.

We make the above demand in the knowledge that it does not deny any other ethnic group in the Nigerian Federation of their rights and that it can only conduce to peace, justice and fair play and hence stability and progress in the Nigerian nation. We make the above demand in the belief that, as Obafemi Awolowo has written: *In a true Federation, each ethnic group no matter how small, is entitled to the same treatment as any other ethnic group, no matter how large.*

We demand these rights as equal members of the Nigerian Federation who contribute and have contributed to the growth of the Federation and have a right to expect full returns from that Federation.

Adopted by general acclaim of the Ogoni people on the 26<sup>th</sup> day of August 1990 at Bori, Rivers State and signed by: (see under).

**Addendum to the Ogoni Bill of Rights (26 August 1991)**

We, the people of Ogoni, being a separate and distinct ethnic nationality within the Federal Republic of Nigeria, hereby state as follows:

- A That on October 2, 1990 we addressed an "Ogoni Bill of Rights" to the President of the Federal Republic of Nigeria, General Ibrahim Babangida and members of the Armed Forces Ruling Council.
- B That after a one-year wait, the President has been unable to grant us the audience which we sought to have with him in order to discuss the legitimate demands contained in the Ogoni Bill of Rights.
- C That our demands as outlined in the Ogoni Bill of Rights are legitimate, just and our inalienable right and in accord with civilised values worldwide.
- D That the Government of the Federal Republic has continued, since October 2, 1990, to decree measures and implement policies which further marginalise the Ogoni people denying us political autonomy, our rights to our resources, to the development of our languages and culture, to adequate representation as of right in all Nigerian national institutions and to the protection of our environment and ecology from further degradation.
- E That we cannot sit idly by while we are, as a people, dehumanised and slowly exterminated and driven to extinction even as our rich resources are siphoned off to the exclusive comfort and improvement of other Nigerian communities, and the shareholders of multinational oil companies.

Now, therefore, while re-affirming our wish to remain a part of the Federal Republic of Nigeria, we hereby authorise the Movement for the Survival of Ogoni People (MOSOP) to make representation, for as long as these injustices continue, to the United Nations Commission on Human Rights, the Commonwealth Secretariat, the African Commission on Human and People's Rights, the European Community and all international bodies which have a role to play in the preservation of our nationality, as follows:

1. That the Government of the Federal Republic of Nigeria has, in utter disregard and contempt for human rights, since independence in 1960 till date, denied us our political rights to self-determination, economic rights to our resources, cultural rights to the development of our languages and culture, and social rights to education, health and adequate housing and to representation as of right in national institutions.
2. That, in particular, the Federal Republic of Nigeria has refused to pay us oil royalties and mining rents amounting to an estimated 20 billion US dollars for petroleum mined from our oil for over thirty-three years.
3. That the Constitution of the Federal Republic of Nigeria does not protect any of our rights whatsoever as an ethnic minority of 500,000 in a nation of about 100 million people and that the voting power and military might of the majority ethnic groups have been used remorselessly against us at every point in time.
4. That multi-national oil companies, namely Shell (Dutch/ British) and Chevron (American) have severally and jointly devastated our environment and ecology, having flared gas in our villages for 33 years and caused oil spillages, blow-outs etc., and have dehumanised our people, denying them employment and those benefits which industrial organisations in Europe and America routinely (give) to their areas of operations.
5. That the Nigerian elite (bureaucratic, military, industrial and academic) have turned a blind eye and a deaf ear to these acts of dehumanisation by the ethnic majority and have colluded with all the agents of destruction aimed at us.
6. That we cannot seek restitution in the courts of law in Nigeria as the act of expropriation of our rights and resources has been institutionalised in 1979 and 1989 Constitutions of the Federal Republic of Nigeria, which Constitutions were acts of a Constituent Assembly imposed by a military regime and do not, in any way, protect minority rights or bear resemblance to the tacit agreement made at Nigerian independence.
7. That the Ogoni people abjure violence in their just struggle for their rights within the Federal Republic of Nigeria but will, through every lawful means, and for as long as is necessary, fight for

social justice and equity for themselves and their progeny, and in particular demand political autonomy as a distinct and separate unit within the Nigerian nation with full right to:

- (i) control Ogoni political affairs;
  - (ii) use at least fifty per cent of Ogoni economic resources for Ogoni development;
  - (iii) protect the Ogoni environment and ecology from further degradation; and
  - (iv) ensure the full restitution of the harm done to the health of our people by the flaring of gas, oil spillages, oil blow-outs, etc. by the following oil companies: Shell, Chevron and their Nigerian accomplices.
8. That without the intervention of the international community, the Government of the Federal Republic of Nigeria and the ethnic majority will continue these noxious policies until the Ogoni people are obliterated from the face of the earth.

