Eye of the Storm: Ethnic Identities and ‘Contested Sovereignties’ in the Niger Delta

(Draft)

By Cyril I. Obi
Nordic Africa Institute, Uppsala, Sweden.

Cyril.Obi@nai.uu.se


Introduction
According to an Organisation of Petroleum Exporting Countries (OPEC) 2007 report, Nigeria is Africa’s largest oil producer with a 2,248,400 barrels per day capacity, while the continent itself emerged as the third highest crude oil exporter continent in the world with a 6,556,300 barrels per day capacity (cited, Salau 2007). It is important to note that most of the oil produced by Nigeria comes from the Niger Delta and the surrounding coastal waters, which places the region at the intersection of local, national, regional and global forces and processes linked to the relations of power and dispossession spawned by the international political economy of oil.

The result of the location of the Niger Delta as an increasingly strategic “glocalised” site of oil extraction, production and wealth accumulation, has in part resulted in a complex mix of fluid and sometimes contradictory coalitions, partnerships and resistance, which again could be gleaned from the contours of the various contestations in, and over the site of endowment and oil production for the world market. Not only is the Niger Delta a site of global-local oil struggles, but in an increasingly globalised world, it has become a site of ‘contested sovereignties’ from above and below, by various forces, seeking through legal, political and extra-legal means exclusive claims, ownership, access and the right to control the ‘oil flow’ and the oil-rich territory, which by virtue of its energy endowment is integrated into the ‘global space’.

The Niger Delta by virtue of its history, political geography, as well as strategic location in the global political economy of oil provides a context with which “mainstream assumptions about sovereignty, political authority and social spaces are
called into question” (Eberlein 2006: 574). Of note is the fact of its immersion in the oil-minority ethnic group politics in Nigeria, and the social contradictions spawned by the transnationalisation of oil feeds into contesting sovereignties as the various forces and fractions seek to mobilize support and assert power over highly prized oil territory. It is also possible to discern the use of local symbols and idioms of resistance in the counter-hegemonic discourse of the Niger Delta people, “whose modes of existence are threatened by globalisation” (Mittleman and Chin 2006: 26). Some attention in this paper will be devoted to an analysis of how local forces have deployed ethnic minority identity and the quest for self-determination, local autonomy and resource control in their quest for local “sovereignty” over an oil-rich region.

This paper explores the relationship between ethnic minority politics (articulated as the politics of local resistance) and Nigerian nationhood in the context of the struggles for power over the oil-rich lands and waters of the Niger Delta. This conflict has recently assumed insurgent proportions where armed ethnic militias particularly the Movement for the Emancipation of the Niger Delta (MEND) are violently challenging the ownership claims of the Nigerian state (in partnership with foreign oil firms) to the oil extracted from the Niger Delta, as well as the status of the region as a part of Nigeria. This has taken the form of the kidnapping of foreign oil workers to draw international attention, the bombing of oil installations and pipelines, attacks of government forces and security posts, and the use of local and international media to address a wide audience on its campaign for “resource control”. Apart from challenging the legitimacy and “territorial sovereignty” of the Nigerian state, the counter-claims of ownership of the oil by the ethnic minorities that inhabit the Niger Delta also pose a locally based sovereignty counter-claim based on discourses of self-determination and resource control, against a centralizing nation-state logic, and global “market” hegemony.

Another important aspect of the protest relates to the view that the people of the region have been cheated out of their “God-given birthright—oil and citizenship rights as Nigerians, by a ‘distant federal government’ controlled by (non-oil producing) dominant ethnic groups and operating in partnership with oil transnational corporations, that exploit (and pollute) their lands and waters. These views resonate in the struggle for ‘popular sovereignty’ against perceived “internal
“colonialism” (Naanen 1995: 48) by the (non-oil producing) ethnic majority groups, and oil producing ethnic minority solidarity against the exploitation of the region by foreign oil companies. This adds another layer to the contestation of Nigeria’s sovereignty in the Niger Delta, in the context of globalised oil relations—represented by the oil multinationals (in partnership with the Nigerian state) and global industrialised powers whose energy security interests are embedded in the Niger Delta oilfields.

At another level, the tangle of sovereignties relates to the interventionist role(s) and action(s) of global actors: non-state and state, in the Niger Delta. These actions involving oil transnational corporations, their home governments and international NGO’s and even transnational criminal networks have had far reaching implications for Nigeria’s sovereignty. This could take the form of these transnational forces undermining the sovereignty of the Nigerian state or reinforcing it against counter-claims by forces of local resistance. It may at some level(s) even take the ambivalent form of support and subversion. At another level, it could imply the subordination of Nigeria to the national security calculations of a dominant global power, which has become more pronounced in the post-9/11 global war on terror. It is also noted that in spite of views that globalisation transcends borders and undermines state sovereignty, there is a sense in which the Niger Delta to some extent exhibits features of transnational support for Nigerian state and its capacity to act in a Westphalian sense as a member of the international community.

This paper is organised into four broad sections. The introduction sets out the background for an analysis of the contending sovereignties in the Niger Delta. A conceptual section that addresses the changing dimensions of sovereignty in the post-Cold War world, and how this relates to the struggles over sovereignty in the oil-rich Niger Delta, follows it. The third part analyzes the struggles between the various groups in the Niger Delta as transnational and local forces acting in concert or in opposition to each other in seeking to control the space(s) of globalised oil production, within the territorial state (Nigeria), or by challenging and resisting the authority of the extractive transnational alliance, of which the Nigerian state is an important partner. In conclusion, the paper examines the challenges that the emerging
trans-global intersections of conflict embedded in the Niger Delta pose, both for the nation-state question in Nigeria and Africa’s post-Cold war international relations.

