

Minorities and Migration

Re-Thinking Ethnic Minority, Resource Rights and the Struggle for Social Justice in Nigeria

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Abstract: Ethnic minority agitations over resource rights has been one of the most persistent and controversial problems in Nigerian politics since pre-independence. As a dynamic and transitional phenomenon rather than a static and permanent feature of the Nigerian political landscape, ethnic minority and resource rights agitations over the years have undergone substantial changes in Nigeria's politics. Using the secondary data, this study critically examines the origins, nature and trends of ethnic minority and resource rights agitations. It locates ethnic minority and resource rights as a pre-independence issue that was exacerbated by post-independence politics. The study concludes that the solution to ethnic minority agitations lays not so much in the creation of more states as it has been previously done but in the entrenchment of social or distributive justice. Similarly, the solution to resource rights lies not in incessant change of revenue allocation formulas but in liberalizing the governance of natural resources. Finally, the study suggests the use of the term "resource rights" rather than "resource control" to better situate the gamut of rights of the Nigerian people.

Keywords: Ethnic minority; resource rights; social and distributive justice

1. Introduction

Volumes of articles, journal and books have been written on ethnic minority and natural resource issues in Niger delta. Plethora of material on the subject have focus on varying issue ranging from youth restiveness in Niger Delta, Environmental justice, social, disequilibrium to the role of state, multinational corporation and foreign interest in Niger delta (Jike, 2004; Omeje, 2004; Olarinmoye, 2008; Okolo, 2014). However, while documentation on various concerns on Niger Delta is available very few have well conceptualized the struggle as the struggle of the entire citizenry with Niger Delta has the backdrop.

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Fundamentally, the struggle in the region has been misconstrued by practitioners, activists and scholars alike. The struggle has been defined as the struggle for resource control. As a departure from previous writing that has continued to emphasize the struggle as resource control, the study emphasizes the need to see the agitation in the Niger Delta as the struggle for resource rights of all Nigerian citizens but with Niger Delta as the backdrop. Simply stated, Niger Delta is a manifestation of a greater problem that cuts across the national fabrics of the nation.

Fundamentally, ethnic minority agitations for self-determination and resources rights have been a turbulent and highly politicized issue in Nigeria. The process has involved demand for state creation, outcry of marginalization and calls for review of the country's revenue allocation formulas (Tyoden, 2001). As a dynamic and transitional phenomenon rather than a static and permanent feature of the Nigerian political landscape, ethnic minority and "resource rights" over the years have undergone radical changes in their nature and place in Nigerian politics (Idang, 2003, p. 289). The need to address these issues has led to several responses from successive Nigerian administrations most of which have failed to address the fundamental root of the problem which is social justice.

The study is divided into four parts. The first conceptualizes the concept of ethnic minority and resource rights. Specifically it conceptualizes resource rights as a departure from the use of the term resource control which misrepresents the struggle as the attempt to upsurge power from the federal government. The second part situates ethnic and resource agitation as the struggle for social justice which is a major feature of resource rights. The third part concludes the paper.

2. Conceptualizing Ethnic Minority and Resource Rights

The term "resource" has different meanings and connotations across disciplines. Resources refer to anything obtained from the environment to gratify human needs and want (Miller & Spoolman, 2011, p. 234). Resources also refer to any environmental substance such as land, labor capital, income, property and wealth capable of giving utility, which is scarce (that is, limited in availability) and has potentials of depletion and consumption. While there are different types of resources - economic, biological, computer, human and natural resources. This study focuses on the latter. By "natural resources" are meant the aggregate of endowments which exist in any place or territory through the providence of nature.