Adopted by general acclaim of the Ogoni people on the 26<sup>th</sup> day of August 1991 at Bori, Rivers State of Nigeria.

Signed on behalf of the Ogoni people by:

**BABBE:** HRH Mark Tsaro-Igbara, Gbenemene Babbe; HRH F.M.K. Noryaa, Menebua, Ka-Babe; Chief M.A.M. Tornwe III, JP; Prince J.S. Sangha; Dr. Israel Kue; Chief A.M.N. Gua.

**GOKANA:** HRH James P. Bagia, Gberesako XI, Gbenemene Gokana; Chief E.N. Kobani, JP Tonsimene Gokana; Dr. B.N. Birabi; Chief Kemte Giadom, JP; Chief S.N. Orage.

**KEN-KHANA:** HRH M.H.S. Eguru, Gbenemene Ken-Khana; HRH C.B.S. Nwikina, Emah III, Menebua Bom; Mr. M.C. Daanwii; Chief T.N. Nwieke; Mr. Ken Saro-Wiwa; Mr. Simeon Idemyor.

**NYO-KHANA:** HRH W.Z.P. Nzidee, Gbenemene Baa 1 of Nyo-Khana; Dr. G.B. Leton, OON, JP; Mr. Lekue Lah-Loolo; Mr. LE. Mwarra; Chief E.A. Apenu; Pastor M.P. Maeba.

**TAI:** HRH B.A. Mballey, Gbenemene Tai; HRH G.N. Gininwa, Menebua Tua Tua; Chief J.S. Agbara, Chief DJ.K. Kumbe; Chief Fred Gwezia; HRH A. Demor-Kanni, Menebua Nonwa.

**The International Community Should**

1. Prevail on the American Government to stop buying Nigerian oil. It is stolen property.
2. Prevail on Shell and Chevron to stop flaring gas in Ogoni.
3. Prevail on the Federal Government of Nigeria to honour the rights of the Ogoni people to self-determination and AUTONOMY.
4. Prevail on the Federal Government of Nigeria to pay all royalties and mining rents collected on oil mined from Ogoni since 1958.
5. Prevail on the World Bank and the International Monetary Fund to stop giving loans to the Federal Government of Nigeria; all loans which depend for their repayment on the exploitation of Ogoni oil resources.
6. Send urgent medical and other aid to the Ogoni people.
7. Prevail on the United Nations, the Organisation of African Unity and the Commonwealth of Nations to either get the Federal Government of Nigeria to obey the rules and mores of these organisations, face sanctions or be expelled from them.
8. Prevail on European and American Governments to stop giving aid and credit to the Federal Government of Nigeria as aid and credit only go to encourage the further dehumanisation of the Ogoni people.
9. Prevail on European and American Governments to grant political refugee status to all Ogoni people seeking protection from the political persecution and genocide at the hands of the Federal Government of Nigeria.
10. Prevail on Shell and Chevron to pay compensation to the Ogoni people for ruining the Ogoni environment and the health of Ogoni men, women and children.

## Appendix II

### The Kaiama Declaration (11 December 1998)

We, Ijaw Youths drawn from over 500 communities from over 40 clans that make up the Ijaw nation and representing 25 representative organisations met, today, in Kaiama to deliberate on the best way to ensure the continuous survival of the indigenous people of the Ijaw ethnic nationality of the Niger Delta within the Nigerian state.