Conceptual Issues: Changing Dimensions of Sovereignty in a Globalizing Post-Cold War World

Sovereignty

Sovereignty has always been a core element in politics and law, even if it has been subjected over time to various interpretations and faced some limitations often dictated by real power considerations, and other exigencies. For long, there have been debates over the real nature and relevance of sovereignty to international relations. However, since the end of the Cold War, there has been ‘resurgence’ in the debates about sovereignty. According to the International Commission on Intervention and State Sovereignty, “four challenges have appeared to the traditional and static conception of sovereignty: the increased salience of self-determination and the willingness to redraw borders, the ever-widening definition of threats to international peace and security, the recurring collapse of state authority, and the heightened importance attached to popular sovereignty.”

This trend is partly borne out of the recognition of the need as the former UN Secretary-General put it, to “adapt our international system better to a world with new actors, new responsibilities, and new possibilities for peace and progress” (Annan 1999: 47). In the same regard, he noted that, “state sovereignty, in its most basic sense, is being redefined—not least by the forces of globalisation and international cooperation.” It is however pertinent that he returned to the charter of the UN and other international treaties to re-emphasize the connection between individual sovereignty and “a renewed and spreading consciousness of individual rights.”

It is therefore possible to locate sovereignty at three levels: the individual, people(s), and the state (in this paper they are treated as sovereignties). Of the three, the state is a key actor both as a site of power and in the post-Cold war world, a contestant in the space of sovereignty, and as a member of the Westphalian inter-state system on which global order is based. State sovereignty also gives the state the exclusive right to exercise power within a defined territory, provides a ideal basis for equality with other
sovereign states in international affairs, subject to certain international laws and norms. These limitations had often been framed in ways that seek to protect weak states from strong ones, and prevent states from taking actions that threaten international peace and security. However, since the end of the Cold War, the notion of state security has faced mounting challenges, mostly linked to the processes of transnationalisation.

**Sovereignty Versus Globalisation?**

Three issues are salient, the acceleration of trans-boundary flows of information, finance, commodities and capital and the movement of people that both reduce the influence of borders and the nation-state over certain transactions, the creation of “new” countries out of the former Soviet Union, Yugoslavia, the recognition of Eritrea as a new country (seceding from Ethiopia), and the growing role of non-state actors/people(s), have not only provided a new discourse for individual and peoples sovereignties and rights, but have also influenced new perspectives to interventionism. For while, the post World War 2 international order placed a high premium on state sovereignty and non-intervention, the post-Cold war order has been marked by the debate over the legitimization of intervention on humanitarian grounds based on the rights of individuals, groups and peoples.

But the debate does not stop at that. New international non-state or trans-territorial actors in a rapidly globalizing world, such as diasporic communities, multinationals, international civil society organisations/NGO’s, social and resistance movements have been identified as impinging on, or undermining state sovereignty. Such non-state actors have found legitimacy for their counter-claims to state sovereignty in the global discourse on the basis of individual, peoples and popular rights. As some have argued, globalisation has intensified the “global crisis of the nation-state as the main vehicle of sovereign power” (Hansen and Stepputat 2006: 296).

Since the 9/11 bombings and the inauguration of a US-led global war on terror, another element—security, has been added to the debate of the legitimization of intervention, with implications for sovereignty. This has further muddied the waters in the sovereignty discourse. While it is widely held that structures and processes of globalisation and notions of popular and peoples rights undermine the notion of
state sovereignty, part of the backlash of the 9/11 attacks appears to be the ‘securitization’ of state sovereignty on a global scale by the world’s hegemonic powers, tapping into and drawing legitimacy for intervention from the inter-state system and international law.

**Securing (Nation-State) Sovereignty from Globalisation?**

In a rather provocative piece, Acharya (2007: 275), argues that the post-9/11 differ from the pre-9/11 debates in two ways: “firstly it has returned the rationale for limiting sovereignty to the overriding importance of national security, rather than human security or welfare, which were central to the globalisation and humanitarian intervention debates”, and “second, the post-9/11 challenge to sovereignty is organised and led by a hegemonic state (although it is backed by a number of other states allied with the hegemon) which is seeking simultaneously to safeguard and limit Westphalian sovereignty to suit its particularistic interests”.

This position, while being controvertible, makes the important point that, “the question is not whether sovereignty is at stake, but whose security.” In providing an answer to the question, Acharya (2007: 276), notes that part of the “real” justification for intervention in the post-9/11 world by ‘the hegemonic state’ is “not about a ‘higher’ principle, but the conventional requirements of ‘national security’, and an international order conducive to the protection and promotion of the national security interests of the most powerful states.”

Thus, intervention in the latest phase, is justified in the name of fighting global terror, and preventing failed states across the world that lack the capacity to effectively govern their territories and promote a conducive environment for foreign investments, to act as an incubator for terrorism, or provides spaces from which terrorists can strike internationally (Obi 2006: 91-92). Therefore, states identified as “collapsed”, “rogue” or “failing states” are targeted for intervention, where it is believed that they could harbour terrorists, contain insurgent groups/ rebels that could tap into global networks of terror or lay their hands on Weapons of Mass Destruction (WMD) held by “collapsing” or “rogue” states (Patrick 2006: 27-29). Patrick, citing an interview (Garfinkle 2005), notes that US “Secretary of State Condoleezza Rice declares that nations incapable of exercising “responsible sovereignty” have a “spillover effect” in
the form of terrorism, weapons proliferation, and other dangers”. This brings out the US-led securitization of sovereignty in global affairs in the post-9/11 era in sharp relief.

However, in spite of the attractions of the “Sovereignty as Disorganised Hypocrisy” position as exemplified by Acharya’s work, the evidence suggests that the state sovereignty-globalization nexus is more complex, and a more nuanced reading of developments in the post-9/11 era could provide some new answers to the questions emerging from what may be described as an emerging ‘transnationalisation of state sovereignty’ and its connections with globalisation.

It is not possible to isolate the state from the processes of globalisation, underscoring what Robinson (2007: 131), notes is “a national-global duality” with regard to an emergent “transnational state” (TNS). He goes to explain the TNS, as “a loose network comprised of supranational political and economic institutions together with national state apparatuses that have been penetrated by transnational forces”. The issue may not be that the globalisation is leading to the “end of the state”, but that it imposes new roles on states as connected national nodal points in the ever-expanding web of globalised capital. The state-centric order is not about to give way, but it is being influenced in varying degrees by the globally integrated system of capitalist production, consumption as well as cultural, financial, population and information flows. The result has been, in some cases the coming on board of a few emerging powers, but for most countries, it has been the deepening of inequalities, and integration through dominant power relations, hegemonic strategic and economic policies, no doubt shaped by the values and interests of the world’s leading power—on the assumption that it is acting in the interest of a world order cast in its own image.

