



Resource control: Using rebels' oil resources to fight them in Nigeria

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Abstract

Studies in resource control in Nigeria are like going to the hearts of the crisis of under-development in the country. Yet, it is difficult to understand and master it easily. It is so diffused that to have a starting threshold is slippery. Legalism and constitutionalism appear to be the winning instruments of construction. But federalism and good governance are also imperative planks. This study which adopts the doctrinal method tries to focus at the fact that the tiny minority places where oil has been found in Nigeria have grown the worst rebels in the history of the country and have had the worst treatments from its governments, and have had the worst neglect of their environment and agitations in rebellion. Attempts made to discover why it is that only a stream of resources (oil) is being used to run the state craft did not yield much result as the literature on the matter subscribes to emotional, psychological and political sentiments and conclusions. Where legislative and legal instruments stating the position of facts and law are available attempts at going round them are uphill tasks and are dubbed 'academic exercise' by the court. There has been a government in place in Nigeria since colonial times that has been built on fraud and deceit. It maintains its sovereignty on the hunger to control the enormous resources of a tiny minority region while fixing a blind gaze on the huge reserves of similar species of resources in the majority regions. The tiny region refuses to let go and continues to cry foul in production of rebels while the government of the majority regions collude with outsider-mechanisms to rob and use the resources of the rebels to fight, defeat and destroy them.

Keywords: Resource Control, Niger Delta, Federalism, Rentierism, Resource Curse, Mineral and Natural Resources

Introduction

It has been well considered that only few national issues have provoked political restiveness and interminable debates in Nigerian political and legal literature than resource control. It is a notorious phenomenon that entered a critical stage with the introduction of British colonial rule in Nigeria. This is because before the appearance of the imperial majesty's influence on the Atlantic coast in Lagos the indigenous peoples of the Niger area were largely autonomous with their ethnic nationalities being in control of their rudimentary economy (Ugwu, 2019) ^[17]. Adeoye (2022) ^[3] therefore argues that the genesis of resource control is traceable to the 1914 Lord Lugard's amalgamation of the northern and southern protectorates and the marriage that resulted thenceforth was a forced marriage. Forced in the sense that the parties coming together as one since then were not properly consulted and their consent were never sought for the purposes of the union. And even before the union, their consents were never sought to come under a foreign rule and dominion. They were thus conquered territories brought willy-nilly into a union for the economic benefit of the imperial British than the uniting parties. This forced union has since then continued to flounder and grope from one crisis to another because the parties to the union had never evolved and lived under the same cultural, historical and socio-political milieu. The union that was brought into being has equally never been conscious since dropping the garb-crown of colonialism of addressing the historical and cultural differentials within it. It has rather continued to pretend about it and skirt around it with several consequences one of which has been the last civil war.

It is not out of place to argue however that there were issues of resource control within the ethnic empires and peoples of Yoruba, Hausa, Benin and the Igbos before the appearance of the British government which accentuated it. It is well recorded history that the rise and decline of these various ethnic states had large to do with economic issues touching on control of trade, trade routes and vassalages. No ethnic nation state can be built or has been built in the absence of large commerce and control of the resource of the environment and adjacent peoples.

When it was recorded that Mansa Musa was the richest king in West Africa before the advent of the white-man and that his pilgrimage to Mecca painted the routes in gold it was the control of the resources of his Songhai Empire and the natural resources of the West African sub-region that was being referred to. When also, the various kingdoms in Hausa-land, Yoruba and the Atlantic sea bank began to fall under the ruthless conquest of European gunboats, the issue behind the expeditions was not so much of mere military show of power but the control of resources. Giving it a Marxian colouration and interpretation, Ugwu believes that the history of resource control is the history of class oppression and resource agitation. In a system of States the Hobbesian state of nature equally obtains. The strong swallows the weak.

When Oba Ovonramwen of Benin and his two wives (Queens Egbe and Aighobahi) were deposed and exiled to Calabar and King Jaja of Opobo was dethroned and tried in Gold Coast Ghana and exiled first to London and later to saint Vincent and Barbados in the British West Indies, and Nana Olomu of Isekiri was similarly toppled and deported to Gold Coast Ghana, what was in question was essentially trade control and disputes arising from trade and its resources control. When also the Ijaws and the Ogoni began to write and raise their Kaiama Declaration and the Ogoni Bill of Rights, they were essentially responding within the Nigerian State to the national question of resource control and agitation against marginalization. The agitations gave rise to structures such as the Movement for the Survival of Ogoni Peoples (MOSOP) founded by Ken Saro, Wiwa, Movement for the Emancipation of the Niger Delta (MEND) founded by Government Ekpemupolo, and Niger Delta Revolutionary Front (NDRF) founded by Tom Ateke. When States of the Niger Delta and their Governors like Delta State under Ibori, Bayelsa State under Alamy Agha, Rivers State under Peter Odili and Cross River under ex-Governor Victor Attah where demanding increased control of the resources of their States with a desire to pay tax to the Federal government, they were reacting to the dictates of resource control in a new republic called the fourth in Nigeria.

Theoretical framework

Fragile state theory

Since 2002, Nigeria has remained in the category of fragile States of the world. The World Bank defines a fragile State based on its internal Country Policy and Institutional Assessment (CPIA) exercise. They are mostly countries with a significant number of the world's poor people, States that create negative spillovers such as conflicts, instability and refugee flow for their neighbours. Also, a State that lacks either the will or the capacity to engage productively with their citizens to ensure security, safeguard human rights and provide the basic institutions for development. Fragile States confront particularly severe development challenges such as weak governance, limited administrative capacity, low

productive manufacturing capacity, chronic humanitarian crises, persistent social tensions, violence or the legacy of civil war. A World Bank Report on the Revenue Fact Sheet of the OPEC showed that 80 percent of Nigeria's oil and natural gas revenue accrue to just 1 percent of the nation's population. The other 99 percent of the population receive the remaining 20 percent of the revenues, leaving Nigeria with the second lowest per capita oil export earnings at 212 US dollars per person in 2004 (The Guardian, 2007, p. 1) ^[22].

The paradox of oil bearing and the plight of the Niger Delta and by extension the Nigerian State is legend. The Editorial Guardian (2006, p. 16) ^[12] had aptly painted the scenario. As at 2006, there were in the Niger Delta 11 oil companies operating 159 oil fields and 1,481 wells. In a report by the African Development Bank, 'Ways of Using Oil Boom for Sustainable Development', Nigeria's total earnings from oil was put at 600 billion dollars (or about N84 trillion) in the past 45 years translating into N1.8 trillion per annum for 45 years. 50 years on, the advent of oil means different things to different people. To the beneficiaries, mainly those who have held the reins of Federal and State power (constitutionalists), the discovery was a blessing but, to the overwhelming majority of Nigerians, particularly those living in the oil bearing communities and locations of the Niger Delta (revisionists), the discovery was a curse.

Disastrous ecological degradation and environmental pollution coupled with the utter neglect of the region by successive Federal governments and the oil companies have combined to impoverish the citizens of the area. Over 50 percent of the 70,000 Sq km of the territory has neither motorable roads nor hospitals. There are three refineries and two petrochemical plants in the area yet fuel stations are not available in 50 percent of the area. Gas thermal stations in the area account for 50 percent of the nation's electricity supply and even so, half of the communities do not have light. The land mass is desiccated and rendered unsuitable for agriculture; the water mass is polluted and rendered unsuitable for fishing. In fact, oil spillages have become recurrent and routine in the area. It is well known that these spillages in combination with other toxic wastes and effluents dumped into the waters and lands at virtually every stage of oil exploration and exploitation destroy farmlands, economic crops, waters, including ground and underground water resources, biodiversity etc. There is thus a growing concern that some of the toxins may have already entered the food chain thereby placing the health of the human population at direct risk. The inhabitants of the area experience scorching heat daily from endless gas flaring (an established cause of leukemia) accounting for over 78 percent of all the gas flared in Africa and 25 percent of the world's total.