After exhaustive deliberations, the Conference observed as follows:

- (i) That it was through British colonisation that the Ijaw Nation was forcibly put under the Nigerian State.
- (ii) That but for the economic interests of the imperialists, the Ijaw ethnic nationality would have evolved as a distinct and separate sovereign nation, enjoying undiluted political, economic, social and cultural **AUTONOMY**.
- (iii) That the division of the Southern Protectorate into East and West in 1939 by the British marked the beginning of the balkanisation of a hitherto territorially contiguous and culturally homogenous Ijaw people into political and administrative units, much to our disadvantage. This trend is continuing in the balkanisation of the Ijaws into six states: Ondo, Edo, Delta, Bayelsa, Rivers and Akwa Ibom States, mostly as minorities who suffer socio-political, economic, cultural and psychological deprivations.
- (iv) That the quality of life of Ijaw people is deteriorating as a result of utter neglect, suppression and marginalisation visited on Ijaws by the alliance of the Nigerian state and transnational oil companies.
- (v) That the political crisis in Nigeria is mainly about the struggle for the control of oil mineral resources which account for over 80% of GDP, 95% of national budget and 90% of foreign exchange earnings. From which 65%, 75% and 70% respectively are derived from within the Ijaw nation. Despite these huge contributions, our reward from the Nigerian State remains avoidable deaths resulting from ecological devastation and military repression;

- (vi) That the unabating damage done to our fragile natural environment and to the health of our people is due in the main to uncontrolled exploration and exploitation of crude oil and natural gas which has led to numerous oil spill, uncontrolled gas flaring, the opening up of our forests to loggers, indiscriminate canalisation, flooding, land subsidence, coastal erosion, earth tremors, etc. Oil and gas are exhaustible resources and the complete lack of concern for ecological rehabilitation, in the light of the Oloibiri experience, is a signal of impending doom for the peoples of Ijawland.
- (vii) That the degradation of the environment of Ijawland by multinational oil companies and the Nigerian state arises mainly because Ijaw people have been robbed of their natural rights to ownership and control of their land and resources through the instrumentality of undemocratic Nigerian State legislation such as the Land Use Decree of 1978, the Petroleum Decrees of 1969 and 1991, the Lands (Title Vesting etc.) Decree No. 52 of 1993 (Osborne Land Decree), the National Inland Waterways Authority Decree No. 13 of 1997 etc.
- (viii) That the principle of Derivation in Revenue allocation has been consciously and systematically obliterated by successive regimes of the Nigerian State. We note the drastic reduction of the Derivation Principle from 100% (1953), 50% (1960), 45% (1970), 20% (1975), 2% (1982), 1.5% (1984) to 3% (1992) to date, and a rumoured 13% in Abacha's 1995 undemocratic and unimplemented Constitution.
- (ix) That the violence in Ijawland and other parts of the Niger Delta area, sometimes manifesting in intra and inter ethnic conflicts are sponsored by the State and transnational oil companies to keep the communities of the Niger Delta area divided, weak and distracted from the causes of their problems.
- (x) That the recent revelations of the looting of national treasury by the Abacha junta is only a reflection of an existing and continuing trend of stealing by public office holders in the Nigerian state. We remember the over 1.2 billion dollars Gulf war windfall, which was looted by Babangida and his cohorts. We note that over 70% of the billions of dollars being looted by military rulers and their civilian collaborators are derived from our ecologically devastated Ijawland.

Based on the foregoing, we, the youths of Ijawland hereby make the following resolutions to be known as the *Kaiama Declaration*:

1. All land and natural resources (including mineral resources) within the Ijaw territory belong to Ijaw communities and are the basis of our survival.
2. We cease to recognise all undemocratic decrees that rob our peoples/communities of the right to ownership and control of our lives and resources, which were enacted without our participation and consent. These include the Land Decree and the Petroleum Decree etc;
3. We demand the immediate withdrawal from Ijawland of all military forces of occupation and repression by the Nigerian State. Any oil company that employs the services of the armed forces of the Nigerian State to "protect" its operations will be viewed as an enemy of the Ijaw people. Family members of military personnel stationed in Ijawland should appeal to their people to leave the Ijaw area alone.
4. Ijaw youths in all the communities in all Ijaw clans in the Niger Delta will take steps to implement these resolutions beginning from the 30<sup>th</sup> of December 1998, as a step toward reclaiming the control of our lives. We, therefore, demand that all oil companies stop all exploration and exploitation activities in the Ijaw area. We are tired of gas flaring; oil spillage, blowouts and being labelled saboteurs and terrorists. It is a case of preparing the noose for our hanging. We reject this labelling.

Hence, we advise (sic) all oil companies staff and contractors to withdraw from the Ijaw territories by the 30<sup>th</sup> December 1998 pending the resolution of the issue of resource ownership and control in the Ijaw area of the Niger Delta.

