

# Federalism and ethnic militias in Nigeria: A study of the Niger delta region

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## ABSTRACT

Federalism which is the mechanism for managing plural society has been associated with many challenges in Nigeria. The reality of ethnic tensions orchestrated by ethnic based militants, particularly in the Niger Delta region, has been related to the practice of federalism in Nigeria. Although the benefits of federal governance include among others unity, democracy and development, yet federalism in Nigeria has over the years been confronted with a deepening crisis. It is within this purview that this paper investigates the nexus between Nigeria's federalism and ethnic militancy with particular interest in the Niger Delta Region. The study was guided by the following two research questions: What are the factors responsible for the emergence and persistence of ethno militias in the Niger Delta? What are the effects of the Niger Delta militancy to the stability of Nigeria's federalism? The study was anchored on the frustration aggression theory framework, while qualitative descriptive method of data collection and analysis was adopted. The research established that Nigeria's unitary federalism cushioned by the military incursion is responsible for the emergence and persistence of ethnic militias. Without true practice of fiscal federalism, the uprising of the militias in Nigeria would never be abated. The study recommended among others that Nigerian constitution be reviewed to reflect true federalism. Governmental powers on the other hand, should be decentralized to allow the states some financial autonomy since the root of the crisis is on the fiscal relations. The military should never be allowed political space in Nigeria. They are trained for defense against external aggression and not for wealth creation.

## ARTICLE INFO

### Keywords:

Federalism, Fiscal Federalism,  
Ethnic Militias, Niger Delta Region.

### Article History:

Received: 3 Mar 2022  
Accepted: 12 Apr 2022  
Available Online: 05 Jun 2022



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## 1. INTRODUCTION

Before the intrusion of the British into what is now known as Nigeria, the various ethnic and cultural groups that make up the country existed as autonomous political entities. These entities had their own political systems, social and religious values distinct from one another. The aim of the colonialists in bringing these entities together was purely for exploitation of capital (Asia, 2001). To facilitate this, they employed divide and rule tactics so as to consolidate and preserve British foothold with little interest in the social, economic or political development of the country or its people. Consequently, British colonial policies, were not tailored to foster unity among the disparate groups that constitute Nigeria, rather it was intended to exploit the varied differences, create distrusts, suspicions and cleavages among them. The entrenchment of these differences and competition among the ethnic groups to control the soul of the Nigerian state led to several violent confrontations between them prior to the country's independence. The post-colonial regimes that succeeded the colonialists, instead of carrying out comprehensive reforms of the Nigerian state so as to reduce ethnic sentiments within the Nigeria federal structure, had largely continued the pattern of the receded colonialists. These successive post independence regimes failed to initiate far-reaching policy measures to coalesce ethnic differences into positive ventures that could create a pan Nigerian identity. Instead, most of the policies undertaken were rather aimed at suppressing ethnic consciousness and minimize the challenge it poses to the legitimacy of the state or the authority of the incumbent regime (Adejumobi, 2002). The result of this is the heightened hegemonic contest for power at the centre by the ethnic groups that make up Nigeria.

This competition for ethnic domination has over the years, assumed varying forms in the politics of Nigeria. At one time or the other, the ethnic groups that are disadvantaged in this game have either attempted secession or had threatened to secede from the country. For instance, the attempt of the Igbo dominated former Eastern Region to transform into the Republic of Biafra between 1967 and 1970 was crushed by the Federal government, thus consigning

that ambition to history (Nnoli, 2008). But since the end of that war, the Igbo who used to be part of the tripod on which the Nigerian state was established has been crying of marginalization and exclusion from full integration into the Nigerian society. In the Niger Delta region, the minority ethnic groups perceive themselves as second class citizens of Nigeria, and have been crying out for recognition (Osaghae, 1995, Ikelegbe, 2001). This cry for recognition preceded the country's independence, but the Ogoni uprising of the 1990s gave impetus and fillip to the agitations in that region and from which other groups have taken cue from. The same applies to the Yoruba where perception of injustice against the group, stems from the annulment of the presidential election held in June 1993, which was widely believed to have been won by a Yoruba man in the person of Chief Moshood Abiola. The natural effect of all these developments is the emergence of groups as offshoots of these perceptions of marginalization portraying their activities as attempts to redress the marginalization of their particular ethnic group. But the Nigerian state has been a violent institution right from inception because it has sought to maintain control and hegemony in society through violent means as exemplified by the pattern of administration of the colonial and military regimes that dominated governance for the most part of the country's history (Obi, 2004).

Consequently, the scenario of this ethnic militancy has posed itself to be a threat to Nigerian federalism. One of the major challenges that have constrained development in Nigeria is superiority, power of ethnic militancy which is now a threat to democracy and security of the country and also eclipsed the nation for over a decade now. The lasting presence of violence expressed between these groups who feel excluded and unimportant from existing power structures on one hand and central authority on the other hand have seriously affected not only peace and security but also undermined and weakened the countries national development. Also, the violent conflicts with security personnel, and the deliberate destruction of public properties by both ethnic militias and insurgency seriously undermines the safety of lives and properties of the people, and infuse fear and sense of insecurity on the majority. These negatively influence the development of the Nigerian state.

