

Full Length Research Paper

‘Strangulated federalism’, resource rights agitations and the deepening crisis in the Niger- Delta

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This paper contends that the inverse application of the ideals of federalism is central to the festering crisis and bloodletting in the Niger-delta that have had a long history of injustice visited on the people. The population have in like manner responded with violence. From imperial humiliation through colonial exploitation, the region has journeyed to the present crisis of “internal slavery and colonialism” by the combined actions and inactions of a cabal that has chosen to collaborate with foreign interests. It affirms that as the region boils over, the option left for the beneficiaries of the series of injustices against the people is to reverse their inhuman actions and institutionalize equity and justice with a measure of good conscience that should heal the wounds inflicted on the people for long. The paper concludes that a pure return to true federalism is a direct cure for the agitations in the region. This is anchored on the fact that all cosmetic palliatives concocted by succeeding regimes has had little or no effect on the character of restiveness in the region.

Key words: Federalism, resource rights, resource control, Niger-Delta, multinational corporations.

INTRODUCTION

Several interlocking factors have combined and contributed to making the crisis in Nigeria’s Niger-Delta a festering sore to both the State and the International Community. These include but not restricted to the subverted or indeed strangulated type of federalism in practice in the country especially since the military took over the commanding height of state government. Ever since the quest for the resource rights contradictions arising from alienation, exclusion, inequality, foreign interests and globalization have predominated. Two major contradictions highlight subverted federalism (Ofeimun, 2000:66) and the contestations over resource rights in Nigeria (Ukaogo, 2007:44). The two factors have been worsened by the over bearing impact of globalization (Obi, 1997; Azaiki, 2003: 17) and have gradually and yet methodically accentuated the contestation over the state ownership power relations and citizenship” (Osaghae, 2007:1). This expectedly has yielded violent and protracted conflicts (Oloyede et al., 2000: 8), including the emerging new forms of conflicts (Ukaogo, 2008:1). An examination of the prevailing practice of federalism and the quest for resource rights is therefore germane to providing options available for conflict resolution in the region. Moreover, our interest on “federalism and

resource control” here is not intended to overlook previous attempts on the same subject matter rather it is a needed intervention to highlight and address the linkages between federalism which is exacerbating tensions within the polity, and the character of the Nigeria State in the context of its response to resource rights agitation and to self-determination by groups in the threatened region.

WHERE IS THE NIGER-DELTA?

The word ‘Niger-Delta’ has conjured misleading and distorted interpretations of the region’s contemporary history. A proper understanding of the Niger-Delta is best done by a patient survey of its political and geographic definitions.

Geographic

The Niger Delta region falls within the tropical rain climate that occurs between 4 - 10°N of the equator. It is also located within an altitude below 1000 m. The climatic presentations of the region reveal that rainfall is usually

Heavy with variations within the region. Azaiki (2003) had volunteered that between 1948 and 1980, the 'average rainfall ranged between 200 mm at Port Harcourt to over 4000 mm on the south west coast of Bonny Island'. It is within reason therefore to affirm that the relative nearness and proximity of the region to the Atlantic Ocean influences the depth of rainfall. The region could be classified as a 'humid, semi-hot equatorial type with very heavy rainfall' that conforms to the manifest patterns of the equatorial belt known with movement of the sun.

This is the relative position of the Inter-Tropical Discontinuity (I.T.D), which denotes the zone 'over which the south west monsoon from the sub-tropical high pressure belt crosses over the southern Atlantic Ocean and the opposing air mass from the continental, sub-tropical high pressure belt of the Sahara converge to mark the rainfall zone'. It is these two air masses that influence the Niger Delta climate and also affect and determine the duration and spread of rainfall in the region. The Niger - Delta constitutes a number of ethnic nationalities but by far the earliest to inhabit the creeks were the Ijaw (Izon). Other nationalities include but are not limited to the Ndokwa, Isoko, Andoni, Itsekiri, Urhobo and Ibos but the core Niger-Delta lies between the Forcados River on the west and the Brass River to the east. For geographic delineation, the core Niger Deltas includes Rivers State, Bayelsa State and Delta State, which the 1991 census accorded an approximate population of 10 million people but in contemporary reasoning, the meandering creeks and rivers, similar topography, common history and ancestry, climate and culture appeared to have made the inclusion of such states as, Edo, Akwa Ibom and Cross Rivers States inevitable into the core Niger Delta states.