Aggression frustration deprivation theory

The Niger Delta people live in frustration and watch helplessly as over 87 percent of the revenue from oil is taken away to find new towns and develop existing ones outside the delta region. In a recent report, the World Bank had stated that Niger Delta is the least developed part of Nigeria in terms of social infrastructure and modern facilities; yet, since the early 70s, about 95 percent of export earnings come from the petroleum resources of the delta. The pain, anguish and the deep-seated resentment of institutionalized and constitutionalized injustice amongst the grossly neglected communities are heightened by the genuine concern that these wasting assets will be completely depleted in a few

decades. This scenario of simultaneous presence of a modern global oil and gas industry, backed by federal might, harvesting stupendous wealth from communities in a manner that dislocates the ecological foundations of their traditional mode of livelihood, yet excludes their participation in the new wealth, has created desperate levels of poverty and anger. It is this new social ecology that has created conditions for agitations and restiveness and unrelenting demand for resource control by the people realizing that there is the urgent need to invest in the process of environmental rehabilitation, regeneration and protection, as well as in alternative economic activities to ensure sustainable development.

Rent Theory

In his article, 'Anatomy of the Nigerian Economy', Omokhodion's (2005, p. 35) ^[32] description of the Nigerian rentier economy has been widely accepted as illustrative of a nation dancing naked under the stupor of a largely unearned revenues. At the end of every month, the 36 Commissioners of Finance gather in a classroom session in Abuja presided over by the Minister of Finance to share money that had accrued to the Federation Account from oil, customs and VAT based on a formula poorly defined and which no one really understands. After sharing, the Commissioners go back to their State Governors to report what had been received and take instructions on how to allocate the fund to the areas of perceived or defined and undefined priorities. The way the funds are used is not necessary but 'easy come easy go' and because over 2/3 of the States do not suffer any pain in the generation of this Federation Account, they fritter the money away and wait for the next monthly allocation. It is a routine. It is inconceivable for any State or economy to grow with this type of economic structure that puts State governments on welfare packages and doles. If States are not challenged to reap where they sow, the economy will go nowhere. As in the growth of human form, any child who depends perpetually on the parents to be spoon-fed for life cannot grow.

But is resource control the panacea to the Niger Delta problem? Momoh (2005, p. 15) ^[23] holds a persuasive contrary class view. He argues that if it is agreed that oil producing areas should have a 100 percent control over oil that will not be a problem. The problem is the misleading assumption that development and justice can only come to the toiling people of the delta through resource control. The ideologues of resource control have failed to realize that even if the oil producing areas have 100 percent derivation or control that would still not have amounted to resource control or ownership. For the social scientist, there are many fundamental questions that needed to be addressed at the level of the Nigerian political economy before the people of the delta and indeed, all Nigerians, can be empowered.

This must come with a philosophy of justice and equity. The struggle for justice and genuine empowerment of the people can only come through fundamental changes. And there can be no fundamental changes without an ideology of change, a vanguard of change, a movement of change and social forces of change. For Momoh, there has been a surfeit of the ethnic question at the center stage as the grand narrative in the understanding of the problem of the delta. On the contrary, the toiling people who have been alienated and marginalized were not so much so as a result of their ethnic minority or oil producing status, but as peasants, workers, women and youth just as much as others in the accumulating classes, the

protagonists of resource control from the oil producing areas have benefited from the marginalization.

According to Phil Carter, Director of the State Department's Office of West African Affairs, (as cited in Obinor, 2007, p. 15) ^[27] a major complaint of militants has been wastefulness and fraud by officials whom they claim were misappropriating the state's share of oil revenues. Governors have enormous resources at their disposal but have not used them to tackle the development challenges and the demand of their areas. Since 2005, the US, Nigeria and its international partners have met quarterly in Gulf of Guinea Energy Security Strategy on measures to overcome the violence in the delta and keep production from plummeting. The main areas of focus are community development, financial crimes, transparency, coastal and maritime security and small arms trafficking. But solutions to problems like the spate of attacks on oil production facilities in the States of the delta cannot and should not reside in Washington, Paris, London or Beijing but rather in the cities, towns and villages of Nigeria.

Furthermore, the national interest of Nigeria in petroleum resources has been addressed by Onyekakeyah (2006, p. 65) ^[34]. Is it just to exploit oil to earn billions of dollars, which in turn is stolen by corrupt government officials and their cohorts after which anything can happen? Is it to use the huge wealth to develop the nation, promote equity, justice and national unity? Is it to make Nigerians proud of their God-given country? For him, it seemed that as far as Nigeria was concerned, oil is just an article of trade. Consequently, what matters was what quantity was being produced, sold and at what price. The price at which the oil is sold is given pre-eminence than anything else. No thought is given to ideological issues of national interest at domestic level or the development of the country to promote national unity.

Resource curse theory

Many countries with enormous resources of oil and gas or precious metals are plagued with disproportionate poverty, corruption and mismanagement. Nigeria is one of the globe's oil and gas business greatest hopes. Oil and gas fields as large as the ones being found in Nigeria are to be discovered in few other places in the world, and corporations want to double oil and gas extraction within the next 10 years. Nature has blessed Nigeria and it could be extremely wealthy. Instead, it is being ruined.

In Nigeria, as at 2007, more than 130 armed militant groups fought for influence. The State was divided and its people were torn apart by on-going conflict. The situation was so chaotic that a state which was the 6th largest oil exporter became an importer of oil without enough functioning refineries to process oil for its citizens. But the paradox is replicable in States and areas where oil and natural gas, metals such as gold, silver and copper and precious stones such as diamonds, rubies and sapphires are extracted. It is precisely in the States that dispose of the largest resources that poverty and misery reign as war and violence run rampant. The economies of these countries have missed the chance to participate in the information society.

American economists, Jeffery Sachs and Andrew Warner (as cited in Jens *et al.*, 2006, p. 24) ^[26], closely examined this state of affairs and discovered a significant fact: States rich in resources usually have considerable lower economic growth than States where natural resources play a less important role. Nigeria is a striking example. 50 years ago, when the country was still an important exporter of agricultural products,

annual per capita income was 913 US dollars. In 2007 the 135 million people can hardly earn 645 US dollars on the average. They often live without electricity, running water, road, and quality health care system even though revenues from oil have doubled during the same period. Venezuela is another country which used to be an internationally respected Latin American democracy until the oil boom began in the 1970s. The Minister responsible at the period, Juan Pablo Prezz Alfonso, was sensitive to the dangers ahead. He called oil the 'excrement of the devil'. And he turned out to be correct. In Venezuela, per capita income is barely higher in 2007 than it was 25 years ago. In Russia, the oil and gas boom of the recent years had allowed a small group of oligarchs close to the State become wealthy but the vast majority of the people remained poor (Jens *et al.* 2006, p. 24 & Igbeke, 2018) ^[26,20]. The theory of resource curse has been largely brought to the fore by Paul Collier (as cited in Dickson & Asua, 2016) ^[11]. It is to the effect that regions and countries which have enormous mineral resources are susceptible and prone to conflicts, violence and war. The question is that areas which are abundantly endowed with oil turn out in most cases to experience low and poor economic growth. Why? In other words, abundant endowment in mineral resources does not translate to wealth, development and peace rather, the risk of never-ending political, economic and social crises become real and present. Although many scholars have pointed to the direction of South Africa and her neighbouring states, Finland, Netherlands and Belgium as areas where this thesis has been defied, Nigeria, Congo, Liberia, etc have largely given credence to the theory.

