

Federalism, the constitution and resource control: My response

By

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AS was expected, the call for resource control by some governors of States in the Niger-Delta, and other interested and concerned parties, including myself, has started to generate reaction. There is no doubt whatsoever that this issue will continue to attract contributions, both polemical and benign for some time to come, until a satisfactory resolution is found to the problem.

To mention a few, there have been reactions from Mr. Godfrey Etikerentse, a lawyer and petroleum consultant, directed specifically to my lecture on resource control and Governor Ibori's preliminary remarks on the occasion. Also Dr. Chidi Amuta wrote on what he called **Resource Control and Appropriate Federalism** in the *Vanguard* Newspaper of July 5, 2001. Again on August 3, 2001, one Ejiro Edeki wrote on his fears about resource control, his warning being the apparent non-involvement of the communities concerned in the struggle. Some of the more recent contributors are Onoawarie Edevbie ("Resource Control: Matters Arising" *Guardian*, August 2, 2001, and Chukwudifu Ikeazor, ("Imperative of Owner of Resource Control"), *Guardian*, August 7, 2001.

This is as well as it should be. This deluge of views on the subject of resource control confirms the success of the sensitisation campaign of the Niger-Delta governors (particularly Ibori of Delta State and Attah of Akwa Ibom State) and many other pressure groups that have enlisted into the struggle.

I basically sympathise with the issues raised in some of these articles. Edeki's fears about the manner which this concept will be applied inside a state once victory is won, is not baseless. However, from what is happening in Akwa Ibom and Delta States, these fears are being confronted head on and elaborate plans to involve the communities in the management and distribution of the proceeds of derivation and future proceeds of resource control, are already on.

As for Chidi Amuta, his "article" is just a collection of vile abuses and insults on those of us calling for resource control. He refers to "resource control" as "the new face of a resurgent and decadent tribalism". He says that "the fire of separation rhetoric and tribal irredentism has consumed the entire national elite literally" and our arguments are "simplistic, self-

serving and hollow". He then accuses us for our ingratitude to Nigeria since we owe our education, professional careers, livelihood and relevance to the idea of Nigeria. In short, the Niger-Delta and indeed the South, did not contribute to giving Nigeria the capacity for all this charity and magnanimity.

As for those calling for a National Conference for the restructuring of Nigeria, they are "among those who make noise in newspapers and bang tables of T.V. or shout in radio stations". He then gives the call for resource control the *coup de grace* in the following words.

"In a curious sense, there is already some form of resource control in some of the states where the loudest noise about the matter is being made. The vast resources of these states are under the control of the new governors, some of whom have spent the last two years dazzling their hapless citizenry in garish ostentation; we have states where the entire legislative arm has been bribed into stupefied indifference in order to cover up some of the most despicable scandals and biographical scams. Yet, in others, governors are using their control of the resources of the states to arm and equip hordes of gangsters to terrorise their opponents in the name of crime control. While in some states, the governors who spend the money end up auditing themselves and issuing a clean bill of health.

It does not stop there. They then buy up newspaper space with public funds to congratulate themselves for observing accountability - and probity while their impoverished citizens look on in awe. For the advocates of true federalism and resource control, these acts of financial recklessness and criminal insensitivity are only a fore state of what will happen to the dividends of resource control and true federalism if indeed they were legally viable and constitutionally desirable propositions. But they are not."

All these issues will be addressed in the main part of this paper, which is my response to Etikerentse's article. But let me say this: It sounds very ill in the mouth of Chidi Amuta, the unabashed and unrestrained indentured slave of military governments, leading advocate of military dictatorship and shameless operator, agent and "House Negro" of Dodan Barracks and Aso Rock, to mount such a savage attack on the patriotic Nigerians who are calling for justice, equity, and stability in Nigeria.

Is this not the Chidi Amuta of DFFRI? Is this not the Chidi Amuta of **The Prince of the Niger** fame? This is a book written by Chidi Amuta, immortalising Babangida and his tremendous 'achievements' for Nigeria, like SAP and "settlement syndrome" and vanishing 12.4 billion dollars Gulf War windfall.