Thus, both processes of national and transnationalized state sovereignty co-exist rather uneasily in the post-9/11 world, and are used both by actors in the global scene seeking to advance their core values and interests, often, but not exclusively against the counter-claims of groups invoking ‘other levels of sovereignty’ in their quest to create alternative spaces of power. It is important not to idealize the linkages between national and transnationalized state sovereignty, as the forces under the banner of the
former can oppose the latter, when immediate interests are threatened, or when political expediency dictates that the ‘national’ populace be mobilized against external interests. What is relevant is the organic unity that transnational capital seeks to impose on national and transnational sovereignty.

**The Sovereignty Debates and Post-Cold War Africa**

The end of the Cold War had some impact on Africa’s place in the international order. Part of this could be gleaned from the modest shift with regard to state sovereignty. The pan-African body, the African Union that replaced the Organisation of African Unity in July 2002, was characterised by a shift from a policy of non-interference to non-indifference (Williams 2007). Article 4 of the Constitutive Act of the AU gave the organisation the right to intervene in a member-state in respect of “grave circumstances, namely war crimes, genocide and crimes against humanity” (cited, Kioko 2003). Earlier, the Economic Community of West African States (ECOWAS) signed two protocols: the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security in 1999 and that on Democracy and Good Governance in 2001. Both emphasised a coordinated regional approach to the security problems and non-acceptance of non-democratic rule in member states.

However, in spite of the rhetoric of ‘non-indifference’, it is clear that the sovereignty debate in Africa is complex. Some scholars, taking the crisis of the post-colonial African state as their point of departure feel that state sovereignty is a somewhat problematic notion. They are keen to point to the weakness of the post-colonial African state, the corruption of the (neo-patrimonial) elites that dominate, but undermine the state, reducing politics to the inordinate pursuit of personal or narrow ends (Chabal and Daloz 1999, 2006; Bayart, Ellis and Hibou 1998). Yet, others have pointed to the ways in which hegemonic external actors and their policies have undermined the sovereignty of African states (Olukoshi 2005: 177-201). Not only that, they note that external market-based interventionist policies such as structural adjustment that was imposed on the continent contributed to worsening socio-economic conditions and the crisis of state legitimacy, which led to some groups challenging the authority of such states.
Reno’s view that ‘internal sovereignty in parts of Africa is increasingly weak or non-existent’ is largely based on his observation on the problems associated with “formal bureaucratic state institutions” (Reno 2001: 197). He however notes that in spite of these weaknesses, “some leaders of weak states recognise that they can manipulate transnational commercial connections and outsiders willingness to recognise them as mediators between local and world economies to accumulate wealth and control associates” (2001: 198). Thus, while such states may be weak, they enjoy formal juridical recognition of their sovereignty by external commercial and strategic interests. This position seeks to establish a dichotomy between the weak internal and strong external sovereignty of African states, and offers an explanation in terms of common commercial interests between predatory African elites and external interests. This position echoes similar ones about how African states are collapsing—and therefore have little or no sovereignty, with power dispersed among predatory elites and armed groups, but it does offer some hope of indigenous viable alternatives (Reno 2005: 127-151).

The foregoing shows that claims of sovereignty in Africa connect the broader debates elsewhere. They are also connected to the ways in which global developments and the crisis of the African post-colonial state continue to shape sovereignty, and open it up to interrogation. In terms of the post-9/11 discourse, weak states in Africa are construed as (part of the global) threats to the security of the West. The point perhaps is not to exaggerate the diminution of state sovereignty in Africa since the end of the Cold War, or ideologize it. The challenge is to grapple with the ways in which the notion of sovereignty is being contested on the continent, and the how global, state, and non-state actors are inserted into the ‘anatomy of struggle’, in what really is the most recent phase to reach accommodation with, resist or create space, within an expansionist and hegemonic transnational capitalist project.

The debate over “whose sovereignty?” shall continue for a long time to come with implications for international relations. It is in this regard that this paper directs its searchlight on Nigeria’s oil-rich Niger Delta. At stake, is the sovereignty of the Nigerian state—and its transnational allies, versus the sovereignty ‘from below’ of the various Niger Delta ethnic minorities, with the Ijaw group taking the lead in the
struggle for self-determination and resource control in the region since the late 1990’s.

The Struggle for Sovereignty in the Niger Delta

Three currents underpin the struggles for sovereignty in the Nigeria Delta. These are framed around the legitimacy of the rule of federal government (at the behest of a fractious Nigerian “state”) over the territory, the right of access to the region and its resources by transnational oil corporations by virtue of their partnership with the Nigerian federal government and the quest of the local people for self-determination, regional autonomy, and resource control (Obi 2007: 101-104). The widespread feeling of alienation from the benefits from the oil industry and perceived marginalisation by a highly centralised federal power structure and fiscal distributive system, provide a volatile brew of discontent that is largely hinged on the interrogation of the legitimacy of the power of the Nigerian state over the people and resources of the oil-rich region, and protests against foreign exploitation of the region without a just and adequate compensation for the local people.

More recently, the stakes in controlling power in this oil-rich locale has peaked, partly because of the struggles within the rather fractious Nigerian ruling elites, but also due to the pressures from the global oil markets, growing demand from the highly and emerging industrialised powers are putting a strain on existing oil reserves and pushing prices upwards. Added to this is the prioritization of West Africa’s oil as an object of US national security: both as an alternative source of energy (to the volatile Middle-East where violence, anti-Western radical Islamism and resource nationalism are rife) and as an object that has to be protected from any possible strikes by trans-global terrorist networks.

