



**SELINUS UNIVERSITY**  
OF SCIENCES AND LITERATURE

**CRITIQUING NIGERIA HUMAN RIGHTS VALUES:  
Minority Rights under the Nigeria 1999  
Constitutional Provisions (as amended)  
as Opposed to the African Charter 1981  
and UN Charter 1945 under Article 1(2)  
on “Self-determination” and “Resource Control”  
A Comparative Legal Study on The Niger Delta  
Region of Nigeria**

**By Sunday Ebikinei Opiah Peter**

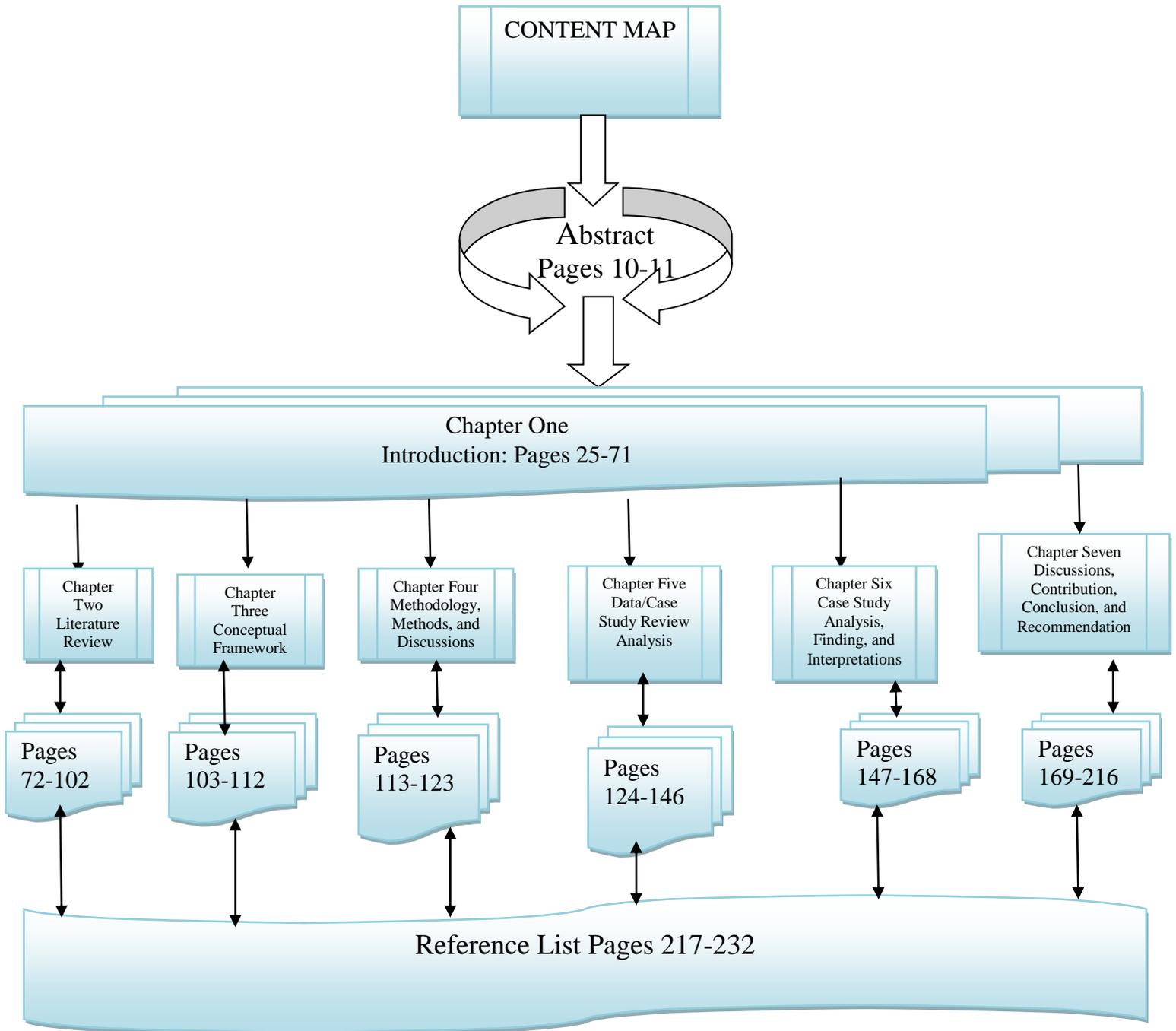
**A DISSERTATION**

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ABSTRACT  
CONTENT MAP



Source: concept designed by researcher S.E.O Peter

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ABSTRACT

The lingering continuously overarching issues of regional self proclamation of the emancipation for “Self-Determination” and “Resource Control” in the Niger Delta region of Nigeria has been fought long and hard for decades, leading to protracted regional protest, agitations and armed militancy’s throughout the region since 1966. However, despite these protest, agitations, and armed militancy; not enough is been done to adhered, elevate, or address these regionally overarching contemporary problems concerning the indigenous minority people and communities in Niger Delta (otherwise known as the old Eastern Region of Nigeria) in relation to their fears and concerns over the years; but rather the federal government of Nigeria attempt to suppress, and subvert these regional feelings, fears, and concerns (Boro, 1982).

This belligerent uncompromising attitude of the Nigeria state in wanting to oppress, suppress, subvert these fears, feelings and concerns only serve to exacerbate the deep strong, and hard feelings of resentments, hatred, and animosity amongst the indigenous people and communities of the Niger Delta region towards the federal government of Nigeria; for its inability to address the social, economic, political administrative structure of the Nigeria political leadership of the federation (Osaghea, 2001). This being, the entire people and communities of the Niger Delta region feels their hopes and aspirations as people are been trampled upon, betrayed and abandoned by the federal government of Nigeria after decolonization of Nigeria in 1960 when the country had its independence; despite the recommendations of the Willink Commission Report in 1958 by the British colonial empire before Nigeria independence (Boro, 1982).

As such, the indigenous people of the Niger Delta region no longer believe in the so called federated system of government (meaning the system has broken down, not working, not fit for purpose or failed to addressing their problems as people); due to: social inequality, social economic deprivation, poverty, neglect, social injustice, social, political and economic marginalization, resource exploitation, underdevelopment and environmental degradation through oil and gas exploration and exploitation since 1956 (Boro, 1982; Eguruze, 2016). Consequently, this has led to the formation of several militia groups in the region, which has precipitated the increase in crime and criminality (oil bunkering, hostage taking, kidnapping, and drug trafficking, teenage pregnancy and parenting amongst young people, including alcoholism and substance abuse) with no end in sight (Osaghea, 2001; Saro-Wiwa, 1995; NNHRC, 2017).

However, recent attempts by federal government to address the problems of the region proved futile in granting general amnesty to woodlords and criminal gangs, armed militants, and organization; yet youth restiveness persist in the region due to the lack of coherent government policy, lack of vision, corruption, nepotism and the overall politicization of the problem by very corrupt politicians (cabals, juntas, and mafias) riddled with nepotism, ethnic nationalism, tribalism, sectional and political affiliation; including the lack of regional understanding of the ethnic diversity and complexity of the problems in the region. Even though, the Niger Delta region account for almost 95%

percent of the Nigeria oil and gas exploration, production and export, which account for 98% percent of Nigeria GDP according to the World Bank (2017).

Paradoxically, the problems of the Niger Delta continued to persist whilst the federal government seems clueless and oblivious to figure out on what to do in order to address the problems of the Niger Delta questions without a clear and coherent vision; which has consequently led to several regional protest, agitations and armed militancy in the past and present namely: Niger Delta declaration (1966) leading to the 12 day revolution; Biafra declaration (1967); Ogoni (MOSOP) Bill of Rights (1990/1995); Ijaw National Youth Council (INYC) –Kaiama declaration (1998); Odi Massacre (1999) Warri Crisis (2007-2003); Indigenous People of Biafra (IPOB, 2021) etc. Therefore, there needs to be very robust coherent strategic plans and policies in place which are locally targeted to deal with specific individual areas of the communities; whilst involving and encouraging local participation in the policy and decision making process so as to build bridges amongst the local communities, governments, multinational oil/gas companies, and other stakeholders.

Nevertheless, prudent steps have to be taken to avoid social political interference by the Nigerian state; while avoiding mistakes of the past when dealing with local regional problems or matters of this magnitude. As such, the issue of regional “Cessation” “Autonomy” “Self-determination” and “Resource Control” are very dear, and sensitive to the heart of indigenous people and communities of the Niger Delta region; when retrospectively there are no constitutional provisions for referendum in both the 1979 and 1999 federal constitutions to address the issues or problem public vote on issues that affect the local, regional, and national population or national interest; hence there are now calls for constitutional reforms/reviews, restructuring/ national sovereign conference in an attempt to resolving or addressing the disunity and discourses in the Nigeria nation state.

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United Nations International Convention against Torture, Cruel, Inhumane, Degrading, Treatment, or Punishment (UNCATCIDTP, 1984)  
United Nations International Convention on Civil, Political Rights (ICCPR, 1966)  
United Nations International Convention on Economic, Social, Cultural Rights (IESCR, 1966)  
United Nations International Convention on the Protection of Human Rights and Fundamental Freedom (ICPHRFF, 1950)  
United Nations Declaration on the Rights of Indigenous People (UNDRIP, 2007)  
United Nations Declaration on the Right to Development (UNDRD, 1986)  
United Nations Framework Convention on Climate Change (UNFCCC, 1992)  
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United Nations International Convention on the Elimination of all Forms of Racial Discriminations (UNICEAFRD, 1965)

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LIST OF ABBREVIATIONS

NAME:	ABBREVIATIONS:
African Convention on Human and Peoples Rights	ACHPR
African Human Rights Commission	AHRC
All Progressive Congress	APC
Amnesty International	AI
African Development Bank	ADB
British Sociological Association	BSA
Constitution of the Federal Republic of Nigeria	CFRN
Constitutive Act of the African Union	CAAU
Central Bank of Nigeria	CBN
Council of Europe	COE
Calabar Ogoja Rivers State	CORS
Convention for the Protection of Human Rights and Fundamental Freedom	CPHRFF
Convention for the Suppression of Unlawful Act against the Safety of Marine Navigation	CSUASMN
Declaration of the Rights to Development	DRD
Egbesu boys of Africa	EBA
European Parliament	EP
European Council	EC
European Commission	EC
European Convention on Human Rights	ECHR
Economic Rights	ER
Economic Factors	EF
Economic and Financial Crime Commission	EFCC
Federal Capital Territory	FCT

Federal Government of Nigeria	FGN
Federal Republic of Nigeria	FRN
Federal Ministry of Education	FME
Federal Supreme Court of Nigeria	FSCN
Federal Ministry of Health	FMH
Federal Ministry of Transportation	FMT
Federal Aviation Authority	FAA
Federal Ministry of Land and Housing	FMLH
Federal Ministry of Works	FMW
Federal Ministry of Justice	FMJ
Federal Ministry of Agriculture	FMA
Federal Ministry of Mine and Water Resources	FMMWR
Federal Civil Service Commission	FCSC
Federal Ministry of Youths, Sports and Culture	FMYSC
Federal Ministry of Information	FMI
Federal Ministry of Communication	FMC
Federal Government Press	FGP
Federal Ministry of Tourism	FMT
Federal Ministry of Finance	FMF
Gross Domestic Product	GDP
Housing Act	HA
Health and Safety Act	HSA
Human Right Watch	HRW
Human Right Commission	HRC
Human Rights Law	HRL
Ijaw National Youth Council	INYC
Ijaw Youth Council	IYC
Ijaw National Council Bill of Rights	INYCBR
Ijaw Freedom Fighters	IFF

Indigenous People of Igbo Biafra	IPOIB
International Criminal Court	ICC
International Court of Justice	ICJ
International Court of Human Rights	ICHR
International Convention on Economic, Social and Cultural Rights	ICESCR
International Convention on Civil and Political Rights	ICCPR
International Convention on the Elimination of all forms of Racial Discrimination	ICEFRD
Independent National Electoral Commission	INEC
International Monetary Fund	IMF
International Arbitration Panel	IAP
International Court of Arbitration	ICA
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Niger Delta Liberation Front	NDLF
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Niger Delta Development Board	NDDB
Nigeria Institute of Advance Legal Studies	NIALS
Nigeria National Human Rights Commission	NNHRC
Nigeria Labour Act	NLA
Nigeria Basic Compulsory Education	NBCE

Nigeria Disability Act	NDA
Nigeria Housing & Tenant Landlord Act	NHTLA
Nigeria Children Act	NCA
Nigeria Land Use Act	NLUA
Nigeria Petroleum Act	NPA
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National African Company	NAC
National Sovereign Conference	NSC
Nigerian Millennium Development Goals	NMDG
Nigeria Oil and Gas Sector	NOGS
Nigeria National Petroleum Company	NNPC
Nigeria Electricity Power Authority	NEPA
Nigeria National Airport Authority	NNAA
National Youth Service Corp	NYSC
Nigeria National University Service Commission	NNUSC
Nigeria Law School	NLS
Ogoni Bill of Rights	OBR
Organisation of African Unity	OAU
Office of the Human Rights Commissioner	OHRC
People and Communities of the Niger Delta Region	PCNDR
Peoples Democratic Party	PDP
Political and Cultural Rights	PCR
Political and Cultural Factors	PCF
Rio Declaration on Environment and Development	RDED
Royal Niger Company	RNC
Stakeholders Democratic Network	SDN
Social Rights	SR

Social Factors	SF
Social Marketing Techniques	SMT
UK Employment Rights Act	ERA
UK Health and Safety Act	HSA
UK Human Rights Act	HRA
UK Disability Discrimination Act	DDA
UK Housing Act	HA
UK Children's Act	CA
UK Equality Act	EA
United Nations	UN
United Nations Charter	UNC
United Nations General Assemble	UNGA
United Nations General Assembly Resolution	UNGAR
United Nations Security Council	UNSC
Universal Declaration on Human Rights	UDHR
United Nations International declaration on the Rights of the Child	UNICR
United Nations Convention on Environment and Development	UNCED
United Nations Convention for the Protection of Human Rights and Fundamental Freedom	UNCPHRFF
United Nations Convention against Torture and Cruel, Inhumane, Degrading Treatment, or Punishment	UNCATCIDTP
United Nations Convention on the Elimination of all forms of Racial Discrimination	UNCEFRD
United Nation Declaration of Indigenous Peoples Rights	UNDIPR

United African Company	UAC
United Bank of Africa	UBA
Union Bank of Nigeria	UBN
World Bank	WB
Willink Commission Report	WCR

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**DECLARATION**

I hereby confirm that I am the sole author of this thesis, the current PhD study I have not been registered for any other academic institution or qualification nor has any of the materials been submitted wholly or partly for any other PhD award. As I have already stated above, this thesis is a massively progressive development from my previous academic studies from my undergraduate degree Bachelor: BA (Hon) in Youth and Community Work Studies and Postgraduate Masters degree studies (LLM) in International Law (Human Rights) research dissertation work; which spurred, inspired and provided me with the initial background, thoughts, knowledge, and materials to embark on this intense and rigorous academic journey (PhD) Doctoral programme.

I personally carried out all the work of this thesis with all the evidence in this program of study, which is part delivered to the institution- University of Selinus (Italy).

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **DEDICATION**

This immense and intensive academic project is dedicated to the almighty good Lord who was at the beginning and the end, the author and the finisher of our faith in Christ Jesus; and also to the entire Opiah Peters family particularly my late father and mother including my late uncle (Prof. W. W. Ogionwo) and (Prof. E.S. Eguruze) whom are my academic and inspirational mentors, I owe them my special thanks and appreciation, particularly Prof. E. S. Eguruze for his selfless sacrifices may the Lord continually bless and keep him in Jesus name Amen. Also to the entire Academic Staff of UNISELINUS, particularly academic Supervisor for giving me the opportunity to embark or participate on this immense academic research programme; I owe them all my indebted heartfelt thanks and appreciations. Thanks.

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Equally, I will like to thank the entire members of staffs and board members of UNISELINUS for giving me the opportunity and the privileged advantage to pursue my academic excellence the fulfilment my dreams and aspiration in my chosen academic field of study or profession (PhD International Human Rights Law); whilst also giving me the opportunity to prove myself of what it takes to be an academia in the field of academic human knowledge development both theoretically and practically for the common good of mankind towards societal development.

Secondly, I would like to extend my indebted thanks and appreciation to the entire management and staff of the University of East London (UEL) for their incredible and invaluable support during my undergraduate and postgraduate study years; while empowering and equipping me with much more needed academic skills to excel in my academic development; particularly Mr. Paul Adams, Mr. Mohammed Musakim, Prof. Penny Benstock, Prof. Siraj Sait, Prof. Kofi Kourfour at the “School of Social Sciences and Law” (UEL).

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## CHAPTER ONE

1.0

### INTRODUCTION

---

Minority Rights under the Nigeria 1999 Constitutional Provisions (as amended) as Opposed to the 1981 African Charter and the UN 1945 Charter under Article 1(2): Comparative Legal Study on The Niger Delta Region of Nigeria – A case study on the contemporary issues of “Self-determination” and “Resource Control”

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#### **1.1. Introduction:**

This thesis examines the concept of fundamental human rights and its values, norms and principles in Nigeria, particularly in the Niger Delta region of Nigeria in relation to the overarching issue of “Resource Control” and “Self-determination”. On one hand, under international law; “self-determination” is seen as a source of fundamental right of the people which are fundamental (cogent and just rule). This is binding under the 1945 United Nations Charter, under the UN General Assembly Resolution 1514 (UNGAR, 1514 (as amended: 60/251) 2006; Evans, 2009).

According to the UNGAR, 60/251 2009; “People may freely choose or decide to have sovereignty and international political status without state interference provided they do so on the basis of respect for the principle of promoting and encouraging equality of rights and opportunities, and fundamental freedom; including: civil, political, social, economic and cultural rights for all without discrimination which are universal and indivisible. Therefore, must be treated in a fair and equitable manner” (UNGAR 60/251/2006; Evans, 2009; Edward, 2007). This was also reaffirmed under article 1(2) of the UN Charter 1945, including ICCPR, 1966 and ICESCR, 1966 both under article 1 (1); “All peoples have the right of self-determination. By virtue of that right they shall freely determine their political status, and freely pursue their economic, social, and cultural development”. (2); “All people may for their own end, freely dispose of their natural wealth and resources without prejudice to any obligation arising out of any international economic co-operation, based upon the principle of mutual benefit and international law;

in no case may a people be deprived of its own means of subsistence". (3)" State parties to the present covenant, including those having the responsibility for the administration of non-self-governing and trust territories, shall promote the realization of the right of self-determination; and shall respect that right in conformity with the provision of the united nations."