Among the most critical and violent of this new brand of released political forces of which many have thought of as 'resurgence' is the intractable phenomenon of ethnic nationality/identity movements. Presently in Nigeria, this development has overshadowed and taken on the form of ethnic militia movements ostensibly standing in for and seeking to protect their different ethnic interests in a country in which the state is to a large extent perceived as unconcerned to the needs of the ethnic nationalities in the country (Okechukwu, 2000). The most important and well pronounced among these militias include the plethora of the Niger Delta militants such as the Egbesu Boys of Africa (EBA), the Niger Delta Volunteer Force, and the Chikoko Movement. Other new and more pronounced militias include the O'odua People's Congress (OPC), the Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) and the Arewa People's Congress (APC). Without any question, the move towards ethnic national self-determination, in whatever form it clearly shows itself, is the maximum challenge facing the security of the Nigerian nation from the 1990s onwards. In densely populated slums of Lagos, Warri, Port Harcourt, Aba, Onitsha, Kaduna and Kano, militant groups sporadically unleash extreme violence on civil society as well as on the symbols of governmental authority (Okechukwu, 2000). The weight of the killing of many people by these militant groups is better imagined than experienced. Agitating youths boldly overrun state security squads, ransack police stations and overtakes the streets for days. An order or law that requires people to be indoors are inflicted from time to time while embattled governmental authorities resort to shoot-on-sight orders to quell riots and restore order in the volatile Nigerian urban communities. The sudden increase in ethnic militias ironically seems to be what unifies Nigerians against the excesses of the state after many years of pernicious rule. Generally, Nigerians do not have enough faith in their government; they lack the rule of law and a sense of being oppressed. Common to these militant groups are the attributes of the uncritical use of violence, a preponderance of youth membership, ethnic identity affiliations, and movements of a basically pronounced and well-known nature and pressing change over the status quo such as the calls for constitutional amendment, devolution of powers and restructuring of the Nigerian federal system (Nnoli, 2008). It is against this backdrop that this paper seeks to investigate the nexus between ethnic militias and the practice of federalism in Nigeria, with a specific interest in the Niger Delta region.

### 1.1 Statement of the problem

The proliferation of violent ethnic formations and groups in Nigeria raises the question of factors responsible for this development. The reasons advanced by the various ethnic militia groups making varying demands on the Nigerian state as justification for their activities relate to perception of injustice and marginalization of their ethnic groups within the context of the Nigerian political system. The containment approach of military administrations aggravated sub nationalism and created the condition for its transformation into forms championed by emboldened ethnic organizations using violence as a means to accomplish their objectives. The issue of revenue allocation is another issue confronting federalism in Nigeria. Revenue allocation refers to the sharing formula of the country's financial resources among the different tiers of government in the country, with the main objective of enhancing economic growth and development, reducing inter-governmental tensions and promoting national unity. Some of the elites at the helms of affairs, especially at the federal level have seen revenue allocation as a tool to satisfy their un-quenching taste for money. As a result of the nature of the multi-ethnicity of Nigeria, it has brought about the issue of minorities which has constituted to one of the major problems militating against the development of the nation. The inter-ethnic rivalry in Nigeria has in the past disrupted development in the country. The issue of secession is another factor that questions federalism in Nigeria, and it also has a way of affecting the growth and development of the country. A good example of this is the current issue of the NDA (Niger-Delta avengers) who are clamouring to secede from Nigeria and form their own republic. And as a result of this they resolve in using violent measures which includes the bombing of oil pipelines and vandalizing government properties in demand for resource control and increase in the derivation principle.

The various Nigerian governments largely ignored the Niger Delta, partly because its geography made it relatively inaccessible. The long period of military rule in Nigeria contributed to bad governance and corruption; and burden for the provision of government services fell to oil and gas companies which were ill-equipped to supply water and electricity and also to maintain road networks. The scale of this neglect has been an important factor behind the violence in the Niger Delta which is carried out by social groups or street gangs referred to as 'cults' or 'militants'. These groups made up of youths from the Niger Delta originated with the Jato Ianna Gideon intention of offering physical protection and providing its members with an opportunity to meet people with similar ethics or social identities. Overtime, these groups acquired arms and also began to compete with each other over oil bunkering and general instability in the region compound energy problems abroad, reducing supply and driving up the cost of oil in global market. All these and more arose as a result of neglect and frustration. No doubt, the conflict in the Niger Delta has its roots in increasing protests of the region's communities against their political, economic and environmental disenfranchisement, (Ginikanwa, 2008). The Movement for the Survival of the Ogoni People (MOSOP) was the first group to gain international attention for their grievances against the Nigerian government and regional oil companies. MOSOP's goals included increased local control over resources and more equitable development. MOSOP also sought the resolution of fishing and farming issues that arose from the environmental effects of oil extraction such as oil spills acid rain and soil degradation.

Ogoni land is a 404-square –mile (1,050km<sup>2</sup>) region in the Southeast of the Niger Delta basin. Economically viable petroleum was discovered in Ogoni land in 1957, just one year after the discovery of Nigeria's first commercial petroleum deposit, with Royal Dutch Shell and Chevron Corporation setting up shops throughout Ogoni land. In 1966, Isaac Jasper Boro, a scion of the Nigerian Army who hails from the oil producing Niger Delta, declared the area the "Niger Delta people's Republic" in a revolt meant to end the situation in which petroleum was ruthlessly expropriated from the area with little concern for local welfare, (Ginikanwa, 2008). The revolt was quashed with federal might within twelve days. Thereafter, agitations for a better share of national resources from the federation account for the Niger Delta in particular and states in general became muted under the military regimes. The agitation for resource control became very prominent in the last two decades. Its contemporary origin is associated with the agitation of the Ogoni, a minority ethnic group in Rivers State, which articulated its demands in a Bill of Rights, (Gboyega, 2002). The Ogoni struggle for social justice adopted sundry approaches, including advocacy, protest marches, civil disobedience, sabotage, and blockade of oil installations. The campaign later assumed a violent turn when the Ogoni nine including Ken – Saro Wiwa were hanged in 1995 for killing some chiefs. Today, the Ijaw who are fighting for the emancipation of the Niger Delta are organized in several groups which include Ijaw Peoples Assembly (IPA), the Niger The Niger Delta and Fiscal Federalism in Nigeria 57 Delta People Volunteer Force (NDPVF) Movement for the Survival of the Ogoni People (MOSOP), People Solution Force (PSF), Federated Niger Delta Ijaw Communities (FNDIC), Movement for the Emancipation of Niger Delta (MEND) and many others. It is against this backdrop that the following research questions were raised. What are the factors responsible for the emergence and persistence of ethnic militias in the Niger Delta region of Nigeria? What are the effects of Niger Delta militancy on the stability of Nigeria's federalism?