In terms of the timing of the resent upsurge in agitation for self-determination in the Niger Delta since the early 1990’s, it may be argued that it is both connected to the deepening social contradictions in the region by the forces of globalization, and the ways in which some structures and discourses of globalisation have facilitated and empowered local claims, resistance and counter-hegemonic discourses (Obi 2001a,b). Yet, the boundaries of the various forces contesting the control of the region are not ‘clear-cut and dried’, but are rather fluid, but with every side, targeting the “state”,

10
either to empower it to crush counter-claims, use it to advance transnational elite interests, or force it to make concessions or cede space for action or increased access.

Niger Delta Ethnic Minorities and the Struggle for Autonomy and Self-Determination

The struggle for autonomy and self-determination has its roots in the creation of Nigeria as a colonial state by the British in 1914, an act that consigned the people of the Niger Delta region to the status of ethnic minorities in relation to the numerically preponderant neighbouring ethnic groups, which dominated political life in what later became the Western and Eastern regions of Nigeria. Just as the people of the Niger Delta resisted the coming of colonialism that eventually robbed their city-states, kingdoms and communities of their sovereignty, they also protested against their being grouped for administrative convenience in regions where other dominant ethnic elites held sway (Obi 2005: 189-212; Dike 1965: 14; Alagoa 1964: 61). These dominant elites, particularly after the Second World War, in the wake of nationalist agitation for self-rule reinforced the politicization of ethnic identity, and its mobilization in the struggles for access to power and resources and freedom from domination. On this basis, smaller groups defined as “ethnic minorities” tended to loose out, while the dominant ethnic groups asserted power at the regional (North: Hausa-Fulani, East: Igbo and West: Yoruba) and national levels.

The initial reaction of the minorities was to protest against “the majoritarian stranglehold of the three ethno-regional blocs” (Mustapha 2003: 8) over power and resources by forming political parties representing their interests, and seeking local autonomy through state or region creation in the context of Nigerian federalism. These parties included the Cross River Ogoja State Movement (COR), the Midwest Movement and the Niger Delta Congress (NDC). Although, they did not succeed in their quest for states creation (which would have given them a measure of self-determination) before Nigeria’s independence in 1960, the post-independence crises that culminated in civil war between 1967-1970 provided new opportunities for their quest for freedom from perceived ethnic majority domination.

But this was not before an abortive attempt in February 1966 by a group of Ijaw ethnic minority youth: the Niger Delta Volunteer Force (NDVF), led by Isaac Adaka
Boro, to secede from Nigeria, by declaring the Niger Delta Republic. Boro’s action was partly to prevent the oil in the Niger Delta that was part of the Eastern region from falling into the hands of the dominant Igbo elite, and to assert Ijaw “sovereignty” over its ancestral territory. However Boro and his men were eventually arrested and charged for treason against the Nigerian state. Reprieve for them only came with the July 1966 military coup (Obi 2005: 206), with some of them upon their release choosing to fight on the side of the federal government against secessionist (Igbo elite-led) Biafra during the Nigerian civil war.

Shortly before the eruption of war between a secessionist Eastern region (which renamed itself Biafra) in June 1967, and the federal government, the four regions of Nigeria (North, East, West and Midwest), were abolished and replaced with twelve states, of which the ethnic minorities of the Niger Delta had three. In swift response, the Igbo political elite rejected the states and staked Biafra’s claim to the oil in the Niger Delta (as part of its territory) demanding the payment of royalties and taxes by oil companies to the Biafran government. In response, the federal government imposed a naval blockade on the Bonny and Port Harcourt oil export terminals and attacked Biafran forces in the Niger Delta (Ikein and Briggs-Anigboh 1998: 128).

The war was partly the result of Biafra’s rejection of Nigeria’s sovereignty over the Eastern region, with sections of the Niger Delta elite also rejecting Biafra’s sovereignty over their oil-rich lands, and siding with the federal government against Biafra’s claims (Saro-Wiwa 1989). Buoyed by this support and intent on retaining control of the oil-rich territory, the federal army went on to establish its full control over the oil during and after the war. However, in doing so, it assumed control of oil, to the consternation of the ethnic minorities of the Niger Delta who had felt that the oil would be theirs to control (Obi 2005:207; Naanen 1995; Okonta 2007). This laid the ground for the merging of the quest for the control of oil within the oil-rich territory, with that for the distribution of oil revenues, which in the first place was the prerogative of those that controlled oil in the first place.

By the 1970’s, oil had become the main source of national revenue, and the fiscal basis of the Nigerian State, accounting for over 80 per cent of national revenues and 90 per cent of export earnings. In spite of the ethnic minorities of the Niger Delta
having their “own” states, the federal government, largely controlled by the political
elite from dominant ethnic groups had seized the monopoly of the control of the
collection and distribution of oil revenues. Just as the states were created by military
fiat, federal monopoly over oil was similarly established through Decree No. 51 of
1969 and Decree No. 9 of 1971. Apart from the state creation exercise, and the
centralization of power over oil, the revenue allocation principle of derivation was
progressively changed to reduce the “share” of oil producing states of the Niger Delta
from 50 per cent in 1966 to 1.5 per cent in the 1990’s. Oil power had effectively
found expression in the sovereignty of a central authority over Nigeria in the post-
civil war era.

The progressive reduction of derivation – which provided for revenue allocation in
proportion to the contribution to the federal purse by each state, and the introduction
of the Distributive Pool Account (DPA) or federation account that emphasized the
allocative principles of population size and need (and deemphasized derivation), was
viewed as injustice by the ethnic minorities, particularly in the context of decades of
marginalization and neglect of the Niger Delta by past governments. It was also
strongly felt that the principle of derivation which gave 50 per cent of revenues to the
old regional governments controlled by the dominant ethnic groups was abandoned
(falling to 3 per cent in the 1980’s) in order to enable these same groups to control the
oil wealth produced from the oil minority states. Hence the struggle between the oil
minorities/states of the Niger Delta and the non-oil producing ethnic majority
groups/states/federal government became the object of the politics of controlling oil
revenue or resource control.