Unquestionably, this implies the right of a particular group, in this case, the people of the Niger Delta region of Nigeria, to determine for themselves how and by whom they wish to be governed, based on the strength of neglect and marginalization on their social, economic, political, cultural and environmental rights under the Nigeria government. On the other hand, International law is perceived as a body of law that governs international relationship between nations and countries; and also to serve as an international instrument for global stability and peaceful co-existence (William, 2011 p4-5).

Therefore, it is fundamentally applicable to countries as opposed to individuals; therefore the main components of regional or international law (under UN Charter, and other international/regional treaties and covenants) how sovereign states and international entities sort out their differences through supranational tribunals or international and regional instruments such as: African Human Rights Commission/Court; International Criminal Court; European Court of Human Rights; International Court of Human Rights; International Arbitration Courts etc. Which are as fundamental in dealing with human rights matters as enshrined in the Geneva Convention on Human Rights (i.e. UDHR, 1948; ICCPR, 1966; ICESCR, 1966; ACHPR, 1981); including the Nigeria Constitutions 1960; 1963; 1979; and 1999 (as amended).These precludes national, regional and International Laws relating to issues of jurisdiction in the event of conflict and disputes; while Supranational Laws are concern with voluntary consent by sovereign states (Williams, 2011: p4-5).

Human Rights can be generally referred to the notion of a collection of basic rights and freedom that all people should and must enjoy, such as; right to life, food, cloths, shelter, education, healthcare, employment, social, cultural, economic, political, environmental development and sustainability, freedom slavery, torture, cruel, inhumane and treatment or punishment, free from discrimination including the right to self-determination etc (UDHR, 1948). Therefore, human rights are basic rights and freedoms that belongs to

every person or human beings in the world and as such; these rights and freedom should and must be respected and protected by governments and state parties as enshrined in the United Nations Declaration on Human Rights (UDHR, 1948); ICCPR 1966; ICESCR, 1966; ICPHRFF, 1950; as well as other regional and international instruments; including: African Charter (ACHPR, 1981) and the 1999 Nigeria Constitution (as amended).

This also includes: (UNDRIP, 2007; UNICATCIDTP, 1984; UNDRD, 1986; RDED, 1992) etc.

The obligatory responsibility of states is to ensure that these fundamental rights and freedoms are fully respected, promulgated and maintained by state parties, and as such; states parties should refrain from interference or violation of these rights. But rather to help in the facilitation, realization and the enjoyment of these rights without discrimination to race, color, ethnicity, nationality, sexual/gender orientation, religion, disability and age (UDHR,1948; ICEAFRD,1965). While “Minority Rights” are classified as collective group rights which provide protection and guarantee of all rights for the indigenous minority people all over the world, in this case; the people and communities of the Niger region of Nigeria as enshrined in the UNDRIP, 2007.

Under article 1 “Indigenous people have the right to the full enjoyment (as a collective or as individuals) of all human rights and fundamental freedom as recognized in the Charter of the United Nations and the universal declaration of Human Rights, and International Human Rights Law”. (2) “Indigenous people and individuals are free and equal to all other peoples, individual have the right to be free from any kind of discrimination; and in the exercise of their rights in particular the case of on their indigenous original identity”; (3) “Indigenous people have the right to “Self-determination” by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.; (4) “Indigenous people in exercising their right to “Self-determination” have the right to “Autonomy” or “Self-government” in matters relating to their internal, local affairs, as well as a way and means for financing their “Autonomous Function”.; and (5) “Indigenous people have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions; while retaining their right to participate fully if they so choose; in the political, economic, social, and cultural lives of the state” respectively.

In addition, article 26 (1), (2) and (3) it clear (1) “Indigenous people have right to lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired”, (2) “Indigenous people have right to own, use, develop and control their lands, territories and resources that they possessed by reason of traditional ownership or other traditional occupation, or use as well those which they otherwise acquired”, (3) “State shall give legal recognition and protection of these lands, territories and resources and such recognition shall be conducted with due respect to the customs, traditions; and lands tenure system of the indigenous concerned”.

Also article 28 (1) and 32 (1) and (3), 28 (1) “Indigenous people have the right to redress by means that can include restitution when this not possible, just, fair and equitable compensation for their lands, territories, and resources which they have traditionally owned, or otherwise occupied and used which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent”. 32 (1) “Indigenous people have the right to determine and develop priorities and strategies for that development, use of their land, territories; and other resources”. (3) “State shall provide effective mechanism for just and fair redress for any such activities and appropriate measure shall be taken to mitigate adverse environmental, economic, social, cultural and spiritual impact”.

However, in retrospect despite these national, regional and international legal provisions; the Nigeria state is somewhat nonchalant or ignorant of these fundamental basic human rights in its provision, protection and promotion of these rights. Particularly those of the indigenous ethnic minorities in its territory, in this case those within the Niger Delta region of Nigeria; despite the fact that Nigeria as a state is signatory to all these regional and international human rights legal mechanisms, instruments and treaties. By this, Nigeria does not have constitutional provision in its 1999 constitution (as amended) particularly those concerning minority rights, however; there is provisional insertion on group rights (example: freedom association, freedom assemble, freedom of religion etc). But that in itself is not significant or effectively sufficient enough to make any serious impact in combating human rights violations on indigenous ethnic minority communities, which are becoming often prevalent; particularly those affecting indigenous ethnic

minority communities; in this case those in the Niger Delta region of Nigeria.

Subjectively, the Nigeria National Human Rights Commission by its own admission in its report (The State of Human Right in Nigeria, 2007) “Extra judicial, summary and arbitral execution is a gross violation of right to life, in Nigeria extra judicial killings are still perpetrated by the security official with impunity. There are reports of many unexplained disappearances of persons held in police detention; the police authorities hardly take disciplinary action against officers who perpetrate these crimes and this has helped to perpetuate it” (NNHRC, 2007).

The report also commented on the issues of ethnic communal conflict and other related violence precipitated by political appointments, allocation of scarce natural economic resources, due to bribery, corruption, nepotism, tribalism, favoritism, godfatherism including religious/political affiliation perpetrated by political public office holders from few ethnic majority states/tribes; giving rise to ethnic tensions and rivalry among Nigerians.

Example of this could be seen in the oil rich Niger Delta region of Nigeria (the bread basket of Nigeria oil wealth) continued to experience: “**abject poverty**”, “**social deprivation**”, “**inequality**”, “**social injustice**”, “**unemployment**”, “**underdevelopment**”, “**environmental pollution and degradation**”, and “**exploitation of inherent natural resources**” including “**socio-economic**” and “**political**” marginalization” resulting to youth armed militias and militancy in the region - agitating for “**self-determination**” and “**resource control**” under various groups and names operating in the region leading to violence, kidnappings, attacks on oil and gas installations; and in some cases leading to destruction of lives, livelihood, and properties (such as: Ogoni-land 1995 (Rivers State); Kaiama Declaration 1998, Odi 1999, (Bayelsa State); Warri Crisis 2003 (Delta State) of which has been often carried out by state security forces or security agents as reprisal attacks due their involvement in these conflicts for the killing of some of their colleagues (Osaghea, 2001).

In this regard, it is probable that the Niger Delta have seen and experienced series of human rights abuses and violations under both regional and international laws; dating back to 1786-1899 before the British Imperial Colonial amalgamation of Nigeria in 1914 right through to its independence on the 1<sup>st</sup> October 1960. Consequently, the Niger Delta

has not seen or experienced no coherent social, political, economic, environmental ideology development ; except for the interest of imperial colonial human and economic exploration and exploitation of its natural resources (oil and gas) within the Niger Delta region of Nigeria; otherwise known as the oil river protectorate or oil Niger Delta (Smock, 2009).

This critique will rely on three major legal documents (i) International legal instruments which defines “Self-determination” as of human right, and demand for statehood; as enshrined in the 1945 United Nations Charter under article 1(2) including UDHR, 1948; ICCPR, 1966; ICESCR, 1966; UNDRIP, 2007. (ii) Regional instrument: African Convention Human and Peoples Rights (ACHPR, 1981). (iii) National instrument: The federal constitutions of Nigeria from (FCN, 1960; 1963; 1979; and 1999 (as amended) under chapter four: Fundamental Human Rights.

## **1.2. Research Problem:**

The research problems will focus on fundamental human rights on issues of social, political, economic and cultural deprivation, marginalization, exploitation, environmental degradation, and discrimination of the indigenous people of the Niger Delta region of Nigeria are experience with specific reference to Minority Rights (Osaghea, 2001; Zoufa, 1995; Ogionwo, 1995; Smock, 2009; Boro, 1982; Saro-wiwa, 1995; IYC, 1998; Okoko, 2011; Tamuno, 2011; Kaur, 2012; Emesin, 2009). These human rights violations do manifested it self in different forms, size and shapes, such as; unemployment, political marginalization, social and cultural deprivation, resource exploitation, underdevelopment and environmental degradation (Egbe, 2013; Sebiri, 2013; Eguruze, 2016, 2017; Appah et al, 2012; Kindom and Ockiya, 2009).

Poverty: (Eguruze, 2016, 2017; Egbe, 2013; Sebiri, 2013). Neglect: and Underdevelopment (Ibaba, 2012). Lack of basic infrastructural development: (Eguruze, 2016). Social Inequality and Social Injustice: (Osaghea, 2001; Douglas, 2005, 2008). Environmental pollution and degradation: arising from resource exploration, and exploitation (Douglas, 2005, 2008; Okonta and Douglas, 2001; UNEP, 2011; Ikelegbe, 2005). These issues gave rise to regular youth restiveness and militancy in the Niger Delta region (Boro, 1982; Sarowiwa, 1995; IYC, 1998; Asari-Dokubo, 2005). As a result,

whenever there are regional protest, agitation and call for “Self-determination” and “Resource Control” they are often met with brutal force by the Nigeria military security apparatus.

For example: in 1966 the indigenous peoples of Ijaw land in the Niger Delta region of Nigeria of the Eastern region (now otherwise known as South, South region of Nigeria, being the sixth geopolitical zone) agitated and took up armed rebellion against the Nigeria state for gross violation of their fundamental human rights; including: socio-economic, and political marginalization, economic resource (oil and gas) exploitation and environmental degradation; leading to twelve (12) days revolution on the 23<sup>rd</sup> February, 1966 which led to the declaration of the now defunct “Niger Delta Republic” led by Major Isaac Jasper Adaka Boro (Boro,1982; IYC, 1998; Osaghea,2001; Eguruze, 2016). This followed by the crisis in the Eastern Region, leading to declaration of the now defunct “Biafra Republic” on the 30<sup>th</sup> May 1967; led by Lt Col. Emmanuel Odumagu Ojukwu. Ironically, the name “BIAFRA” (meaning: Bight of Biafra) was suggested or given to Lt.Col Ojukwu by late Chief “Nicholas Frank Opigo”; an ethnic Ijaw national from Kalabari (present Rivers state) when he was the “Principal of Okrika Grammar School” on the 27<sup>th</sup> May 1967. Which was promulgated or announced or declared by Ojukwu on the 30th May 1967, and subsequently led to the Nigeria Civil war from 1967 to 1970 of which an estimated 3 million people were killed (Boro, 1982).

Since the end of the war, Nigeria as a country have seen or had several or numerous indigenous ethnic national struggles and agitations for cessation or statehood (Self-determination) had occurred over the years; particularly in the Niger Delta region of Nigeria. For example: the Ogoni crisis in 1995 (Rivers state); Kaiama Declaration in 1998 (Bayelsa state); Odi Massacre in 1999 (Bayelsa); followed by the Warri crisis in 2003 (Delta state); just to name a few all within the Niger Delta region of Nigeria (Boro, 1982; Osaghea, 2001; Eguruze, 2015; IYC, 1995; Sarowiwa, 1995).

Social economically, oil and gas was first discovered in Nigeria at Oloibri (Ogbia) present Bayelsa state in 1956 by Royal Dutch Shell Petroleum Corporation, and by 1958 it commences full commercial operation or production of which oil account for 95% percent of Nigeria oil and gas sector; and 90% percent of Nigeria foreign export and 95% percent of Nigeria gross domestic product (GDP) according to the world bank report

(WB,2000; Okoko, 2011; Tamuno, 2011; Eguruze, 2015; IYC, 1998; Osaghea, 2001).

However, the implication of this; is the subsequent: deterioration, decline, abuse and violation of human rights (including social, economic, political and cultural rights in Nigeria such as; the deprivation, moralization and discrimination have consequently resulted in several social, political, and economic issues involving: abject poverty, unemployment, underdevelopment, social cultural political, and economical marginalization; social, political, cultural and economic injustice). This including: (lack of opportunities leading to high youth unemployment; lack of infrastructural development; lack of social housing and medical care provision; road and transformation system; educational provision; basic drinkable water; rural electrification); whilst being exposed to oil spills, gas flairs, toxic pollutions, and environmental degradations). These deprived debilitating improvised conditions gives rise to youth restiveness, militancy, kidnapping, hostage taking, banditry armed robbery, rape, oil bunkering, and other forms or acts of criminalities (Boro, 1982; Osaghea, 2001; Eguruze, 2015; Ogionwo; 1995; Sarowiwa, 1995; IYC, 1998; Tamuno, 2011; Appah et al, 2012; Amnesty International, 2008).

This study follows the experience of previous “Self-determination” models by various ethnic nationalist groups and movements, including: the now defunct “Niger Delta Republic” (Nigeria), now defunct “Biafra Republic” (Nigeria); Catalonia (Spain); now defunct “Chechen Republic” (Russia); Kosovo (former Yugoslavia); Crimea (Ukraine); Pro-Russia separatist in Dunetsk region (Ukraine); Taiwan (China); Scotland (UK); and Palestine (Israel ) etc, in which regional indigenous ethnic national communities around the world are demanding their right for regional “self-determination”, “autonomy” or “statehood” as enshrined in the United Nations charter of 1945 under article 1(2); including: ICCPR,(1966); ICESCR (1966); UNDRIP (2007); ACHPR (1981) and UNDHR (1948) respectively.

Therefore, given the multiplicity of human sufferings; these problems requires a collective or collaborative and multi-dimensional approach to tackling them in an effort to finding common ground or solutions through political negotiations; consultations; empirical studies; socio-economic empowerment; and other non-violent means and methodology as enshrined in the 1945 UN charter under article 1(2). Including, ICCPR

(1966) article 1(1) (2) and (3); ICESCR (1966) article 1(1) (2) and (3); UNDRIP (2007) article 1, 2, 3, 4, and 5; ACHPR (1981) article 20 (1) (2) (3); article 21 (1) (2) (3); article 22 (1) and (2) respectively.

As noted above, despite these regional and international interventionist efforts by academics, scholars and social activist; the problems of human rights and socio-economic deprivation, marginalization and discrimination strive and still persist in the Niger Delta region of Nigeria (Osaghae, 2001; Boro, 1982; Tamuno, 2011; Eguruze, 2015; IYC, 1998). Regrettably, the continuity of these problems does have significant profound negative impact on the social welfare and well-being of the ethnic indigenous people and communities of the Niger Delta region of Nigeria. Therefore, the researcher believes a different approach is needed to address these problems; and is long overdue.

### **1.3. Research Background**

The background to this study arose from the need to critically examine the provisions within the Nigeria constitutions (1960, 1963, 1979 and 1999; as amended) under charter four in the context of fundamental human rights, which guarantees the rights of all Nigerians. However, the level of social, cultural, economic and political inequality; including: socio-economic and political marginalization seen within the Niger Delta region of Nigeria as compared to other regions of the country is very unbalanced, troublesome, and concerning. This is due to the fact that, the entire region (Niger Delta) has been ravaged in abject Poverty, Neglect, and Deprivation (with high youth unemployment; lack of socio-economic empowerment; infrastructural underdevelopment) over the decades by successive governments precipitated by corruption, nepotism, cabalism, juntarism, mafiarism, godfatherism, and ethnic nationalism in the Nigerian social, cultural, economic, and political spheres; even though the region is endowed and richly and blessed with natural economic resources (Eguruze, 2016).

Consequently, the lack of basic social infrastructural and educational amenities; amongst others (including: medical healthcare facilities; social housing; no drinkable water; lack of roads and transportation system; with no rural electrification); whilst the exploration and exploitations of its natural economic resources (oil and gas) continues with no end in

sight while at the same time its environment and ecosystem is been degraded with: oil spills, gas flairs, environmental pollution, and dumping of hazardous toxic chemical waste by these multinational (oil and gas) companies whilst the operational activities of these companies are only been encouraged by the inaction of the Nigeria state due to the lack or absence of effective environmental protection policy, enforcement, and monitoring mechanisms which goes to serve the interest of these companies (Osaghea, 2001; Boro, 1982; Eguruze, 2016; IYC, 1998; Asari Dokubo, 2005; Ken Saro-wiwa, 1995).

This was exemplified by the declaration of now defunct “Niger Delta Republic” (1966); Ogoni crisis (1995); Kaiama declaration (1998); Odi massacre (1999); and the Warri crisis (1999-2003), which were all part of the root causes and failure of the Nigeria state to fundamentally adhered to addressing the root causes of the problems stemming from years of neglect, poverty, deprivation, oppression, suppression, subversions’ and violations of fundamental human rights of the indigenous ethnic minority people and communities of the Niger Delta region of Nigeria (Amnesty International, 2010; Osaghea, 2001; Boro, 1982; Ken Saro-wiwa, 1995; IYC, 1998).

These fundamental human rights were supposed to be guaranteed, protected and promoted by the Nigeria state as enshrined in the 1999 Nigeria constitution (as amended) under chapter four (fundamental human rights), but rather; its being abused and violated by the political elites and those in high public offices (otherwise known as: the ruling class) of which are all from the majority ethnic tribes from the North (Hausa-Fulani); West (Yoruba); East (Igbo). While in the South East and the South, South (been the sixth geopolitical zone) are being: oppressed; marginalized, exploited, and discriminated against by these few majority ethnic tribes of Nigeria of which the constitution was supposed to seek and protect in guarantying the equality of rights, entitlements, and opportunities for all citizens or persons without discrimination or distinction to (his/her color, race, ethnic nationality, gender, sexual orientation, language, cultural heritage, region, political affiliation, association, age and disabilities) contrary to the norms, values and principles of the Nigeria constitutional provisions of (1960; 1963; 1979; 1999; as amended) including: UDHR,1948; ICCPR, 1966; ICESCR, 1966; UNDRIP, 2007; ACHPR, 1981; respectively.