*Federalism:* The term federalism has been used in the variety of contexts over time. Indeed, the extent of terminological and conceptual abuse has obscured its meaning. In principle, by federal concept is meant that idea of organization of state where by a compromise is achieved between concurrent demand for union and territorial diversity within a society, by establishment of a single political system within, which general (Central) and regional (State) government are assigned coordinate authority that neither levels of government is legally or politically subordinate to the others. Federalism, thus, is a method of dividing powers so that the central and the regional governments are each within a sphere, coordinate, and independent (Wheare, 1943). Federalism as a system of

government emanates from the desire of a people to form a union without necessarily losing their various identities. It is an attempt to reflect the various diverse, social, political, cultural, and economic interests within the framework of a broader national unity.

**Fiscal Federalism:** Fiscal federalism attempts to define the division of governmental functions, and financial relationship between different levels of government (usually how federal and state governments fund state and local governments)

**Ethnic Militia:** Ethnic militias are extreme form of ethnic agitation for self-determination. It occurs when the ethnic group assumes militant posture and gradually metamorphoses into militia purporting to act as the machinery through which the desire of its people are sought and realized (Badmus, 2006). The membership of ethnic militia organization is exclusively peopled by individuals with common cultural traits. Its manifestation is borne out of past repression usually in a heterogeneous society when an out-group ethnically dominated incumbent government is controlling the levers of power (Guichaoua, 2005).

**Niger Delta region:** Nigeria's Niger Delta is organized politico-administratively into nine of the currently thirty six states of the federation. These states are Abia, Akwa-Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo and Rivers. The Niger Delta is reputed to be the third largest wetland in the world, which sustains a complex biodiversity, otherwise attractive to tourists, explorers, adventures, traders, business men and women, academics and a variety of researchers. According to Otite, (2009), the area called the Niger Delta is characterized by ethnic pluralism as inhabited by Andoni, Bekwara, Bini, Efik, Egbema, Ekoi, Ibibio, Igbo, Ijaw, Isoko, Itsekiri, Ogoni, Urhobo and several others. The current conflict in the Niger Delta is more complex, a crisis involving local patriots and freedom fighters. It involves mainly the Ijaw of Delta, Bayelsa and Rivers states, and could ordinarily be analysed from their perspective of criminalization of resistance of internal colonialism. The area is rich in mineral –petroleum and gas during emergencies, either in the absence of a regular army or as a complement to them.

## 2. THEORETICAL FRAMEWORK

This study is anchored on the Frustration–aggression theory. It is a theory of aggression propounded by John Dollard Neal Miller, Leonard Doob, Orval Mowrer, and Robert Sears in 1939, and further developed by Neal Miller in 1941 and Leonard Berkowitz in 1969. The theory says that aggression is the result of blocking, or frustrating, a person's efforts to attain a goal. When first formulated, the hypothesis stated that frustration always precedes aggression, and aggression is the sure consequence of frustration. Two years later, however, Miller and Sears, (1939 & 1941) re-formulated the hypothesis to suggest that while frustration creates a need to respond, some form of aggression is one possible outcome. Therefore, the re-formulated hypothesis stated that while frustration prompts a behavior that may or may not be aggressive, any aggressive behavior is the result of frustration, making frustration not sufficient, but a necessary condition for aggression. It attempts to give an explanation as to the cause of violence. According to Dollard and colleagues (1969), frustration is the "condition which exists when a goal-response suffers interference," while aggression is defined as "an act whose goal-response is injury to an organism (or an organism surrogate)." The theory says that frustration causes aggression, but when the source of the frustration cannot be challenged, the aggression gets displaced onto an innocent target. For example, if a man is disrespected and humiliated at his work, but cannot respond to this for fear of losing his job, he may go home and take his anger and frustration out on his family. This theory is also used to explain riots and revolutions, which both are believed to be caused by poorer and more deprived sections of society who may express their bottled up frustration and anger through violence ([www.http\wikipedia.org](http://www.wikipedia.org).)

The frustration aggression theory is significantly relevant to this study in so many ways. The different agitations from different ethnic groups in Nigeria are as a result of frustration from the current structure of the Nigerian federalism. This frustration and aggression is expressed through the formation of the ethnic based militants for the advance and protection of their ethnic interests. For example, in the Niger delta as to be discussed in this paper, the contention of the

oil producing minorities is that the plight of the derivation formula mirrors exactly their plight of marginalization, operation and suppression by the majority ethnic groups. They argue further that when the major revenue generating resources were located in the regions of the majority ethnic group, the allocation formula allowed 50% derivation. However, when petroleum, located in the Niger Delta region occupied by various minority groups became the main resource base of the country, other allocation formulae apart from derivation were favored. This dissatisfaction and frustration among others have been the foundation for the emergence of the violent activities of the Niger Delta Avengers and the consequent call for restructuring and resource control.