To cap all the insults to our (readers') intelligence, he flatters himself by his self-inclusion amongst what he calls "nationalists" and "comrades of the ideological struggle". This must

have been the "come and chop" struggle. The struggle for crumbs from the military table. So much for Chidi Amuta!

And now let me move quickly to Etikerentse's more serious, more thought out and ingeniously presented paper, loaded with concealed explosives intended to blow the concept of resource control to smithereens, whilst giving the misleading impression on being a supporter of the concept.

This article, therefore, is a rejoinder to the most detailed and intensively argued anti-resource control article so far published; that of Mr. Godfrey Etikerentse, published in two consecutive issues of the *Vanguard*, namely, Monday 2nd and Tuesday, 3rd July, 2001 and other newspapers, including *The Guardian* and *This Day*. Moreover, Mr. Etikerentse dwelt extensively on my lecture on the subject on May 19, 2001, and on the unsuccessful bill of Hon. Temi Harriman, for the transfer of the ownership and control of petroleum resources to their states of origin.

One other factor that makes a rejoinder to Mr. Etikerentse's article imperative is that it is replete with misleading assertions, misleading and illogical assumptions and absolutely wrong conclusions. In the classic and quintessential style of Shakespeare's Mark Anthony, Etikerentse sets up Governor Ibori as "being pretty knowledgeable of the subject of resource control" and myself as "an old friend whose intellectual ability I have profound respect for. He was in his best element, etc." only to engage in a painstaking endeavour to demolish the very fundamental ideas and proposals for the political, economic and social liberation of the Niger-Delta peoples, which Governor Ibori and myself were advocating.

Having supposedly incinerated and vapourised our ideas and proposals, the learned writer then goes on to insinuate that a state's control of its own resources will result in gross mismanagement of the said resources to the detriment of the oil producing communities. On my paper, Etikerentse further insinuates that it merely whipped up the emotions of the audience without providing either substance or answers to the troubling issue of resource control. The learned writer and petroleum consultant's two-part paper was, therefore, the much sought after answer and final solution to the controversy.

Etikerentse's comment on the bill tabled by Hon. Temi Harriman was "the unkindest cut of all." It was a savage and unrestrained attack, in which the hard working tireless and committed Niger-Delta legislator was presented as ignorant and inefficient. I shall revisit this issue at the end of this reply.

Before going into the substance of the issue, two preliminary clarifications need to be made. Firstly, contrary to the impression created by the manner in which Etikerentse's article was introduced, he (Etikerentse) was neither invited by the Ibori Vanguard to deliver

a lecture, nor did he deliver one on "Federalism, the Constitution and Resource Control," or on any topic whatsoever, on May 19, 2001. I was the one invited as Guest Speaker on that occasion. Indeed, as I was speaking, I noticed that Mr. Etikerentse was furiously taking notes all through the lecture, and if I did not know who he was, I would have assumed him to be a State Security Service operative.

Secondly, it is necessary to state that Mr. Etikerentse was an employee of a major oil company, Gulf Oil and later Chevron Petroleum for about 35 years (i.e. from the early sixties to the late nineties) and he retired as Chevron's general counsel. He is either currently or was until very recently, a member of the board of directors of Chevron (Nig.), after his retirement. It may, therefore, be demanding too much of the learned writer to expect him to be objective in a matter which, in his view, may affect his company and mother figure in whose warm and comfortable bosom he has nestled and sucked for about 40 years.

Meaning of Resource Control

Perhaps, the most grievous defect in Etikerentse's article is his patent lack of understanding of the true meaning of resource control, and this fundamental shortcoming robs all his arguments of their essence. In the learned writer's view, resource control is equivalent to increased revenue allocation and increased percentage of the derivation formula. Let me quote him. "The whole issue of resource control in essence has more to do with the allocation of revenue and less to do with ownership and control of petroleum." Therefore, he concludes thus: "I submit that our best efforts should be directed at securing legal provisions, which assure a quick and significant increase in the revenue allocation (from the Federation Account) based on the principle of derivation of natural resources."