These human rights violations occurred due to the inept failure of the Nigeria 1999 constitution (as amended), and also the failure of both legislative institutions and the entire judicial system; including the failure to prosecute perpetrators, and also the failure to implement adequate and effective enforcement mechanisms to bring to book those who are responsible for such colossal environmental degradation. This also includes the Nigerian government, for its failure to honor its constitutional human rights commitments and legal obligations; both at national, regional and international levels under international law. Also the failure of the Nigerian state to put in place proper adequate and effective environmental monitoring mechanism in order to monitor and regulate human rights violations, whilst bringing persistent perpetrators to book through legal prosecution and enforcement; particularly those of its security forces including the Nigeria police force, military, and other state security agencies (NNHRC,2007,2017).

In addition, adequate compensation schemes for victims of human rights abuses for their pains and suffering (Ibid). This lack of adequate provision of judicial and compensatory remedies or redress for human rights violations seems to be a deliberate collective cover for government and the political elites (ruling class) to dictate and dominate and silence dissenting voices in the country; rather than meeting the needs of the people of Nigeria (Rahman, 2000; NNHRC, 2007, 2017).

Therefore, the apparent lack and failure of national, regional and international adequate, effective and enforceable mechanism only serve to encourage punitive behavior on the part of state parties and its international perpetrators; while knowing fully well that there will be no such accountability or consequences for human rights violations for their actions including those committed by the oil and gas multinational companies (NNHRC, 2007, 2017; IYC, 1998; Saro-wiwa, 1995; NIALS, 2010; Eguruze, 2016).

Its therefore arguable, that in the absence of robust and effective judicial or legal remedies to curb such blatant human rights violation by state parties; it could only serve as a recipe or aid to encourage such repetitive pattern of human rights violations under the cover of universal sovereignty by state party in the name international jurisdiction even though state parties are signatory to such regional and international treaties of which often state parties do Scot free under the disguise and pretext of international

jurisdiction (Amnesty International 2008; NNHRC, 2007, 2017; NIALS, 2010).

According to the words of Professor Ayo Ajomo of the Nigerian institute for advance legal studies (Lagos), a communiqué presented on the 23<sup>rd</sup> June 2010 titled: Roundtable on Nigeria Human Rights –UNCAT: an Omnipresent Battle, “Poverty and Ignorance is again identified as being at the root of non challenge of torture and act of violence, under development and empowerment of the people which do usher in strong resistance to act of torture; this includes access to justice which can not be over emphasized in order to fight against human rights abuses or violations, and judges should represent the interest of the poor and vulnerable groups. Therefore, civil society organizations should sustain their efforts in popularizing the provisions of UNCAT and the rise in human rights violations and its obligations” (NIALS, 2010).

This brings us to the whole concept of human rights, democracy, and the rule of law in a global context; unequivocally the concept of human rights is seen as the protection of human beings (the poor, disabled and the vulnerable without discrimination, no matter the color, age, sex, race, religion, political affiliation, creed or nationality) free from slavery, abuse, exploitation, torture, cruelty, inhumane treatments and the rights to life from tyrannical governments all over the world stemming from the tyranny of world war one and two some decades ago which was guaranteed by the United Nations (UN) charter in 1945 and the Universal declaration of human rights (UDHR,1948) including its subsequent international treaties (ICCPR, 1966; ICESCR, 1966; ICHRFF.1950).

This was in response to terrible human tragedy and antecedences of the past, while it encourages global citizenship participation in social, cultural, economic, political governance in their country (otherwise known as: democracy); whilst observing and obeying the rule of law no matter your status or nationality (UN Charter, 1945; UNCHR, 1948; ICCPR, 1966; ICESCR, 1966). Otherwise it could be fair to say that without enforceable powers and international legal mechanism autocratic states or regimes will scot free under the guises of universal sovereignty or international jurisdiction, therefore; it is equally fair to say that the introduction and establishment of the international criminal court (ICC) and the international human rights commission (IHRC) should have the judicial supernatural powers and authority to determine the outcome of such genocidal criminal acts. Therefore, it is imperatively prudent enough to determine

whatever the outcome of any such criminal prosecution arising from crimes against humanity or genocidal act without any international jurisdiction (such as: Kosova, Sudan, Rwanda, DRC, Liberia, Sierra Leone) otherwise it will only serve as recipe and beacon of encouragement for further violations; especially by state actors and perpetrators (Amnesty International, 2008; Rehman, 2003).

#### **1.4. Nigeria Colonial Linkage:**

Historically, Nigeria was an imperial colonial British colony from 1805 when it was first discovered by the Mungo Park (Scottish explorer) who died at Bussa when his boat was attacked by local inhabitants at River Niger in January 1806. After his death, Richard Lander and John Lander (otherwise known as: The Lander Brothers) took up the expedition of the Niger River through Bussa in 1830 to determine the course or source of River Niger and they eventually landed or arrived at Badagry present Lagos state of Nigeria, and they down streamed their expeditory journey through River Niger onto River Benue to River Nun through to the Niger Delta region of Niger. However, by 1831 they (Richard Lander and John Lander) returned to Britain; although by 1832 Richard Lander returned to the Niger Delta (present day Nigeria).

Following this epistemological imperial colonial British adventures and expedition of the Niger River leading to the colonization of Nigeria, no such history will be completed without the significant role played by King Jaja of Opobo of Bony kingdom in present Rivers state of Nigeria; who was arrested and exiled in 1869 by the British. King Jaja was born in 1821; he was a slave child adopted and cultured by the Ijaw (Igbani) people; and rose to become the head of Anna Pepple household who were merchants in the palm oil trade. However, he became separated from the pepple household after a bitter dispute with Manila Pepple household led by Koko Jumbo; as such King Jaja was compelled to move away to the east of Bony some 25 miles away to Opopo city.

On his arrival he was arrested on board the vessel and shipped to Accra (Gold Coast) present day Ghana and tried, then later shipped to London; later taken to Saint Vincent and then later to Barbados in the British West Indies. However, in 1891 he (King Jaja) was granted amnesty and given permission to return home (Opopo Land); whilst he was on his way or route to Opopo he died. Following his (King Jaja) demise and death the

power and authority of Opopo state rapidly declined.

During his (King Jaja) reign, he had several dispute with the colonial British authorities over the monopolization of the palm oil trade; with the British controlling fourteen of the eighteen of the Bony palm oil trade houses. As such, King Jaja disagreed with such arrangements; so he subsequently blocked access to British palm oil trade merchant houses and also deny or refused ceasing of taxation to the British whilst he directly shipped palm oil produce to Liverpool effectively cutting off the middle men from benefiting or profiteering from the oil trade.

As a result, he (King Jaja) was invited by the British Vice Consul (Henry Hamilton Johnson) for negotiation in 1887; but on his arrival; he (King Jaja) was kidnapped or arrested and was shipped to “Accra Gold Coast” (present day Ghana) and tried or prosecuted for treason (but was found not guilty) but still he was later taken or shipped to imperial colonial Britain (London) and later sent on exiled to the British west Indies (Saint Vincent and Barbados) King Jaja died on his way home after he was granted permission to return to his home country in 1891.

And by 1885 the Niger Delta region of Nigeria became a protectorate of the Colonial British Empire (known as) the “Oil River Protectorate” by Sir George Taubman Goldie (former Governor: Royal Niger Company) when he amalgamated all British oversea economic explorative ventures in Nigeria from “United Africa Company” (UAC) changed its name to “Royal African Company” (RAC) in 1885, which later became the “Royal Niger Company” (RNC). However, the head quarter of “Royal Niger Company” was raided by King Fredrick William Koko (The Mingi VIII of Nembe) present Bayelsa state of Nigeria (otherwise known as the War) on the 29 January 1885 with over a thousand men, 22 canoes . The Niger Delta region remained a British protectorate until the amalgamation of Nigeria (between the north, west, east and southern protectorates) leading to the creation of the Nigeria state in 1914 by Lord Lugard (Britannica, 1960).

After the amalgamation and the creation of the Nigeria state in 1914, the country was initially partitioned or divided into three major geopolitical and ethic religious lines thereby creating three geopolitical regions; shared amongst the three indigenous majority tribes across ethnic linguistic and religious lines for example: North region (Hausa-Fulani); Western region (Yoruba); Eastern region (Igbo) while other minority ethnic

groups or tribes are be ignored or sidelined (thereby creating hegemony amongst various ethnic groups/nationalities). In retrospect, Nigeria remained a colony of the imperial British Empire until its independence on the 1<sup>st</sup> of October 1960; this suggest that the Nigeria state is relatively a new country; and in fact it has only been in existence for hundred and seven (107) years. After its independence in 1963, the country became a sovereign republican state (meaning a sovereign nation state); of which in addition; Midwestern region was added to the previously existing three regions in 1983: making it four regions comprising - North (Hausa- Fulani); West (Yoruba); East (Igbo); and Midwest (Edos).

Presently, Nigeria is seen as the most populous and ethnically diverse country in Africa in terms of population density and ethic composition; it has a population of over 200 million, 250 languages, and over 500 dialectic languages spoken amongst its citizens; amongst which (are: Hausa-Fulani; Yoruba; Igbo; Ijaw; Tivs; Edo; Ibibio; Efik; Urhobo; Iskoko; Itshekiri; Ogoni; just to name a few) although there are three main languages spoken (otherwise known as “WAZOBIA” representing Hausa-Fulani; Yoruba; and Igbo; respectively which in its self politically divisive and highly politically and legally discriminatory and highly contentious contrary to the 1979 and 1999 constitution (as amended).

Section 14 (3) *“The composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria, and the need to promote national unity; and also to command national loyalty thereby ensuring that there shall be no predominance of persons from few state or from few ethnic other sectional groups in that government or in any of its agencies”*. (4) *“The composition of the Government of the state, a local government or council or any of its agencies of such government or council conduct of its affairs shall be carried out in its fairs in such a manner as to recognize the diversity of the people within the area of authority and the need to promote a sense of belonging and loyalty amongst all the people of the federation”*. Section 15 (1) *“The motto of the Federal Republic of Nigeria shall be unity, faith, peace and progress”*. (2) *“Accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association*

*or ties shall be prohibited”.*

This is also against national unity (Unity, Peace and Progress) towards one brotherliness or brotherhood; all living separately with different national entities. Nigeria is also seen as having the largest economic in Africa with its rich natural economic resources (oil and gas) exploration, production and export, including other natural mineral resources; and technical labor manpower supply (workforce). As such, Nigeria is also a member of the “Organization of Oil Producing and Exporting Countries” (otherwise known as OPEC). As a result, Nigeria is also seen as the 10<sup>th</sup> oil producing and exporting country in the world according to the (World Bank, 2018; Eguruze, 2017; Jekayinka, 2002).

### **1.5. Nigeria Geopolitical Zones:**

Nigeria had her independence on the 1<sup>st</sup> of October 1960 from its imperial colonial masters (Britain), and became a republic in 1963 was politically shared and shaped by three dominant geopolitical zones amongst three major ethnic groups along ethno-tribal between the North, West and East, otherwise known as: Northern zone (Hausa-Fulani); Western zone (Yoruba); and Eastern one (Igbo); these comprises the three traditional colonial regions when Nigeria was amalgamated or created by the British imperial powers in 1914. However, after it became a republic in 1963 an additional regional zone was created or added to traditional geopolitical zones (Midwestern zone) dominated by the Edo speaking ethnic groups; making it four geopolitical regional zones (North) dominated by the Hausa-Fulani; (West) by the Yoruba; (Midwest) by the Edos; and the (East) by the Igbos (Ogbodo et al, 2014; Eze et al, 2014; Boro, 1982; IYC, 1998; Osaghea, 2001).

This traditional or tribal geopolitical zonal system is been polarized or driven by internal or inter tribal geopolitical interest rather than the general interest of the country as a whole, as a result; this hamper the general unity, progress and development of the country as each interest groups are primarily vowing for regional dominance, prominence, and control rather than the generality or inclusivity, of social economic and political participation of all minority groups within their geopolitical zones or regions. As a result, before the independence of the country and after its independence between 1950s and 1960s; and thereafter the 1963 general election of premier (prime minister) Sir Abubakar

Tafawa balewa saw the emergence of political sectionalism and disunity amongst various political parties and stakeholders between rival groups and ethnic nationalities which he call for national unity during his election campaign in 19963/64 general election on the 30<sup>th</sup> December 1964; although the election did not hold until March 18<sup>th</sup> 1965 due to regional political electoral boycott by regional political parties in December in 1964 (Britannica, 22).

For example: in the Northern region (Hausa-Fulani) was dominated by the Northern Peoples Congress (NPC) led by Ahmadu Bello; Western region (Yoruba) dominated by the Action Peoples Group (APG) which started as Yoruba Youth Cultural Group, led by Chief Obafemi Awolowo in 1948; Eastern region (Igbo) was dominated by the National Council of Nigeria and Cameroon (NCNC), which later change its name to National Council of Nigeria Citizens (NCNC) led by Dr. Nnamdi Azikewe; although there are other smaller registered political parties like the United Middle-belt Congress (UMC), the United Nigeria Independence Party (UNIP), the Borno Youth Movement (BYM) and host of others (Ogbodo et al, 2014; Eze et al, 2014; Boro, 1982; IYC, 1998).

The independence movement saw the emancipation political parties in Nigeria, particularly in the Easter region following internal bickering by minority groups within the party (NCNC) due to the massive ethnic diversity or composition of the region. Retrospectively, this was rightly envisaged by colonial Britain at the time; as such a parliamentary commission was setup by the British House of Common called the “Willink Commission ” in 1956; which was headed by Sir Henry Willink to specifically carry out investigation concerning the needs, fears, and concerns of the indigenou ethnic minority people and communities in the Niger Delta under the eastern regions particularly those within the Niger Delta region under the eastern administration (Willink Report, 1958; Osaghea, 2001; Boro, 1998; Ogbodo et al, 2014; Eze et al, 2014).

Consequently, the commission (Willink Commission Report) presented and published its findings or report to the British parliament with the following assertive objectives and recommendations in 1958; stated as follows:

1. The problems of Nigeria (Minority concerns) particularly in the eastern region cannot be solved by the creation of more or new states
2. Fundamental Human Rights (FHR) should be entrenched into the 1960 federal

constitution of Nigeria, so as; to safeguard the interest of the minority groups in the Eastern Region (Niger Delta).

3. The police should be under the control of the federal government
4. Minority areas should have special administrative councils
5. There should be special development board for the Niger Delta region.

These (Willink Commission Report, 1958) recommendations were adopted and enshrined into the 1960 and was reaffirmed in the 1963 federal constitution of Nigeria until it was undemocratically and unlawfully abolished and removed by military dictatorial regimes (do rule by decrees, and not by democratic rule base system) of the military government at the time under the 1979 and 1999 constitution as amended (Willink Commission Report, 1958; IYC, 1998; Saro-wiwa, 1995; Boro, 1982; Eguruze, 2017).

Despite these cogent legislative recommendations, Nigeria continued to be ravaged or plagued with ethnic or tribal, cultural, socio-economic, and political mischief's and ethno-political ideologies; based on tribalism or tribal sentiments, favoritism, nepotism, and corruption. According to the Nigerians scholarly group, Nigeria problems are been identified as: (a) **Revenue allocation**, (b) **Minority problems** (c) **Creation of state** (d) **Issues of secession "Self-determination"** (e) **Boundary disputes** (i) **Federal character** (j) **Power sharing** (k) **Corruption and Tribalism, favoritism, and nepotism** (l) **Acceptable census figures**. Available at <http://www.nigerianscholar.org> accessed: 20/09/21.