### *Nigeria Federal System and the Emergence of Ethnic Militias:*

Let us consider the contribution of the most consummate student of federalism Nigeria has ever known-Chief Obafemi Awolowo (Thoughts on Nigerian constitution, pp. 48-49). "From our study of the constitutional evolution of all the countries of the world, two things stand out clearly and prominently. First, in any country where there are divergences of language and of nationality- particularly of language- a unitary constitution is always a source of bitterness and hostility on the part of linguistic or national minority groups. On the other hand, as soon as a federal constitution is introduced in which each linguistic or national group is recognized and accorded regional autonomy, any bitterness and hostility against the constitutional arrangement must disappear. Secondly, a federal constitution is usually a more or less dead letter in any country which lacks any of the factors conducive to federalism." From the facts and analysis quoted from Chief Obafemi Awolowo book, the two following principles can be deduced:

1. If a country is bilingual or multi-lingual like Nigeria, the constitution must be federal, and the constituent state must be organized on linguistic basis;
2. Any experiment with a unitary constitution in a bilingual or multi-lingual or multi-national country must fail, in the long run.

Let us now place it to Nigeria situation and see whether Nigeria has been living up to the federal arrangement designed by K.C Wheare and Obafemi Awolowo. It is surprising that Nigeria only operates federal system on paper. The federal structures have never existed in Nigeria society. The reasons are not far fetch; First, the federal government, ever since the intervention of the military in government has always assumed superiority over the state government. Because military federalism had been more common than civilian federalism, this model made the federal government the "master in relation to the dependent" state governments. At independence largely autonomous regions possessed the residual powers in the federation and functioned almost independently. The regions had independent revenue bases; separate constitutions, foreign missions, and the primary and secondary education were under the residual list while the university education was under the concurrent list. All these changed under military rule. Attempts by the state governments to reassert their autonomy during the second republic were aborted by the return of military rule. Some state governments that were controlled by parties other than the NPN took the NPN-controlled federal government to court many occasions over matter of jurisdiction competence. This trend also reoccurs during the third republic when the Lagos state governor in person of Bola Ahmed Tinubu took the federal government to court over the issue of local government creation in Lagos state. This act, where the federal government sees itself as superior to the state governments does not make federalism work perfectly. Federalism is therefore, an arrangement whereby powers within a multi-national country are shared between a central authority and a number of regionalized governments in such a way that each unit, including this central authority, exists as a government separately and independently from the others. As Wheare put it "the fundamental and distinguishes characteristics of a federal system is that neither the central nor the regional governments are subordinate to each other, but rather the two are coordinate and independent". Each government exist, not as an appendage of another government but as an autonomous entity in the sense of being able to exercise its own will on the conduct of its affairs free from direction by any government. Thus, the federal government on one hand and the state governments on the other hand are autonomous in their respective spheres. However, this



autonomous entity has never being found in Nigeria federalism and this has continued to hamper the political stability in the country.

Secondly, is the issue of financial autonomy proposed by K.C Wheare. It should be noted here that this financial autonomy has never been achieved in Nigerian federalism. The high level of intervention of the federal government through national financial policies, grants- in-aids among others, increases the power of the federal government and makes the federating units subordinate to the federal government. The reason is not far fetch- the increased revenue from oil boom has made the federal government to be more financially powerful over the state governments than before. As a result of this financial power, the federal government now embarks on some projects which were meant to be in the state residual list. The universal basic education board project is an example of this. Similarly, this increased revenue from oil boom enables the federal government to give financial support to the state governments. In this sense, any state governments that proves “stubborn” or a state not control by the party at the centre is not likely to get financial support from the federal government. Vivid examples are Lagos and Yobe states among others. Hardly these states have received any form of financial support or assistance from the federal government because in several cases, these states have always been at the loggerhead with the federal government and also, these states are not control by the party at the centre. In some cases, some state governments, in an attempt to get financial favour, have decided to have a good rapport with the federal government even at their on expense. In practice, this act does not make federalism work perfectly as proposed by K.C Wheare. In a federation, each government enjoys financial autonomy. This will afford each levels of government the opportunity of performing their functions without appealing or begging for financial survival as we have seen in Nigeria since the return to civil democratic rule.

Looking at another issue is resource control. Nigeria has witnessed and is likely to witness more inter-ethnic group crisis if states are not granted the right to rule and control their resources, and this will continue to put Nigeria in a political tension. One throne stone example is the Niger Delta regions. We should recall that this discriminatory resource policy or usurpation of states resource control by the central government was initiated by Lt. Col Gowon as an expedient measure to pursue the 1967-1970 civil war. Since then, states especially the Niger Delta states have been transformed into beggars pleading for their rightful share of their resources and this has resulted to several crises between the people of the regions and the federal government. Let it be known that no amount of amnesty can solve this except the federal government completely hands off from the control of the Niger Delta resources. Similarly, it should be stressed that, the demand for resource control by the Niger Delta states those not negate the right of other states to exercise control over their respective natural resources, like groundnuts, iron, solid minerals, etc. This is a key prerequisite of federalism, and the denial of this tenet is injurious to federalism. A federating unit, and not the central government, should exercise jurisdiction over the resources in its territory. Thus, the statement by the former governor Ibrahim Shekarau of Kano state requesting the states of the Niger Delta to “account for their management of the 13 per cent derivations fund they are recently receiving before demanding a rise of 50 per cent” is an assault on the tenet of federalism (see The Guardian, Wednesday, June 01, 2005). The point here is that, the current struggles by some states in Nigeria especially the Niger Delta states over their resources will continue to give more rise to different types of sects, groups and militants that will continue to disrupt the political system of Nigeria if the federal government fail to hands off from the control of state resources.

The last issue to consider is fiscal federalism. Fiscal federalism is a concept that implies a financial arrangement and relations among the tiers of government which allow significance fiscal function to be exercised at lower level of government. Basically, we can liken it to revenue allocation. To properly understand the issue of revenue allocation in Nigeria, it may be necessary to broadly analyze the revenue system in Nigeria.