These resources include land, waterways, wetlands, minerals, forests, grasslands, and other features generated by the forces of evolution, geology, and geography. (Omoweh, 2010)

This description distinguishes natural resources from the wealth created through the intervention of human beings on nature. Rights connote fundamental normative rules about what is allowed of people or owned to people according to some legal, social, or ethical claim. Simply put, rights mean the inalienable interest of all regardless of race, color, ethnicity, or nationality. It is important to note that contrary to popular scholarly writings, resource control and resource rights are not the same thing. Resource rights emphasize resource governance, that is to say, the democratization of resources (Omoweh, 2010). This is quite different from resource control which, according to Ako, means ‘absolute’ and ‘principal’ resource control as well as increased derivation (Ako, 2012). Resource control is ingrained in the Kaiama Declaration that ‘Every region should control its resources 100 per cent...’ (Kaiama Declaration, 1998). The Kaiama declaration is one of the series an avalanche of declarations, charters and bills of rights by sundry communal and civic groups and grassroots environmental rights movements in the Delta. (Amuwo, 2010, p. 242)

However, the actualization of resource rights is a universal right – and a universal demand. This is because the natural resources inclusive of land and its contents belong to the people, with the state merely holding them in trust for the people (Omoweh, 2010, pp. 9-10). This explains why there are resource struggles across the globe, though Africa may have had more than its fair share. The assertion on the common ownership of natural resources by people living within a community is affirmed by Judeo-Christian sacred text - the Bible. Ecclesiastes 5:9 (King James Version) states that “the profit of the earth is for all: the king himself is served by the field”. In other words, the resource of the earth belongs to everyone and kings become partaker of these resources as a reward for their service to the people.

Furthermore, in international and municipal law, the natural resources are the possessions of the people or human communities recognized to be the authentic and lawful owners of the territory that hosts these endowments. Small wonder that global organizations such as the United Nations as well as the African Union recognize these rights of sovereignty in their charters (Darah, 2012). These are exemplified in international legal instruments such as Principle 1 of the Stockholm Declaration on the Human Environment and Principle 10 of the Rio Declaration on

Environment and Development. The United Nations Economic Commission for Europe (UN/ECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and specifically the Article of the Aarhus Convention specifically states that” each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention” (Fajemirokun, 2002, pp. 4-5). Nevertheless, the right is violated in conditions of military conquest, enslavement, colonial subjugation, and forceful dispossession or stealing. The struggle for the restoration of these violated rights is often the main justification for independence movements and anti-colonial revolts (Darah, 2012).

As Osagie, 1995 observed, resource rights is not really so much about the need of the people of the marginalized oil-producing ethnic groups across the Niger Delta to have more representation in government as often misconstrued by some scholars (Osagie 1995 cited in Omoweh, 2010, p. 15) Omoweh corroborated this further noting that resource rights is not *“for them to solely own and control the natural resources found in their communities because such a narrow perception negates social justice and equity that the resource struggle is charged do uphold. Nor is it really concerned about the president of Nigeria to hail from South -South geopolitical zone where oil is produced or other ethnic appointment, nor has it really any benefit for the “purpose” of the struggle by expanding the public bureaucracy as evident in the establishment of the ministry of Niger Delta even when the Niger Delta Development Commission (NDDC) specifically created to foster the development of the region is acutely underfunded.”* (Omoweh 2010, p. 10)

Also, Resource rights is also not synonymous with federalism; a “true federalism” is a utopian notion (Ako, 2012). Resource rights emphasize the actualization of the people’s sense of ownership and their rights to natural resources and the need to democratize the governance of the resources thus empowering the people especially the rural dwellers through the development process (Omoweh 2010, p. 12). It is the rights of a people or a community to have access to resources that make their being part of the polity meaningful. Hence, resource rights for any community or individual are about access to basic security and welfare, these two public values or goods are integral components of social justice.