Currently Nigeria is divided into six (6) geopolitical zones or location, excluding the Federal Capital Territory (FCT) Abuja; namely: 1. North Central; 2. North East; 3. North West; 4. South East; 5. South West; 6. South South; comprising thirty six (36) states; which are:



Figure 1: Map of Nigeria Geopolitical Zones and States

Source: Federal Republic of Nigeria (ministry of information (2021)

Also available at: [www.nigerianscholar.org](http://www.nigerianscholar.org)

Table 1: Outlining Nigeria Geopolitical Zones

N0:	Geopolitical Zones:
1	North Central (NC)
2	North East (NE)
3	North West (NW)
4	South West (SW)
5	South East (SE)
6	South –South (SS)

Source: Federal Ministry of Information (FMI, 2021)

Table 2: Outlining Nigeria Geopolitical Zones and States

No:	Geopolitical Zones:	States:
1	North Central (NC)	Benue, Kogi, Kwara, Nassaeawa, Niger, Plateau Federal Capital Territory (FCT) Abuja
2	North East (NE)	Adamawa, Bauchi, Borno, Gombe, Taraba, Yobe
3	North West (NW)	Jigawa, Kaduna, Kano, Kastina, Kebbi, Sokoto, Zamfara
4	South West (SW)	Ekiti, Lasgos, Ogun, Ondo, Osun, Oyo
5	South East (SE)	Abia, Anambra, Ebonyi, Enugu, Imo
6	South – South (SS)	Akwa-Ibom, Bayelsa, Cross Rivers, Delta, Edo, Rivers

Source: Federal Ministry of Information (FMI,2021) also available at:

<http://www.nigeriascholar.org>

Table 3: Outlining Nigeria Geopolitical Zones, States and Capitals

No:	Geopolitical Zones:	States:	Capitals:
1	North Central	1. Benue 2. Kogi 3. Kwara 4. Niger 5. Nassaeawa 6. Plateau Total: = 6 (states) Excluding: federal capital territory (FCT) Abuja	Makurdi Lokoja Ilorin Minna Lafia Jos
2	North East (NE)	1. Adamawa 2. Bauchi 3. Borno 4. Gombe 5. Taraba 6. Yobe Total:= 6 (states)	Yola Bauchi Maiduguri Gombe Jalingo Damaturu
3	North West (NW)	1. Jigawa 2. Kaduna 3. Kano 4. Kebbi 5. Sokoto 6. Zamfara Total: = 6 (states)	Dutse Kaduna Kano Birnin Kebbi Sokoto Gusau
4	South West (SW)	1. Ekiti 2. Lagos	Ado Ekiti Ikeja

		3. Ogun 4. Ondo 5. Osun 6. Oyo Total: 6 (states)	Abeokuta Akure Oshogbo Ibadan
5	South East (SE)	1. Abia 2. Anambra 3. Ebonyi 4. Enugu 5. Imo Total: 5 (states)	Umuahia Awka Abakaliki Enugu Owerri
6	South – South (SS)	1. Akwa-Ibom 2. Bayelsa 3. Cross Rivers 4. Delta 5. Edo 6. Rivers Total: = 6 (states)	Uyo Yenegoa Calabar Asaba Benin City

Source: Federal Ministry of Information (FMI, 2021) also available at:

<http://www.nigerianscholar.org>

Table 4: Outlining Nigerian Past and Present Political Leaders and Heads of States, and their Geopolitical Zones from 1963 - date

No:	Name:	Career:	Date:	Geopolitical Zones:
1	Dr. Nnamdi Azikiwe	President: National Council of Nigeria and Cameroon(NCNC)	1963 - 1966	South East (SE)
2	Sir. Abubaka Tafawa belewa	Prime Minister: Northern People's Congress (NPC)	1963 – 1966 (deposed)	North East (NE)
3	Major General Johnson Agui Ironsi	Head of State (military coup)	16/1/1966 – 29/7/1966	South East (SE)
4	General Yakubu Gowon	Head of State (military coup)	11/8/1966 – 29/7/1975 (deposed)	North Central (NC)
5	General Muritala Mohammed	Head of State (military coup)	29/7/1975 – 13/2/1976	North West (NW)
6	Major General Olusegun Obasanjo	Head of State (military coup)	13/2/1976 - 1/10/1979	South West (SW)
7	Alhaji Shehu Shagari	President: National Party of Nigeria (NPN) deposed by (military coup)	1/10/1979 – 31/12/1983	North West (NW)
8	Major General Muhammadu	Head of State (military coup)	31/12/1983 – 27/8/1985	North West (NW)

	Buhari			
9	General Ibrahim Babagida	Head of State (military coup)	27/8/1985 – 26/8/1993	North Central (NC)
10	Chief. Ernest Shonekan	Interim Head of State (deposed by military coup)	26/8/1993 – 17/11/1993	South West (SW)
11	General Sani Abacha	Head of State (military coup)	17/11/1993 – 8/6/1998	North West {NW}
12	General Abdulsalami Abubakar	Head of State (military coup)	8/6/1998 – 29/5/1999	North Central (NC)
13	Chief. Olusegun Obasanjo	President (retired military) People's Democratic Party (PDP)	29/5/1999 – 29/5/2007	South West (SW)
14	Alhaji Umaru Musa Yar Adua	President (retired military): Peoples Democratic Party (PDP)	29/5/2007 – 29/5/2010	North West (NW)
15	Dr. Goodluck Abele Jonathan	President: Peoples Democratic Party (PDP)	5/5/2010 – 29/5/2015	South – South (SS)
16	Alhaji Muhammadu Buhari	President (retired military) All Progressive Congress (APC)	29/5/2015 - date	North West (NW)

Source: Researcher Design adopted from Federal Ministry of Information (FMI, 2021; Ogbodo et al, 2014; Eze et al, 2014).

Also available at: [www.nigerianscholar.org](http://www.nigerianscholar.org)

The Pattern of Inequality in Human Development across Nigeria's Six Geopolitical Zones (Department of Economics, Caritas University, Enugu States).

As noted, above in Table 1: comprises six geopolitical zones are analyzed, according to their geopolitical zones, which are North Central (NC); North East (NE); North West (NW); South West (SW); South East (SE) and South – South (SS); excluding the Federal Capital Territory (FCT) Abuja. The implications of these quizzier geopolitical zones are seemly pointing to the dominance of the North elites, therefore; the prima facie of this could be based on social, economic, and political terms in relation to resource control, exploitation, allocation and distributions regardless of the huge socio-economic contributions from other geopolitical zones (South West; South East) particularly by the South, South geopolitical zone. Event though, the South, South contributes substantially from it's verse natural economic resource (oil and gas) to the national economic growth (wealth); yet the South, South geopolitical zone is the smallest geopolitical zone and is most marginalized and deprived zone or region in terms of social, economic infrastructural development (Eguruze, 2016:3, 2017). Despite the fact, that the Nigeria state derives its wealth (over 85% percent of its national oil revenue and over 98% of her foreign earnings from oil and gas exploration (Khan, 2001; Forrester, 1995; Eguruze, 2016:3, 2017). This is perceived as part of the elements of social and economic rights marginalization and deprivation and therefore social injustice.

Available at: <http://www.sahistory.org>

As noted in table 4 above, in analyzing the entire leadership list of Nigerian leaders. 29/05/15 – date) since its independence in 1960/1963 (when the country became a republic state – free from colonial rule) its shows the following paradigm: apart from President Dr. Nnamdi Azikiwe from South East, 1960 – 1966; major General Johnson Aguiyi Ironsi 16/01/66 – 29/07/66 from the South East, General Olusegn Obanssanjo 14/02/76 – 30/09/79 from the South West, also there two caretaker or interims heads of States: caretaker or interim head of states (Ernest Shonekan 27/08/73 – 16/11/73 South West, and President Dr. Goodluck Abele Jonathan 5/5/2010 – 29/5/2015 from (South – South) geopolitical zone. All others, nine (9) political leaders and military head of states

are from the Northern zones; two (2) from South East; and two (2) from the South West; while only one (1) from the South – South geopolitical zone.

This paradigm shows clear disparities in inequality in terms of socio-economic and political participation in the country; whilst ethno politics, and nationalism is strife based on tribalism, nepotism, favoritism, and individualism; which are often encouraged by bribery, corruption, and controlled by Cabal, juntas, and mafias' (Willink Report, 1958; Osaghea, 2001; Boro, 1998; Ogbodo et al, 2014; Eze et al, 2014). As noted in table 4 above, these zones were critically in the sharing of Nigerian socio-economic resources; therefore there are always circumspect or suspicion of resource economic exploitation and political dominance of the northern political elites to serve as a tool to undermine socio-economic, political, and infrastructural development of other geopolitical zones or regions (Boro, 1982; Eze et al,2014; Osaghea, 2001; Eguruze, 2016).

In retrospect, this bring to the words of Ojo (2017), “The British colonial administration fashioned on uneven and lopsided Nigeria federation wherein majorities and minorities different shades, categories and sizes, while there seems to be no doubt that Nigeria ethnic minorities have been sidelined, oppressed, traumatized and brutalized in all facet of national life; available literature on Nigeria (national question) has over dramatized the gains of minorities and the pains of minorities”. Also available at: <http://doi.org/10.1007/978-3.3>

## **1.6. Nigeria National Constitutional Framework**

Constitutionally, Nigeria has had nine (9) constitutions since its creation or amalgamation in 1914; namely: 1914, 1922, 1946, 1951, 1954, 1960, 1963, 1979, and 1999 (as amended). However, for epistemologically reasons or purposes one might say only the post independent constitutions might be considered as been valid as others will be considered as pre-colonial; even though the 1960 constitution was drafted before the independence of 1960. While the constitutions of 1963, 1979, and 1999 constitutions will be cultivated by this paper, however; undoubtedly only the 1963 constitution would be politically and legislatively be considered as been legitimate or having the political mandate as it was supported by both side of the legislative houses of parliaments.

This is because in its constitutional provisions under chapter one, Section 5, subsection (3) and (4) particularly subsection (4) *“for the purpose of this subsection been for an Act to effect an alteration in respect of which the procedure described in paragraph (a) and (b) thereof it be required to be followed, shall not come into operation unless (a) “a resolution should be passed by each legislative house of at least two region signifying consent to its having effect”, and (b) “ a resolution upon the question whether the Act should have effect has been held in pursuance of the provisions made in that behalf by parliament in every part of Nigeria that would be comprised in a new region or transferred from one territory to another, as the case may be ; at which the persons entitled to vote were the persons who at the date of the referendum were entitled to vote in any constituency in that part of Nigeria; established under section 51 of this constitution and at which at least three-fifth/fifties see previous quote of all the persons who were entitled to vote at the referendum voted in favor of the Act”*; while all other Constitutions (1979, 1999) were drafted under military decree or dictatorship by the military government at the time ( The Federal Constitution of Nigeria, 1963).

Therefore, is fair to say; it is all too important that such constitutional documents should be drafted, rectified and imposed upon by the military juntas without any public or political consultation or participation of its citizens. As a result, both (1979, and 1999) constitutions were not genius enough to make reasonable provisions for public affirmation or reaffirmation or referendum (giving the people the right to have a say how they are governed) which is contrary to international political norms and democratic principles according to UN Charter (1945) particularly on the issue of “Self-determination” under article 1(2) including other international and regional treaties under international law (ICCPR, 1966; ICESCR, 1966; UDRIP,2007; ACHPR, 1981).

Despite this constitutional inadequacy, inconsistencies, and infectivity both the (1979 and 1999) constitutions were unceremoniously impose and forced through by the military juntas with assertion under Chapter 1(1) *“This Constitution is supreme and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria”*. 1(3) *“If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, are void”*. As a result, the present 1999 constitution (as amended) has no constitution

provision for “**Minority Rights**”, to “**Self-determination**”, and “**Resource Control**”; contrary to the provisions of both the UN Charter (1945) and African Charter (1981). But still, it was adopted by the present Nigeria political parties and political elites in the so called democratic dispensations of the “Third Republic”; no wonder why there are so many political, social, economic and cultural discourses in the country; particularly by this present political administration of President Muhammadu Buhari (a former military junta and military head of state) returned to power after the 2015 general election under the platform of the All Progressive Congress (APC).

Consequently, the country is being ravaged by insecurity, banditry, insurgency, militancy, kidnappings, terrorism, criminality, and political agitations (for self-determination and resource control) has become the order of the day with no end in sight; perpetrated and made worst by bribery, corruption, nepotism, favoritism, tribalism’s, ethnic nationalism and hegemony; particularly those from the minority regions (south east, and south, south) geopolitical zones of Nigeria (Akpan W, 2007; Ayokhai, F.E.F, 2015; Ojo, E.O, 2017; Akpan, N.S. and Akpabio, E.M. 2003; Alapiki, H.E. 2014; Ukaogo, V. 2009).

This constitutional inadequacy did exemplify itself in the following ways and methods: (1) **chapter 2 section 14.1 (a)** “*Sovereignty belong to the people of Nigeria, where the government through this constitution derives all its powers and authority*” (but in reality that is not the case: where public protest, freedom of speech, public referendum, assemble, expression or any other form of public decent is not allowed). **Section 14.1(b)** “*The security and welfare of the people shall be the primary purpose of government*” (in reality, that is not the case: where insecurity, militancy, insurgency, terrorism, kidnapping and other forms of criminality, and state arbitral killings is actively encourage by state and political elites).

**Section 14.1 (c)** “*The participation by the people in the government shall be ensured in accordance with this constitution*” (in reality, that is not the case: where there are no public referendum and consultation is not allowed). **Section 14.1(3)** “*The composition of the government should promoted national unity, and there should be no predominance of any sectional or ethnic group or nationality*” (in reality, that is not the case: where ethnic nationalism, tribalism, nepotism, and favoritism are actively encouraged by the political

elites). **Section 14.1(4)** *“The state or federal appointments of public and political office holders should reflect the ethnic diversity and composition of the federal character of the federation”* (in reality, that is not the case: appointment of public office holders are predominately from the northern geopolitical zones, highly influenced by the political elites).

**Section 15(1)** *“The promotion of national unity should be based on the motto: unity, faith, peace and progress”* (in reality, that is not the case: where ethnic, or tribal disunity and minority hegemony is actively encourage by state and political elites in creating ethnic discourse and disunity amongst ethnic nationalities). **Section 15(2)** *“Prohibits all forms of discrimination on the basis of sex, race, color, ethnic background, religious and political affiliation, language, disability, and nationality”* (in reality, discrimination is actively encouraged by government officials, states and political elites).

**Section 5(3)** *“States should abolish all forms of corrupt practices and abuse of power”* (in reality corruption and abuse of power is actively encouraged by government officials, political office holders, state official and political elites). **Section 16.1 (a)** *“State should harness national economic resources, and promote national prosperity”* **(b)** *“and should secure and ensure the provision of welfare, freedom and happiness of every citizens on the basis of social justice, equality of status and opportunities”* (in reality, that is not the case: where national resources (land, oil and gas blocs) are been allocated and shared among the political elites, including: so called cabals, juntas and mafias at the expense of the nation; and had been actively encouraged by states).

**Section 16.2(b)** *“that the material resources of the nation are harnessed and distributed as best possible to serve the common good”* (in reality the material resources are been allocated and shared to benefit minority few who are amongst within their political class and associates). **Section 16.2(c)** *“that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group”* (in reality the wealth of the nation is in the hands of few political elites and their associates, which actually

encourages corrupt practices and corruption).

Accordingly under **Schedule V, part 1**. Code of Conduct for Public Officers in general:

**Section 3** *“The President, Vice-President, Governor, Deputy Governor, Ministers of Government of the Federation, Commissioners of Governments of states, members of National Assembly and the Houses of Assembly of the States, and such other public officers or persons as the National Assembly may by law prescribe shall not maintain or operate a bank account in any country outside Nigeria”* (this in reality ,is not the case, rather its encourages the operation of foreign bank account outside Nigeria, where corruption and looting of national treasure is actively encourage by the state parties).

However, arguable it is fair to say there are limited democratic principles, rights and values base on socio-economic rights either objective or direct in the 1999 constitution (as amended) particularly; chapter four: “Fundamental Human Rights” namely:

- Right to life
- Right to dignity of the human person
- Right to fair hearing
- Right to private and family life
- Right to freedom of thought, conscience, and religion
- Right to freedom of expression and press
- Right to peaceful assembly and association
- Right to freedom of movement
- Right to freedom from discrimination on grounds of ethnicity, place or origin, birth, language, race, sex, religion, disability, political affiliation or belief or opinion.
- Right to judicial redress, remedy or compensation for property compulsorily acquired, damaged, false imprisonment, or injuries sustained by security operatives.
- Free and compulsory education
- Adequate health care and gainful employment
- Food, shelter
- Right to marry etc.

However, in practice these rights are subjective; and are therefore subject to interpretations which are purely or basically cosmetic and are often flaunted by government officials and state security operatives; which brings me to the point that *“Nigeria is a signatory to both all regional and international treaties and conventions but never observed or implement any”* (NNHRC, 2017).

### **1.7. Nigeria International Legal Obligations under Article 1(2) on “Self-determination” of the 1945 UN Charter:**

Nigeria is a signatory to several regional and international treaties and conventions, and as such; Nigeria is expected to observe and implement these regional and international treaty obligations and legal instruments according to international law. This includes: the UN charter of 1945 particularly article 1(2); UNDHR, 1948; ICCPR, 1966; ICESCR, 1966 under article 1(1),(2) and (3); UNDIPR, 2007 article 3, 4, and 5; ACHPR, 1981 under article 20 (1), (2)and (3); 21 (1),(2) and (3) respectively. But rather, Nigeria attitude towards these universal or international democratic acceptable rules and norms are grotesquely selective, cosmetically contestable for which its activities and system of governance rather seems to be mafiaric in nature; whilst applying the rules of cabalism (political elites), juntarism (military juntas) and mafiarism (mafias): rules of the jungle based on feudalism or (quasi authoritarianism) not conforming to democratic principles, norms, or rule of law. Instead of safeguarding and protecting democratic principles, values and norms (human rights) in so called democratic country (no wonder the minimum constitutional academic or educational standard qualification required to run for political office is primary or first school leaving certificate) according to the federal constitution of Nigeria 1999 (as amended).

However, it remained to be seen whether Nigeria is truly a democratic country where arbitral arrest and extra judicial killings by state security apparatus has become the norms ; while political prostitution is allowed (where political candidate or elected representatives will stand on a party platform, and after election, elected candidate will defect to another political party with his/her votes or mandate without the consent of the people; contrary to democratic principles, practice and norms) this statement is acknowledged by the National Human Rights Commission (NNHRC, 2017).

### **1.8. The Niger Delta Region of Nigeria:**

Geographically, the Niger Delta region of Nigeria is unique as it is geographically located at the tip of the Atlantic Ocean (otherwise known as the gateway to the Atlantic Ocean) by the Gulf of Guinea at the tip of River Niger in the Southern part of Nigeria (politically known as the south, south: the sixth geopolitical zone); and it serves as the gateway to all coastal area of Nigeria. Officially, the federal government have defined the region as occupying over 70,000 kilometer (27,000 sq miles) which is about 7.5% percent of Nigeria land mass; comprising of nine (9) indigenous states, namely: Akwa-Ibom; Bayelsa; Cross Rivers; Delta; Edo; Ondo; and Imo state. The region is densely populated according to the Nigerian population borough (census) over 31-45 million people across the nine (9) states, comprising more than 40 indigenous ethnic groups with over 250 different ethnic dialectic languages spoken amongst several ethnic groups (just to name few: Akkassa; Annags; Benin; Brass; Bony; Effik; Esan; Iaw; Itsekiri; Ilaje; Isoko; Ibibio; Igbo; Ikwere; Ogoni; Ogbia; Kalabari; Yoruba) across in the region (Osaghea, 2001; Boro, 1982; Alagoa et al,2009).

**Historically**, the region is known as the “Oil River Protectorate” during the colonial time or ere after the Akkassa raid (war) of 1885 with the British; it remained a protectorate until it was expanded and renamed as “Niger Coast Protectorate” in 1893 until the amalgamation or creation of the Nigeria State in 1914. **Socio-economically**, the region has been economically viable and rich in natural economic resources and minerals: including natural gas, petroleum, palm oil, cotton; agriculture; marine life; flora, wild green vegetation etc; the region is otherwise known as the gateway for the Nigeria oil and gas sector trade (Boro, 1982; IYC, 1998: Asari-Dokubo, 2005; Oronto Douglas and Okonta, 1995).

It has been the epic centre for Nigeria oil and gas exploration, production and export since oil was first discovered in Nigeria at Oloibire (Ogbia) present Bayelsa state in the Niger Delta region by Shell Petroleum in 1956, and by 1958 it commenced full commercial operations that was even before Nigeria had its independence on the 1<sup>st</sup> of October 1960 (Osaghea, 2001; Boro, 1982; IYC, 1998; Eguruze, 2016). It produces about 2-3.5 million barrels of oil per day excluding natural gas, whilst accounting for about 95% percent of Nigeria foreign earning; and about 90% percent of Nigeria GDP making

Nigeria the 10<sup>th</sup> oil and gas producing country in the world and a member of the OPEC (African Development Bank and African Development Fund, 2009).