Political

Politically, the Niger- Delta includes three other states located outside the core swampy territory. Whereas Abia and Imo states constituted the hinterland territories from where the slaves and palm oil (Martins, 1988:168) were taken to the seaports in the slave epoch and are connected to the core Niger Delta by a maze of intermingling seas, Ondo state is in part peopled by the Ijaw of the core Niger-Delta. Moreover the three states have beneath their sub-soil the new resource-crude oil that presently differentiates the Niger Delta from other geographic zones. This explains why the government has from time to time created economic zones made up of these areas listed above, the most recent being Oil Mineral Producing Areas Development Commission (OMPADEC) and Niger-Delta Development Commission (NDDC). For the NDDC, the Act establishing it defined the Niger-Delta in terms of those states that produce crude oil. Accordingly, section 2(1) (b) of the enabling Act impliedly defined the region by adding the two hinterland states of Abia and Imo as well as Ondo state to the core states.

In doing this, the ethnographic description of the region

seen from the lens of the majority Ijaws and a multitude of smaller ethnic nationalities may have been defeated. This situation frustrates the prospect and possibility of having a precise defined boundary for the region. This is further worsened by the location by way of habitation of certain Ijaw extraction beyond the Delta, now in Ondo State. Arising from the above, it is easily discernible that a level of confusion exists with respect to the proper definition and description of the Niger Delta. To many, the region is perceived to be synonymous with oil producing states hence the inclusion of Abia, Edo, Ondo, Imo, Akwa Ibom and Cross River states as Niger Delta states. The Niger-Delta Environmental Survey (NDES), a non-governmental organization with massive government presence gave in its 1997 report a cartographic, ethnographic and political definition of the region that tallied with the government definition as contained in the Oil Mineral Producing Areas Development Commission (OMPADEC) Act. This in turn tallies also with the Willink Commission Report which agreed that the limits of the Niger Delta would include areas north of Aboh, west of the Benin River estuary, east into the Imo River estuary and areas south to the palm point, below Akassa and the Nun River estuary. But from all indications, both the NDES and OMPADEC appeared to have misconceived the 1958 constitutional provision for the region, which grew out of the Sir Willink Commission, which provided inter alia:

To allay the fears of the minority indigenes of the Niger-Delta and address the development needs of the peculiar terrain of the Niger Delta, before granting independence to Nigeria, the British Government proposed that the Niger Delta be declared a special Federal Territory (Azaiki, 2003:49).

Critics of the prevailing definition like Rev. Dadikumo Odondiri have volunteered that:

There is a specific geographic location referred to as the Niger Delta with a peculiar terrain and peculiar developmental needs. These states are basically Rivers, Bayelsa, Delta, Akwa Ibom and parts of Edo states, not even Ondo. We have a rural area in Cross River but the Niger Delta is a specific area inhabited by the Ijaws principally, the Isokos, the Urhobos, Itsekiris, the Ogonis as well as some Kwale areas. These are the areas that ought to benefit (Guardian 2005:13).

In a situation where stakeholders of a given cause fall prey to the same confusion they decry, a possible conclusion could be that problems needing urgent attention may likely suffer greater neglect. This is more so as the descriptive position of the Niger Delta provided above seem to have widened the confusion. This is further exacerbated by the position of Steven Azaiki of the World Environmental Movement for Africa (WEMFA) that:

We have studied the position papers of the Bayelsa Leaders of Thought, the Movement of Concerned People

of the Niger Delta, Major Isaac Boro's papers, and they hold almost the same views as the report of WEMFA...It is our understanding that the Niger Delta, as a matter of truth, historically and cartographically is the present River state, Bayelsa and Delta states... (Azaiki, 2003:50).

However, in the prevailing confusion of definitions and descriptions, it is easy to appreciate the various positions of the groups and individuals on the issue, which could be summarized by some clarifications. First, there is a distinct difference between oil producing states and the Niger Delta states and two, which is necessary fallout from the above, is that both cannot be used interchangeably. This is because the Niger Delta Development Commission (NDDC) Act of 1999 clearly adopted this usage interchangeably and thus worsened the confusion. Thus Azaiki (2003:65) observed that:

...The NDDC Act of 1999 appears to have confused the Niger Delta with the Oil producing states. Part 1 subsection 2(1), which deals with the establishment of NDDC, and the persons who shall be members of the Commission clearly shows that what the Act intends to solve is the problem of the Oil Producing States and not necessarily that of the Niger Delta per se.