Our learned writer could not be more wrong than that. Resource control should naturally result in increased revenue from the proceeds of the resource for the owners or producers of the resource, i.e. the state and communities. But that is the less significant aspect of resource control and management of the resource. Central to the struggle for resource control is the right of the states and communities most directly concerned (that is the producing states and communities) to have a direct and decisive role in the exploration for, the exploitation and disposal of, including sales of the 'harvested' resources. It is those who live with the devastating consequences of greedy, cheap, crude, reckless and irresponsible exploitation practices and procedures, who must control the mode and management of commercial production in order to ensure an environmentally friendly production process, elimination of pollution, protection of the lands, forest, rivers and atmosphere. It is they who will insist on planned and controlled production to ensure the progressive replacement of the non-renewable resource, by a renewable product that is free of pollution and other environmental hazards. Mere increase in revenue, without control and management, is short sighted and deadly and it condemns the peoples of the Niger-Delta to a present without a future.

Between 1976 and 1996, there were a total of 4,835, officially recorded incidents of

spillage of oil in the Niger-Delta. In 1998, the following disturbing statistics of oil pollution were given:

"According to the official estimates of the Nigerian National Petroleum Corporation (NNPC), based on the quantities reported by the operating companies, approximately 2,300 cubic metres of oil are spilled in 300 separate incidents annually. It can be safely assumed that, due to under-reporting, the real figure is substantially higher: conservative estimates place it at up to ten times higher. Statistics from the Department of Petroleum Resources indicate that between 1976 and 1996, a total of 4,835 incidents resulted in the spillage of at least 2,446,322 barrels (102.7 million U.S gallons), of which an estimated 1,896,930 barrels (79.7 million U.S gallons; 77 per cent) were lost to the environment. Another calculation based on oil industry sources, estimates that more than 1.07 million barrels (45 million U.S gallons) of oil were spilled in Nigeria from 1960 to 1997. Nigeria's largest spill was an offshore well blow out in January 1980, when at least 200,000 barrels of oil (8.4 million U.S gallons), according to oil industry sources, spewed into the Atlantic Ocean from a Texaco facility and destroyed 340 hectares of mangroves. DPR estimates were that more than 400,000 barrels (16.8 million U.S gallons) were spilled in this incident. Mangrove forest is particularly vulnerable to oil spills, because the soil soaks up the oil like a sponge and re-releases it every rainy season.

"Two serious spills took place in early 1998. On January 12, 1998, major spill of more than 40,000 barrels of crude oil (1.7 U.S gallons) leaked from the pipeline linking Mobil's Idoho platform with its Qua Iboe onshore terminal in Akwa Ibom State. Mobil estimated that more than 90 per cent of the oil had dispersed or evaporated naturally, though the spill travelled "hundreds of kilometres farther than expected," and some 500 barrels (21,000 U.S gallons) washed ashore. By the end of February 1988, about 14,000 claims for compensation had been submitted from individuals or groups, totalling an estimated U.S\$100 million." See *The Price of Oil*, a publication of Human Rights Watch, 1998.)

One of the most devastating forms of pollution is, of course, pollution by gas flaring. Before the NLNG gas plant went into production in October 1999, 95 per cent of the gas produced along with oil, known as associated gas, was flared after separation from the oil. In volume, this came to two million standard cubic feet of gas, which was flared into the Niger-Delta environment everyday. Apart of the enormous economic loss this represents to the nation, the cost in the degradation of the environment and to the health of the people of the oil communities is incalculable. Unburned carbon is transported into their homes and working areas, all vegetation around is destroyed, the soil is rendered completely infertile and the tremendous heat creates unceasing hardship and discomfort.

Indeed, the Niger-Delta territory and environment provides the highest number, concentration and intensity of gas flaring in the world.

The unfolding tragedy of the Niger-Delta is that those who control, manage and exploit its petroleum resources, i.e. the oil companies and those in control of the Federal Government, live far away from the Niger-Delta. Therefore, when in another 29 years, as

has been confirmed by experts, the Niger-Delta oil reserves are finally exhausted, the oil companies and the Federal Government will pull out, lock, stock and barrel, to look for new hunting grounds, leaving the people of the Niger-Delta to sink in the poisonous and toxic sewage they have created and left behind.