Yet the region (Niger Delta) remained socially, economically, politically, culturally, and environmentally deprived, marginalized, underdeveloped and disadvantaged in all facets of human development throughout the decades; consequently leading to abject poverty, social and economic deprivation, inequality, social injustice, political marginalization, discrimination, lack of basic infrastructure and environmental degradation etc (leading to high youth unemployment, educational illiteracy, homelessness, youth drug and substance abuse, teenage pregnancies and criminality) according to Amnesty International (2017). However, in recent times the region has become the centre for Nigeria international controversies over human rights violations, resulting to armed agitations by local youths for “Self-determination” “Resource control”, oil and gas exploration and exploitation, pollution, environmental degradation, corruption, militancy, kidnapping, and other acts of criminalities (Oronto Douglas and Okonta, 1995; Osaghea, 2001; Amnesty International, 2008; Eguruze, 2017; NHRC, 2017).

According to Smock (2009), the issue of poverty, neglect, deprivation and underdevelopment in the Niger Delta region is of chronic pandemic proportion, and it has remained the same for over the decades; as such: there has being massive youth unemployment, inadequate educational facilities and the lack of healthcare provisions (including lack of affordable social housing, drinkable water supply, poor transportation and communication system, no rural electrification, environmental pollution and degradation) according to Nigeria National Human Rights Commission (NNHRC,2017; Eguruze, 2016;Osaghea, 2001).

As a result, people and communities within the Niger Delta region feel and believe that there are been disenfranchised and marginalized unfairly politically, socially, culturally and economically by the Nigeria state as compared to the rest of the country (Boro, 1982; Osaghea, 2001; Eguruze, 2016; IYC, 1998; Oronto Douglas and Okonta, 1995). As such, the people and communities of the Niger Delta region (PCNDR) feel they are not part and parcel of the country or Nigeria state; and also given the fact that the region was a colonial British protectorate from 1885 before the amalgamation or creation of the

Nigeria state in 1914 and its independence on the 1<sup>st</sup> October 1960 (Boro, 1982; IYC, 1998).

Therefore, in recognition of these facts; the issue of referendum and the right to freedom of choice and consent (political public consent) was legally enshrined both in the 1960 and 1963 federal constitutions of Nigeria; however contemptuously this right was eroded, broken, violated, and taken away by way of imposition by the Nigerian State through both its 1979 and 1999 federal constitutions of Nigeria (as amended) which was imposed upon by the military juntas (during the military government or era) without any form of democratic mandate or process (public debate, consultation or referendum) by the Nigeria state (Oronto Douglas and Okonta, 1995; Asari Dokubo, 2005; IYC, 1998). No wonder the region and country is been plagued, blighted and ravaged by several social, political and economic antecedence: from social, political, economic, and youth restiveness; including armed agitations for “Self-determination” and “Resource Control”, including kidnapping, oil bunkering, and other forms of criminalities across the Niger Delta over the decades (Osaghea, 2001; Eguruze, 2016; NHRC, 2017).

Ethnically speaking, those ethnic nationalities from the indigenous people of Ijaw speaking ethnic groups or Ijaw nationality or nation of the Niger Delta have come the symbols of the Niger Delta struggle (otherwise know: as the emancipation of the Niger Delta); because in fairness to the region (the people and communities of Niger Delta) were the first to take up arms to challenge the status quo of the Nigeria state on the 23<sup>rd</sup> of February 1966 (know as the “12 day revolution”) with over two hundred men of which one and fifty (150) men were killed: led by major Isaac Adaka Jasper Boro and his comrades (late Nottingham Dick; late captain Samuel Owonoru; late major Nyanayo; late captain Amangla); leading to the declaration of now defunct “Niger Delta Republic” by the Niger Delta Volunteer Force (NDVF) on the 23<sup>rd</sup> February 1966. He (Isaac Jasper Adaka Boro) was also the first ethnic Ijaw national minority leader who took the federal government to Federal High Court (Port Harcourt) present Rivers state for electoral malpractices shortly after the December 1964/1965 federal general election.

Major Isaac Adaka Jasper Boro in his median speech on the 23<sup>rd</sup> February 1966; he declared *“Today is a great day not in your lives, but also in the history of the Niger Delta. Perhaps, it will be the greatest for a very long time. This is not because, we are going to*

*demonstrate to the world what and how we feel about oppression; remember your 70 years old grandmother who still farms before she eats. Remember also your poverty stricken people, remember too your petroleum which being pumped out daily from your vein; and then fight for you freedom”* (Boro, 1982).

Then the Question arises: Who was Isaac Jasper Adaka Boro? He (Boro) was born on the 10<sup>th</sup> September 1938, from “Kaiama” parentage, a graduate of chemistry at the university of Nsukka Enugu old eastern region, a police officer, a soldier, an environmentalist, human rights activist, and Ijaw ethnic nationalist and revolutionary’, he died on the 9<sup>th</sup> May 1968 at Okrika in present Rivers state, while fighting for the federal side in the civil war or conflict. Before the declaration of now defunct “Biafra Republic” on the 30<sup>th</sup> May 1967 by Lt Col Odumagwu Emeka Ojukwu leading to the Nigeria Civil War in the East from 1967 to 1970.

Following the formation of the Niger Delta Volunteer Force (NDVF) and the declaration of the “Niger Delta Republic” during the 12 Day revolution on the 23<sup>rd</sup> of February 1966, his (Isaac Boro) conceptualized philosophical ideology behind the revolution is otherwise known as “**Boroism**”, which is about: human rights, freedom, equity, fairness, justice, peace, unity, empowerment, progress, development, environment protection, and sustainability for the Ijaw nation and the Niger Delta at large (Ijaw been the largest amongst the ethnic minorities in the region, and also the forth largest ethnic group in Nigeria); and it was also in Ijaw land where oil and gas was first discovered by **Shell Petroleum Corporation** in 1956 at Oloibiri (Ogbia) present Bayelsa state of Nigeria in the Niger Delta region which is now the epic centre for Nigeria oil and gas exploration, production, and export and the Niger Delta region at large (Boro, 1982; IYC, 1998; Oronto Douglas and Okonta, 1995).

Consequently, he (Isaac Jasper Adaka Boro) was apprehended or arrested by the Federal state security forces, striped naked and tortured before been taken to the federal supreme high court in Lagos; charged for treason or treasonable felony on the 21<sup>st</sup> June, 1966 (case ref no: JELR 91497 (SC) SC377/66; dated 5/December/1966). The case is presided or adjudicated by Justice: Ademola, Onyeama, and Coker. And their (Isaac Boro and its comrades) defense lawyer was Barrister Graham Douglas, and subsequently; he (Isaac

Jasper Adaka Boro, Samuel Timipre Owonaru, and Nottingham Dick) they were all convicted and were sentenced to death by hanging on the 5<sup>th</sup> December 1966 (Boro, 1982). However, the convicted men (Boro, Owonaru, Nottingham Dick) were on death row awaiting their execution on the 5<sup>th</sup> of December 1967 when the northern-led counter-military coup took place by the elite northern officers of the Nigerian Army led by Col. Yakubu Gowon, (which was masterminded by Col. Muritala Mohammed) on the 28<sup>th</sup> July 1966; that saw the overthrow of the military government of Major General Aguiyi Ironsi (military head of State) who was subsequently killed.

As a result, (Isaac Jasper Adaka Boro, Samuel Timipre Owonaru, Nottingham Dick, and Capt. Amangala) were all given state amnesty (presidential pardon) on the 29<sup>th</sup> May 1967 by Col. Yakubu Gowon (as head of state) in 1967; which eventually led Col. Ojukwu to declare now the defunct “Biafra Republic” on the 30<sup>th</sup> May 1967 that ensued the Nigeria civil war. And subsequently they (Isaac Boro and his comrades) were enlisted into the federal army at the same time of which they fought and died for on the principles and belief for “one Nigeria, one Destiny”. However, despite these problems and challenges in the Niger Delta region; these problems remained the same despite its diversity and complexity of its ethnicity or composition of the region; rather it only help to promulgate ethnic, religious, and political tensions and agitations in recent years in the region (such as; Ogoni crisis in 1995; Kaiama declaration 1998; Odi crisis 1999; Warri crisis 2003; IPOB, 2021) etc.

Therefore, it is a known fact that Nigeria since its independence in 1960 from the colonial Britain; has had eight military coups and military heads of states since 1966; six civilian presidencies of which three are returning ex-military juntas and head of state; while two are interim or caretaker heads of states (Federal Ministry of Information, 2007). Another contentious issue for the Niger Delta region has been the issue of **“Self-determination”** **“Resource Control”** and **“Infrastructural Development”** following the recommendation of the 1958 **“Willink Report”**, however; following the introduction of the **“Land Use Decree/Act 1972** (amended, 1978) which was introduced by Major General Olusegun Obasanjo (Ex-military junta, and head of state, another returning civilian president) promulgated that all land tenure and ownership throughout the

federation belongs to the government of the Nigeria state including all its resources (Oil, Gas, and other minerals) anything found six (6) feet under the soil/land.

This is in direct contradiction of the fundamental principle of human right, democracy, and international law, which the indigenous people of the Niger Delta region believe and feel as a direct infringement and violation of their fundamental human rights not allowed or unable access their ancestral lands and heritage; and it also impedes regional infrastructural development (ICCPR, 1966; ICESCR, 1966; UNDRIP, 2007; ACHPR, 1981). According to Smock (2000) “the problems of Nigeria are best characterized by the failure of imperial amalgamation of the British colonial imperialism with no coherent political and cultural concept or ideology; particularly the issue of underdevelopment”. Therefore, the failure of true federalism in Nigeria; in practice reflects the characterization of the Nigeria federal character for which in contrast marks a sharp disparity in the distribution of national wealth and its economic resources between the north (ethnically Hausa-Fulani); West (ethnically – Yoruba); East (ethnically- Igbo) while the south, south or southern states are deprived, poverty stricken, economically denied of all forms of social, political and infrastructural development (Emesen, 2009).

### **1.9. Research Limitation:**

- This research is significant as a case study specifically to highlight minority rights which underpins the issue of “Self-determination” in the context of (i) regional and international laws under article 1(2) of the UN Charter of 1945, including ICCPR, 1966; ICSECR, 1966; UNDRIP, 2007; ACHPR, 1981; respectively (ii) the Nigerian federal constitution 1999 (as amended). However, it is limited in scope with emphasis and references to the Niger Delta region of Nigeria.
- Since this study is based on case study in relation to the Niger Delta region as regards indigenous minority rights, particularly on the issue “Self-determination”, its findings may not necessarily be appropriate or applicable elsewhere. However, it could open up further research opportunities outside the area on some other subject matter.

### **1.10. Research Gap:**

Subjectively, there has been a wide spread scholarship or scholastic literature on the subject of human rights, and self-determination, particularly on the issue of indigenous minority rights; as well as social economic deprivation; political marginalization, resource exploitation, environmental pollution and degradation. As such, the combined effect of all these have resulted in: high youth unemployment; lack of healthcare provision; lack of affordable social housing; inadequate educational facilities; and infrastructural development; including: drinkable water, roads, transportation system, rural electrification and communication system; amongst others.

Secondly, the rate of violence's and other forms of criminality have increased significantly in the Niger Delta region of Nigeria, such as: terrorism, militancy, resource agitations, youth restiveness, kidnapping, hostage taking, armed robbery, teenage substance abuse, rape, torture and extra judicial killings by the Nigerian state security apparatus or services (NNHRC, 2017; Amnesty International, 2016; Human Right watch, 2017; Osaghea, 2001; Asari-dokubo, 2005). However, there has been several scholarly or scholastic studies conducted in the past namely: Osaghea (2001) examined the problems of the Niger Delta purely from a legalistic perspective, specifically from human rights principle; such as: social justice, and social political narratives with the view of tackling insurrections in the Niger Delta region of Nigeria, While Ike Okonta and Oronto Douglas (2003) argues from a social environmental perspectives but with social economic narratives based on human right values.

Similarly, IYC (2009) emphasis on the social political and economic impact on the Niger Delta region with environmental undertone in relations to environmental pollution, degradation, and resource exploitation; including the lack of basic infrastructure or underdevelopment. While in contrast, Ken Saro-wiwa (1998) narratives were based on environmental protection based on human right perspectives; whilst using social political narratives to tackling environmental issues while emphasizing social economic narrative to tackling poverty and environmental pollutions. Asari Dokubo (2005) conceptual narratives were purely based on social economics with human rights concept in tackling social economic problems with the view of using political platform in promulgating human rights values.

Eguruze (2014, 2015, 2016, 2017), conceptualized framework was based on social economic theory whilst using social marketing techniques to tackling poverty from young people and communities organizational perspectives, while using multi-dimensional approach to improving young people and communities lives in the Niger Delta region of Nigeria. However, despite these regional and international provisions; particularly the UN Charter (1945) under article 1(2) on “Self-determination” including “Minority Right to Self-determination” in relations to article 1(1),(2) and (3) on both ICCPR, 1966 and ICESCR, 1966) the provisions in the federal constitution of Nigeria 1999 (as amended) is inadequate of which the issue of “self-determination” is omitted and outlawed by the constitution under **chapter 1 section 1 (1)** “ *This constitution is supreme and its provision shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria*” (3)” *If any other law is inconsistent with the provisions of this constitution , this constitution shall prevail, and that other law shall, to the extent of the inconsistency; be void*”

**Section 3 .2 (1)** “*Nigeria is one indivisible and indissoluble sovereign state to be known by the name of the Federal Republic of Nigeria*”. Therefore, by these proclamations; it is unlawful to promulgate minority rights for “**self-determination**” (as such, it is a treasonable offense) even though Nigeria is a member of the United Nations and a signatory to the UN charter and other international treaty conventions. Yet this area of study is still under studied in the context of the Nigeria Niger Delta region, therefore; it’s highly critically important that this study will bring to the fore this all too important contemptuous and contestable debate on the issue of “Self-determination” as regards fundamental human rights as a matter of jurisprudent in Nigeria.

Therefore, this study is to help to promote scholarly public social, economic, political and environmental awareness; as well as advancing human rights values in Nigeria particularly in the context of Self-determination in the Niger Delta region of Nigeria

### **1.11. Research Questions:**

- What are the provisions in the Nigeria Federal Constitution of 1999 (as amended) that protect and guarantees indigenous minority right to “self-determination”, as enshrined in the United Nations charter of 1945 under article 1(2) as regard to the Niger Delta region of Nigeria?
- What constitutional review policy recommendations are in place to determine the safeguards of the overall minority rights to “self-determination” in order to ensure the equality of rights and opportunity for ethnic minorities groups and communities, particularly; those in the Niger Delta, and other regions of Nigeria?
- To what extent did the federal constitution of Nigeria 1999 (as amended) guarantees the protection of rights for indigenous ethnic minority groups in the context of social, economic, political, cultural and environment protection and sustainability in the Niger Delta region of Nigeria?

### **1.12. Research Aims:**

- To critique Nigeria human rights values particularly “Minority Right to “Self-determination” under article 1(2) of the 1945 UN Charter: A case study of the Niger Delta region of Nigeria.
- To promulgate general public human rights awareness, whilst promoting human rights principles, values and norms in the Niger Delta region through public lectures, academic journals, debates and other mass media platforms which creating knowledge base awareness of the importance of environmental protection and sustainability; particularly in the Niger Delta region of Nigeria whilst holding perpetrators of environmental pollution and degradation to account.

### **1.13. Research Objectives:**

- To critically examine the 1999 (as amended) federal constitutional provisions in comparison with the international human rights provisions under the 1945 UN Charter under article 1(2), including regional and international treaty convention

on “Self-determination”; particularly those relating minority right to “self-determination” in relation the Niger Delta region of Nigeria.

- To critically analyze Nigeria constitutional human rights provisions in relations to the protection of minority rights, particularly the right to “Self-determination” in the Niger Delta region of Nigeria under the 1999 federal constitution of Nigeria (as amended).
- To examine the Nigerian constitutional safeguards in the protection of minority rights particularly in the Niger Delta region of Nigeria in relation to minority right to “self-determination”.
- To make policy recommendations to policy decision makers, in both public and community groups and organizations, including other stakeholders so as to determine constitutional policy review on constitutional review and policy improvement on minority rights; whilst promoting policy implementation on minority right to “self-determination” , particularly those in the Niger Delta region of Nigeria in conformity with the regional, international legal instruments and obligation according to international acceptable human rights norms; and not just for purely glossy cosmetic purposes .

#### **1.14. Research Contributions:**

- This research will significantly contribute positively towards human rights development in the context of knowledge base development in scholarly literature on the subject of human right and self-determination, particularly in area of minority rights to self-determination in relations to the Niger Delta region of Nigeria; whilst bring to the fore constitution review on the subject; as well as redefining the terminology of “Self-determination” in more contemporary format or broader perspective based on expert knowledge, opinions and analysis; while advocating human rights awareness through media platforms.

- This research will create a better understanding through the researcher's conceptual framework (see chapter 3) which will serve as a tool in human rights development in the context social, economic, cultural, political, and environmental perspective through young people and community participation in human capital development and infrastructural development; whilst empowering communities; particularly in the Niger Delta region of Nigeria.
- Scholastically, this research will significantly impact and enhance human rights development in social and legal studies; while equipping policy decision makers with the fundamental legal knowledge of the subject whilst making policy decision on human rights matters particularly on the issue of "Minority rights" and "self-determination".

### **1.15. Outline of the Study:**

Chapter One: **Introduction** - focuses on the Introduction of the study and its outline – title, the problems, background of the study, research aims, objectives, research questions, scope and limitation, its contribution to knowledge development.

Chapter Two: **Literature Review** - will focus on literature review, it will explore, examine and evaluate various academic literature from leading academics on the subject of human rights and self-determination, based on the 1945 UN charter under article 1(2); also other regional and international legal instruments e.g. ICCPR (1966); ICESCR (1966); UNDRIP (2007); ACHPR (1981); and the 1999 Federal Constitution of Nigeria (FCN, as amended). This also includes legal experts, social and political advocates, and as well as environmental activist; it will also consult various academic textbooks, journals, E-book's and other form of social internet, and multi-media platforms.

Chapter Three: **Conceptual Framework** - focuses on the conceptual framework of the study, culminating design, knowledge, idea, perceptions, and methods of implementation, whilst relating these ideas into a practically workable framework in resolving and solving problems in the field of human rights law.