### 2.1 Ethnic Militia in the Niger Delta

The Niger Delta region has been depilated environmentally, strangled economically and raped politically. Over the years, the

problem of the region had remained the palaver of poverty emanating from the deprivation and expropriation (Eke, 2016). The grouse of the people of the Niger Delta is that oil wealth enriches Nigeria as a country, but it has not alleviated the grinding poverty, neglect and deprivation in the region that produces it.

Regrettably, the region lacked capital projects, which was expected to create the basis for rapid progress in human development more than recurrent expenditures on personnel and overheads. The bad situation persists in Nigeria simply because of bad governance and corruption of the political leadership that marred the efforts of the Oil Mineral Producing Area Development Commission (OMPADEC) and Niger Delta Development Commission (NDDC). The political leadership brought about serial reduction of the derivation percentage from 100% under the Independent Constitution and until it was, sometime in the military dispensation, near zero at 1.5 percent. These developments raised the agitation for resource control by the Niger Delta people, which resulted in raising the derivation percentage from 3 to 13 percent in 1999. At the 2005 National Reform Conference, the issue of resource control was a thorny issue. The south-south zone argued that even the United Nations affirms the principle of permanent sovereignty over national resources and therefore, with the additional consequences of lack of infrastructure s, pollution and degradations, gas flaring and acid rain and oil spillages, the resource control must be a system that is based on justice and fair-play. To these facts, they settled for an irreducible 25% and had to stage a walk out from the conference over Umaru Dikko-led northern groups resistance for 25 percent and insistent on 17% in spite of the perceived abhorable of the northern group for 17%, the north called for governors of the oil producing states to be made to render accounts of how they spent what their states had received under the 13 percent derivation regime (Abu et al, 2005:16-23). The bad blood generated by the politics of resource control did not help matters in the oil business and revenue earnings in Nigeria due to youth restiveness and the Niger Delta crisis.

As have noted earlier, it was the failure of the National Reform Political Conference in 2005 to agree on the irreducible 25% from the trump card of 50% derivation demand by the Niger Delta Delegates that forced the militant youths to elect themselves the redeemers and thereby stepped up activities of hostage taking and the disruption of oil pipelines, burning of oil wells and rigs and causing general air of insecurity that affected oil production, sales, distribution chains and ultimately, national revenue. The failure to address the issue of poverty and underdevelopment of the Niger Delta that lays the golden eggs and the ploy through the Supreme Court to foreclose acquiescence of the right of resource control to the littoral states exacerbated the political crisis it generated. The federal arrangement in Nigeria has denied the people the voice over their own resources and stamped and sealed both by the Land Use Act of the military and the 1999 Constitution.

As have mentioned above, despite the vast wealth created by its petroleum, however, much of the Niger Delta region is characterized by widespread poverty, youth unemployment, political underrepresentation, and environmental degradation. These forces contributed to an outbreak of violence between 2006 and 2009, spearheaded by the Movement for the Emancipation of the Niger Delta (MEND). A presidential amnesty program helped to end the insurgency and allowed oil production to bounce back, but the quest to sustain security in the Delta has remained a major challenge to successive Nigerian governments. Following the return to democracy in 1999, tension has grown across the Niger Delta region over the management of oil exploitation and the distribution of oil wealth. These tensions erupted into violence in 2006 when militants protesting the marginalization of the region bombed several critical oil installations and kidnapped expatriate oil workers. These attacks claimed several lives and nearly crippled Nigeria's oil production and export capacity.

The insurgency came to an end when President Yar'Adua offered amnesty, vocational training, and monthly cash payments to nearly 30,000 militants, at a yearly cost of about \$500 million. This program brought relative peace to the region, and petroleum exports increased from about 700,000 barrels per day (bpd) in mid-2009 to about 2.4 million bpd in 2011. Several ex-militant leaders such as Asari Dokubo, Gen. Ebikabowei “Boyloaf,” Victor Ben, Ateke Tom, and Government Ekpumopolo (alias Tompolo) were rewarded with

lucrative contracts to guard pipelines. The amnesty program was intended to end in December 2015, but was later extended to December 2017 by President Buhari (Premium Times, 9th Jan. 2016)

## 2.2 Post Amnesty

The major challenge of the Niger Delta crisis is the issue of post amnesty. As we know, the issue of amnesty came because the Nigerian government wanted a peaceful resolution to the Niger Delta crisis. To this end Ekaete (2010) avers that “there are actually four key levels to the amnesty. The first one is the disarmament, which has been done very successfully, the second step is demobilization; the camps have been virtually demobilized. The area we are now in is the area of rehabilitation and orientation for the militants and of course infrastructural development.” Today, almost all the post amnesty programmes are monitored and evaluated by indigenous (NIGER DELTA) consultant/experts and some notable agitators with successful history of working with high risk groups and policy makers. These people are aware that one of the major drivers of the Niger Delta crisis is in the discrepancy in oil and gas industry especially in employment, scholarship, inequality and quality of living conditions of host communities, and knowing that any programme without their consideration will lead to a collapse of the programme, have involved the people in the aforementioned areas in the post amnesty programme. Again, oil and gas programmes have been factored in the post amnesty programme and beneficiaries have been sent to recognized colleges, skills centers and universities at home and abroad, with recognized accreditation and certification. Furthermore, training modules are cross cutting and adequate to enable participants operate successfully and sustain their businesses. All training centers have at least, national accreditation that gives it authority to award recognized certificates acceptable at all relevant levels for employment. In addition to all these post amnesty programmes, billions have been earmarked for accommodation used to set up tents and more business incubation centres across the Niger Delta States. More money has also been allocated to the beneficiaries of the programme after successful training. Above all, the ministry of Niger Delta Affairs has been created to tackle the infrastructural needs of the Niger Delta.