The struggle for resource control, therefore, is not merely one for increased revenue, from the proceeds of one's resources, but more importantly, it is a move by the people of the Niger-Delta to take their destinies into their own hands in order to ensure the environmental protection and restoration of the Niger-Delta territory to a productive and living one, and to insist on environmentally friendly and best oil field practice in the oil and gas extraction process. It is a programme to work for the re-investment of proceeds of petroleum sales in infrastructure development, environmentally sensitive industries, and in agriculture and, aquaculture. It is a campaign for the re-forestation, renewal, detoxification and restoration of the land and water of the Niger-Delta and the introduction and development of renewable resources. Thus, resource control has as part of its primary objective, how to ensure life and a good livelihood for the people of the Niger-Delta, long after the exhaustion of its petroleum reserves, which have become its enemies.

The ignoble role of the Oil Companies

It is clear, therefore, that our learned writer and Petroleum Law consultant, was either ignorant of the true meaning and scope of resource control, or was deliberately distorting it by limiting it to increased share in the proceeds of petroleum sales. However, it does not require acute intelligence, for a reader of Etikerentse's paper to appreciate that he was taking a firm position in the protection of the interest of the Oil Companies, at the expense of the people of the oil producing states and communities. And to be fair to him, he does not hide this. This is because in his view, "the oil companies have invested a lot of resources and capital in the exploitation and production of petroleum, **individuals** (perhaps, including himself) and communities in the Niger-Delta area, the states and the Federal Government. (I agree with the learned writer that the oil companies have, indeed, **exploited** individuals, communities, states and the Federal Government, although I suspect he meant the very opposite). In other words, it is Etikerentse's case that since the oil companies have inverted so heavily in the production of petroleum resources, individuals, communities, states and in even the Federal Government, we should allow them to do pretty much what they like with our petroleum resources.

Indeed, the impression is given that oil companies are the benefactors of all institutions, including states and the Federal Government. Could it be that the Oil Companies, contrary to the laws of capitalism, have not benefited from their activities in Nigeria, or from the Niger-Delta, to be specific? Are they charity organisations freely sustaining the communities, the States and the Federal Government? Do we then hand over the reins of government to them? To confirm his abiding campaign that we should hand over the country to the Oil Companies, Etikerentse adds that: "The fact that it is the Federal Government that is the guarantor of the licences and leases gives a measure of comfort to foreign investors in the up-stream sector of the petroleum industry". In other words, the decisive factor, in considering whether or not the Federal Government should continue to monopolise the control and management of petroleum resources, or whether producing states should have a say, is the manner which foreign oil companies will react. Since it

gives comfort to the companies, for the Federal Government to be in exclusive control, candid quæstio, the matter ends and admits of no further arguments. Thus, the oil producing States and Communities are not relevant in Etikerentse's scheme.

To further compound the incredible fallacy of his case, our learned writer states that total federal domination of the petroleum industry creates an "assurance of good oil field practice..." Can anyone seriously advance the view that the oil companies in Nigeria operate good oil field practices? Is Nigeria not the country in which oil companies ignore all the rules of environmental protection and rational production observed in their own home countries? I have already noted above that before the NLNG liquefied gas plant went into production in 1999, 95 per cent of all associated gas was being flared into the Niger-Delta atmosphere, and this came to about two billion standard cubic feet of gas per day. Even now, about 75 per cent of associated gas is still being flared into the atmosphere. According to Shell Producing and Development Company of Nigeria, the energy available from Nigeria's flared gas is prodigious and is equivalent to one-quarter of France's gas requirements. (See **Harnessing Gas** briefing document produced by Shell in 1996.)

I was a post-graduate student in the UK when natural gas was discovered along with oil in 1967. The British Petroleum Company did not flare this gas. Instead, virtually all gas cookers in the country were converted to make them suitable for use of natural gas, and it was only after that the gas was piped into all homes in England, including my own apartment in King's College, Cambridge, for cooking, heating, etc. With one stroke, BP made huge profits from the North Sea gas and at the same time, protected the Northern European environment from destruction. So, I am speaking from very personal knowledge. Why was this good oil field practice not extended to us in Nigeria? Both the Federal Government and the foreign oil companies have a lot to answer for this.