It does seem therefore that the section above is inconsiderate of the view that the region has her peculiar problems quite distinct from those of the oil producing states, which had indeed been highlighted long before the discovery of oil and gas. It was in line with the above that the 1958 Willink report described the region as "poor, backward and neglected". In the view of the Commission:

We were impressed, in both the Western and Eastern Regions, with the special position of the people, mainly the Ijaw, in the swampy country along the coast between Opobo and the mouth of River Benin (Willink Commission Report, section 3, special Areas, paragraph 26 and chapter 14).

The Commission's view was that a constitutional provision was necessary to address the condition of the "special areas" as it relates to development (Willink Commission Report of 1958). This was before the last phase of economic transition from palm oil to crude oil and its politicization in the country. The present crises and disquiet in the region has become a symbol of identity. For now, two descriptive meanings dominate our understanding of the region from the perspective of oil production and geographical location. For this study, the two meanings are used interchangeably.

DE-FEDERALIZATION, RESOURCE CONTROL AND CRISIS IN NIGERIA

Strangled Federalism

Federalism is not a new phenomenon. Rather, it is a tested system of government in which several state units

collapse into one big unit with the federating units still vested with considerable power to exercise control over their resources and internal affairs. The most transparent example of true federalism is that operating in the United States where the constituting units maintain a near 100% control over the resources and pay taxes to sustain the central government (Azaiki, 2003:170). Sadly, Nigeria's federalist experiment has remained essentially flawed encapsulating everything but federalism and its ideals. Thus "subverted federalism" is central to the raging crisis in the Niger-Delta region. A proper analysis of the practice of fiscal federalism confronts the relations of power which underlies the "authoritative allocation of resources" among the constituting units of the Nigerian Federation. The ideal situation is that the "authoritative allocation of resources" (Obi, 1999:2) are distributed to the various tiers of government viz: federal, state and local government. Unfortunately, the role and share of the federal government is not only over bearing, overarching and overreaching but it has succeeded in eclipsing other tiers of government. Thus this allocative power is wickedly monopolized by the central government that uses violence to quell dissenting and opposing alternative viewpoints or competing claims (Obi 1998). The political economy of fiscal federalism deals with the "outcomes of the allocative process and the condition under which it breeds crisis". It is therefore the domineering influence of the state over allocative resources that is central to the enduring crisis in Niger-Delta. Resistance to the federal position and the quest for an equitable review of such a position defined the depth of the crisis. This view was as much captured by the former governor of Bayelsa state. Chief Diepreye Alamiyeseigha when he observed that:

The time has come for us to free our people from every legislative hindrance, which is not in the social-economic interest of our people.....any law in our statute books which directly or indirectly frustrates the realization of our aspiration through a calculated scheme of expropriation of our natural resources should be such as repressive and be expunged there from..... This objective can safely be pursued within the shared values of democracy and federalism (Alamiyeseigha, 2001:10)

The non-realization of these objectives has become a verifiable link between federalism and crisis in region. In the first republic, federalism promoted access to justice at least in the context of revenue allocation but since the transition from export crops to the massive income operated from the exploitation of hydrocarbon, justice has been sacrificed on the altar of inequity, inequality and repression. Whereas oil accounts for over 95 percent of Nigeria's export earning and 85 percent of national revenue (Obi, 1999:12), the state is not involved in oil production; rather it merely collects rents and royalties from oil firms. This makes Nigeria a mere rentier state

(Graf, 1988; Ihonvbere and Shaw, 1988; Obi, 1997:141 - 142). Thus, being a mere rent collector with massive income “not well merited” (Ukaogo, 2007a:40), Nigeria’s oil has over developed the allocative capacities of the state (Obi, 1998:266), as it determines who is rewarded or sanctioned in the allocation process.

A beneficiary or victim depends on “one’s position in the existing configuration of state power”. This has expectedly yielded the contestations of opposing forces. The battle of paradoxes now pitch the state against other tiers of government, oil producing states versus non-producing states, federal government versus oil minorities and indeed oil minorities versus Oil Corporations. As an option, the oil rich region thus prefers to insist on the true practice of federalism which emphasizes the control of resources by resource-bearing component units.

Resource control and the Niger-Delta: as it was in the past.....