Chapter Four: **Research Methodologies, Methods, and Discussions** - will focus on methodologies and methods, it will explore various practicable workable methods of data collection based qualitative methods using case study as a secondary source, this means that the most practicable data collection methods will be a mixed method approach culminating literature review and case study design. However, there will be some general discussion on other forms of methodology and methods in order to get full grasps or better understanding of the subject; when using mixed methods design.

Chapter Five: **Data/Case Study Review and Analysis** -will focus on data collection techniques, however; in this study the data collection method will be based on both primary and secondary source (literature review and case study) which will be based on qualitative data collection approach (Interview); and as such will be based on interviewing and interrogating experts opinion on the subject of human rights and self-determination; whilst conforming to academic research ethnics, rules and regulations.

Chapter Six: **Case Study Analysis, Findings, and Interpretation** - focuses on data analysis based on mixed methods approach, using case study as a base to analyze and interpreter its findings or outcome, while dwelling on expert knowledge, opinions, analysis and interpretation without being bias in its final analysis and findings.

Chapter Seven: **Discussions, Contributions, Conclusion, and Recommendation** – will focus on the overall conclusion of the study based on its data analysis and findings, while putting emphasis on the reliability of the data collected and analysis out of it outcome; whilst making recommendation to the issues raised in order to proffer suitable solutions to the problems or contemporary issue of minority rights to “self-determination”, particularly those in the Niger Delta region of Nigeria.

### **1.16. Summary:**

This chapter has clearly lay down the fundamental structure and foundation of this paper both in logical and empirical terms, whilst its emphasis is focused on minority rights to “self-determination” particularly in the Niger Delta region of Nigeria as enshrined in the 1945 UN Charter under article 1(2) on “Self-determination”; including other subsequent regional and international legal treaty conventions (ICCPR, 1966; ICESCR, 1966; UNDRIP, 2007; ACHPR, 1981).

As, such, this study brings to the fore in highlighting the needs and plights of the indigenous people and communities of the Niger Delta, particularly the issue of minority rights to “Self-determination” and “Resource control”, whilst promulgating human rights values, principles and norms in Nigeria; particularly minority rights to “Self-determination” in the Niger Delta region of Nigeria whilst exposing the discourses in the 1999 federal constitution of Nigeria (as amended) in the protection of indigenous minority rights in relations to “self-determination”; and to bring to conformity with the provisions of regional and international legal jurisprudence in a democratic society (ICCPR, 1966; ICESCR, 1966: ACHPR, 1981; NNHRC, 2017)

However, the issue of human rights and minority right to self-determination remained to be resolved despite years of its promulgation by the United Nations in 1945; including other regional and international treaty conventions. Yet technically the Nigeria state is in breach of its regional and international legal obligation under international law, due to its inability or failure to adapt or implement the provisions in the 1945 UN charter on self-determination under article 1(2). Consequently, it remained to be seen how this human rights violations, noncompliance and incompletion can be enforced by the United Nations (NNHRC, 2017; Ukaogo, 2009; Ayokhai, 2015).

**CHAPTER TWO**  
**LITERATURE REVIEW**  
**MINORITY RIGHT Vs SELF-DETERMINATION**

**2.1. INTRODUCTION:**

This chapter is to critically examine and argue the legal tenancy of both national, regional and international law, and to also establish the distinction between indigenous minority and self-determination through legal framework; while at the same time exploring literature review by leading academics, scholars, legal experts, human rights advocates, political analyst, and activist so as to draw well balanced comparative conclusion from its findings without bias within the scope of this research as well as within the context of national, regional and international law through treaty conventions: particularly the 1945 UN Charter; UNDHR, 1948; ICCPR, 1966; ICESCR, 1966; UNDRIP, 2007; ACHPR, 1981; including the Federal Constitution of Nigeria 1999 (as amended) and as well as academic textbooks, journals, and other internet electronic media sources and platforms.

The principles of human rights, values, and norms have become highly continuously contestable, controversial and debatable, particularly the issue of minority right to self-determination amongst nation states, governments, community groups and organizations, legal experts, academic, human rights advocates, political analyst, and activist. Secondly, the literature will try to establish legal premise for jurisprudence on “minority right” and “self-determination” between nation state within the context of regional and international law as stipulated by the 1945 UN Charter under article 1(2); including other regional and international treaty conventions (UNDHR, 1948; ICCPR, 1966; ICESCR, 1966; UNDRIP, 2007; ACHPR, 1981).

Consequently, this controversy; have created systemic hegemony amongst states across regional and international levels thereby flout both regional and international law. As a result, states do often ostentatiously claim universal sovereignty or international jurisdiction; while international law do seems to claim supernatural precedents above national law as it is absolutely fundamental in the rule of law. Therefore, no matter the national state; no nation should claim immunity over international as every member state is equal before the law as it is been enshrined in the United Nation Charter through

regional, and international treaty conventions whilst upholding the principles of equality, fairness, justice, and above all common interest otherwise state actors will act with impunity in the erosion and violation of fundamental human rights of its citizens. Therefore, human rights is universal, indivisible and non negotiable in due respect in the universal interest of international peace and security; above human development (UN Charter, 1945; UDHR, 1948; Higgins, 1994).

However, some may argue that the provisions within the UN Charter (1945) under article 1(2) on self-determination could be misconstrued, miss-interpreted, miss used, miss-understood and miss-represented by state parties; due to ambiguities in its presentation on the issue of “Self-determination” and “universal sovereignty” (Higgins, 1994). But the provisions in the ICCPR (1966); ICESCR (1966) under article 1 (1) (2) (3); including the UNDRIP (2007) article 1, 3, 4.and 5 respectively are clear enough and précised. Therefore, the test here in this research paper is to prudentially look at these arguments in order to establish the legal constructs between these various groups; while trying to mitigate these arguments under regional and international law whilst comparing its provisions within the context of the federal constitution of Nigeria 1999 (as amended) particularly in relations to the protection of fundamental human rights concerning indigenous minority rights to self-determination in the Niger Delta region of Nigeria as enshrined in the UN Charter (under article 1.2) including regional and international legal instruments.

Therefore, in doings so; empirical academic literatures will be used; combined with regional and international legal instruments which will be used to interrogate myth and might of international law in order to clarify preferable workable solutions in addressing these legal antecedence in the Nigerian judicial system particularly the issues relating to human rights specifically minority right to “self-determination” in this case: the Niger Delta region of Nigeria. And above, trying to give a new rational definition of “self-determination” and the relationship between human rights and minority right under statutory legal framework both at national, regional and international levels, in this case; the federal constitution of Nigeria 1999 (as amended).

## **2.2. DEFINITION OF MINORITY RIGHT Vs SELF-DETERMINATION:**

Before we begins to define the difference between what is “Right” and “Self-determination”, we should first of all give take an abstract look at the word “Right” according to the English Oxford Dictionary (2010); its described “Right” as an abstract idea of that which is due to a person or government body by law or tradition or nature: for example, they are endowed by their creator with certain inalienable rights. And certain rights can never be granted to you by government, but must be kept in the hands of the people; therefore a “Right” is not something that somebody gives to you but it is something that nobody can take away or anything in accordance with the principles of justice. While “self-determination” could be described as the act of obtaining or attaining something either on a personal or group or collective level through their free will on social, political, economic, cultural level e.g. freedom to do something, or obtain or achieve or attain something either personal, or at a collective group level without seeking permission from authority or consent from higher authority or government (Donnelly, 1998).

According to the UN declaration on Indigenous Peoples Rights (2007) under article 1, “as a protective group rights or collective rights, both at individuals or group levels; which are recognized by law both regionally and internationally “indigenous or minority people have the right to the full enjoyment (as a collective or individual) of all human rights and fundamental freedom as recognized in the UN charter; as well as in the universal declaration of human rights as enshrined in the international human rights law” (UNDRIP, 2007).

Article 1(2) of the UN charter (1945) defined “self-determination” as “To develop friendly relations amongst nations based on respect for the principles of equality, rights and self-determination of people, and to take other appropriate measures to strengthen universal peace”. This narrative statement or definition is somewhat ambiguous and misleading, therefore; and to a large extent open to confusion, misconception, misrepresentation, and outright misunderstood; this may mean different meaning and interpretations by member states or state parties (Higgins, 1994). Therefore, to understand this statement; in more meaningful broader context there is need to be a critical examination in the interrogation of other subsequent UN international legal

instruments e.g. ICCPR (1966); ICESCR (1966); under article 1 (1) “*All people have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development*” (2) “*All people may for their own end freely disposed of their natural wealth and resources without prejudice to any obligation arising out of international economic cooperation, based upon the principles of mutual benefit; and other international law and in no case may a people be deprived of its own means of subsistence*” (3) “*That state parties to this present covenant, including those having responsibility for the administration of non-self-governing and trust territories; shall promote the realization of the right to self-determination and shall respect that right in conformity with the UN charter*” (ICESCR,1966; ICCPR, 1966).

Furthermore, on the other hand UN declaration on the rights of indigenous people (UNDRIP, 2007) under article 3, 4 and 5 made similar promulgations and proclamation: e.g. Article 3 “*Indigenous people have the right to self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social, and cultural development*” (4) “*Indigenous people in exercise of their right to “self-determination”, have right to “autonomy” or “self-government” in matters relating to their internal and local affairs; as well as a way and means for financing their autonomous function*”. (5) “*Indigenous people have the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions; while retaining their right to participate fully if they choose in the political, economic, social and cultural life of the state*” (UNDRIP, 2007).

Clearly, these international legal instrument do indeed clarify the jurisprudence of international law on “self-determination” as part and parcel of human rights; which has equally been enshrined into the African Chapter (ACHPR, 1981) under 20 (1) (2); 21 (1) (2) and (3); 22(1) and (2) respectively.

Article 20 (1) “*All people shall have the right to existence, they shall the unquestionable and alienable right to self-determination; they shall freely determine their political status and shall pursue their economic, social development according to the policy they have freely chosen*” (2) “*Colonized or Oppressed people shall have the right to free themselves*

*from the bonds of domination; by resorting to any means recognized by the international community”.*

Article 21 (1) *“All people shall dispose of their wealth, and their natural resources; this right shall be exercised in the exclusive interest of the people, and in no case shall a people be deprived of it”.* (2) *“ In the case of spoliation, the disposed people shall the right to lawful recovery of its property as well as adequate compensation”* and (3) *“ The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation; based on mutual respect, equitable exchange and the principles of international law”.*

Article 22 (1) *“All people shall have the right to their economic, social, and cultural development; with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind”* **And (2)** *“State shall have the duty individually or collectively to ensure that the exercise of the right to development”* (ACHPR, 1981).

Despite these regional and international legal provisions for the protection of fundamental human rights and freedoms, particularly indigenous minority people’s right to “self-determination”; doubt still remains. As a result, state parties do often claim universal or international state jurisdiction or state sovereignty over human rights and international law; leading to state behaving with impunity; or total disregards for international humanitarian or human rights laws without the slightest consideration for democratic principles, respect, and regard for human rights value or norms (UNDHR, 1948).

In retrospect, the issue of state sovereignty over international legal jurisdiction have come of age since the Geneva Convention in 1945 leading to the establishment of the UN Charter; particularly the right to “human rights” and **“self-determination”**. Therefore, it is obvious that the provisions within the UN charter is not enough to protect and safeguard fundamental human rights and freedoms from state abuse of power and authority of its citizens; whilst claiming state universal sovereignty or international legal jurisdiction particularly when it came to minority rights to “Self-determination”. Therefore, the issue of self-determination should be looked at in more objective terms both in the context of social, economic, political, cultural and environmental perspective (Higgins, 1994).

Empirically, the issue of self-determination can be seen as a group collective rights both from as an individual, and also from group or community basis; especially from a minority perspective or view point when state parties often act with impunity to erode, abuse, violate, and derogate these fundamental rights of indigenous ethnic minorities rights as peoples or community within their nation state simply been discriminated against because of their background: ethnicity, religion, race or nationality as we have seen in Palestine, Iraq, Kosovo, Rwanda, and the Niger Delta region of Nigeria (UDHR, 1948; NNHRC, 2017).

Comparatively, according to Higgins (1994) “self-determination” at an individual level could be described or view as “socio-economic” right e.g. the right to gainful employment, food, shelter, clothing, healthcare, education, training, and self-development etc. She argued that the 1945 UN charter under article 1(2) on self-determination does not necessarily mean cessation or separation (independence/autonomy) by minority groups seeking independence from nation state through political, social, economical, cultural of any other means, seeking to free themselves from state dominance, oppression and other forms of discrimination; but rather as a means of socio-politico-economic empowerment of the individuals to fend for themselves (him/her self) without state interference (Higgins, 1994).

Similarly, Rehman (2003) do argue along this line with same view point as Higgins (1994) that “self-determination” is based on conceptual colonial views of post colonial concept of decolonization of the 1940 and 1948; as enshrined in the Universal Declaration of Human Rights (UDHR, 1948) and other subsequent international treaty conventions such as: ICCPR, 1966; ICESCR, 1966; UNDRIP, 2007; etc including the African Chapter (ACHPR, 1981). However, he (Rehman, 200) draw a sharp or distinctive contrast between “human rights” and “Self-determination”; he described “self-determination” as a collective group right given to either individuals or indigenous ethnic minority people or groups or communities within a nation state; who are been socially, economically, politically oppressed, marginalized or been discriminated against due to their way of life, e.g. cultural;, religious beliefs, language, nationality or political affiliation or social political level (Rehman, 2003).

However, Rehman (2003) reiterated that while at individual social-economic level; he (Rehman, 2003) described “self-determination” as the right to gainful employment, food, shelter, clothing’s, healthcare, education, training, and self-development including environmental protections and sustainability. Realistically in the 21<sup>st</sup> century, the concept of “self-determination” is becoming almost impossible to achieve by indigenous ethnic minority people who are being socially, culturally, economically and politically oppressed, marginalized or disenfranchised and discriminated against by nation states and other state actors, agencies and stakeholders; given the state monopoly of power and international jurisdiction (Rehman, 2003).

However, in some developed and developing countries around the world often sees “Self-determination” as an opportunity for regional autonomy which could be achieved or granted through consultation, dialogue, and negotiation by public consent or referendum between nation state and regional community groups; and not by force: such we have seen in between North and South Sudan (2011), and Scotland attempt to seek cessation from Britain through referendum in 2014 (but was not successful); however in the case of “South Sudan” got its independence from North Sudan in 2011 after a bitter conflict through political consultation and negotiations without further bloodshed (making South Sudan one of the youngest nations in the 21<sup>st</sup> century).

Smith (2010) in his argument brought to the fore the realization of fundamental human rights principles, values and norms through the provision of Universal Declaration of Human Rights (UDHR, 1948) which could only be achieved through “self-determination”, therefore; it is equally fundamentally important to bring to the fore state actors or governments should and must realize that “self-determination” is a extrajudicial rights beyond any regional and international legal obligatory responsibility for (nation states) to deny or forcefully deprived off; but rather to seek to promote international peace and security which could be achieved through such guarantees (Smith, 2010).

Overall, Smith (2010) described “self-determination” as a group right as opposed to individual right; as a result he (Smith, 2010) enumerated the following criteria’s or conditionality’s or constituents of “Self-determination”: (a) they group must have common history and tradition (b) the group must have the same racial or ethnic identity i.e. culture, homogenous language, religious beliefs, ideology territorial connection, and

common social economic lives (c) the group must be larger than mere collection of people by association, and must be a combination of the above criterion (d) they (group) must share similar characteristics, but would not have a detrimental effect on their conscience as human beings (e) The group must have their institution and the means to express them by common collective characterization e.g. cultural identity, beliefs, language, and ideology; and above common interest (Smith, 2010).

Woodiwiss (2003), in his argument describe “Self-determination” as a social, political and economic exterminators which are subjective to human rights provisions; therefore it can not be completed without or absence of self-determination. Because he (Woodiwiss, 2003) sees “Self-determination” as subjective of human rights provisions that guarantees the right of ownership either collectively as a group or as individual; both at social-political and socio-economic level (Woodiwiss, 2003). This right to “self-determination” is inheritably alienable and indivisible , which cannot be whole without public consent and political participation of the people; of which state parties often erodes under the disguises of state sovereignty or universal jurisdiction under international law (Woodiwiss, 2003). This legal argumentative narrative is exclusively pennant in its explanations and presentation, both as a point of law, also as socio-economic, socio-cultural and socio-political rights; of which “Self-determination” is at the heart or centre of the argument on the issue of human rights and fundamental freedom under international law (UDHR, 1948’ ICPHRFF, 1950).

Woodiwiss (2003) later commented that “self-determination” is in indeed an indivisible set of human rights provisions, comprising social, political, economic, cultural and environmental components which should be promulgated, promoted and make accessible to all without discrimination and interference from state parties. However, Donnelly (1998) argument does place much emphasis in the provision of African charter (ACPHR, 1981), he described “self-determination” as a collective group rights as opposed to individual right; however he acknowledged the fundamentals of international law particularly the right to “self-determination” while recognizing the right of the people to invoke their right to “self-determination” believing in the principles of equality, fairness, freedom, and justice for all based on dignity and respect for the human persons without discrimination including the protection and security of life (Donnelly, 1998).

### **2.3. Niger Delta Hopes, Fears and Concerns on the issue of “Self-determination”:**

Prior to the amalgamation or creating of the Nigeria state by Lord Lugard (colonial British Empire) in 1914, the Niger Delta was a British colonial protectorate, otherwise known as the “Oil River” protectorate in 1985; after the Akkassa raid (war) by King Fredrick William Koko “Mingi VIII of Nembe present Bayelsa state of Nigeria.

Secondly, following the creation of Nigeria; the Niger Delta was placed under the caretaker government purely for administrative convenience at the time of the old Easter region even though there are over 250 languages, and over 500 dialectic languages spoken in Nigeria particularly in the Niger Delta region (being the sixth geopolitical zone).

Comprising, over 300 dialectic languages are spoken; comprising over 200 ethnic groups in the region with over 34 million populations and yet they are the most ethnically marginalized people in Nigeria. Both socially, economically, politically, and culturally ravaging in abject poverty, deprivation, neglect, high youth unemployment as compare to the national average, social inequality, high level adult, youth literacy rate amongst women and young people, and the lack of basic social, economic, infrastructural and environmental pollutions and degradation.

Thirdly, the region (Niger Delta) was where Oil and Gas was first found or struck (discovered) in Nigeria by “Shell Petroleum Corporation” in 1956 at Oliobiri (Ogbia) present Bayelsa state, and it is the hub of Nigeria oil and gas sector; which produces 2-3 million barrel of oil which account for 95% percent of Nigeria foreign earning, and about 85-95% percent of the Nigeria GDP which makes Nigeria a member of Organization of Oil Exporting Counties (OPEC) and the tenth (10) oil producing and exporting country in the world ( World bank and African development Bank, 2018).