Federal-State co-operation in joint management

Etikerentse has also faulted my reasoning on the issue of resource control. Precisely on the point that I appeared to be recommending that legislative competence on petroleum affairs should be in the Concurrent List (therefore giving both the States and Federal Government legislative competence) rather than in the "list of Exclusive State matters". He then goes on to criticise this as evidence of inconsistency. I have never canvassed the view that the Federal Government should be excluded from involvement in the control and management of petroleum resources or any other resource. My view is that it should not be the sole authority, and that the producing States must have a decisive say in the exploration and disposal for their resources. In all my writings, and in the lecture on resource control, I proposed the continued involvement of the Federal Government, but along with the producing states whose decision should be decisive in the case of conflicting views. In a paper published in 1998, I had raised the issue thus:

"But the question must be asked; must a single Nigerian, (Minister for Petroleum Affairs) representing only one tier of the Nigerian Federal system, appropriate all these enormous powers at the expense of officials of other tiers of the Federation whose areas and communities actually produce this oil? Should the real producers, whose land and marine areas supply this black gold at great social, economic and environmental cost, not have a say in the control of the commodity and the operations of the industry? My humble view is

that they are entitled to participate in the control of the industry, which affects their lives far more than that of the other communities in Nigeria and that in justice and in equity, they should be so involved."

Again, at the lecture of May 19, 2001, in proposing a Commission made up of representatives of the Federal Government and the Oil Producing States to control and manage the petroleum industry, I took full account of the extensive experience of the relevant agencies of the Federal Government in the management of the petroleum industry. Let me reproduce what I said.

"Ownership and Control of the Petroleum Industry

Under the oppressive and unjust 1969 Petroleum Act, the Federal Minister of Petroleum Resources under the Head of the Federal Government, is virtually the sole administrator of the petroleum (oil and gas) industry and the producing states are not consulted or involved at any stage whatsoever, even though they provide the product and suffer the devastating consequences of the production process. The excuses for this are the illegitimate provisions in the Constitutions since 1979 and the Petroleum Act, 1969 that vest the ownership and control of petroleum and other mineral resources in the Federal Government.

"Consistently, with the doctrine of resource control, justice, and truth, there can be no separation between true ownership and control. Therefore, the following provisions of the Petroleum Act must be repealed, namely, Sections 1 and 2. Other sections should be modified to accommodate the proposals, which follow. Also, Section 44(3) and item 39 in the Exclusive Legislative List of the Constitution should be deleted. The States and Communities from whose territory and land the oil and gas are produced should be acknowledged the owners of these resources, in all relevant legislation. **However, given the role the Federal Government and its agencies have played in the oil industry, I propose the following arrangements for the future management and control of the industry. A Petroleum Affairs Commission should be established, to manage and control the industry and to take over the functions of the 'Minister of Petroleum Affairs'.**

The Commission will be composed of two representatives from the Federal Government, three representatives each from Delta, Rivers and Bayelsa States, and one each from the other six oil producing States. The chairmanship will be rotational amongst its members and a chairman shall serve in that position for only one year at a time. This body will be charged with all the present functions of the Minister of Petroleum Affairs, including the issuance of permits, licenses and the conclusion of agreements with oil companies. It will generally supervise all areas of the industry, and agencies like the DPR and NNPC will come under its control. In this manner, true ownership and control of petroleum resources will converge."

In view of the above, it is wrong of our learned writer to state that I was not all sure that in the Nigerian situation, "the exclusive state ownership and control of petroleum is a feasible proposal of appropriate thing to do." On the issue of ownership, there is no problem. The producing states and communities can enjoy exclusive ownership and pay appropriate tax to the Federal Government, or continue with the derivation arrangement, provided that factor is not less than 50 per cent. It is in the control and management aspect that the Federal Government's input is desirable, subject to the producing states' full participation, with decisive effect. There is thus no inconsistency between my proposals and their implementation. Resource control is not anti-Federal Government or any other body; it is pro-the producers and true owners of the resource.