The campaign, referred to as “resource control”, is based on the demand for self-
determination to control the resources within the “territory” of the Niger Delta
(inhabited by ethnic minorities), compensation for damages inflicted upon the
territory by oil production (pollution, degradation, loss of livelihoods), and access to
an increased share of oil revenues. It draws its rationale from the view that the control
of oil by a federal government controlled by elite from the dominant (non-oil
producing) ethnic groups is both unjust and explains why the Niger Delta has suffered
decades of neglect resulting in the underdevelopment of the region (UNDP 2006).
The oil minorities believe that their people are also discriminated against in the
federal distribution of political and socio-economic opportunities, entitlements and welfare services and development in general. Federal control of oil is also perceived as the result of an iniquitous political arrangement that enable the ethnic majorities to “colonise”, exploit and persecute the ethnic minorities, who they feel “cannot pose any real threat to federal hegemony” (Okonta 2005).

The agitation for self-determination is made up of a motley coalition of elements ranging from political elites, various civil society organisations and militant resistance groups challenging Nigeria’s sovereignty. It is also hinged upon ethnic minority ‘nationalism’. One of the earliest groups to articulate the demand for self-determination in the early 1990’s was the Movement for the Survival of Ogoni People (MOSOP). In October 1990, MOSOP sent the Ogoni Bill of Rights (OBR) endorsed by representative organisations in Ogoniland to the federal government. Its core demand was for political autonomy that ‘guaranteed political control of Ogoni affairs by Ogoni people, the rights 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, and the right to protect the Ogoni environment and ecology from further degradation’ (Obi 2001b: 121-125).

The following year MOSOP added more demands to the OBR and internationalised its campaign after the government did not respond to the OBR. Saro-Wiwa one of the main actors in the drawing up of the OBR noted that he was encouraged to internationalise the Ogoni struggle by three factors: “the end of the Cold War, the increasing attention being paid to the global environment, and the insistence of the European community that minority rights be respected, albeit in the successor states to the Soviet Union and in Yugoslavia” (Saro-Wiwa 1992: 7) However, by 1995, following an incident in which five Ogoni elite were set upon and killed by a mob in Ogoniland, Saro-Wiwa and eight other MOSOP members were charged for incitement to murder and reason and hanged on the orders of a specially constituted tribunal by the federal military government. Thus, putting paid to the challenge against the state-oil alliance by MOSOP whose main activists were subsequently driven underground or into exile during which the organisation was further weakened by fractional squabbles.
In the late 1990’s, there was a proliferation of ethnic minority movements, communal
groups demanding for local autonomy hinged upon their control of oil, and their quest
for justice within a restructured federation, where ethnic groups are in charge of their
resources and contribute an agreed proposition on their own terms to the federal
government. The position of these groups can be gleaned from their various
pronouncements and position papers. Apart from the Movement for the Survival of
Ogoni People (MOSOP) – Ogoni Bill of Rights (1990), these have included the
Movement for the Payments of Reparations to Ogba People (MORETO) – Ogba
Charter, Ijaw Youth Council (IYC) – Kaiama Declaration (1998), Egi Ethnic
Coalition – Aklaka Declaration, Oron Nation – (ONAF) Bill of Rights of Oron People
(1999), Urhobo Economic Summit – Resolutions of the First Urhobo Economic

From Self Determination to Resource Control: A Struggle for Ethnic Minority
Sovereignty?

In spite of the fate that befell MOSOP, another ethnic minority group, the largest in
the Niger delta, the Ijaw continued the agitation for self-determination, this time
employing the rhetoric of ‘resource control’. The Ijaw are regarded as the fourth
largest ethnic group in Nigeria. According to Ukiwo (2007: 591), “they are
indigenous to six states in the country and constitute political minorities in all but one
of these six states”. In December 1998, an All Ijaw Youth conference organised by
the Ijaw Youth Council (IYC) took place in Kaiama, the birthplace of Ijaw hero, Isaac
Boro, following which the Kaiama Declaration (KD) was issued. The KD among
others claimed ownership of all land and natural resources within Ijaw territory, and
“ceased 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 Use Decree and the
Petroleum Decree” (Obi 2001b: 118-120). It therefore demanded the withdrawal of
the federal army and all oil transnational from Ijawland by the end of December.
Ijawland was invaded shortly after the KD by the military and the IYC–led protests
were crushed.

It was not until Nigeria returned to democratic rule in May 1999 in the midst of rising
expectations that the derivation principle was increased to 13 per cent. The increase
was partly in response to the international campaigns and local protests by ethnic minority movements. It was also part of the strategy of the new democratic regime for winning legitimacy for the hegemonic nation-state project, and heading off protests in the Niger Delta on the basis of its attending to the grievances of the oil-producing communities of the Niger Delta. Part of the calculation was also to penetrate or demobilize the protest groups contesting the sovereignty of the federal state by providing patronage to the local Niger Delta elite, co-opt the leadership of the protest and activist groups and create the conditions for the operations of the oil industry by stemming the tide of restiveness. Unfortunately, the result has been more complicated: some co-opted militants have over time fallen out with their patrons in government, others have colluded with the local political elite to escalate the tension and conflict as a way of attracting attention and resources from the state-oil alliance, while some radical Ijaw nationalists have seized the opportunity to militarize and globalize ethnic minority resistance and escalating violence in the region (Ukiwo 2007: 606-608; Obi 2007: 104).

In spite of the increase in the derivation revenue sharing principle and the increase in oil revenues going to the states of the Niger Delta, the campaign for resource control continued and even assumed more violent forms. At the level of the political elite, the initial position of the federal government that it would calculate the 13 per cent derivation only on the basis of onshore oil revenues and the counter-claims of the Niger Delta states, resulted in the federal government filing a suit at the federal Supreme court in 2001 against the eight littoral states (mostly in the Niger Delta), that contested its ownership of offshore revenues. In spite of the ruling of the Nigerian Supreme court in 2002 largely affirming federal control of offshore oil, the question of the ownership of oil continued to fester. Amid protests from the Niger Delta, a “political solution” in the form of the onshore/offshore dichotomy bill, abolishing the dichotomy between offshore and onshore oil revenues was approved by the National Assembly and signed into law by the president in 2004.