Nigeria was partitioned by the imperial British into three (3) major regional parts (North region – ethnically controlled by Hausa-Fulani; Western region: controlled by Yoruba; Eastern region; controlled by majority Igbo speaking tribes) and later “Midwestern” region (controlled by Edo’s) was added to the existing three (3) regions; making it four (4) major regions of Nigeria, until when it (Nigeria) gained her independence on the 1<sup>st</sup> October, 1960.

### 2.3.1. The Willink Commission Report 1958

However, due to unacceptable level of poverty, neglect, social and economic deprivation, political marginalization, resource exploitation, and environmental pollution and degradation, the British colonial master sent a parliamentary fact finding delegation to Eastern Nigeria in 1956/57 known as the “Willink Commission” headed by Sir Henry Willink, to alien the fears, needs and concerns of the indigenous ethnic minority communities in the Niger Delta regions. By 1958 the commission (Willink Commission) published its report, and recommendations, which recommended five key or core areas amongst which are:

- (i) *“The problems of Minorities (fears, needs and concerns) in the Eastern region cannot be solved by the creation more state”*
- (ii) *“ Fundamental Human Rights should be enshrined into the 1960 federal constitution to the British House of parliament; which was later enshrined into the Federal constitution of Nigeria (1960), to safeguard the interest of the minority communities in the region”*
- (III) *“The police should be under the federal government control”*
- (VI) *“ Minority areas should be have special administrative council”*
- (V) *“ There should be special development board for the Niger Delta region”;*  
*which were also reaffirmed in the 1963 federal constitution.*

But never, to be observed, honored, or implemented by the Nigeria state; despite its constitutional enshrinement and acceptance. Lastly, since the discovery of Oil and Gas in Nigeria at (Oliobiri: present Bayelsa state) by “Royal Dutch Shell Petroleum Corporation” in 1956 and now; there is no visible social, economic, political, cultural, infrastructural and environmental development in the Niger Delta region; neither are there any social, economic benefit the people and communities.

While their God given economic natural resources are being exploited by the Nigeria state and the oil and gas conglomerates, without no improvement or development to the region (Niger Delta) as compared to other parts of the country (thereby creating tribal ethnic nationalism) whilst minority areas are ravaging in poverty, neglect, social and economic deprivation, political economic marginalization, social injustice, social

inequality, lack of basic infrastructural development, and environmental pollution and degradation etc.

As a result, people and communities in the Niger Delta region are suffering tremendously in the hand of the Nigeria state ruled by the majority tribes; but for the Niger Delta region they are continually being: oppressed, intimidated, harassed, exploited, politically, socially, economically, culturally marginalized, social and economically deprived, including underdevelopment and environmental degradation. As such, the region (Niger Delta) is plagued with oil and gas pollution, and as a result; there are high infant mortality rate as compare to national average, low life expectancy, skin decease, premature death amongst adult and young people, pregnancy miscarriages, and lung cancers etc with no adequate medical care and social housing provisions in the region (Amnesty International, 2018; NNHRC, 2017; Human Rights Watch, 2019).

Consequently, there has been public disillusionment, dissatisfaction, disenchantment and disgruntlement amongst the entire regional people and communities of the Niger Delta region of Nigeria. As a result, when ever there are public protests (to express their views, feelings, fear and concerns); the federal government response is with swift massive and overwhelming use of power by the state security forces (police, army, navy, air force etc) by state parties: resulting peoples are killed, wounded, woman raped, and properties destroyed (NNHRC, 2017; Boro, 1982; Osaghea, 2001).

And when complaints are made, no retroactive steps or actions are taken to adhered or address the state human right violations; as such the inactions of state authorities only serves to encourage state security apparatus (police, army and others) with impunity behavior with no repercussion for their actions with total disregard for the rule law, order, human life or property, and disrespect for human dignity; rather the Nigeria state is only hell bent on silencing public dissenting voices, discontents through oppression, subversion, intimidation, harassment, and being totally repugnantly oblivious of these abhorrent human rights violations contrary to the provisions of the 1999 constitution (NNHRC, 2017; Amnesty International, 2018).

Consequently, state abuse of power and authority which (including, oppression, subversion, intimidation, harassment, arbitral arrest, extrajudicial killings, and rendition); have precipitated unconstitutional precedent of lawlessness and criminality in the region

(Niger Delta) leading to the formation of several armed militant groups (MEND, MOSOP, Niger Delta Avengers, Egbesu Boys etc) : leading to hostage taking, kidnapping, armed robbery, oil bunkering, rise in youth substance abuse, and other forms of criminality (Amnesty International, 2018; Human Right Watch, 2019; NNHRC, 2017; Osaghea, 2001; Eguruze, 2015).

This could be construed as to state act of terrorism and human rights violations by legal standard and ramification in the absence of constitutional reform and international human rights obligations with due regards to recommendations and implementation of the Willink commission report of 1958, without addressing the fears, needs and concerns of the indigenous ethnic minority people and communities of the Niger Delta; it will be practically impossible to resolve the problems in the Niger Delta region even though these recommendations were enshrined in both the 1960 and 1963 federal constitutions of Nigeria.

As a result, Isaac Jasper Adaka Boro brought a legal civil suit or action (litigation) against the federal government shortly after the 30<sup>th</sup> December 1964/1965 general election; challenging its electoral outcome claiming election malpractices and electoral fraud (as there were no polling station or either the distribution of ballot papers in rural coastal areas of the region, which are inaccessible by electoral officials during the election thereby denying and depriving indigenous local people and communities in the Niger Delta areas of their right to vote or participate in the electoral process and thereby prevented them from participating in their government; as such they have been effectively disenfranchised). However, the civil litigation case was never given a proper hearing at the federal high court; and such the case was effectively dismissed by the federal high court at the time.

Consequently, in January 15<sup>th</sup> 1966 a military coup was staged by majority Eastern regional Igbo speaking junior officers or elites of the Nigerian Army (which was seen as a sectional tribal military coup) which saw the overthrow of the democratic civilian elected government and the assassination of: Sir Abubakar Tafawa belewa (twice premier-northern), Sir Ahmadu Ibrahim Bello (The Sardauna of Sokoto - northern), Chief. Samuel Ladoke Akintola (western), Festus Okotie Ebor (finance minister-Midwestern) from Midwestern region and host of others; while all the political elites

and leaders from the Eastern region e.g. Dr. Nnamdi Azikiwe (President-eastern), Nwafor Orizu (caretaker president-eastern), Ozumba Mbadiwe (eastern), Michael Okpara (eastern) and several others were not arrested or assassinated: (including the coup planners of which majority are from the Eastern region) e.g. Major Patrick Chukwuma Kaduna Nzeogwu (eastern), Major Emmanuel Ifeajuna (eastern), Major Timothy Owwuafunegwu (eastern), Col. Chris Anuforo, Don Okafor Humphrey Chukwuka (eastern), and Lt Col. Adewale Ademoyega (western): just to name a few (Boro,1982).

This means there is a widespread suspicion and believe that coup was highly influenced, deliberately targeted and bias in nature, which could be highly motivated, inspired and encouraged by tribal or ethnic nationalistic sentiments; in an effort to spread Igbo ethnic nationalist influence and dominance of Nigerian political development which saw the installation of Major General Johnson Aguiyi Ironsi (Igbo national) as Head of state of the federal republic of Nigeria. At the time of the military coup there were well about 37 senior military officers and top civil servants mainly from the Igbo speaking eastern region; i.e. chief of staff Nigeria Army, Chief of Naval staff, Chief of Air staff, Inspector general of police (IG) etc but none these officers and senior civil servants were killed or assassinated rather they were celebrated as heroes (Boro, 1982).

Following the military coup, Major Isaac Jasper Adaka Boro (who is an ethnic minority Ijaw nationalist from Kaiama town from Kolokuma/Opokuma local government area of Bayelsa State) under the old Eastern region of Nigeria agitated for cessation from the Nigeria state; leading to formation of the “Niger Delta Volunteer Force” (NDVF) with between 120/200 men took out arms to revolt against the Nigeria Federal government (otherwise known as the: 12 day revolution) leading to the declaration of the now defunct “Niger delta Republic” on the 23<sup>rd</sup> February, 1966 (making him the first ethnic Nigerian) to rebel against the Nigeria government (Boro, 1982).

However, on the 28/29 July 1966 the military government of Johnson Aguiyi Ironsi was overthrow by another counter coup; which was mister minded by Col. Muritala Mohammed and led by Lt Col. Yakubu Gowon (the coup was otherwise known as northern elite officers led coup) which saw the assassination of Major General Aguiyi Ironsi (first Nigeria military head of state). Consequently, this precipitated the crisis in the East that led to Col. Odumagu Emeka Ojukwu declaration of the now defunct “Biafra

Republic” on the 30<sup>th</sup> May 1967 which eventually led to the Nigeria civil war from 30<sup>th</sup> May 1967 to 15<sup>th</sup> January 1970; in which over an estimate 3 million peoples lost their lives, and properties (Federal Ministry of Information, 1971).

Despite these national antecedences of the Nigerian history (from civil legal suits, to revolutions, and counter rebellions; from coup to counter coups), its seems lessons are not learnt; and that is not surprising in today’s so called democratic dispensation corrupted by sectional tribal politics, ethnic nationalism, personal greed, “*bribery*”, “*corruption*”, “*favoritism*”, “*nepotism*”, (cabalism, juntarism, and mafiarism) no wonder the problems of the Niger Delta region are yet to be properly addressed. But rather, such corruptive practices and impunity behavior are encouraged by Nigeria political elites and civil institutions; where the rule of law does not exist but rather flawed and abused by those who are supposed to show good examples of true democratic governance and good political leadership.

As a result, the issue of ethnic nationalism; particularly those in the Niger Delta region of Nigeria was clamoring for minority rights to “Self-Autonomy” or “Self-determination” and the right to “Resource Control”; because they are despaired, disenchanted, disillusioned, and have lost all hope in the concept of one Nigeria; but rather they (Niger Delta) wants to be autonomous, or semi-autonomous region or part of Nigeria.

Retrospectively, in recent times the issue of “cessation” or “self-determination”, “self-governing” or “self-autonomy”; have come to fore or political hot-potatoes across all regions of the federation (both west, east and south) particularly in the South East and the South, South geopolitical zones, giving rise to political agitations: by the “Indigenous People of Biafra” IPOB (south east) 2020; Ogoni Crisis (south, south) 1995; Kaiama Declaration (south, south) 1998; Odi Crisis (south, south) 1999; Warri Crisis (south, south) 2003 etc; leading armed agitations and confrontation with federal security apparatus, forces and agencies resulting to extrajudicial killings and renditions, arbitral arrest, detentions and imprisonments, destructions of lives and properties without judicial redress or compensation for innocent victims.

## **2.3.2 Regional Case for “Self-determination” and “Resource Control”:**

### **2.3.2.1. Isaac Boro Vs FMG Re: JELR91477 (SC) SC377/66 12 Days Revolution “Niger Delta Declaration” (NDVF) 1966**

#### **2.3.2.2. Background:**

For example: in 1966 shortly after the military coup of January 15<sup>th</sup> 1966 the indigenous peoples of Ijaw land in the Niger Delta region of Nigeria of the old Eastern region (now otherwise known as the South, South region of Nigeria, being the sixth geopolitical zone) agitated and took up armed rebellion against the Nigeria state for gross violations of their fundamental human rights; including: socio-economic, and political marginalization, economic resource (oil and gas) exploitation and environmental degradation. Isaac Boro’s and his comrades (Samuel Timipre Owonaru, Nottingham Dick, Capt. Amagala) 12 days revolution was in fact brought about profound general awareness of the sectional politicization of Nigeria political development; both at regional and national levels following the non implementation or noncompliance of the findings and recommendations of the Willink Commission Report 1958 by the Nigeria state (Boro, 1982).

This being, the Niger Delta has been the epic centre for Nigeria oil and gas exploration, production and export since oil was first discovered in Nigeria at Oloibiri (Ogbia) present Bayelsa state in the Niger Delta by Shell Petroleum in 1956, and by 1958 it commenced commercial operations that was even before Nigeria had its independence on the 1<sup>st</sup> of October 1960 (Osaghea, 2001; Boro, 1982; IYC, 1998; Eguruze, 2016). It produces about 2-3.5 million barrels of oil per day excluding natural gas, whilst accounting for about 95% percent of Nigeria foreign earning; and about 90% percent of Nigeria GDP making Nigeria the 10<sup>th</sup> oil and gas producing country in the world and a member of the OPEC yet the region has nothing to show for its economic wealth production (African Development Bank and African Development Fund, 2009).

Ironically, Major Isaac Adaka Jadsper Boro in his median speech on the 23rd February 1966; he declared “*Today is a great day not in your lives, but also in the history of the Niger Delta. Perhaps, it will be the greatest for a very long time. This is not because, we*

*are going to demonstrate to the world what and how we feel about oppression; remember your 70 years old grandmother who still farms before she eats. Remember also your poverty stricken people, remember too your petroleum which is being pumped out daily from your vein; and then fight for your freedom”* (Boro, 1982).

Consequently, Isaac Boro and his comrades were arrested, striped naked, tortured and abused by the federal authorities (security services) before been charged with treasons or treasonable felony at the Federal Supreme Court of Port Harcourt- River State division. Amongst the presiding supreme court judges were: Justice Ademola, justice Onyeama, justice Coker, and Justice J. Ebosie (Chair) held on the 21<sup>st</sup> June 1966, case Ref No.JELR91477 (SC: 377/66), and on the appellants defense was Barrister Graham Douglas (attorney for) Isaac Boro and his comrades (Samuel Timipre Owonaru, Nottingham Dick, Capt. Amagala). However, they were all found guilty of the charges and were all convicted of their charges under section 37(1) of the Criminal code of Nigeria by Justice J. Phil-Ebosie (chair) and were all sentenced to death by hanging on the 5<sup>th</sup> December 1966. Available at: <http://www.litejudy.legal/am/case/isaac-j-a-boro> accessed: 20/11/21

However, Isaac Boro and his comrades (Samuel Timipre Owonaru, Nottingham Dick, Capt. Amagala) were all on death row until the July 28<sup>th</sup> Military coup D’etat (counter coup) by Col. Yakubu Gowon that saw the dethronement of General Aguiyi Ironsi (first Military Head of State). As a new military head of state, Col. Yakubu Gowon granted amnesty or pardon to the convicted men (Boro and his comrades). As a result, Isaac Boro, Samuel Owonaru and Nottingham Dick were all enlisted into the federal Nigeria Army; and fought alongside Gowon federal government forces or troops side by side against the secessionist Lt.Col Ojukwu “Biafra” until he (Isaac Boro) lost his life on the 9<sup>th</sup> of May 1968 at (Ogu) near Okrika present Rivers state of Nigeria aged 29 years (Boro, 1982; IYC, 1998; Osaghea, 2001; Eguruze, 2016).

#### **2.4.0. Ken Saro-wiwa Ogoni Crisis (MOSOP) 1995-CESR Vs FRN Re: 155/1996**

### **2.4.1. Background:**

Ogoni-land saw some of the most brutal use of force by the Nigeria state security forces when the Movement and Survival of Ogoni People (MOSOP), led by the noble price winner Mr. Ken Saro-wiwa (human rights and environmental activist) went on public protest or march over the environmental pollution and degradation of Ogoni-land, which is been situated at the southern tip of the Niger Delta region; present Rivers state of Nigeria. Where oil and gas are being explored, extracted and pumped every day for decades by the Royal Dutch Shell Petroleum Corporation in collaboration with the Nigerian state at an alarming rate; oil spills, leakages and gas flairs are of daily occurrence, including dumping hazardous toxic chemical waste by these multinational oil and gas companies are a common place while the entire regional ecosystem suffer degradation, pollution, and depletion from the activities of these companies for decades with no end in sight (Saro wiwa, 1995).

Subsequently, these oil spillages, gas flairs, dumping of hazardous chemical toxic waste, were causing severe environmental damages to both human, marine lives, including farm land, livestock, and the entire eco-system; where infant mortality, premature deaths amongst young and old people are of common place, skin decease amongst local habitants are on the rise, miscarriages amongst women, cancer amongst adults etc are of daily occurrence (Saro-wiwa, 1995; Eguruze, 2016; Osaghea, 2001).

As a result, the people of Ogoni-land went on protest led by Mr. Ken Saro-wiwa under the umbrella of the “Movement and Survival of Ogoni People” (MOSOP) outside the parameters of the Royal Dutch Shell Petroleum premises or compound; what happened next? The Royal Dutch Shell Petroleum called in the state security forces and upon their arrival in an attempt to forcefully disperse the crowd of protesters; state security forces opened fire (live bullets, ammunitions) on protester killing several men and women: including children, raping of women, destruction farmlands, live stock, and damage to properties (Saro-wiwa, 1995).

Consequently, the state security forces (police, army, navy, air force, civil defense) resulted to barbaric and brutal attack on many peaceful armless protesters (including arbitrary arrest, torture, rape, destruction livestock, farmland, life and property etc); this includes their leader (Mr. Ken Saro-wiwa) who was born on the 10th October 1957 to the

family of Mr/Mrs Ken and Maria Saro-wiwa; at Bori in Rivers state. He was subsequently charged with insurrection, treasonable felony, and conspiracy to murder and was convicted on all Burgos charges under military tribunal (without civil representative and without retrospective appeal mechanism) for retrospective appeal process to begin at a civil higher court (Court of Appeal/Supreme Court). He (Ken Saro-wiwa and the elders of Ogoni-land), who were also instrumental in the initiation and drafting of the “Ogoni Bill of Rights” in 1990. And on the 10<sup>th</sup> of November, 1995 he (Ken Saro-wiwa) was executed by hanging in his prison cell, which predicated both regional and international diplomatic pressure to bear down on the Nigeria state during the military government of Major General Sani Abacha; particularly USA, Canada, France, UK and others.

The Ogoni bill of rights contained five key or code elements of their main demand as a nation which was drafted and was adopted on the 24<sup>th</sup> December 1990; and was signed by Mr. Ken Saro-wiwa and others on the 21<sup>st</sup> August 1991, before his death on the 10<sup>th</sup> November 1995; was submitted to the federal government.