It is a notorious fact that Nigeria has over 39 mineral deposits. At the last check in 2023, Abia State has seven minerals in commercial quantity including Gold, Oil, Lead, Zinc, Phosphate and Kaolin. Abuja Federal Capital Territory has seven minerals with Lead, Zinc, Dolomite, Tantalite and Gold in commercial quantity. Adamawa State has four minerals including Bentonite, Gypsum, Kaolin and Magnesite in great quantity. Akwa Ibom State has Clay, Lead, Zinc, Lignite, Limestone, Oil, Gas, Salt and Uranium in recognized international quantity. Anambra State has nine commercial minerals like Clay, Glass-Sand, Gypsum, Iron Ore, Lead, Zinc, Lignite, Limestone, Phosphate and salt.

Bayelsa State has five minerals in commercial quantity as follows: Gypsum, Lead, Zinc-Lead, Oil-Gas and Manganese. In Bauchi State, there are over ten minerals including Cassiterite, Coal, Columbite, Gold, Gypsum, Iron Ore, Limestone, Lignite, Uranium and Wolfram. Benue State has over ten minerals such as Barytes, Clay, Coal, Gemstone, Gypsum, Iron Ore, Lead-Zinc, Limestone, Marble and Salt. Borno State has seven minerals including the following in commercial quantity: Bentonite, Clay, Diatomite, Gypsum, Hydro-carbon, Kaolin and limestone.

In Cross River State there are over eight minerals including Barytes, Lead-Zinc, Lignite, Limestone, Manganese, Oil and Gas, salt and Uranium. Delta State has over nine minerals including Clay, Glass-sand, Gypsum, Iron Ore, Kaolin, Lignite, Marble, Natural Gas and Oil. In Ebonyi State there four principal minerals in commercial quantity including: Gold, Lead-Zinc, Kaolin and Salt. Edo State there, are eleven minerals such as Bitumen, Clay, Dolomite Phosphate, Glass-sand, Gold, Gypsum, Iron Ore, Lignite, Limestone, Marble, Oil and Gas. Ekiti State has six minerals such as Feldspar, Foundry Sand, Granite, Kaolin, Syenite, Tatum. Enugu State has three minerals in commercial quantity such as Coal,

Lead-Zinc and Limestone. In Gombe State, there are two minerals in commercial quantity namely Gemstone and Gypsum.

Imo State has eight minerals such as Gypsum, Lead-Zinc, Lignite, Limestone, Marcasite, Oil and Gas, Phosphate and Salt. Jigawa State has one mineral in commercial quantity namely Butytes. In Kaduna State, there are record twenty mineral resources namely: Amethyst, Aqua Marine, Asbestos, Clay, Columbite, Flosper, Gemstones, Gold, Graphite, Kaolin, Kyanite, Mica, Rock Crystal, Ruby, Sapphire, Syenite, Surpentinite, Tentalime, Topaz and Tourmaline. Kano State as seven minerals such as: Cassiterite, Copper, Gemstone, Glass-sand, Lead-Zinc, Pyrochinre and Tantalite. Kastina State as three minerals namely: Kaolin, Marble and Salt. Kebbi State has Gold. Kogi State as eleven minerals including: Coal, Dolomite, Feldspar, Gemstones, Gypsum, Iron Ore, Kaolin, Marble, Mica, Talc and Tantalite.

Kwara State has nine minerals such as Cassiterite, Columbite, Feldspar, Gold, Iron Ore, Marble, Mica and Tantalite. Lagos State has three minerals namely: Bitumen, Clay and Glass-sand. Nasarawa State has a record of twenty-one minerals including Amethyst (Topaz Garnet), Barytes, Cassirite, Chalcopyrite, Clay, Columbite, Cooking Coal, Dolomite Marble, Feldspar, Galena, Iron Ore, Ilmenite, Limestone, Mica, Salt, Sapphire, Talc, Tantalite, Tourmaline, Quartz, Zireon. Niger State has three commercial minerals namely Gold, Lead-Zinc and Talc. Ogun State has seven minerals such as Bitumen, Clay, Feldspar, Gemstone, Kaolin, Limestone and Phosphate. Ondo State has twelve minerals such as Bitumen, Clay, Coal, Dimension Stones, Feldspar, Gemstone, Glass-sand, Granite, Gypsum, Kaolin, Limestone Oil and Gas.

Statement of the problem

An elaborate attempt is made in this study to list extensively all the mineral resources existing in the 36 states of the country in order to drive home the point that there are many mineral resources in Nigeria. Why then the concentration on only oil of the Niger Delta? Why is it also difficult to develop such other resources as agriculture, tourism, industry, manufacturing, education, local craft and taxation to exit monoculture? As it is put by a not very highly respected authority, Jeo Project Store, there is no region of the country that is not naturally endowed with huge mineral resources but the ability and capacity of the state to explore, exploit and control them has turned out to be the bane. Jeo Project Store argues that it is even possible if not obvious that some states and regions do not know and or are not aware of the available mineral resources in their domain which if worked upon and developed can give as much kerosene as oil and salt! So why concentrate on oil? Is it wickedness?

Conceptual clarification

Resource control

For Odje (2006, p. 87) ^[29] resource control is the desire of the State to control any natural resource found within its boundaries only to pay tax to the centre for its common protection and administration of the federation. In other words, resource control postulates that the federating units be allowed to control, develop and export their resources while the federation will be entitled to a percentage of the export proceeds as tax for the common administration of the entity. Thus, the case for resource control as it relates to oil is a straight forward one. It is that oil is found in particular areas

of the country and the search for it fundamentally affects the reproduction of human life in these areas – much more than in other areas of the country (Madunagu, 2006, p. 65) ^[22]. Equity, according to Odia (2005, p. 9) ^[28], is rested not upon a mere mark up of what the people of the Niger delta should get in percentiles, but in ownership of the oil wells, helping to determine who will prospect for oil, how to allocate oil blocks, and who should buy and sell, and paying tax to the Federal government as all income earners should. In other words, the assumption is that those who live in the areas where oil or minerals are found are to be deemed capable of holding the wealth in trust for the rest of the country.

The vital aspect of resource control is ownership from which flows actual control and management of the resource, that is, to exercise the freedom to develop the natural resources of a State in the best way it is deemed fit without undue federal interference. Central to the concept is the right of the States and communities most directly concerned to have a direct and decisive role in the exploration for, the exploitation and disposal of the harvested resources. It was therefore argued by Delta State in its position paper to the Political Conference of 2005 that it is those who live with the devastating consequences of greedy, cheap, crude, reckless and irresponsible exploitation practices and procedures, who must control the mode and management of commercial production in order to ensure an environmentally friendly production processes (We must break out..., 2005, p. 8) ^[43].

Federalism

The structural imperative of the nation is significant in the struggle for resource control. Nigeria is a federation and a democracy not an absolute monarchy or its variant where the struggle for resource control would have been between the State and the people. In a federation, the federating units, that is, the States come into play. The struggle is thus firstly between the governments of the oil producing States and the government of the federation and secondly, between the governments of the States and the federation on the one hand and the people of the oil producing States on the other hand. The struggle is not only compounded and complicated but more so with the involvement and collusion between the ‘two States’ and the industry (Madunagu, 2006, p. 65) ^[22] It is, therefore, substantially a political agitation than a legal issue. It is a demonstration of the freedom of expression enshrined in Section 39 of the 1999 Constitution of the Federation. It is not synonymous with oil. It concerns all natural resources on earth whether solid minerals or agricultural products.