5. Ijaw youths and Peoples will promote the principle of peaceful coexistence between all Ijaw communities and with our immediate neighbours, despite the revocative and divisive actions of the Nigerian State, transnational oil companies and their contractors. We offer a hand of friendship and comradeship to our neighbours: the Itsekiri, Ilaje, Urhobo, Isoko, Edo, Ibibio, Ogoni, Ekpeye, Ikwerre, etc. We affirm our commitment to joint struggle with the other ethnic nationalities in the Niger Delta area for self-determination.

6. We express our solidarity with all peoples organisations and ethnic nationalities in Nigeria and elsewhere who are struggling for self-determination and justice. In particular, we note the struggle of Oodua Peoples Congress (OPC), the Movement for the Survival of Ogoni People (MOSOP), Egi Women's Movement, etc.
7. We extend our hand of solidarity to the Nigerian Oil Workers (NUPENG and PENGASSAN) and expect that they will see this struggle for freedom as a struggle for humanity.
8. We reject the present transition to civil rule programme of the Abubakar regime, as it is not preceded by restructuring of the Nigerian federation. The way forward is a Sovereign National Conference of equally represented ethnic nationalities to discuss the nature of a democratic federation of Nigerian ethnic nationalities. Conference noted the violence and killings that characterised the last local government elections in most parts of the Niger Delta. Conference pointed out that these electoral conflicts are a manifestation of the undemocratic and unjust nature of the military transition programme. Conference affirmed, therefore, that the military are incapable of enthroning true democracy in Nigeria.
9. We call on all Ijaws to remain true to their Ijawness and to work for the total liberation of our people. You have no other true home but that which is in Ijawland.
10. We agree to remain within Nigeria but to demand and work for self-government and resource control for the Ijaw people. Conference approved that the best way for Nigeria is a federation of ethnic nationalities. The federation should be run on the basis (of) equality and social justice.

Finally, Ijaw youths resolve to set up the Ijaw Youth Council (IYC) to coordinate the struggle of Ijaw peoples for self-determination and justice.

(Signed for the entire participants: **Felix Tuodolo, T. K. Ogoriba, and Timi Kaiser-Wilhelm.**

(Key Sections of **The Kaiama Declaration**, 11 December 1998, issued by the Ijaw Youth Council, March 1999, pp.6-10).

### Appendix III

#### “i bow and tremble” by Ken Saro-Wiwa.

I bow and tremble before you, oh Prince of the Niger, Maker of the Nigerian heaven and earth, father of the first and last Nigerian coup, landlord of Aso Rock of Ages, to whom all tenants must pay their rent.

I bow and tremble before you, grand liberator, who came to usher in human rights to our inhuman country and proceeded to fill the nation's filthy jails with human rights activists and shut newspapers to prove your great beneficence.

I bow and tremble before you, mighty one, tutor of professors, hirer of wise men, whom to disobey was the final proof of foolishness. Who could ever refuse your call to duty and service of the fatherland? You made strongmen look puny, you made wise men eat their wisdom, you turned great reputations to rubble. Anyone who dared you, fell to the ground like a handful of dust.

I bow and tremble before you, grand master, acknowledged chess player, who moved us across the chess board with great dexterity. We, your pawns, were banned and unbanned, banded, disbanded at will with such skill that all we could do was watch you and applaud your great dexterity, nay, marvelous ability with utter admiration. But for time constraint you certainly would have taken on the great *Azeri* chess player, *Kasparov*, and added to the fame of *Maradona*, another feather to our nation's amazing cap.

I bow and tremble before you, great maker of elections, for the wonderful way you succeeded in leading us through tortuous and winding ways, to the heaven of democracy. Has it not well been said that the path to heaven is winding and narrow? But look, how your great skills enabled unemployed youth, your great new breed, to win elections which landed them in the grand Nicon-Noga Hilton at your backyard in Abuja, were, stopped from doing their work, they spent their time feasting at five thousand Naira a day at public expense.

I bow and tremble before you, lover of your friends, for the friendly way in which you succeeded in helping honest men win valuable elections to the great seats of power. How many Governors will thank you for enabling them win more electoral votes than total

populations of their various states? And how can we thank you for sending us the sweetly-smiling, gracious Chairman of the National Electoral Commission who, upon the publication of the census results, suddenly found twenty million ghost voters on the electoral register? And was it not all alright? How could these governors ever want you out of the seat of power, great democrat and vote-churning emperor that you are?