In the following year, the sharing of oil revenues was again a source of acrimony at the National Constitutional Reform Conference where most of the delegates were nominated by the state and federal governments. The conference ended up in a deadlock over its inability to reach an agreement over the demand of delegates from
the Niger Delta (who later walked out of the conference) for an upward increase in the derivation formula from 13 to 25 per cent, and a progressive increase within five years to 50 per cent (IRINnews, 2005). This again showed that the northern and western delegates did not back the claims of their counterparts from the Niger Delta. A position that further increased the frustration of the people of the Niger Delta and fuelled demands for the restructuring of the Nigerian federation in ways that decentralized power and emphasized local autonomy and resource control.

The politics of oil sovereignty also featured in the federal solutions to the agitation in the Niger Delta. Apart from the use of military repression, developmental agencies were set up to address some of the grievances of the people. These included federal institutions such as the Oil Mineral Producing Areas Development Commission (OMPADEC) in 1992, the Niger Delta Development Commission (NDDC) in 2000, the Council on Socio-economic Development of Coastal States in the Niger Delta (COSEDECS) in 2006, and the newly established Niger Delta Peace and Conflict Resolution Committee (NDPCRC) in 2007. These have been seen more as institutions for the cooptation of the local elite in the region through the distribution of federal government largesse and patronage, or ‘contested spaces’, rather than effective tools for fundamentally addressing the developmental demands of the region.

Closely related to the discontent fuelled by the feelings that the oil minorities of the Niger Delta have been severely short-changed by the dominant groups that control federal power and oil is the issue of the ownership of land. One of the legacies of military rule was the 1978 Land Use Decree, later the Land Use Act and a host of related legislations that transferred the ownership of land from communities to state governments, and gave the latter the power to use land for (oil) “development” purposes. As Omeje (2005, 324), notes, “what evidently compounds the institutional disadvantage of the oil-bearing communities and the stultification of their customary land rights is that the 1978 Act denies courts the jurisdiction to inquire into matters of compensation relating to the provisions of the Act”. By appropriating oil-rich land, the Act had provided a basis for dispossessing people of a valued resource.

**MEND, Militant Resistance in Search of Niger Delta Sovereignty?**
The militant ethnic minority resistance owed in part to the militarization of the Niger Delta in the 1990’s, and the violent clashes between armed Ijaw and Itsekiri youth in the Warri area of the Western Delta between 1997 and 2003 (Human Rights Watch 2003). Out of that conflict emerged an Ijaw militant organisation, the Federated Niger Delta Ijaw Communities (FNDIC), which also collaborated with other Ijaw groups from other parts of the region (Ukiwo 2007: 602-603). As Ukiwo notes, the FNDIC adopted the tactics of earlier groups such as MOSOP and the IYC to publicise its struggle in local and global media. While FNDIC held sway in the Western Delta, the Eastern Delta witnessed a struggle between Asari Dokubo’s Niger Delta People’s Volunteer Force (NDPVF) and Ateke Tom’s Niger Delta Vigilante.

While Asari, a former president of the IYC and Ateke, a leader of the Okrika Vigilante had enjoyed patronage of the Rivers state governor (Best and Kemedi 2005) and some oil companies, the former had fallen out with his patron, and fought pitched battles with the NDV and joint security forces in the state. Asari adopted the platform of resistance, claiming that “we want to achieve self-determination and be able to control our oil resources”, and demanding that, “we also want a sovereign national conference for the country so that we can decide if we still want to be part of Nigeria” (IRIN 2004). In this way Asari tapped into local grievances in the Niger Delta to challenge Nigeria’s sovereignty over the oil-rich territory, claiming that the “it is the Nigerian state stealing our oil from us”.

After a peace agreement signed in Abuja on October 1, 2004 (after Asari has threatened all-out war in the Niger Delta on September 24, and demanded that oil companies leave—Operation Locust Feast, by October 1, 2004) and a poorly coordinated disarmament programme, Asari continued with his campaign for resource control and the convening of a Sovereign National Conference. In September 2005, Asari was arrested and subsequently charged on a five count of conspiracy including ‘treasonable felony, forming and managing an unlawful society, publishing of a false statement and being a member of an unlawful society.’ After several court appearances that spanned almost two years, Asari was released from prison custody in June 2007, by the newly elected Nigerian government as part of a new peace initiative in the troubled Niger Delta.
It was during Asari’s absence and a split in the FNDIC that MEND first burst forth on the public consciousness in Nigeria in February 2006, with far-reaching global ramifications. MEND took the conflict in the Niger Delta to the level of an insurgency. The group has effectively been able to attract international attention to the plight of the Ijaw and its resistance campaign through the taking hostage of foreign oil workers, demonstrating the inability of Nigerian security forces to stop its attacks and sabotage of oil installations, and the effective use of the global news media. Using the internet to send emails and images to the world’s leading news agencies and local newspapers, taking journalists to its camps in the swamps of the Niger Delta (Junger 2007), MEND has tried to distance itself from the local political class and the ransoming of foreign hostages, and tapping into local idioms, symbols and grievances to embed itself in the people’s consciousness. It has several times unilaterally declared ceasefires to possibly create space for a negotiation of its demands or as part of its tactical moves. It has however gained most attention internationally by its threats to “cripple Nigerian oil exports” (IRIN 2006; Saharareporters 2007).

The organization has proved to be as elusive to those hunting it, as it is concrete to those supporting it in the villages and creeks of the Niger Delta and abroad. It has been profiled by the MIPT (2007), as “an active terrorist group that uses violent means to support the rights of the ethnic Ijaw people in the Niger Delta”. The report also notes “led by a notoriously shadowy and secretive elite cadre, MEND’s ultimate goal is to expel foreign oil companies and Nigerians not indigenous to the Delta region from Ijawland. In the short run, the group wishes to increase local control over the money made from the exploitation of the region’s abundant natural resources”. While this profile dwells on labelling, rather than analyzing the circumstances within which MEND emerged and the content of its message(s), with a view to constructing the image of an imminent “terrorist threat” to western energy interests, a more nuanced and informed view locates its emergence in “the lethal cocktail of economic deprivation, military dictatorship and worsening environmental crisis” in the Niger Delta, and its tapping into “the fifty year Ijaw quest for social and environmental justice in the Niger Delta” (Okonta 2007: 7-11).