There are few terms in use in the social sciences and history that have commanded the kind of attention of generations of politician and scholars as ethnic minority. This is perhaps because of the concept's dynamism in different regions of the world (Idang, 2005, p. 290). Also, the interpretation of the term "minorities" has varied extensively according to traditions of historical scholarships and political sociology (Danjibo, 2008, Ekeh, 1995). For instance, the region-based nationalities in the former Soviet Union connote a different political configuration from that posed by racial minorities in the United States of America (Ekeh, 1995, p. 33). Osaghae, 1998: ...*"Ethnic minorities are usually defined in contradiction to major groups whom they coexist in political systems, as groups which experience systematic discrimination and domination because of numerical inferiority and a host of historical and sociological factors, and have taken political action in furtherance of their collective interests. Almost as a rule, Minorities which are not subjected to domination or discrimination, and instead constitute Dominant and hegemonic groups, such as white colonial regions in Africa and Asia, the Afrikaner whites in apartheid South Africa, the Tutsi in post – 1994 Rwanda and the Fulani in Nigeria are excluded from the category of proper minorities."* (Osaghae, 1998, pp. 1-5).

As a term in Nigerian politics, "ethnic minorities" is more or less a colloquial expression of Nigerian constitutional history. It emerged in the period of decolonization and virtually at the threshold of Nigerian independence from British rule (Vande, 2012, pp. 34-39). The concept of minorities was arbitrarily adopted in the 1950s to label political ethnic groups which had become disadvantaged as a result of new constitutional reforms, relative to other groups that gained political power. The notion of minorities was entirely political: although in several instances there was neither cultural nor historical rationale for so labeling the newly disadvantaged groups. (Ekeh, 1995, p. 35)

3. Ethnic Minority, Resource Right and Social Justice in Nigeria

The idea of social justice has been a constant theme throughout the history of political thought. Even societies which have, for example denied that some people, slaves or women have rights have nevertheless sought to defend the justice of their political order (Stirk & Weigall 1995, pp. 168-169). From ancient Greek thought to contemporary times, social justice has occupied political discourse. Stability of society and continuity of human civilization is hinge on law and justice. From early

classical thought of Socrates, Plato, Aristotle, to medieval of Thomas Aquinas, St. Augustine, Romantic thought of Cicero, Machiavelli, Contractarianism of Hobbes, Locke and Rousseau, Utilitarianism of Stuart Mill to Jeremy Bentham to contemporary Hegel and Marx to African thought of the likes of Nkrumah, Azikwe, Senghor, Nyeyere.

Social justice is important to understanding the ethnic minority and resources rights. Given the numerous attempts at solving the challenges posed by ethnic minority and resource rights issues. It becomes evident that resource rights is not about creating a special ministry, establishing development projects in marginalized communities, the quota system, the federal character principle, political appointments of famous minority ethnic personalities, state creation and other palliative measures that have so far been used with meager results.

The problem of ethnic minority and resource rights agitation is more about social justice. By social justice we mean that resources are distributed among different social classes according to their contribution based on merit defined in accordance with the spirit of the constitution. Social justice means that the state recognizes the contribution of each individual to society and gives a share to everyone in the polity (Mukherjee & Ramaswamy 1999, pp. 119-120). The principle of social justice connotes balance and equity. It means that the state gives opportunity to all and privileges to none. Principle of social justice is intricately linked to social welfare. Social justice is concerned with equal justice for all, not just in the law courts, but in all aspects of society and fair opportunities for all citizens (Uche, 2013). Etieyibo, 2011 asserts that the principle of social justice requires that the distribution of advantages and disadvantages in society be egalitarian and as fair as possible. It demands that there be a level playing field for everyone (from the poorest person to the wealthiest) and that every member of society has equal rights and opportunities (Etieyibo, 2011, p. 40). Etieyibo, 2011 further reiterates that the principle of social justice places an obligation on government to promote a level playing field for every member of society and to maintain a social minimum for its citizens. It requires that the government promote social welfare programs, that is, to pursue those social and economic policies that promote the quality of life and well-being of every member of society. This responsibility is that the government is required and must use public resources and funds not only judiciously but also justly and fairly, namely, for the benefits of its citizens. (Etieyibo, 2011, p. 40)