In mid-2015, the insurgency resurfaced and became a major security concern to the federal government, regional shipping companies, and international oil interests. Intensified attacks on oil infrastructure by new militant groups such as the Niger Delta Avengers (NDA) reduced Nigeria's oil output. President Muhammadu Buhari responded by directing the military to “crush” the NDA, resulting in a heightened military presence across the Delta region. There was growing concern that further escalation of violence could cripple oil production, with dire, cascading economic and security consequences for the country (Premium Times, 9th Jan. 2016). Despite the program's early success, however, tensions resurfaced following President Buhari's May 2015 inauguration speech, which revealed his plans to significantly curtail the program. In June 2015, President Buhari terminated the ex-militants' pipeline security contracts and the government began prosecution against the former militant leader, Tompolo, for contract fraud. At the same time, President Buhari cut funding for the amnesty program by around 70 percent in the 2016 budget, citing corruption. With these developments, coupled with the government's ongoing failure to properly address local grievances in the Delta region, it was only a matter of time before another wave of militancy would resurface (<http://studies.aljazeera.net/en/reports>, (2016|06)

In January 2016, unknown criminal elements began attacking oil facilities in the Niger Delta region. In response, President Buhari vowed to deal decisively with the resurgence of oil theft, sabotage of pipelines, and general insecurity. His threat did not deter the emergence of a new militant separatist group, the NDA, which proclaimed its formation on 3 February 2016. Since then, the group has carried out numerous high-profile attacks on oil facilities across the region.

Several notable attacks are worth highlighting. On 10 February, 2016 NDA militants blew up the Bonny Soku Gas Line, which carries natural gas to the Nigeria Liquefied Natural Gas plant, and an independent power plant at Gbaran. On 13 February, the NDA launched its “Operation Red Economy” with a 14-day ultimatum to the central government to respond to its demands. The following day,

the NDA carried out a devastating attack on one of the most strategic pipelines in the nation's energy network, the Trans Forcados Pipeline (TFP), which transports oil, water, and associated gas from fields in the western Delta to the 400,000 bpd Forcados oil terminal. Ten days later, on 23 February, the NDA reissued its warning that it will continue hitting oil facilities until the government addresses its grievances. On 4 May 2016, NDA militants struck again, blowing up the Chevron Valve Platform located in the Delta state of Warri. The next day, it carried out another attack on the Chevron Well D25 in Abiteye along with gas lines feeding the Warri and Kaduna refineries.

While claiming responsibility for the attacks, the group's spokesman, Madoch Agbinibo, boasted that “now, we are taking the fight out of the creeks of the Niger Delta. We are taking it to Abuja and Lagos.” Although there is no credible intelligence suggesting that the NDA has the logistical and operational capacity to mount such attacks, militants have in the past extended their geographic reach as far as Lagos in southwest Nigeria. The July 2009 attack on Atlas Cove jetty in Lagos by MEND is a precedent (The Guardian, 6 May 2016). While some have attributed the recent violence to President Buhari's handling of the amnesty program, others have blamed Tompolo—the ex-militant leader currently being prosecuted in absentia on corruption charges. Tompolo, however, has disassociated himself from NDA's actions. Unlike former Niger Delta militant groups that operated under known leaders, as yet the NDA have no known associations, raising speculation about those behind the violence. The security analyst Dirk Stiffen has speculated that “the NDA are most likely a ‘mouthpiece’ for a yet unorganized number of armed groups in the Niger Delta.” There was concern that inappropriate state responses to this inchoate group may compel it to become more tactically organized, operationally sophisticated, and strategically oriented (Steffen, 2016).

Already, the group's ability to attack critical nodes of Nigeria's oil infrastructure is attracting serious attention. President Buhari has reacted with an aggressive posture, directing the military to crush the new militant group. Emboldened by the directive, the military has boasted that it will employ all available means and measures within its Rules of Engagement to crush any individual or group that engages in the destruction of strategic assets and facilities of the government in the Niger Delta or any other location. The military has already made incursions into several communities in the region in a futile hunt for the militants behind the new wave of attacks. While the military was scouring the region for militants affiliated with the NDA, a new militant group, the Red Egbesu Water Lions (REWL), surfaced on 19 May 2016. This new group stated it was teaming with the NDA and the Indigenous People of Biafra (IPOB). The REWL gave the government a seven-day ultimatum to meet its demands, which included the release of Nnamdi Kanu, the detained leader of IPOB (Nkala, 2016). The government counter-offensive is taking place on water as well as land. On 20 May, President Buhari restated to the Chief of Naval Staff (CNS) his directive to deal ruthlessly with the NDA and other militant groups responsible for the continuing attacks on oil and gas installations in the Delta. Translating the presidential directive into immediate military success will not be easy, given the Nigerian Navy's lack of suitable vessels. Last year, CNS Vice-Admiral Ibok-Ete Ekwe Ibas lamented that the navy is unable to fulfill its constitutional obligation to defend the country's territorial waters because more than 50 percent of its fleet is in disrepair due to negligence. Not much has changed since then, as the National Economic Council confirmed in May 2016 that “the government does not have adequate operational vessels to patrol and secure the network of pipelines in the Niger Delta.” Therefore, deploying the military into the region's difficult terrain without the right mix of equipment and forces could turn a minor assignment into a monumental disaster (Soniyi, and Obi, 2016)

If President Buhari sticks to his sledgehammer approach, some analysts believe it is “likely that violence will escalate in the Niger Delta as the government increases its military presence and the militants respond with further attacks (Bala-Gbogbo, 2016) which he did eventually and conceivably, the target and tactics of militants changed as well, focusing on high value targets such as foreign oil workers and oil vessels, or carrying out a campaign of intimidation against locals to deter collaboration with the military. Any confrontation between the new militants and local detractors further complicated the insecurity in the region. Although the region did not

witness the intensity of violence of the 2006-2009 insurgency, it was obvious that each successful attack by new militant groups further choked Nigeria's economic windpipe.