Resource management

Again, a distinction has to be made between control and management of resources. In the heat of the struggle for resource control during the administration of ex-President Olusegun Obasanjo in the 2000s, the President had mounted the political rostrum in Asaba, Delta State to taunt the oil producing States of the south-south thus: ‘You can control your resources but I shall manage them for you’. Control, management and appropriation are linked. Resource control is control by political authority with plenary constitutional powers and its first test is the power and authority to appoint the management which would be responsible for it and its second test is the power to appropriate the proceeds. To appropriate, a sharing formula comes into focus (Madunagu, 2006, p. 65) ^[22].

For Odia Ofeimun (2005, p. 9) ^[28], the minders of the federal

might have had always, to tamper with the revenue allocation formula at their whims and caprices. From 100 percent in 1946, the Philipson Commission recommended 50 percent for derivation in 1951. Although the Hicks-Philipson Commission recommended 50 percent, 100 percent was actually disbursed in 1953 when the western region pushed for it. In 1958, however, the Raisman Commission set derivation at 50 percent. In 1960, it was still 50 percent. In 1970, the Gowon military regime, at a time when the civil war and the creation of States had laid the regions prostrate, derivation was reduced to 45 percent. The entire offshore takes of the oil bearing States were reduced by 20 percent. In 1975, derivation dropped to 20 percent. The Obasanjo-Yar’Adua administration in 1975 also raised it to 25 percent after the Ojetunji Aboyade Technical Committee on Revenue Allocation. The Shagari administration reduced it to five percent in 1981. Under the (first) Buhari administration, it crashed further to 1.5 percent. Gen. Babangida administration raised it to three percent. It took the rise of the Ken Saro Wiwa phenomenon for consideration to be given to a 13 percent rise on the principle of derivation as proposed in the 1995 and the 1999 Constitutions. It may well be stressed that the progressive reduction in the amounts available to the oil producing States was accompanied by a very cavalier indifference of both Government and the oil companies to the devastation that oil prospecting was wrecking in the Niger delta. Each time the people rose up against the environmental despoliation and virtual biocide in the delta, the Federal government sent in soldiers to contain the agitators and gave oil companies authority to raise and fund special paramilitary units to exercise police powers to deal with supposed owners of the land and oil. More money became spent on counter-insurgency measures that would have been needed to correct what the people were protesting against.

Military clampdown

The situation in the Niger delta in the continued struggle for resource control ought not to be misread. It is not the delta against the rest of Nigeria. Therefore, a military solution must be out of the question. The Guardian has restated its long opposition to the recourse to violence by any of the aggrieved groups in the polity in order to press its case no matter how justified this may be. It considered the kidnapping of innocent workers, the destruction of costly infrastructure and the spread of an atmosphere of fear as counter-productive strategies. What is on display in the Niger delta is the sad fact of how oil wealth has remained a continual source of trouble for a nation (Editorial Guardian, 2006, p. 16) ^[12].

When the Federal government ordered the Military Task Force in the delta to use all the force at its disposal to check the activities of militants in the area, a cross section of the citizenry opposed the option describing it as the least useful approach to resolve the crisis. 41 percent of those opposed opined that the Federal government should deliberately take administrative and political steps that would signal its willingness to address the grievances of the people, and engage the leaders and the restive youths in honest dialogue. 21 percent of those opposed to a running battle between the Task Force and the militants canvassed that it can lead to avoidable deaths including innocent civilians some of whom might be involved in the process of peace building and reconciliation. 38 percent of those in support of ‘force for force’ argued that persuasion had failed and that it was only the military option that was open to the government to curtail

and contain the situation. The Trade Union Congress had warned that shooting militants on sight could only aggravate the violence in the region. Diplomacy, constructive dialogue and negotiation aimed at addressing the legitimate concerns of the people of the area were the only viable options.

Oil service companies worst hit by the spate of hostage taking in the delta were reportedly turning down new contracts awarded to them by major firms in the industry. Most often, they were to seek clear instructions from their headquarters in USA and UK for a go ahead. In other cases, there were clear instructions from their headquarters that no employee should go to Warri, Port-Harcourt, Calabar or Yenagoa classified as security risk areas without clearance from the home office otherwise the home office would not be drawn into any untoward consequences of such a risk. Most activities became restricted to Lagos and to remain in business, the companies had allegedly turned their attention to Angola and Gabon where operations are less hindered. Furthermore, almost all contracts were being renegotiated to factor in security to guard foreign expatriate workers 24 hours. The overall implication was that the government paid more because it controls majority shares in the joint venture projects as well as the production sharing contracts (Yakubu, 2007, pp. 1-2) ^[44].

Oil states' reaction

Yet, the States of the south-south have not been taking the federalist position lying low. In its memorandum to the National Political Conference in 2005, the Delta State Government had demonstrated the aims and logic of federalism and the form intergovernmental relations in a federation should take arguing that the existing relationship between the Federal government and the State governments was the antithesis of federalism because over-concentration of power at the centre had led to an un-salutary governance mode which sought to produce an uncreative homogenization. Federalism was not about uniformities, but recognition of diversities and autonomy of the different components. Diverse development initiatives which should naturally be the bounteous harvest from the pluralist essence of federalism were scorched if they strayed beyond the horizons and mindset of the centre. In effect, the possibilities of national growth and development were limited by the level of the centre's wisdom. The unitarian character of the federal 'masquerade' was equally matched by the absence of fiscal federalism. The federal monopolization of oil revenue and the lopsided sharing formula had had the effect of turning States into famished vassals of the Federal government creating a degrading and unproductive dependency syndrome as States and other agencies queued monthly for handouts and subventions from Abuja.

Literature review

This study's methodology is not hitched on such emotional categories like wickedness in the reconstruction of the phenomenon of resource control as the 'wicked history of deprivation of resources' by the Federal government expressed by Isawa J. Elaigwu (as cited in Ugwu, 2019) ^[17]. As an apostle of Professor Elaigwu, Ugwu has equally considered resource control as nothing short of a history of conflict between citizen's agitations and Federal government's endless abuse of its privilege as a custodian of the peoples' patrimony. Such postulations of the history of resource deprivation is correct and can be verified and validated by the

recent history of the socio-political struggle between ex-President Olusegun Obasanjo and the irrepressible ex-Governor of Lagos State, Bola Ahmed Tinubu. The struggle was over the creation of additional local government councils in Lagos State which the Federal government refused to recognize as they had not been captured in the 1999 Constitution of the Federal Republic of Nigeria. The struggle eventually got judicial interpretation in favour of the Lagos State government. The Supreme Court ruled against the Federal government which declined to obey the decision until ex-President Obasanjo left office. Thereafter however, the funds which were to accrue to created Local councils were refunded to Lagos State government by the Federal government in the administration of ex-Presidents Yar'Adua and Jonathan.