In an interview with Brian Ross (2007), Jomo Gbomo, the spokesperson of MEND, elucidated on the objectives of the group:
The Movement for the Emancipation of the Niger Delta (MEND) is an amalgam of all arm-bearing groups in the Niger Delta fighting for the control of oil revenue by indigenes of the Niger Delta who have had relatively no benefits from the exploitation of our mineral resources by the Nigerian government and oil companies over the last fifty years.

It appears that MEND’s agenda is directed at wresting the control of oil from the Nigerian state and granting resource control to the indigenes of the region. Although the militant group has recently been affected by factionalism following three developments: the release of Asari Dokubo leader of the NDPVF from prison in June 2007, the election of Jonathan Goodluck (ex-governor of Bayelsa state) as Nigeria’s Vice President in 2007, and the arrest and detention in Angola, before the extradition to Nigeria of one of MEND’s leaders, Henry Okah, and an associate of his, Edward Attata. Both men were on March 5, 2008 charged to court on a ‘14-count charge of treason, gun-running and terrorism’ (Ige 2008; Eboh and Shirbon 2008; Ughegbe and Ebiri 2008), while the core of MEND has remained steadfast to its goals and methods. It is clear that the arrest and trial of MEND’s activists follows a familiar pattern, in which the Nigerian state seeks the maximum punishment for those that forcefully challenge its authority in the Niger Delta. What is often not obvious is the dense matrix of the contestations over the construction of sovereignty from below in the Niger Delta and the ways in which transnational forces intersect, and simultaneously empower and undermine national and local ones.

Transnational Security and the Struggle for the Control of the Niger Delta

The Niger Delta is critical to global energy security. It is geo-strategically framed within the context of the larger West African Gulf of Guinea or new Oil Gulf stretching from Mauritania to Angola (and possibly Namibia) that accounts for about 15 per cent of US oil imports which is expected to grow to 25 per cent in 2020 (Lubeck, Watts and Lipschutz, 2007: 3). The Niger Delta with some of the most prolific oil and gas fields in Africa is important to the rising demands for oil in the US economy, and the growing profits of Transnational Oil Corporations.

In its most recent phase, the insurgency in the Niger Delta has gone some way in feeding into the global securitization of the region and the surrounding Gulf of
Guinea. The international community, particularly the United States is concerned about its energy security interests in the face of a “critically weak Nigerian state” (Rice and Patrick 2008: 11). A recent report published by the Brookings Institution places Nigeria in the “bottom quintile” of critically weak states and notes that “Nigeria’s performance matters enormously to the West African region, and its further faltering or even potential failure would have far-reaching regional and international ramifications” (Rice and Patrick 2008: 16). This view of the threat posed by a Nigerian state that cannot effectively secure its territory raises the spectre of a possible “contagion effect” of the volatile Niger Delta conflict on global maritime commercial and strategic interests in West Africa. Apart from the billions of dollars worth of oil investments by US oil companies, the theft and sale of crude oil by transnational criminal networks (oil bunkering), and the safety of American oil workers, the entry of oil companies from China, India, Brazil, Malaysia and Korea into the region is perceived as serious threats.

The crisis in the Niger Delta has resulted in the reduction of oil exports by 25 per cent since 2006. A CSIS report notes that between 2006 and 2007 Niger Delta militants abducted and freed over 100 expatriate oil workers, increased their arms inventories to alarming levels and attacked the oil installations in the Niger Delta leading to huge losses to oil companies and the government (Iannacone 2007: 2). Such reports dwell on the threats posed by local insurgents to Western interests. Also relevant is the centrality of the Niger Delta to the post-9/11 US national interest calculations within the overall context of its global security and the US Command for Africa (AFRICOM) expected to come on stream later this year. This in part presupposes the subordination of the oil-rich local space of the Niger Delta to a transnationally re-constructed sovereignty that assures uninterrupted global access to oil.

It would be problematic for oil-dependent global powers if the Nigerian state cannot guarantee uninterrupted access to prolific oilfields (and record profits), just as the hegemonic fraction of the Nigerian elite is keen to ensure global access and reproduction of the region’s extraversion to guarantee its access to the transnational spoils of oil and control of the state. Since 9/11, the globalisation of the Niger Delta’s oil has gone side by side with its ‘securitisation’, in which global hegemonic forces see the oil as a vital “globally-needed” resource, whose continued “uninterrupted”
flow along with the safety of (transnational) oil investments and oil workers must be protected at all costs, including military means.

In a succinct analysis of US perspective to its global energy security Klare (2007; Klare and Volman 2004), argue that the US military has been transformed “into a global oil protection service whose primary mission is to defend America’s overseas sources of oil and natural gas, while patrolling the world’s major pipelines and supply routes.” In relation to the crises in the Niger Delta, the US government is concerned about the threats posed to American and Western interests by the local militias operating in the region (Marquardt 2006; Obi 2006). The US deputy assistant secretary of defence informed a forum in Washington in March 2007, that the US had “proposed a regional maritime awareness capabilities program for the Nigerian navy worth $16 billion” (Fisher-Thompson, 2007). Thus, part of AFRICOM’s focus is the rising security and strategic premium of the oil-rich Gulf of Guinea is the need to construct a solid maritime security cordon in Africa’s waters to protect American-defined global interests.