The renewed attacks by militant groups not only undermined Nigeria's economic stability in 2016, but also risked exacerbating maritime insecurity in the Gulf of Guinea (GoG). Owing to attacks on critical infrastructure, Nigeria's oil production plummeted from 2.2 million bpd to about 1.4 million bpd. Nigeria started losing about N2.79 billion (\$14 billion) daily to the closure of the ExxonMobil-operated Qua Iboe terminal, following the evacuation of Exxon-Mobil's workers. This compounded government revenue losses caused by the fall in global oil prices since mid-2014 ([www.dailymail.co.uk/wires/afp/article-3607403/](http://www.dailymail.co.uk/wires/afp/article-3607403/)). In addition to crippling oil exports, the new wave of militancy in the Delta also choked the supply of gas to local power plants, thus hobbling Nigeria's power grid. Electricity generation in Nigeria has declined from about 4,800 megawatts in August 2015 to 1,000 megawatts in May 2016, seriously undermining overall productivity and service delivery in the economy ([www.dailymail.co.uk/wires/afp/article-3607403/](http://www.dailymail.co.uk/wires/afp/article-3607403/)).

The renewed violence also impacted maritime security in the GoG. Pirate attacks emanating from the Niger Delta remain a major threat to the oil industry in Nigeria and merchant shipping in the GoG. An estimated 70 percent of all piracy-related incidents in the GoG are directly related to Nigerian criminal gangs, mostly originating from the Niger Delta. In the first quarter of 2016, at least 12 attacks were recorded in the Gulf of Guinea, including nine in Nigeria, one in Côte d'Ivoire, and two within the territorial waters of the DR Congo. Should the cycle of violence escalate, it is likely that the NDA and other similar groups could increase attacks on vessels and offshore facilities. Consequently, the interests of foreign investors will be further compromised as their facilities come under destructive attack, their staff threatened, and safe navigation in the GoG undermined by militant pirates.

Besides the struggle for resource control the privatisation of the State makes it corrupt, and this alienates citizens from the State. This makes the State to lose control of citizens who do not see themselves as stakeholders in the Nigerian project. Certainly, the State's ability to resolve the conflict is severely limited. A consequence of privatisation of the State is the desperate struggle for power, and the resultant election rigging, thuggery and violence. The desperate struggle for power by politicians has helped to lay and strengthen the foundations of militant activities in the Niger Delta. During elections, politicians engage youths as political thugs to secure victory. From all indications, this support is the basis of militant groupings. Significantly, the actions of the youth/militant groups usually spin out of control. Human Rights Watch (2005) partly blamed this for the internecine violence that engulfed Rivers State in 2004. Also writing on the Rivers State experience in 2003, Joab-Peterside (2005:46-47) noted that:

Idle youths that operate as political thugs and militia groups were recruited because of their fire-powers and paid heavily for services, thereby transforming violence into a commodity priced and purchased in the democratic process. The involvement of the armed groups in the democratic process catapulted their leaders and members to positions of political prominence. This is a graphic illustration of what is obtainable in the other Niger Delta States, and provides an explanation for the inability of these governments to deal with the militants. The inability of government to promote development is one of the major causes of its inability to tackle militancy in the Niger Delta. To be sure, the low level of infrastructural development limits the effectiveness of security operatives. The absence of a network of roads and canals for easy communication enhances the activities of militants who exploit the advantages of difficult communication to carry out their activities.

Poverty and unemployment have made many youths to be vulnerable to militant mobilisation. For many of the youths, militancy and hostage taking is a means of livelihood and a demonstrative effect of corruption and conspicuous consumption among government functionaries. To end this means providing viable alternative means of livelihood for those who will come out of it. It equally requires an end to corruption in government. Threats, appeals and dialogue will not end it. What government ought to do is

to invest in the people as a strategy of development. However, the culture of politics, which directs public resources to the benefit of individuals and groups, negates this. It is useful to note that violence was used as an instrument of rigging in the 2007 general elections. Guns, dynamite and other dangerous weapons were used to scare away political opponents, and intimidate election officials. The consequence of this was the empowerment of youths who are active militants and have a tendency to legitimise violence. Again, the nature of the 2007 general elections has created and deepened apathy towards the business of government, as many Nigerians do not see themselves as stakeholders. The emerging consensus among a generality of the citizens is that democracy is meant for a powerful few, who take all they see and get all they want; in what is widely known as 'carry go'. This constrains meaningful popular participation in politics and government a fundamental requirement for democratisation (Nwabueze, 1993). A major outcome is the loss of faith in democratic institutions and the emergence of a parochial political attitude. It is significant to note that the executive is not trusted and thus not seen to be dependable or reliable; the legislature is seen as a stooge of the executive and therefore not useful to deal with; and the judiciary is held with contempt. This provides an explanation for the restiveness in the creeks of the Niger Delta. A seemingly neglected factor of alienation in the Niger Delta is corruption, as transparency and accountability failures have deepened neglect and exclusion that explains militancy and violence in the region. Whereas the oil companies and the federal government are guilty of corruption, the paper highlights the corruption of States and local governments of the Niger Delta. This theme appears neglected, and robs us of a holistic view of the Niger Delta condition.