This study's methodology is also not going to be hitched on the 'ignorance' for instance, of Kaduna State: that it has a whooping record of twenty unexploited mineral resources namely: Amethyst, Aqua Marine, Asbestos, Clay, Columbite, Flosper, Gemstones, Gold, Graphite, Kaolin, Kyanite, Mica, Rock Crystal, Ruby, Sapphire, Syenite, Surpentine, Tentalime, Topaz and Tourmaline. Or is this research hitched on the postulation that Nasarawa State is ignorant that she has a whooping record of twenty-one un-harvested minerals including Amethyst (Topaz Garnet), Barytes, Cassiterite, Chalcopyrite, Clay, Columbite, Cooking Coal, Dolomite Marble, Feldspar, Galena, Iron Ore, Limonite, Limestone, Mica, Salt, Sapphire, Talc, Tantalite, Tourmaline, Quartz, and Zircon. This is because Nasarawa State (in the north) has even joined the national league table of petroleum oil and gas producing states in Nigeria. And through her, the vaunting claim that the north is barren and is a leech on the south requires deconstruction. It is Tobor (2016) ^[41] who had raised researchers' definitional question of the Niger delta to be nine states of Delta, Rivers, Bayelsa, Edo, Akwa Ibom, Abia, Cross River, Ondo and Imo. And any time this mental picture of the Niger delta is conjured, what comes to the working-table of researchers are oil resources, deprivation, derivation, south-north divide and resource control. But now, Lagos has also joined the national league table of oil producing states so, wither the Niger delta group of nine States?

Resource control in colonialism

This study is also not going to be hitched on such partial analysis that resource control is a long struggle of the desire of the ethnic Fulani to complete the jihad of dipping the Koran into the Atlantic Ocean in the south. That the Nigerian state was configured for the well being of the north and that the north shall be in perpetual control of the natural resources of the Niger area. Such well canvassed arguments that the north and the west have conquered the national power structure to the detriment of the south-south and south-east shall be critically reviewed. This is because the postulations of Ebe on the pre-colonial and post-colonial relationships between the north and the south may have to be endorsed. Ebe can be read to have convincingly shown that there are irrefutable evidence that the north had during the colonial period received subsidies and subventions from the south and vice versa. But that the subventions and subsidies had been more from the south to the north than from the north to the south.

In other words, the taunted claim that the north was or is a fiscal leech on the south is largely untrue or exaggerated. It is argued that although northern revenue to the colonial pool

was relatively lesser than the contribution of the south, the colonial authorities taxed the north more successfully than the south because the north was more organized politically and had well-tailored socio-political institutions and structures of cohesion that the white leveraged upon to impose their indirect rule than the south which was more rebellious, disorganized or decentralized and disoriented to the civilizing missions of the colonial powers. The level of rebellion found expression in such notorious incidences as the Aba women riots against taxation and internecine wars of attrition against the white regime in the south mangrove swamp forests. In the Ukwuani area for instance, men were notorious for dogging taxation and taxation of women was suicidal and such communities as Ezionum, Abbi, A for etc in Delta State were well documented for having never-ending sieges against white incursion. In the case of Ezionum, for instance, there were incidences of large scale deportation of natives to Igun area (beyond the Abraka barracks) where the whites held court and military sway. It must also be pointed out that these rebellions neither ousted the whites nor did they outwit the installed warrant chiefs of the white-men in the communities. They were mere fissures of evasion and resistance in the fights for self-determination and resource control.

The relative positions of the north and the south in the pre-colonial political equation in resource control and agitation require further elucidation. Because the north had very harsh climate, it suffered more from crop failures and its range of crops were limited to cereals like onion, beans, groundnuts, cotton, maize, millet etc. The south was wetter and had a more clement climate and its range of agricultural products such as pepper, okra, melon, corn, yam, tomatoes, was supported by tree crops like rubber, palm tree, cocoa, kola nuts, timber; and aquatic resources like fishes etc. The range of cultivable land in the south was hindered by thick vegetation but with large scale irrigation in the north appreciable acres of land mass was brought under cultivation under the colonial rule. In the light of these circumstances, the claimed buoyancy of the north or the south in natural resources and control ought to be viewed with circumspection. There was no altruism on the part of the north or the south to help one another. The circumstances where dictated by colonial discretion and the exigencies of the time. There were also no conscious efforts on the part of the white to consult the people. The people consulted by the time were basically intelligent officers and missionary societies before 1914.

According to Ebe, and which argument is also correct, not much changed occurred after 1914 till independence. Although there has been a recognizable shrink in the contribution of the north to the natural resource pool of the Federal government, as many of the agricultural products of the north have but disappeared with the coming into reckoning of oil resources in the delta, the instrument of domination, being the state, has not changed. The hegemony of the colonial state merely gave way to the hegemony of the neo-colonial state. But it must not be left in doubt the influence of the former colonial master over the intelligence of governance till now. In other words, Ebe would like to argue that there are more continuities than discontinuities in the relationship between the Federal government and imperial Britain when the issue of resource control comes on the desk for consideration. It has been argued in some related studies that the influence is readily put into play by Shell and

the large multinational oil companies which are used by the imperial powers to govern and misgovern the Niger area till now.

The role of multinational oil companies in resource control is not left in the periphery. The seven sisters are largely neck-deep in the generation of the resources that keeps state craft running in Nigeria. This is done through joint-venture vehicles and production sharing contracts. Rentierism and resource control are thus integrally connected in the economic space of Nigeria. In simple terms, the oil companies pretend to be tenants to the Federal government as landlord. The Federal government gives the multinational companies the permissions and licenses to explore, exploit and win oil and bring the profit to the sharing table after withholding their cost of production. This arrangement is largely dictated by very few but key economic tools. The government is not a business structure and has been modeled to be so by world capitalism and imperialism. There is a conscious separation of the state from the economy and economic actors. State-in-business model is not readily tolerated by world capitalism and imperialism. The more a developing economy like Nigeria wants to venture into business, the more her chances would be scuttled through restrictive policies and made to fall back to joint-venture-ship. Beyond the ideological constraint, the capital for business venture is usually provided with the technology by the seven sisters. It is not common-place capital or is it common place technology. Both the capital and the technology are the most guided secrets in the world today because they determine who controls what, when and how.

In order to keep a permanent hold on the economy of a host nation like Nigeria, the multinationals must delve into the political structure of the host state to ensure that its executive and legislature are deeply infiltrated and influenced by the policy options of the companies (capitalism and imperialism). This is done mainly by ensuring that a bourgeois state weak in the desire of the citizens to transform the society is kept in control of the state. The judiciary is also infiltrated and made to dispense the justice of an oil economy in which the state of the law is fluid and skewed in favour of monopoly capital. The interest of the state is permanent but tenured because all its occupant desires is a term of years during which primitive capital accumulation is the philosophy. As it is not in business and as it is not structured to be in business, the state is in perpetual vortex of change from one incoherent regime to another. The resources it requires is primarily to keep security to maintain live and property until another regime takes over in another circle of election. Its budget is annual and it is not tied to life transforming structures and institutions of society but for frivolities. Such state structure is imposed by imperialism. Lenin called it the most savage imperialism that is out and out to throttle nationalities like Nigeria and impose the Anglo-American model which has mastered for its purpose the use of a democratic republic.

Abacha and Ogoni debacle

For communities resource control ought to be their 100 percent control of the resources in their domain without any outward or outside interference. Such conception of resource control had been advocated by the Ogoni ethnic nationality that led to the sack of Shell from Ogoni land. However, it may argued that such stiff perception must have been informed by the height of environmental degradation of the Ogoni land and the neglect of same by the multinational and the Federal

government. As research has shown (from the Ogoni example), violent repression does not definitely terminate protest arising from deprivation and marginalization. It only drives it underground only to re-emerge violently (Isumonah, 2015) ^[19].

This study is also not hitched on such refrains that has been expressed by Lukpata (2013) ^[45] that, today it is the undoing of the Ogoni and Niger delta peoples and tomorrow, it may be the undoing of other peoples such as the indigenous peoples of Nasarawa or Kaduna States. This is because the postulation of Lukpata is essentially correct and can be verified and validated by the historiography of the struggle of Ogoni people in Rivers State. In the work of Dibua (2005), it was established that resource control assumed the centre ground of discourse in the 1990s after Ken Saro Wiwa internationalized the struggle of Ogoni land against Shell. While the Ogoni people were able to chase Shell out of their land, they paid a huge price to the Federal government and Shell in human lives and ecological degradation that has received world wide condemnation and reproach but no restitution and respite have reached the Ogoni.