Chapter II of the Nigeria's 1999 Constitution clearly indicates that the fundamental objective and directive principle of state policy will be social justice. Chapter II Section 13 outlines the fundamental obligations of the government while Section 14 subsections 1-4 outlines the responsibility of the state to the people. Section 14(1) states that: *the federal republic of Nigeria shall be a state based on the principle of democracy and social justice*. The conception of Niger delta struggle as struggle for social justice is further affirmed by Amuwo 2010, who noted that the ethnic minority struggle in Niger delta can hardly be understandable outside the milieu of the larger and all-encompassing national question. This is because struggle for resource rights in the Niger delta *“is merely emblematic of a plethora of political struggles for self-determination, true federalism, and genuine citizenship going on simultaneously in other parts of the sprawling Nigerian federation. Thus resource struggle needs to be conceptualized as a subset admittedly an extremely important subset, but a subset nonetheless—of the National Question panoply.”* (Amuwo, 2010, p. 238)

Chimaroke, 2002 affirms this when he posit that across the land democracy within a framework national question means Akpu, Amala and Tuwo for the people. It also means good access to road portable water housing, basic education those things that are long settle in the western world (Chimaroke, 2002). In other words, Social justice should be understood within the framework of political economy rather than ethnic minority origin. Osita 2010 expresses a different opinion noting rather that the struggle for social justice as the struggle for security. Put differently, ethnicity, minority issues, are basically issue of security and welfare which is a major component of social justice. Osita, 2010 opined that *“Security and welfare are not opposed. Indeed, there is an overlapping conflict concept of security which is no longer construed as absence of armed/physical conflict but encompasses various social and economic calabashes-food, health, shelter, environment”* (Osita, 2010, p. 84). Similarly, on ethnic issues Claude Ake observe that although ethnicity may be a living presence but most of what turns ethnicity into violence instrument is rooted among others in politics. Put differently, *“ethnicity is politicized, politics is ethnicized and ethnic groups tendentially become political formations whose struggles with each other and competing interests may be all the more conflictual for the exclusivity of ethnic group membership”*. Ake 1993 further asserts Conflicts arising from the construction of ethnicity to conceal exploitation by building solidarity across class lines, conflicts arising from appeal to ethnic support in the face of vanishing political legitimacy and from the manipulation of ethnicity to

divide colonized people, are not ethnic problems but problems of a particular political dynamics which just happens to be pinned on ethnicity (Ake, 1993, p. 3)

Ethnic minority and resource rights issues is a concentrate of socio economic and political question thus any formula of national question masked the exploitation which goes on within the ethnic group in Nigeria which the Niger delta a small reflection of a bigger issue. This implied that ethnic based argument is an oversimplification of a complex phenomenon which at best can be diversionary. It is the struggle for human essence as against ethnic essence. National question is beyond ethnic because there is nothing such thing as ethnic essence one can therefore deduced that national question in Nigeria is nothing but the unevenness in the distribution of resources (Chimaroke, 2002).

Fundamentally, whether it is struggle is rooted in national question or more germane issues as security and welfare, it can all be subsumed that the struggle is for distributive justice which mean proportionate equality and just reward or equal share according to the merits of its recipient (Mukherjee & Ramaswamy, 1999, pp. 165-170). In the Nigerian context, social justice focuses on who gets what amount of environmental resources and why? Which region or section should have access to how much resource in a given time? (Akpabio & Akpan, 2010, p. 115). In fact it has nothing to do with ethnic domination because there is no theory of ethnic justice but social justice.

In practice, however, the nature of the state and its politics negate the spirit and letter of social justice. At the heart of the ethnic minority and resource rights struggle is the state. The state refers to the political leadership, its politics and its mode of surplus extraction. The political leadership refers to "*the tiny fraction of the hegemonic political class which controls (the state) political power*" (Omoweh, 2010, p. 13). The politics of the ruling elite in general and the political leadership in particular comes to the fore in several ways: the nature and character of the dominant national discourse; the ruling elite's composition, interests, tolerance threshold, resistance and dynamics of power. It also refers to the ways in which political constituencies and communities are structured and mobilized; the character of their politics; their ability to reproduce themselves through the careful manipulation of power and ideological discourse; their dominant world view; their relations to non-hegemonic forces and the character of their relations to foreign interest and the role of the state in the overall patterns of production and accumulation (Michel's, 1915; Mosca, 1939, cited in Omoweh, 2010, p. 13).