It is expected that these monies will be invested in the development of the region, to the extent that the fruits will not be in doubt. However, this is not the case, as poverty, unemployment and absence of basic social amenities are conspicuous. Paradoxically, political leaders of the region live in affluence, as they divert public funds to the promotion of their parochial and selfish interests. For example, revelation by the Economic and Financial Crimes Commission (EFCC) shows that governors of the Niger Delta States have stolen billions of Naira from their State treasuries. This reality has made many of the youths lose faith in the leaders who have lost credibility. The implication of corruption is the exacerbation of the material deprivations that have thrown up the conflicts and violence and the resultant militancy. Because the investment of resources in the people comes into conflict with the selfish interests of the leaders they choose to neglect the people, and thereby sustain militancy (Nwabueze, 1993).

### 3. SUMMARY, CONCLUSION AND RECOMMENDATIONS

#### 3.1 Summary

This study examined Nigerian federalism and Ethno militia in Nigeria with particular emphases in the Niger Delta Region. The review of extant literature showed a researchable gap in knowledge upon which two essential hypotheses were derived and they determined the course of the study namely; 1) Nigeria's unitary federalism cushioned by the military incursion is responsible for the emergence and persistence of ethno militias in the Niger delta despite the amnesty programme. 2) The activities of the ethnic militants pose a serious threat to the stability of the Nigeria's federalism. To validate the stated hypotheses, we adopted the secondary source method of data and qualitative method of data analysis was used to analyze the data generated. The study established that military incursion into the Nigerian federal system was a terrible blow to the true practice of federalism in Nigeria. The military introduced unitary system of federalism and centralized the governmental powers. The subsequent federal constitutions of Nigeria, 1979 and 1999 respectively have a reflection of this unitary system. Therefore the extra large, over bloated and extensive federal government created by the military has remained till date. There is little decentralization as progressively, most important roles and sources of revenue have been pulled up and concentrated in the federal government. Along with these concentration of powers and resources was the use of the federal government to dominate, exclude, oppress. Suppress and mistreat sub nationalities and groups. Thus, this was to the detriment and disadvantage of several groups thus creating a pot-full of grievances. This has led to the emergence of an extensive and intense



agitation and struggle for both self determination and resource control. In the vanguard of these agitations are the ethno militias. There had been demands for a reform of fiscal federalism particularly by the Niger Delta region in favour of full resource ownership and control, such that the region can pay taxes to the federal government, an increase of derivation based allocation to 50% as a stop gap pending when the full resource control is attained and reparation for the losses for the region through unjust, inequitable and unfair denial of revenues and development attention (Ikelegbe, 2016). Nigeria has paid the costly price of loosing several barrels of oil to militancy in the Niger delta. This study finally observed that to maintain the status quo of the current federal arrangement would be detrimental to the stability of the Nigerian federalism. A stitch in time saves nine.

### 3.2 Conclusion

The present state of the Nigerian federation demands a radical restructuring of the system to reflect the principle of federal practice and ensure the continued existence of Nigerian federal project (Ihonvbere, 2003). This study highlighted the problems facing the Nigerian State. The central issue regards the over centralization of powers and responsibilities in the central government owing to the prolonged military rule. This situation has engendered a lot of problems for the component units. Of primary importance is the issue of resource control, derivation and fiscal federalism, which have pitched one section of the country against another. The proliferation of states as access to the Federal Account has contributed to the feeling of injustice and dissatisfaction with the federation as presently constituted. This reconfiguration of the federation along the lines of true federalism would constitute the component units in such a way that would restore their coordinate status in the federation. The issues of ethnic conflicts and ethnicity, federal character principle and census politics are debilitating consequences of the character of Nigeria federal system. These issues are capable of overheating the system and causing systematic disorder if not urgently redressed.

### 3.3 Recommendations

The future of this country lies in only one direction- true federalism, together with fiscal federalism and resource control by the owners of the resources. In making specific recommendations for structural changes which will create an atmosphere of enduring peace, harmony and progress, there should be a clear division of power between the federal government and the state government. The federal government should exercise exclusive power in certain basic matters of general relevance and importance, leaving the bulk of the subject matter to the state, with a few in the concurrent list. A federal government should exercise powers exclusively only in the following areas: National Defence, Foreign Relations, Currency, Exchange Control, Telecommunications, Immigration, Customs and Excise, Copyright, Patents and Design, Citizenship and Naturalisation, Shipping in external waters. And other matters currently in the legislative list (federal) should be in the concurrent list (federal and state). The states and the federal government should exercise their powers in these matters in a manner that does not interfere with the jurisdiction of other authorities. In the following areas, the state must have exclusive authority except that the federal government could lay down standards and guidelines and perhaps make grants towards some of these subject matters: Agriculture and Fisheries, Education, Health, Labour, Housing, Local Government, Forestry, Town and Country Planning, Lands, State Judiciary, Veterinary Services. Similarly, the local government must be given autonomy in their own jurisdiction and state governments should hands off from the control of local affairs. Never again shall the military be allowed to pilot the political affairs of this country. Their role should be to defend the nation from external aggression and not to include nation building.

As already noted, the states have to be given the economic power to carry out their increased political, social and economic responsibilities. A system of revenue allocation to meet this may be summarized as follows

1. Minerals-Oil and Solid: 50% of the proceeds should be paid to the state from which it is produced. Such states territory includes 200 miles continental shelf

2. Customs and Excise: 50% should go to the state to which the goods are going or in the case of excise duty, the state in which the goods are produced.
3. Value Added Tax: Only states should collect value added tax. The federal government should have no such power. State should retain their VAT for their own use. The VAT is a tax on the customer of goods and services within the territory of the state. The federal government may only collect VAT in the federal capital territory. Thus all taxes made from purchases of petroleum product from a state should be remitted to the state. At the moment, VAT is collected and administered by the federal government which keep a percentage to itself and then distribute the balance in an arbitrary manner, under which states from which little or nothing has been collected, get the bulk of the funds. It is only in compliance with the above recommendations that the activities of the ethno militias could be curtailed.

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