The Federal government tried and killed Saro Wiwa and his compatriots through a flawed judicial proceeding that did not give a right of appeal to the Supreme Court during the military regime of Gen. Sani Abacha. The junta had suddenly woken up and constituted a Kangaroo tribunal that never observed the basic tenets of international criminal procedure and found the freedom fighters guilty to the disapproval of the international community. Before the Kangaroo trial, Shell had successfully prepared the ground by empowering Ogoni elders with contracts and inciting them against the elites of Ogoni in the struggle that the elites led by Ken Saro Wiwa were alleged to have murdered the elders and were arraigned before the Kangaroo military tribunal.

One significant lesson of the Ogoni struggle against Shell and the Federal government is what Dibua (2005) ^[10] captured as the shift in solidarity from the nationality imposed by the Federal government to the nationality of the Ogoni. Thus, any attempt at true federalism for him must be accompanied by a meaningful devolution of power to the local people and ethnic nationalities because the marginalization of the citizenship rights of the ethnic Ogoni by the Federal government and Shell helped the Ogoni people to develop, build and resort to its ethnic citizenship and successfully demonstrated to the outside world that the Federal government was an abstract entity incapable of enjoying ethnic Ogoni recognition, solidarity and reverence.

Lukpata and Dibua can also be verified with the consequences of the struggle for resource control on such states like Rivers, Delta, Cross River and Bayelsa that are yet to recover from the frosty relationship they have had with the Federal government arising from the struggle for resource control and 13 percent derivation. The humiliating treatment which State Governors like Alamiesagha, Ibori, Odili and Attah have had from the Federal government because of their stands on resource control led to the 'foreign' imprisonment of Alamiesagha and Ibori; the denial of Presidential ticket to Peter Odili and the relegation of Victor Attah's political clout to the background (Sobowale, 2018) ^[39]. Thus for Adonu (2019) ^[4], the success which the agitation for resource control has given to the States and the ethnic nationalities in the Niger delta has been largely out-weighted by the killings of millions of delta people, loss of property, and the unquantifiable ecological disaster that has resulted from the adverse effects

of oil pollution and gas flaring in the area.

Furthermore, this study is not going to be hitched on the facts which the north has deployed in the contestation for why it should be considered entitled to the mineral resources of the Niger delta and the counter argument of the politicians and academics of the south of how the Niger delta had become the marginalized and or the forgotten goose that laid the golden egg. Sobowale (2018) ^[39], for instance, has argued pointedly that military regimes which had been dominated by northerners had consistently robbed the oil producing states of their revenue and civil governments which had arguably been dominated by the same northerners after them had equally continued to maintain the injustice. Such domination had found expression in the fact that all attempts at resource control and re-structuring had been rebuffed by the central government. More than anything else, it is the control of the Federal government by northerners since after the first military coup and the capturing of the national patrimony that has generated ill feelings between the north and the south and between the Federal government and the States. In fact whenever the issues of resource control and re-structuring or amendment of the constitution to whittle down the exclusive legislative list are placed on the table, the raw nerves that are deployed against it from the north is such that the questions are better kept out of debates. Because emotional feelings have been allowed to come along with rational thinking, and even displace it, national integration and cohesion had been difficult to build in Nigeria.

To the northerners issues concerning resource control, re-structuring and constitutional amendment are driven by southern excessive selfishness and greed (Ekuri & Etim, 2019) ^[14]. Ota *et al.* (2022) ^[36] restated the position of northerners as ridiculous such as that they are entitled to the share of the oil in the south because the vegetation of the region including fecal matter, dead bodies, animal remains, washed off land resources of the north are carried by the Benue and the Niger rivers and deposited in the delta basin to form oil throughout the ages outside human memory. Ota *et al.* believe that the north had equally been in the vanguard of resisting the development of other mineral resources stating that in the first republic (1960 – 1965) the north resisted the Federal government's plan to develop the iron ore deposit in the north unless the iron and steel industry was to be sited in the north. When an iron and steel complex was to be sited in the east, the north roundly resisted the move claiming that its resources would not be allowed to be used to develop the east yet the Federal government could be allowed to flow the delta oil to Ghana and Europe.

Who gets what, how and when?

For Ugwu (2019) ^[17] resource control was a movement that began from the Raisman Commission of 1959, Binns Commission of 1964, Ompadec of 1992, NDDC of 2000 till date. This has made researchers like Opone (2015) ^[35] to believe that state of conflict had existed in the Niger delta since the past 50 years driven by economic inequalities. Preferring to regard the phenomenon as a conflict which several scholars have assessed as being driven by economic depravity, Shebbs and Njoku (2019) ^[38] submit that there are two sides to the coinage-debate: the people and their governments. It is a pseudo war determined by politics, conflict and legality. It is the politics of who gets what, when and how within the context of what the law of the state provides.

Shebbs and Njoku were recasting Harold Laswell's conception of politics as a game of who gets what when and how and Adeoye (2022) ^[3] believes that the conception is relevant in the determination of the national question of resource control because if power is the ability to participate in decision making, the most powerful will determine who gets what, how and when and this has been reflected in the manner in which the issue of resource control has been tackled by the Nigerian state since its coming into existence before 1960. The governing index of determining who gets what, when and how in Nigeria has been the mechanism of revenue allocation. The revenue sharing formula of allocating the national resources of the country between the centre and the units has been a never-ending cause of chaos not only between the governing centers in Abuja (the Federal Capital Territory) and the State Headquarters but between the State Headquarters and the Local Government Headquarters. The chaos transcends government headquarters to ethnic nationalities, regional spheres, geo-political zones and even communities. Thus resource control has been conceived to extend to the substantive power of ethnic communities to collect monetary and other benefits accruing from explorations and exploitations of mineral oil and other natural resources in their domain and deploying them for the socio-economic development of the communities (Ako, 2012) ^[6]. This claim can find support from the study of Shebbs and Njoku (2019) ^[38] who have submitted in recommendation that local communities in Nigeria where natural resources are found should be involved in their administration rather than making them to be on-lookers and spectators in public policy and administration of things that concern them and found in their domain. In a resume, Adeoye and several scholars have fingered the phenomenon as the trigger of the ugly national issues of ethnic separatist agitation, terrorism and insurgency, banditry and Boko haram.

Why such conclusions are verifiable and validity can be found from the studies of Ekuri and Etim (2019) ^[14]. They argue that the present conception of resource control is the way and manner in which resources are shared amongst the three arms and tiers of government: The executive, the legislature and the judiciary and the Federal, State and Local governments. It is not only controversial and capable of being conceived from several prisms, it is clearly weighted in favour of the central government in Nigeria currently run as the Federal government. It is because of this weight which the Federal government enjoys against the other arms, tiers, centers and headquarters of governments that makes the Federal government illicitly attractive and the competition for its control has been a life-and-death struggle since the coming into being of the nation. And this is despite the available evidence that such weight has not been consistent with a show of good governance and a track record of performance. What is specious and what is greed in resource control agitation is thus undergird by performance. It has been convincingly argued that the judicious application of the resources in national development is what is driving resource agitation to implosion rather than its control. While on his presidential campaign train soon after the death of Gen. Sani Abacha, ex-President Olusegun Obasanjo has been heard to state (in another version) at Asaba (known as the gateway to the south-south that has the oil that had been the bone of contention) as follows: 'You will own the resources, but we will control it.'