Chimaroke, 2002 observe that the state in the African context has continued in very force which propel a greater majority of elites to fame politically and economically therefore the struggle for the control of state remain a pertinent feature of the African power player to the effect that the Nigeria national question can be located within the political economy context (Chimaroke, 2002). Omoweh's and Chimaroke's view of character of the state is contrasted by Akinola 2010 who assert the problems of Niger Delta is a case of institutional dilemma which confirms the problem of "disconnect" that is caused by the absence of appropriate institutional mechanisms that could motivate the people (elite and non-elite) to work together as partners in development in the region (Akinolu, 2010). It is pertinent to note that contrary claim of lack institutional mechanism to connect the grassroots institution like Niger Delta development commission, ministry of Niger-Delta have been created but this institutions have been plagued with corruption and other forms of embezzlement (Ibaba & Ikelegbe, 2010). Beyond state and institutional lacuna, lack of social contract among the diverse elements that make up the nation has been responsible for the persistent struggle for territorial autonomy, power and resource based conflicts. (Adeyeye, 2013, p. 118)

Fundamentally, the role of external influence in misinterpretation and exacerbating the social struggle in Niger-delta have extensively been examined in several literature. However, Amuwo 2010, noted that the duplicity of foreign power in putting nature at the risk of profit and social justice was reiterated when British Prime Minister Gordon Brown boycotted the EU-Africa summit held in Portugal in December 2007 because Zimbabwean President Robert Mugabe was in attendance, when he and the Queen had, a month earlier, rolled out the red carpet in honour of King Abdullah of Saudi Arabia. Condemned by his own Minister for Human Rights Rama Yade for granting Muammar Ghaddafi, the veteran Libyan leader, a state visit and an elaborate reception, French President Nicolas Sarkozy's response was to sign E10 billion worth of contracts with Tripoli. As Berlins (Mail & Guardian, 14–20 December 2007, p. 20) summarizes the issue: 'it's business. British and French governments sacrifice human rights for commerce' (cited in Amuwo, 2010, p. 245). More so, as character of the state continues to exacerbated the struggle and misunderstanding of the agitation attention has also been drawn to the grievance and greed thesis.

Drawing from the work of P Collier and A Hoeffler, Ikelegbe noted that while all the afore mention factors plays a role in explaining the Niger Delta question In the context of the 'grievance versus greed' thesis, two broad categories of actors are

involved in the conflict – those driven or motivated by grievance and those motivated by greed In the Niger Delta. Given this dynamic of relationship it then becomes imperative for the Ethnic Minority agitation to be view as the struggle for resource right and not resource control.

4. Conclusion

Having defined resource rights and ethnic minority struggles, their history, nature and challenges. It becomes evident that the resource and ethnic minority has been misunderstood and lack of understanding has led to misapplication of solution that has greatly exacerbated the problem. Contrary to what has been written by scholar, policy makers, and activist group the agitation in the Niger delta is for resource right and not resource control. And the rights are not exclusive of Niger delta but the whole federation although Niger delta has been the backdrop for agitation. It is the agitation for the distributive equity. It has much to do with who get what and how rather that ethnic justice it has more to with equity that is effective allocation of wealth of the nation to various ethnic groups and ensuring peaceful cohabitation. According to Chimaroke (2002) it is about how to achieve harmonious relationship between the different nationalities within the state framework that is stable enough to be loyal and committed to all citizenry and nationalities within the federation (Chimaroke, 2002). It is apposite to conclude that it is high time the Nigerian state re-thought its policies towards natural resources governance and its mode of surplus extraction. It should show more sensitivity to the existential conditions of not only the oil communities but also the entire citizenry in Nigeria's far-flung federation. It is only by so doing that the state will begin to become relevant in the lives of long-suffering Nigerians. In sum, minority issues are basically issue of security and welfare which is a major component of social justice.

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