In relation to issue of Federal involvement and existing Federal laws, Etikerentse committed what was perhaps the worst blunder in his write-up. He reeled out a long list of Federal laws regulating the petroleum industry and concluded that if the Federal Government is stripped of ownership and control of the petroleum industry, these laws will become automatically inapplicable in the industry and there will be a legal vacuum and total chaos, with everybody making his own conflicting law in that area. This is a shocking submission coming from a lawyer, who should know that all current laws and regulations on petroleum affairs, and indeed on minerals generally, are existing laws under Section 315 of the 1999 Constitution, which remain valid and effective, until repealed or amended. Under our proposals, both the Federal Government and the states will co-operate in running the industry, and all changes in the law will emanate from the Petroleum Affairs Commission, and it is irrelevant thereafter that bills are enacted into law by the Federal legislature. In this regard, it appears that in disregard of his own warning our learned writer is more in love with form than with substance.

Resource Control and Producing Communities

Etikerentse devoted a lot of space, pointing out that I had failed to discuss intra-states arrangements for controlling the industry once the Federal Government is out of the way. "Why," he says, "or what body (individuals, communities, states ñ if the states, which one?) becomes the assignee/assignees of Federal Government rights and obligations in the existing OPLs, OMLs and PSCs (some still having up to 20 years unexpired term at this time) as well as in the multi-billion dollar joint venture projects." The answer to that is the Petroleum Affairs Commission or any other body deemed appropriate. Law is a flexible, and dynamic discipline allowing for creativity, modification and adaptation to suit the ends of its makers. All the doomsday scenarios of chaos, riots, fratricide, wars, social instability, predicted by Etikerentse are totally misleading and false scare-mongering. It will simply not happen because the scenario he painted was of his imagination, totally unrelated to the proposal for resource control.

On the issue, how resource allocation will occur within a state, every state will resolve this. Akwa Ibom already has a law making provision for this situation, and the various states concerned, including Delta State, have Advisory Committees with representatives from the oil producing communities, expressing views, making proposals and advising their governments. These are important details, which each state government will work out with its communities. That is not the business of the Federal Government, or of the Oil Companies.

However, let me stress the fact that my lecture was on the relationship between the Federal Government on the one hand and states on the other hand, on the issue of resource control. I was not called upon, nor requested to discuss intra-state relations. So, there was no "gloss" or "lack of adequate treatment" in my paper as Etikerentse asserts. Here the learned writer is behaving like the students who on receiving his question paper at an examination, could not answer a single question. He then proceeded to set questions for himself, which he answered to his own satisfaction. If Etikerentse wants to amend the constitution in order to include communities, families and individuals in the derivation provision, he is free to do so. What he must not do is to pretend that he is filling a gap in my lecture. That was not part of the topic of my lecture.

Hon. Temi Harriman

I now come to Etikerentse's vicious and undeserved attack on Hon. Temi Harriman, for promoting a bill for the transfer and ownership and control of petroleum resources to the producing states through the amendment of the Petroleum Act of 1969. The learned writer came down hard on Hon. Harriman, for not realising that any attempt to amend the Petroleum Act, 1969 without first deleting or removing Section 44(3) of the Constitution, was an act in complete futility. For an amendment transferring ownership and control of minerals to the producing states will be in conflict with Section 44(3) of the Constitution and will, therefore, be void by operation of Section 1(3) of the same Constitution.

In chastising Hon. Harriman so harshly, the very learned writer forgot to take two factors into consideration.

1. That being one actually operating the Constitution rather than merely analysing it from a distance, Harriman might already have in place a strategy for amending Section 44(3) of the Constitution. After all both the President and the National Assembly have set up Committees to collate views and proposals for the amendment of the Constitution. What gives Etikerentse the conviction that Harriman and her group have not already submitted their proposals on this matter to the Constitution Review Committees and that this is under active consideration by the committees? Should Etikerentse not have granted Harriman the benefit of any doubt in that regard? Has the Hon. Representative for Warri not already demonstrated her intellect, industry, dynamism and commitment? Can Etikerentse rule out the possibility that Harriman was working on both amendments of the Constitution and the Petroleum Act?