I bow and tremble before you, father of national unity, who made sure that your ethnic group had the lion share of plum jobs in the banks, in industry and in government. You were faithful to the ethnic majority too, showering upon them the contracts which could never see the light of the day, for fear of accountable scrutiny. How could any ethnic minority man fail to admire the great blessings of unity which you showered upon them through rousing speeches which praised our nationhood and the equal status it offered all its citizens?

I bow and tremble before you, great builder of the amazing new capital, that great and wonderful city symbolising our unity which rose from the grass in five years, thanks to generous contracts awarded to the smart Germans. And what symbol could be more apt, unity-wise, than that which showed the people of the oil-bearing areas how their wealth could be used to develop towns in which they would never live while they themselves continued to wallow in squalor and abject poverty in a polluted atmosphere? But see what a great apostle of unity you proved to be: the governor of the oil-producing Rivers State was the leader of the elder statesmen who pleaded with you to remain in power in the democratic interest of a united nation.

I bow and tremble before you, most admired of Generals, in whose praise numerous books and treatises were written and published in glossy covers. Many were the streets, stadia, bridges, roads, buildings, towns and huts named after you even though, with typical Muslim humility, you did not want such honours showered upon you. And your rejected status shall yet rise up from the warehouse to adorn the roundabout in the great city of Akure. The professors of our great universities where there are no books and equipment shall yet honour you with doctorate degrees well deserved after your hard labour of eight years in our ruined republic's sweaty laboratories.

I bow and tremble before you, great magician, who deftly, safely, steered the political parties you formed into making your most beloved friends, the men whose coffers you replenished with abundant cash, the only acceptable presidential candidates. They spent billions to win our votes, but why did you not ensure that the more beloved of them won the great number of votes?

I bow and tremble before you, revered one, that you made your only mistake when it mattered most – see now how your friend goes around the world to spoil the great name you made for yourself which you even commanded history to record in gold for posterity.

I bow and tremble before you, general mover of mountains, you are gone but still with us, your lieutenants and lies rule the air waves of television and radio, your troops fill the barracks, your Commissioners sit in the Electoral Commission, your friends fill the polling stations, waiting for that great day in March 1994 when you will return in all glory to claim your eternal patrimony, the great united, undivided Republic of Nigangida. I bow and I tremble.

*(The Guardian, 20 August 1993).*

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*Oil Wars in the Niger Delta: 1849 – 2009* focuses on the perennial Niger Delta Question over justice, equity, equality, development, quality of life, peace and more, in a common fatherland or motherland. It did not find quick and widely agreed answers in what eventually became the Nigerian polity of ethnic pluralism and cultural diversity. But in this competently researched, analytical and authoritative study, it has received the attention it deserved since the era of Consular Jurisdiction in 1849. The searchlight has focused, appropriately and adequately, on the germane issues of micro-nationalism and macro-nationalism. Here, oil wars were best seen as series of combats with a dominant command and control authority before and since Nigeria's emergence as a state. The big shift from palm oil to crude oil, from 1958, for purposes of Revenue Derivation, brought consequential challenges and opportunities, including Resource Control. Understandably, the vision and mission of the Movement for the Emancipation of the Niger Delta (MEND) as well as burning issues which inflamed passions in what the author called the oxygen-states of the Niger Delta took centre-stage. This valuable documentary study candidly presents the pros and cons of fierce debates on Resource Control at the national level. The book provides a thorough assessment of the 2009 Amnesty, discusses Nigeria's first political miracle in the 21<sup>st</sup> Century and the implications for national security, stability, safety and peace. These issues, among others, readers would find amplified in this book's companion-study: *Stakeholders at War in Nigeria: From Lord Lugard to President Goodluck Jonathan, Vols. I & II*.

*"We must be grateful for this analytical account of the Niger Delta Question.... Tamuno provides a rigorous analytical rendition with a touch of honour to moderate the anger indicated by the militancy in the Niger Delta. Tamuno's story of the violence attending Nigeria's adventure with crude petroleum oil and gas ends with President Yar Adua's unilateral Amnesty to the militants of the Niger Delta creeks in 2009". – Ebiegeri Joe Alagoa*

**Professor Tekena Nitonye Tamuno:** BA (Hons) History (London), PhD (History) (London) and D.Lit (London) is, among others, an Emeritus Professor of History in the Institute of African Studies, University of Ibadan, Nigeria. He was Vice-Chancellor, University of Ibadan 1975 – 1979. He is an acknowledged master storyteller and one of Nigeria's greatest Historians.



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