The foursome rebels

States' conception of resource control is to the effect that the States of the Federation which have resources should have a significant control of them. A significant portion or percentage or control of the resources should be held back by the states while they pay tax (according to some advocates) to the Federal government. A prominent scholar on the Niger delta, Azaiki (cited in Okolo & Akpokigbe, 2014) ^[31] has been in the vanguard of the advocacy of State control of state resources and Salaudeen (2018) ^[37] has also reported and fingered the desire of All Progressive Congress (APC), whose party has been in power since 2015 under the Buhari administration and which party has won the flawed 2023 general election for presidency, to support state control for oil and mineral resources. Its committee on derivation which the APC set up to look into the vexed issue of resource control (which Salaudeen admits has not been addressed over the years) submitted a report favourable to States' control of resources.

This posture of resource control does not go down well with the Federal government. While it exhibits discontentment with the present scheme of things or revenue sharing formula between the States and the Federal government and was the source of the long drawn out war between ex-President Olusegun Obasanjo and such states as Delta State under James Ibori, Bayelsa State under Alamiesagha, Cross River State under Obong Victor Attah and Rivers State under ex-Governor Peter Odili, it has a significant negative impact on the power-ego of the Federal government. And the negative impact implies restructuring and devolution of the powers conferred on the Federal government under the exclusive legislative list of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

This conundrum of the resource control struggle and agitation plagued the relationship between the Federal government and the oil producing states upon return to civil rule in 1999 to the extent that the states had to implicitly engineer their citizens into militancy. Instead of continuing to have an open face-off with the Federal government, after the 1994, 2005 and 2014 National Conferences where delegates from the oil producing states (in the last one of 2014) demanded 25.5 percent to 50 percent derivation fund and it was turned down, the Governors obliquely signaled their cohorts in the creeks to take to militancy and the militants on the Niger delta creeks took over the battle and the Governors kept a blind eye to militant agitations leading to enormous economic disaster that soon found expression in oil theft and illegal refineries. The Federal government's response was a blanket amnesty for the militants. It was their argument that if the Federal government was not ready to share a significant portion of the resources to the states and their people, then the resources could be sabotaged and or should be stolen. Perhaps a slight diversion may be necessary for the purpose of this study. For Obasanjo (2014, pp. 301 & 304) ^[26] the worst hit states were Rivers, Bayelsa and Delta. The suspicion was that their Governors (Odili, Alamiesagha, Ibori) were 'afraid of taking firm and decisive action' against the militants (oil thieves) and illegal refiners of crude oil for 'fear of reprisal' having used them as thugs to fight their political campaigns and elections.

But the reasons canvassed by ex-President Obasanjo in the nature of fear by the Governors and reprisal by the militants

can be argued as only a part of the story. The bigger picture has to do with the contending strains of constitutionalism and revisionism. In the study, 'Fiscal Federalism and Resource Control in Nigeria', Nwogwugwu (2017) ^[25] had attributed the strained relationship between the Federal government and the oil producing states as one of the major spikes of recent resource control struggle. He argues that the agitations arose because a larger portion of the national wealth was being allocated and or appropriated by the Federal government at the detriment of the oil producing States. After a careful review of the origin and circumstances that gave rise to the decentralization and centralization of resources between the two main tiers of government and the politics underscoring it, he submitted that no meaningful attempt has been made to change the status quo even though the framework for resolving it had been laid down in several constitutional proposals and academic research findings.

For Nwogwugwu, therefore, the refusal of the Federal government to allow constitutional amendment to bring in devolution and revision of the structural configuration of the power sharing formula under the 1999 Constitution classifying such efforts as 'a no-go area' and or 'a non-negotiable issue' is actually the lynch-pin in the resource control debacle. Atoyebi *et al.* (2013) ^[7] had equally reached the conclusion that the failure to encourage genuine power sharing had triggered dangerous rivalries between the central government and the 36 states and until the scheme is critically reviewed, not much can be achieved because since 1954 when the country took to federalism, it has wallowed from one national question to the other making national cohesion a mirage (Abodurin, 2021) ^[1].

The choice of the federal system of government in Nigeria which Atoyebi *et al.* traces to the 1914 amalgamation of southern and northern protectorates has substantial credit to take for the emergence of the national question of resource control. They believe that no nation built on federalism can allow itself to share the control of resources with the uniting states that constitute the federation. In other words, it is a given constitutional imperative that the parts must be subjugated by the center. A state cannot choose to run a federal system and at the same time begin to hang for the essential attribute of con-federation. Therefore, such arguments that the genre of the federal system being run in Nigeria is characterized by a unique centralism (in all ramifications and has refused all forms of sincere restructuring along ethnic nationalities) is nondescript. The argument that to allow resource control on equal footing or to the advantage of the States whether oil producing or not is to call indirectly for dismantling the 'federal structural nature' of Nigeria is stronger though refutable. The refutation can be found in the conclusion of the study of Aoy *et al.* (2010) ^[8] that agitation for resource control is not to undermine the structure of Nigeria. This is because any call for the de-federalization of Nigeria is only a concomitant of the contestation for the oil wealth of the delta by the power elites of the various ethnic nationalities for its control and appropriation (Hadi).

The foregoing position is stronger because authorities like have projected the views that ignorance of the fact that the 1999 Constitution is a unitary instrument rather than a federal document came to the fore as a result of the 'enormity of the atrocity' committed against federalism in the second advent of the Buhari administration. Though the atrocities may have to do with wanton insecurity, nepotism and overbearing

interference in the powers of the states, Ogunmupe is hyped believing that no change has been effected on the 1999 Constitution because the leaders of the Niger Delta and indeed the oil bearing states in the south have been compromised and are insincere in the agitation for resource control. He submits further that those who are not from the region but are in support of resource control agitations are more insincere. While they throw mouth-watering ministerial appointments, pipeline surveillance contracts and amnesty palliatives to the leaders of the Niger delta, they are prepared to give in their agitations for selfish ends.

Having been made lazy by free oil money contract, intellectually weak by years of oppression and piled research papers without implementation, lack of courage for the resource control struggle comes from the previous failures of their own rebels like Adaka Boro of the failed Republic of Niger Delta, Ken Saro Wiwa of the failed Ogoni nationality struggle and Odumegwu Ojukwu of the failed Biafra Republic of Igbo. These failed minority claims at resource governance greatly undermined the struggle of who gets what, when and how in successive military administrations that were propelled by decrees with the minority groups suffering from marginalization and the obvious hazardous consequences of oil pollution and infrastructural decay. It is due to these monumental failures that authorities like Tony Momoh resigns hope in the struggle and believes that solution may have to come from the National Council of State to reverse the imposition of federal control of resources made by the military in the circumstances of the pre and post-civil war years.

In practical terms, the Lyttleton Constitution of 1954 created the federal system in Nigeria. Soon thereafter the national question of resource control began to rear its ugly head leading to the Raisman Commission of 1959 which gave 50 percent to oil producing states, 20 percent to the Federal government and 30 percent to the general pull. It was Gen. Yakubu Gowon that changed the recommendation in 1969 (through the Petroleum Act) when crude oil became a commercial commodity. By Decree No. 23 of 1966 the hatchet job had already been done. The Gowon regime argued that the Federal government needed more resources for the civil war efforts and prosecution and the rebels were in control of the areas where the oil and mineral resources were located (Salaudeen, 2018) ^[37]. Though rapid development was reported to have occurred in the three regions before the war due to 50 percent derivation, the hostilities that emerged leading to the war brought a monumental crisis of mistrust into the body politic of the country. In the face of the imminent collapse of the Federal Republic of Nigeria, the military took over the reins of power and in a swoop, decreed the abolition of the regions and created 12 states in their stead.