Resource control predates this present millennium. Indeed, in the colonial times long before the institution of the “contraption” called Nigeria, a measure of resource control was evident in the territories of respective ethnic nationalities in the country especially the Niger-Delta. Economic transition in the Niger-Delta (Ukaogo, 2007b:1) witnessed economic epochs which had the indigenes as presiding overseers of trade. For one, the states of the Niger-Delta had full and firm control over their resources and indeed sold such resources only on terms acceptable to them. Diplomatic exchanges was between sovereigns thus the commercial exchanges between the Calabar and the Queen of England did not subordinate the latter even as far back as 1842. Indeed, King Eyo Honesty 11’s letter to the British authority in early December 1842 affirmed this. And in his own *special language*, the King said:

“One thing I want to beg your Queen, I have too much man now, I can’t sell slaves and I don’t know what to do for them. But if I can get some cotton and coffee to grow, and man for teach me and make sugar cane come up proper, and sell trade side, I very glad... (Cited in Azaiki, 2003:161)”

The same year, King Eyamba of Duke town wrote a similar letter to the Queen wherein he sought British assistance in the processing of sugar cane into sugar:

“Plenty sugar cane live here and if some man came teach we way for do it plenty sugar too (Azaiki, 2003:161)”

The kings were in firm control of their resources and were ready to confront threats to that status quo. The Nembe /Akassa war of 1895 that pitched King Koko and the Bri-

tish arose out of the undue acquisitive instincts and interests of Taubman Goldie’s Royal Niger Company (RNC) to secure greater control of palm oil trade to the detriment of the Nembe Kingdom. The refusal and resistance towards the rising British design led to the war. Put more correctly, the Nembe King’s determination to protect the resource rights of his people against the rampaging British power that sought to side track and marginalize them was central to the crisis of the period.

From the foregoing, it is easy to discern that agitations for resource control always manifest and become strident only when there is inequity, inequality and injustice. In the 19th century Niger-Delta, the British supercargoes dislodged the middleman position of the Delta traders by penetrating the hinterland to appropriate palm oil Resources for themselves. The indigenous population became idle and thus rebelled. In the present time, the Nigerian State is playing the British card by superintending the assault in the Delta through the application of injustice. This much could be inferred from the views of Nigeria’s former External Affairs Minister, Professor Bolaji Akinyemi (2001) who put it thus:

“I must confess that oil producing communities have been denied of basic amenities for a pretty long period (Punch, 16/03/2003)”

This was also echoed by Nijnikamp (1971:41) who acknowledged the negative consequences of hydrocarbon exploitation and suggested a direct partnership between oil-bearing communities and oil transnational corporations. That injustice bred the quest for resource control is further affirmed by the view of Chief Bola Ige, Nigeria’s former Attorney General of the Federation (AGF) who observed thus:

All Nigerians are thieves stealing the property of the Niger-Delta people and if care is not taken, we will faced the wrath of God, because it is a sin to continue to plunder the resources of the people (TELL, 1999:18)

Resource control merely arose when the true tenets of fiscal federalism suffered a rude shock. For sure, if true federalism were to be in place in Nigeria, the hues and cries about resource control will be non-existent. It therefore means that the death of true federalism led to agitations over resource control. This is because true federalism guarantees resources control as it protects the fundamental rights of both the individuals and the federating units of the federation. It was in the light of the above that the third summons by the 17 Southern Governors held in Benin defined resource control as:

“The practice of true federalism and natural law in which the federating units express their rights to primarily control the natural resources within their borders and make agree contribution

towards the maintenance of common services of the government at the center (Azaiki, 2003:164)."

That true federalism supports autonomy is not in doubt and this much was upheld by several erudite scholars such as Fafunwa, Bassej and Oyobvaire. For Babs Fafunwa (1998), the erstwhile Nigerian Minister for Education 'the nature of federal system is that each should have considerable autonomy....' While Bassej (2000) attests to 'the right of component ethnic nationalities or states of the federation to self-determination, Sam Oyobvaire posits that:

"Federalism is a legal contrivance which, within the classical paradigm may denote legally constituted entities constitutionally and legally independent of each other right to protect conflicting interest to be adjudicated and guided by a written constitution on behalf of the federating states, regions or countries (Azaiki, 2003:167)."