2. This leads me directly to the second issues. In his very learned demonstration of the lapses of Hon. Harriman, our learned writer consigns, with ridicule and derision, the bill to amend the Petroleum Act, to the dustbin. My sole question to Etikerentse is this: If Section 44(3) of the Constitution is repealed or amended and the Petroleum Act 1969 is left intact, will the ownership and exclusive control of petroleum resources, not still remain fully in the Federal Government? Could Hon. Harriman have succeeded in transferring the ownership

and control of petroleum resources to the producing states, merely by amending Section 44 (3) of the Constitution without touching the Petroleum Act? Hon. Harriman knows what she was doing. Etikerentse is wrong. The proposed amendment was not just a constitutional issue alone. At one stage or the other, the Petroleum Act, 1969 would have had to be amended and it is not for Etikerentse to teach the legislator how to go about it all. All the learning he displayed in his attempt to put Harriman down goes to no issue. Altogether, that part of the paper was at best uncalled for. Harriman deserves our support and encouragement for her courage, commitment, selfless struggle and industry, and not ridicule and humiliation.

Conclusion

Finally, Etikerentse pointed out that Central (federal) ownership and control of minerals resources started with the British Colonial power as contained in the 1946 Minerals Act. He, therefore, saw nothing wrong with the Federal Government carrying on where the British Colonial power left off. The implication of the Etikerentse thesis is that because the British colonised us and claimed our resources, the Federal Government and the Ruling Groups in control of the Federal Government should continue to colonise the Niger-Delta. He has also abandoned federalism in favour of a unitary government, because presumably, the Oil Companies will feel more comfortable with the federal Leviathan.

By further implication, the Niger-Delta should continue to suffer neglect, pollution, devastation and marginalisation. Our learned writer also by implication, is not concerned about irresponsible expropriation and wastage of the lifeblood of the Niger-Delta and criminal management of the proceeds. Etikerentse expresses doubts about the proper, fair and transparent management of petroleum proceeds by state governments. He is apparently very happy with the management of our oil funds by the Federal Government; (i) in spite of the 12.4 billion dollars missing (Babangida) Gulf War windfall (ii) the endless billions of dollars looted by Abacha, his family and the military (iii) the recent revelations about the way these same Niger-Delta oil dollars were looted by General Abubakar during his 11-month tenure. All this coupled with the utter neglect of the Niger-Delta. Could it really have been worse, if the states were allowed to own and control their own resources?

What Etikerentse is really saying is that the peoples of the Niger-Delta are so corrupt, greedy, selfish, irresponsible, mentally under-developed, and so infantile, that like an under-age child, or a mentally-retarded person, an adult (the Federal Government) should be charged with the management of the affairs and estate of the said child, delinquent or mentally-retarded. The present tragic and pathetic condition of the Niger-Delta and its people is the outcome of this type of reasoning. The current struggle for resource control by states is for the peoples of the Niger-Delta, a liberation struggle of a special type: Liberation from internal colonialism, poverty, wretchedness and an empty future. I hope our brothers and sisters from other parts of Nigeria, and the Federal Government will appreciate the inexorable nature of this movement and co-operate with us towards a happy and harmonious soft landing.

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Start studying Chapter 03: Federalism. Learn vocabulary, terms and more with flashcards, games and other study tools. By giving them final say regarding amending the constitution and by giving them voice in the national government through representation in the legislative body. Under the full faith and credit clause, when a family legally adopts a child in Texas, what happens if that family moves to California? The state of California will recognize the adoption is legal. In response to a challenge to the national government's gun-free school zones act of 1990, the Supreme Court found the law to be an unconstitutional infringement on states' reserved police powers. When did the United States ratify the 16th amendment. Proposed paper on True Federalism and the Restructuring of Nigeria, as presented to the All Progressive Congress (APC) Committee on True Federalism. Memorandum on true federalism submitted by the 'Restructure Nigeria' community as a response to the APC committee call on true federalism. Ossai, Tony Osborg. Restructure Nigeria. Federalism is the theory or advocacy of federal principles for dividing powers between member units and common institutions. Unlike in a unitary state, sovereignty in federal political orders is non-centralized, often constitutionally, between at least two levels so that units at each level have final authority and can be self-governing in some issue area. The decision-making bodies of member units may also participate in central decision-making bodies. Much recent philosophical attention is spurred by renewed political interest in federalism and backlashes against particular instances, coupled with empirical findings concerning the requisite and legitimate basis for stability and trust among citizens in federal political orders.