Worry, hurry and awry

In the decades running from 1960 to 1999, the Federal Military government was worked like a sleep-walking-monster into a sea rise of legislative incursion into a seizure of all the commanding heights of the economy particularly oil and mineral resources in a fit that later depicted worry, hurry, wary that ended in awry. Claiming to study the phenomenon from the Marxian perspective, Agba and Ndum (2014) ^[5] argue that sections of Nigerian obnoxious laws (now in desperate need of abrogation) like the Constitutions of 1963, 1979 and 1999, the Land Use Act of 1978 (now

enshrined under the 1999 Constitution) and the 1968 Petroleum Act (now superseded by the Petroleum Industry Act, 2021) amongst other innumerable laws, took absolute ownership and controlling authority over land and oil. In the onslaught, marginalization, oppression, degradation and innumerable vices came upon the citizens and the nation. In an attempt to keep the country as one, the military took control of everything and enslaved its federating states and citizens. It was better, in the spirit of the military, for the country to be one united insoluble entity, at the risk of the lives of its citizens. It was country first before the citizens. In a messianic disposition, the slogan appeared writ large during the war that 'to keep Nigeria one is a task that must be done'. This refrain has continually informed the desire of the Federal government to list resource control as a 'no-go area'.

The Federal government has not only deployed the legislative mechanism in this desperate act of accumulation of power to itself, monopolization of the function of civil government to itself, appropriation of police, security and military powers to itself, electricity power to itself, it also diminished the resources of all other centre and headquarters of government from 100 percent in 1953 to 50 percent in 1960 to 45 percent in 1970 to 20 percent in 1975 to two percent in 1982 to 1.5 percent in 1984 to three percent in 1992 (Hadi). How incredible and ridiculous! Over the decades it has employed such metaphors as population, land mass, creation of states, creation of local government councils, need assessment, quota, federal character, catchment area, geo-political zones in the continuous subterfuge of deceiving itself to the utter detriment and retardation of the development of the people. For Ota *et al.* (2022) [36] resource control is an agitation against the Federal government's de-emphasis on derivation because the states where the resources are mined are politically weak since the end of the last war. The Federal government which has been headed since late 1960s by northerners had been in collaboration with the westerners in cheating the oil producing areas (which have produced the rebels) and has heavily favoured the north and the west in the revenue and or resource control allocation, award of white elephant projects and contracts and ownership of oil wells and blocks. It has consistently used the resources against the agitators and the rebels that have over the years emerged from the delta. Rebel resources are thus used to under-develop the rebels.

In the light of the foregoing, Onah *et al.* (2022) [33] in the 'Dynamics of the politico-administrative conflicts of resource control in Nigeria: Exploring the oil politics of who gets what, when and how', believe that resource control is a conflict triggered by 'oil politics' as a result of political class manipulations, marginalization and lack of true federalism. True federalism would have enabled individual states to obtain greater control over their resources and ensure sustainable development in the oil sector that is currently riddled with contestation and strife.

Federalism has been the catch-phrase of the Federal government. It is the coinage of K. C. Wheare (as cited in Okolo *et al.*, 2014 & Dickson & Asua, 2016) [31, 11]. It is the sharing of power so that the central and regional governments are each with a sphere coordinate and independent. Financial autonomy and independence in decision making of the federating units are the hallmark of federalism. For Arowolo (2011) [9] Nigerian federalism is designed to be centralism making the components subservient to the centre. Who then designed the Nigerian constitutional structure that made a

unitary system and called it a federal one? The military! Over twenty legal instruments have placed resource control under the firm grip of the Federal government and the processes of their amendment has equally been made difficult under the 1999 Constitution requiring 2/3rd majority of the National and the State Assemblies (Ako, 2012) [6].

Exceptional Zamfara gold

One developing instance that has betrayed the Federal government's stance and insincerity on resource control is the mining of gold in Zamfara State. The gold is being mined by locals and the Zamfara State government has been involved in the trade to the knowledge of Federal authorities without any negative reactions and repercussions from the Federal government under the Nigerian Minerals and Mining Act of 2007 (Adebiyi, 2021 & Ota, 2022) [2, 36]. Whereas on the part of the Niger delta and oil resources control, the Federal government has since the 1960s gagged up oil operations and set up Presidential Task Forces to see to the development of the delta region, created OMPADEC in 1992, approved 13 percent derivation during the Sani Abacha military junta, created the Niger Delta Development Commission (NDDC) under ex-President Obasanjo, created the Ministry of Niger Delta under the Yar'Adua administration, granted amnesty under the same administration and later set up the following commissions: 1992 Justice Alfa Belgore Commission, 1994 Don Etiebet Commission and 1999 Popoola Committee. None of these have brought succor to the region (Odoemena *et al.*, 2014) [30]. Yet, the struggle continued.

Conclusion

Two strong divides led by ex-President Olusegun Obasanjo and ex-Federal Commissioner of Information, Chief Edwin Clark (leader of the Pan Niger Delta Forum) have thus been set up in the current debates for resource control agitation. Those that are favourably disposed to the present state of the law believe in constitutionalism while those that are not favorably disposed to the current state of the law are calling for revision. Laying bare the arguments, Obasanjo believes that oil belongs to the Federal government as provided by a litany of legislative instruments particularly the 1999 Constitution which in several sections provides that the Constitution is supreme and any law in conflict with its provisions are void. It provides that nobody can take over the leadership and power of government and govern any part of the country except in accordance with the Constitution; that all oil and mineral resources belong to the Federal government as reinforced by the Petroleum Industry Act of 2021. The Land Use Act which provides that all lands in a State are held by the Governor of the State on behalf of all the citizens of the State has also been incorporated into the Constitution.

Chief Edwin Clark thinks to the contrary. The position of Chief Edwin Clark is revisionism; that the constitutional provisions should be revised; that the Constitutional and legislative instruments have not favoured the Niger delta and the south-south people and that the more Chief Olusegun Obasanjo continues to deploy the weapon of constitutionalism, the more the ex-President exhibits himself as 'a Niger Delta hater' (as cited in Adebiyi, 2021) [2]. Injustice and hatred are concepts that are difficult to explain. What is just to Obasanjo may be unjust to Clark. What Obasanjo likes in constitutionalism as the legacy of the founding fathers is what Clarks hates and appeals against in

revisionism. But Cardinal Okogie of Lagos weighs in heavily on the side of Chief Edwin Clark and believes that the Constitutional and legislative instruments which take away the ownership of the land and minerals of the people and give them to a Federal government is 'patently unjust' (as cited in Fasan, 2022) ^[15] under the common law which the neo-colonial state has imbibed from Britain. The doctrine of equity arose in Britain to cushion the harsh effects of the implementation of the common law. The 'patent injustice' Cardinal Okogie cites is even aggravated by the frivolities surrounding the application of the resources and the negative impact of the legislative instruments on the lives of the people and the environment.

Recommendation

- Federal government should review and streamline its resource allocation formula and make it more humane in order to take the wind out of the sail of the agitation for resource control.
- The constitutional provisions in the exclusive legislative list arrogating resources to the control of the Federal government should be reviewed and revised in favour of devolution of more power to the States.
- The federal system of government enshrined in the 1999 Constitution should be reviewed to entrench true federalism.
- Aggressive exploitation of the mineral resources of the various states of the Federation should be embarked upon to release the strangle hold the Federal government has held on the oil mineral resources of the Niger delta.

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