Some commentators and defence analysts in the US have provided some justification for the US to bolster the sovereignty and capacity of oil-rich states in West Africa, particularly Nigeria (and the Niger Delta) as part of its global security calculations directed at protecting the country from transnational terrorist strikes. A few have gone to the extent of attempting, often with tenuous evidence to establish a link between Asari Dokubo (a Moslem from a predominantly Christian Niger Delta) and Bin Laden, and between MEND and Al Qaeda since some reports of its attacks against oil installations have appeared on radical Islamic websites (Pham 2006, 2007a,b; Barber 2007). As noted earlier, concerns have also trailed what is considered the weakness of the Nigerian state (and corruption of political elites) that has been unable to put down challenges to its sovereignty or address the grievances of the people of the Niger Delta (Morris 2006: 229-232), which disrupt global oil commerce.

The same view has underlined the perception that the State’s capacity to effectively police its borders and territorial waters is poor. Such analysis do not really seek to address the roots of the Niger Delta, the problem is rather framed in terms of what a disruption in oil supplies means for America’s security. As a former assistant energy
secretary in the Clinton Presidency put it, “we are not in a position to endure a serious oil supply disruption from the Gulf of Guinea today. The global oil market is stretched to capacity” (Goldwyn 2004, cited in Morris 2006: 228). This view strengthens the arm of the hardliners keen to ensure that the US controls the next frontier of global oil power off the West African coast, by simultaneously bolstering the military capacity of African states to neutralise transnational and internal threats—strengthening state sovereignty and military capacities, but also seeking to ensure that such sovereignty coheres with, and is subordinated to hegemonic global interests and agenda.

Thus, Nigeria is a key element in, and ally of the US strategic perspective to Africa, participating in such military programmes as the Trans Sahara Counter-Terrorism Initiative (TSTI), the Global Peace Operations Initiative (GPOI), and most recently, the US-supported Gulf of Guinea Guard Force (GGGF), made up Nigeria, her regional neighbours: Cameroon, Equatorial Guinea, Sao Tome and Principe, Gabon, Angola, Democratic Republic of Congo (DRC) and an unnamed country (Olayinka, 2007). This is apart from other joint security initiatives and bilateral agreements with countries across the continent. Given that the Niger Delta holds the largest oil reserves in the region, it is clear that both the United States and its allies are intent on ‘securing’ control of the sources of supply to the global market to ensure unfettered transnational oil extraction and capitalist accumulation.

**Conclusion: Between Ethnic Minority “Nationalism” and Transnational Sovereignty**

The struggles over oil territory impinge on the sovereignty of the Nigerian nation-state. It would appear that the picture that emerges from the intersection of the various ‘levels’ in the oil-rich swampy locale of the Niger Delta makes it a site from which to grapple with the tangle of ethnic minority identity-garbed challenges to the legitimacy of the Nigerian state, sometimes masking narrow elite interests and opportunism, and resistance to transnational oil-based extraction and pollution.

The unfolding reality is further complicated by the character of the Nigerian “state”, which is in reality both a site of contestations between fractious elites, and is immersed in the conflict in the Niger Delta. The inability of the Nigerian political
elite to hegemonize its rule in a state-like form has adverse implications to its claims of ‘real’ sovereignty, beyond formal recognition of its authority or territoriality. Also the Nigerian state, which adopted a centralized hegemonic nation-building project, has yet to fully win the trust of the various (rival) elite factions, which in spite of the break-up of the four old regions into 36 states, continue to rely on ethnic and religious identities to mobilize their peoples in the pursuit of political interests.

Yet, ethnic minority nationalism and sovereignty ‘from below’, is also in a state of flux, riven by divisions and internal contradictions, but strung together by an expedient opposition, led by a Niger Delta elite that taps into the deep sense of grievance of the Niger Delta people against the state and oil transnational alliance, that strips them of citizenship and socio-economic and environmental rights. Since this elite fraction, in part also belongs to the national elite, its politics towards the quest for self-determination is ambivalent, but does not overtly challenge the groundswell of anger in the region against a perceived marginalizing federal project. Rather it has appropriated the discourse of self-determination, resource control and even the idea of the convening of a Sovereign National Conference (SNC) to re-negotiate the basis of Nigerian nationhood and sovereignty—initially canvassed by radical groups, to canvass for more concessions and a larger share of the federal oil largesse for its members as leaders of the Niger Delta. However, the rhetoric of an ethnic critique of power implies that state sovereignty in real terms will remain a problematic and contested prospect for some time to come. It also implies that the struggle in the Niger Delta cannot be fully resolved outside of the larger ‘national question’ in Nigeria.

A relevant feature of the struggle over the Nigeria Delta, according to Eberlein is that (2006: 590), “the political strategy of extraversion, ensures continued international diplomatic support for the elite faction currently at the helm of the official state hierarchy, a kind of political rent. It further more externalises interventions to donors and their agencies, the oil companies and private consultants.” International interventionism, which penetrates (at some levels undermines) Nigeria’s state sovereignty, is further reinforced by the securitization of the energy resources (oil and gas) sited in the Niger Delta as a territory supplying a strategic commodity, which must be kept safe for global oil commerce.
The challenges confronting sovereignty in the Niger Delta, with a local elite using its ethnic minority identity in Nigeria’s political geography to navigate and negotiate its place between the grassroots, the state and transnational forces raises difficult questions for Africa’s post-Cold War international relations. Although the state is perceived as ‘weak’ and not visibly ‘present’ in most of the rural communities where onshore oil is mined, it nonetheless exercises control of its share of oil rents produced from its territory, while various forces seeking to assert authority and power over the Delta occupy the social space. It is this state that is recognised internationally and called upon to play leadership roles in the continent.

In spite of the violent contestations and the contradictions of the nation-state project in Nigeria, more oil companies are coming into the Niger Delta region, as global oil prices and demand continue to skyrocket and Nigeria’s oil production begins a gradual and steady shift offshore into the Gulf of Guinea (Fabi 2008). What the emerging scenario in this troubled region suggests is that the unfinished business of the national-global duality that characterizes the “disorganized” transnationalization of Nigeria’s sovereignty will have to contend with the pressures for sovereignty-from-below in the oil-rich Niger Delta for some time to come.

References


Chabal, P; and J. Dialoz (1999), Africa Works: Disorder as a Political Instrument, Oxford: James Currey.


International Commission on Intervention and State Sovereignty (nd), www.iciss.ca