By undermining one of the most cardinal principles of federalism, Davidson (1993) believes that Nigeria is operating a "defective and fallible federation". All these remain strange because, the 1958, 1960, 1963 constitutions" not only granted fiscal autonomy to the regions but also empowered them to compete with one another". For the avoidance of doubt, Senator David Dafinone (2001) wrote:

"The 1963 Republican constitution was not a perfect documents but its stance was clear on the issue of the society, issues that were central to federalism. It directed that revenues derived from imports be paid 100% to the state in the proportion of the consumption of the state. The same goes for excise duty: 100% payment to the state according to the proportion of the duty collected....."

The incursion of the military scuttled true federalism in 1966 as the autonomy of the regions became compromised yielding a command structure that is hierarchical. With a powerful center, the entities that replaced the region became mere appendages. This has remained till date as states run to the center cap-in-hand as beggars. This made Chief (Dr.) Samuel Onunaka Mbakwe, the 'crying Governor of the Second Republic' because of his penchant and notoriety for begging President Shehu Shagari for stipends to run his Imo State. For the Niger-Delta, the era of begging for their rights are long gone as the violent must take their entitlement by force.

From crisis to crisis: alienation, exclusion and collaboration in the Niger-Delta

Before the dawn of the twentieth century, the Niger-Delta

region was globally recognized as the primary source of palm oil although the products came from the hinter land, specially the Ozuitem-Bende axis, Ngwa axis and Oguta axis etc (Ukaogo, 2007:42). The traders in the region were the middlemen, a position that the white supercargoes fought to claim with manifest consequences. The creeks of the delta were populated by participants of this trade and with time, conflict ensued between the local population and foreign traders. Notable rebellions and conflicts characterized this epoch in the development of the region (HRW, 1999:64). Then came the trade in crude oil discovered in commercial quantities in 1956 in Oloibiri. Again, foreign interests have predominated with a large dose of local collaborators which includes the state (Ukaogo, 2007:14; Obi, 1999; Ihonvbere, 2000:82, Obi, 1997:1). This has bred a measure of pain, alienation and regret for the oil bearing communities. Oil seen more as a curse (Okonta and Douglas, 2001:28) has become a vehicle of injustice against the people. Oil exploration and extraction that ordinarily ought to impact positively on the people is now a permanent source of fury and pain for the population from whose sub-soil this endowment comes from. The mineral resources of the region should engender growth and development but paradoxically, majority of the beneficiaries of crude oil are either foreigners or collaborators of foreign finance capital with the Nigerian state supervising and coordinating. The massive oil investments in the region are owned by foreign concerns. In a situation where local endowment benefit outsiders as Ali Mazrui observed concerning Africa (Mazrui, 1980), indigenous population are brazenly alienated thus making a recourse to conflict and violence a preferred option. As this situation became more serious, regional growth and development suffer great impediment. In the light of the above, seeming manifestations of inequity and injustice provide veritable attraction to rebellion, violence, restiveness and other anti-state behaviors. As many in the region have argued, since the socio-economic conditions of people depreciates from one epoch of economic transition to another that is from palm oil to crude oil, resistance, violence and rebellion must remain a permanent decimal of response of the people. In other words, rebellion and resistance have acquired a certain level of legitimacy arising from manifest signposts of injustice evidenced in the insecurity of the state and its institutions.

But in all these, stability, peace and development become alien concepts even as it could be asked whether inequity and injustice should necessarily lead to violence? Again, is there any or should there be any moral or ethical consideration by both the custodian of power and the victim of state repressions concerning the rebuilding of the Niger-Delta? Or should policy paralysis and insensitivity of the state continue and so embolden the victims to permanently chart a course of violence and thus gradually but methodically ruin the Nigerian architecture patiently erected by the "heroes of the past"?

Conclusion

Equity, Good Governance and True Federalism: Panacea to Conflicts in the Niger-Delta

The Niger-delta have had a long history of injustice (Okonta and Douglas, 2001:42) visited on them and have in like manner responded with violence (HRW, 1999:16). From imperial humiliation through colonial exploitation, the region has journeyed to the present crisis of "internal slavery and colonialism" by the combined actions and inactions of a cabal that has chosen to collaborate with foreign interests. As the region over boil, the option left for the beneficiaries of the series of injustices against the people is to reverse their inhuman actions and institutionalize equity and justice with a measure of good conscience that should heal the wounds inflicted on the people for long. A pure return to true federalism is a direct cure for the agitations in the region. All cosmetic palliatives put in place by succeeding regimes can only be what it is - a waste of time and a useless venture.

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