**The statement reads the following proclamations:**

That the Ogoni people should be granted political autonomy to participate in the affairs of the republic as a separate and distinct unit by whatever name called, provided that this autonomy guarantees the followings:

- i. Political control of Ogoni affairs by Ogoni people*
- ii. The right to their centre and the use of a fair proportion of Ogoni resources for Ogoni development*
- iii. Adequate and direct representation as of right in all Nigeria national institutions*
- iv. The use and development of Ogoni language in all Nigeria territories*
- v. The full development of Ogoni culture*
- vi. The right to religious freedom, and*
- vii. The right to protect the Ogoni environment and ecology from further degradation.*

However, despite these declaration and proclamation by the people of Ogoniland; the issues and problems of Ogoni-land is till unabated, as result; there are several legal lawsuits and civil litigations under the public interest litigation schemes against Royal Dutch Shell Corporation and the Nigeria state for human right, or civil rights violations and environmental degradation cases across the globe.

For example: The case between Centre for Economic and Social Right (CESR), an NGO acting for and on behalf human and environmental activist or advocacy groups across the globe, particularly in the developing countries; in this case Nigeria acting for and on behalf of the Ogoni people and community (MOSOP) took a lawsuit against the Federal Government of Nigeria for human and environment rights violations (otherwise known as: CESR Vs FRN) case reference No. 155/1996, held at the African Commission of Human and Peoples Rights (Grand Bay) Mauritius on the 14 March, 1996.

**2.4.1.1. Background of the Case:** The case was prompted as a result of Royal Shell Petroleum Corporation oil and gas exploratory, production and exploitative activities in Ogoni-Land in collaboration with the federal government of Nigeria, resulting to oli spills and leakages, gas flairs, dumping of hazardous tonic and chemical wastes; thereby causing environmental pollution, disaster and degradation throughout Ogoni-land which have avertedly affects farmland, waterway, marine life, flora, plants and animals.

Consequently, the court (ACHRC) held the view; that the Nigeria government was directly culpable of willful negligence of human rights violations resulting from oil and gas exploration, production and exploitation: resulting to oil spills and leakages, gas flairs, dumping of hazardous toxic wastes, environmental pollutions, degradation, contamination and ecological disaster. Thereby seriously causing healthcare problems, welfare and wellbeing, such as; i.e. gastrointestinal and respiratory problem culminating into the increase risk of cancer, neurological, and reproductive problems (paragraph 2).

Therefore, the Nigeria state is culpable of serious human rights violation; including civil, political, social, economic and cultural rights; hence the Nigeria state has failed its duty and legal obligation to protect and promote human rights under the UN treaty convention of 1945, and UDHR, 1948 according to regional and international law under article 14, 18 (1), 21, 24 (paragraph, 41; 52 and 62) respectively.

Consequently, the outcome of this case or judgment has land mark victory for human rights and environmental activist of Ogoni-land, Africa and beyond. As such, this has prompted many such civil litigation cases against Shell petroleum and the Nigeria state; which are still ongoing in various parts of the world.

## **2.5.0.: Ijaw Youth Council “Kaiama Declaration” 1998**

**2.5.1. Background:** Following the conceptual ideology of “Boroism” in relation to the 12 day revolution on the 23<sup>rd</sup> February 1966, shortly after the January 15<sup>th</sup> military coup of 1966 leading up to the Nigerian/Biafra civil war in 1967; the proclamation of the Isaac Boro’s declaration of the now defunct “Niger Delta Republic” in respect of ethnic Ijaw nationalism in the struggle for the emancipation of the Ijaw nation against: oppression, social inequality, economic impoverishment, social infrastructural deprivation, political, cultural marginalization, resources exploitation and environmental degradation over the years indeed resonated and galvanized young people of today as nothing have changed since the days of the revolution in 1966 prompted or precipitated the Kaiama declaration on the 11<sup>th</sup> December 1998.

As a result, over 5000 ethnic indigenous Ijaw youths from over 200 clans represented congregated at Kaiama the home town Major Isaac Adaka Jasper Boro to commemorate Boro’s ideology (otherwise known as: BOROISM) in respect of the emancipation struggle for **freedom, fairness, equality, justice, empowerment, unity, peace, progress, development and environmental protection**; known as “Self-determination” and “Resource Control” for the Ijaw nation and throughout the Niger Delta region of Nigeria. This mass mobilization came to be known as the “Kaiama Declaration”, as a result; the following proclamations were promulgated to be known as the “Ijaw Bill of Rights”:

That all Ijaw Oil, Gas, Mineral and Natural resources, within the Ijaw territory belongs to the Ijaw communities, and also demand that IYC ceases to recognize all decrees enacted without the participation and consent. The statement also call on all military personnel’s

to withdraw from the region, and warned all oil and gas companies that they would be regarded as an enemy; if they relied on the military for protection.

- *That all lands and natural resources, including, mineral resources within the Ijaw territories belongs to the Ijaw communities; and are the basis of our survival*
- *We ceases to recognize all undemocratic decrees that rob our people and communities of the right of ownership and control of our lives and resources, which were enacted without our participation and consent; these includes the Land Use Decree/Act 1978, and the Petroleum Act 1969 (amended, 1998).*
- *That we therefore demand the immediate withdrawal of all military occupation forces of the Nigeria state and Oil companies that employ the services of the Nigeria state to protect its operation in Ijaw-land and territories will be view as enemies of the Ijaw people, therefore; members of the military personnel's stationed in the Ijaw-land should appeal to their people to leave the Ijaw areas alone.*
- *The Ijaw youths in all communities in all Ijaw clans in the Niger Delta will take steps to implement this resolution beginning from the 30<sup>th</sup> of December 1998, as a step towards reclaiming our resources and control of lives. Therefore, we demand that all oil and gas companies should stop all explorative and exploitative activities in the Ijaw areas; we are tired of gas flairs, spillages, blowout, and being labeled as saboteurs and terrorist; it's a case of preparing the noose for our hanging. We therefore reject this labeling, hence we advice all oil and gas companies, staffs, and contractors to withdraw from Ijaw territories by 30<sup>th</sup> December 1998; pended the resolution of these issues of resources ownership and control in the Ijaw areas of the Niger Delta.*
- *Ijaw youths and people will promote the principles of peaceful coexistence between all Ijaw communities, and with all our neighbors despite provocative and divisive actions of the Nigeria state and transnational oil and gas companies and their contractors; we offer a hand of friendship and our neighbors the: Itsekiri, Ilaje, Urhobo, Isoko, Edo, Ibibio, Ogoni, Ekpeye, Ikwere etc we offer our*

*commitment to joint struggle with other ethnic nationalities in the Niger Delta area for “Self-determination”.*

- *We express our solidarity with all people, organizations, and ethnic nationalities in Nigeria and elsewhere who are struggling for “Self-determination” and “Justice” particularly the Oodua Peoples Congress (POC), the Movement for the Survival of the Ogoni People (MOSOP), and the Eji Women Movement (EWM) etc.*
- *We also extend our hand of solidarity to the Nigeria Oil Workers Unions and others; we expect that they will see this struggle for freedom as a struggle for humanity.*
- *We reject the present transition to civil rule program of the Abubakar regime, as it is not preceded by restructuring of the Nigerian federation; the way forward is a “Sovereign National Conference” (SNC) of equal representation of all ethnic nationalities to discuss the nature of the democratic federation of Nigeria of all ethnic nationalities; conference; therefore noted that the violence and killings characterized in the last local government election in most parts of the Niger Delta was motivated by political ethnic nationalism. Therefore, the federation should be run on the basis of “Equality” and “Social justice”, finally; the Ijaw Youth resolve to set-up the Ijaw Youth Council (IYC) to coordinate the struggle of the Ijaw people for “Self-determination” and “Justice”.*

## **2.6.0. Odi Massacre/Crisis (Bayelsa State) 1999**

### **2.6.1. Background:**

The Odi Crisis or Massacre was an attack carried out on 20<sup>th</sup> November 1999 by the Nigeria military on the town of Odi predominately occupied by indigenous ethnic Ijaw in present Bayelsa state of Nigeria. The attack came in the context of an ongoing local conflict in the Niger Delta region over indigenous right to Oil and Gas resource and environmental protection, however; the military deny this but claim they were ambushed on their way to Odi town where there were tensions amongst youths or young people. As

a result, twelve members of the Nigeria police force were killed near Odi town in the conflict of which five were killed by the youths on the 4<sup>th</sup> November 1999 and remainder during preceding days in the conflict.

In retrospect, the military was called in as a result of the ongoing tension; as such the military decided to invade the entire Odi town with all its arsenals (both air, land and sea) including: armillary, rocket propelled grenades, naval gunship boats, jet bomber planes helicopter gunship etc. Killing over 2,500 people including the elderly, old and venerable, men women and children, women and girls were raped, every single building raised to the ground except a bank and Anglican Church remains, live stocks destroyed, over 1,200 injured during the military on slot; according to Human Rights Watch (2000). However, the Nigerian government initially denies the death toll; but put the death toll at 43 including eight of its soldiers which is far less than what was reported by the independent eye witnesses and news agencies at the time according to Human Rights Watch (2000). The invasion was apparently ordered by the President (Olusegun Obasanjo) and his Vice (Abubakar Attiku).

Consequently, there was a civil lawsuit or litigation against the federal government over the massacre by civil society organizations (CSO) both national and internationally; eventually the case was heard at the Federal High Court of justice in February 2013. The federal high court order the federal government to pay the sum of N37.6 billion naira compensation to the people and communities of Odi town under Kolokuma/Opokuma local government area (KOLGA) in present Bayelsa state.

The judge Mr. justice Lambi Akanbi presiding over his ruling condemned and commented that the federal government has committed a brazen violation of the fundamental human rights of the victims Maldivian lost of live and properties in their peaceful ancestral home. However, the case was a protracted long case until President Dr. Goodluck Jonathan tenor in office; when the case was eventually settled for N15 Billion naira in 2014; as a negotiated settlement on the 21<sup>st</sup> of October, 2014 less than the original ordered amount (N37.6 Billion naira) by the judge according to the Odi case prosecution committee (ODCPC, 2014).

## **2.7.0. Warri Crisis 1997-2003**

### **2.7.1. Background:**

The Warri crisis is an ongoing old ethnic local problem between Itsekiri and Ijaw ethnic groups in Delta state of Nigeria all within the Niger Delta region since 1997 over the creation of local government head quarter (or head office) of Itsekiri dominated area at “Oyidijben” by Military Head of State (General Sani Abacha) administration. However, the issue of ethnic rivalry between these two ethnic groups is not new in the history of Warri or Delta state; historically the city of Warri is mainly ethnically composed between Itsekiri, Ijaw, Urhobo, and Isoko.

Amongst these diverse ethnic groups, the Ijaw are the largest predominant group (as they geographically spread across six states throughout the Niger Delta region, namely: Akwa-Ibom, Bayelsa, Cross rivers, Delta, Edo, Ondo, Rivers; and Ijaw being the fourth largest ethnic group in Nigeria after Hausa-Fulani; Yoruba; and Igbo), however; the Itsekiri have the largest high profiled political elites amongst the groups willing political power and influence over the affairs of the state. This being that the Itsekiri’s were the first ethnic group to embrace early colonial education in the area (Warri), as such; they are well connected politically in Nigeria politics while the Ijaw;s are mainly fishermen and farmers likewise the Urhobo’s and Isoko’s. However, history do have it that the Ijw’s were the first to embrace the Whiteman or Europeans in their conquest of west Africa; Nigeria in particular but never interested in their education, socio-economic, and politics. As such, the Itsekiri’s became more popular, famous and influential in the politics of Warri, and became too arrogant, and disrespectful to other ethnic groups (namely: Ijaw, Urhorobo, and Isoko). Despite this, all live side by side peacefully over the centuries with common social, cultural and religious heritage; however it is believed that the Ijaw’s were the first to embrace the early Europeans far back as the 15<sup>th</sup> century before the Benin Empire in the 16/17<sup>th</sup> century according to records. But arguable the Itsekiri disputed that fact, however; when asked what does “Warri” means in “Itsekiri” language? Its seems it means nothing, as such; when the same question is being asked of the Ijaw’s; (Warri means “house”; Itsekiri means “our land”; Sapele means “ settlement of debt”; Burutu means “end of yam”) etc, all these are Ijaw names, parts and district of Delta

state. Therefore, it is obvious that the Ijaws were the original settlers of Warri city as its known today.

As the social, economic, educational and political development of Warri and Delta state and Niger Delta continues; the ethnic Itsekiri took advantage of this to willed power, authority and influence to themselves whilst others are cast out (marginalized) from the politics of Delta state; bringing with them ethno-politics and rivalry in its trail. This became all too obvious when in May 1997 when “Oyidigben” was named as the local government head quarter in the predominately Itsekiri area of Warri; the Ijaw reacted or revolted in anger against its which eventually resulted into full blown ethnic violence between the two ethnic groups (Itsekiri vs Ijaw) which resulted into the killing of several people and burning of several properties from both sides of the communities.

Eventually, the army was called into separate both communities from further harm to themselves by bringing it under control whilst negotiating community leaders to create or establish peaceful coexistence in the state; as a result the state house of assembly voted to relocate the local government head quarter from “Oyidigben” to “Ogbe-Ijoh” which is predominately ethnic Ijaw populated area or district of Warri since then there has been relative peace in the city of Warri .

#### **2.8.0. Summary:**

Seeing the Niger Delta regional historic heritage and the rise and polarization of ethnic Ijaw nationalism and the Nigeria political and social economic development before and after the arrival of the Europeans and British imperial colonization of Nigeria and the amalgamation of the Nigeria state in 1914, its not difficult to see the rational reasons for Boro’s Ijaw nationalism, activism, and agitations for equal recognition and participation in the Nigeria political spheres; as it was dominated by the three Nigeria majority tribes (Hausa- Fulani, Yoruba, and Igbo) while other indigenous minority tribes are been marginalized.

Historically speaking, the Niger Delta was a British colonial protectorate since in the 1885 before the amalgamation or creation of the Nigeria state in 1914 and its independence on the 1<sup>st</sup> October 1960. Also, couple with the fact that it was in the region

were oil and gas was first discovered at Oliobiri (Ogbia) present Bayelsa state in the Niger Delta region; which is economically considered as the bread basket of Nigeria; yet sees no social, economic, political and cultural benefits in the political and democratic dispensation of the Nigeria state. However, often times, these historical facts are misguided, misconstrued, misrepresented and misunderstood; even deliberately distorted by others in order to conceal the truth and deceive others for political and financial gains or to take advantage and influence in the socio-economic and political affairs of the Nigeria state.

Overall, it is obvious that Isaac Boro was active in ethnic Ijaw nationalism to highlight the fundamental issues of oppression, marginalization, deprivation, economic resource exploitation, environmental degradation and underdevelopment; whilst promoting indigenous ethnic Ijaw nationalism throughout Nigeria (Boro, 1982).

Ijaw and the indigenous people of the Niger Delta are unique in their rights, they were the first people to encounter and embrace the Europeans through the Delta coast, particularly of the indigenous ethnic Ijaw people whom cultural heritage are predominately know for fisheries, farming, sculpture, local wine making (ogogoro) palm oil, boat making, swimming, wrestling and traditional music and dance; but despises oppression, slavery and domination: i.e. the Akassa raid or war with imperial Britain in 1885 at the Akassa port of (Nembe), by King Fredrick William Koko the Mingi VIII of Nembe present Bayelsa state of Nigeria; forcing the colonial Royal Niger Company to relocate its head office to Calabar in 1886 (Alagoa, ).

The Ijaw people and communities love their freedom and rights to coexist with others, as one indivisible human beings; as they geographically spread across six (6) state of Nigeria and beyond (namely: Akwa-Ibom, Bayelsa, Delta, Edo; Ondo, and Rivers), and as far as Sierra-Leone, and Gabon. Officially, the Ijaw's are recorded as the fourth largest indigenous ethnic minority tribes or groups in Nigeria; and also the economic hub of the Nigeria oil and gas sector since 1956 when oil and gas was first discovered by Royal Dutch Petroleum Corporation but yet remained the most socially and economically deprived region in Nigeria (Alagoa, ; Boro,1982)

Historically, they (Ijaw) are only one of the few tribes in Nigeria who will adopt a total stranger (Igbo slave child) and make him/her King or ruler over their land (i.e. **King Jaja of Opopo**) because they believe in “Libra” democratic system of government; as such they (Ijaw) culturally believe in the principles of human rights, and fundamental freedom for all no matter your religious background or ethnicity. Therefore, the 12 day revolution of February 1966 leading to the declaration of the now defunct “Niger Delta Republic” mark water shed in the history of Ijaw ethnic nationality; led by Isaac Boro and his comrades in the emancipation struggle for freedom, equality, fairness, justice, development and environmental protection for the Ijaw nation (Boro,1982).

As such, “Borism” is about human rights, freedom, fairness and justice; comprising (equity, fairness, justice, and respect for human dignity without discrimination) based on the principles of universal fundamental human rights and freedoms as enshrined in the UN charter 1945 and other regional and international treaty conventions (UN Charter, 1945; UDHR, 1948; ICCPR, 1966; ICESCR, 1966; UNDRIP, ACHPR, 1981).

Therefore, “Boroism” is about pride and respect for the human persons; and for the Ijaw nation he is a national icon and pride for what he (Boro) believe in, stood, and die for in his struggle for human rights, freedom, and environmental protection; because he (Boro) was the first in Nigeria to instigate lawsuit against the federal government for election malpractices after the 1964 general election; also the first in Nigeria to take up arm against the Nigeria state whilst agitating for “Self-determination” in the Niger Delta region of Nigeria then eventually fought along side the federal government on the principle of “One Nigeria” “One Nation” under one brotherhood. Therefore, to the Ijaw he (Boro) is their hero, icon and a roll model; because before Nigeria there was “Oil River Protectorate” 1885, before Biafra there was “Niger Delta Republic” 1966 (Boro, 1982; IYC, 1998).

However, despite his selfless sacrifices the ideology Boro stood and die for is deeply misunderstood by many even within his rank and file; but what stood profoundly important is his ideology otherwise known as “Boroism” have galvanized youths or young people and community groups throughout the Niger Delta region to protest and agitate for regional autonomy or “self-determination” and “resource control” in order to address the unfair and inhumane treatment they have suffered and endured all through

these decades. As a result, it has precipitated the ongoing regional youth restiveness and criminalities; leading to hostage takings, kidnappings, oil bunkering, armed robbery and other forms of criminalities in the Niger Delta (Osaghea, 2001; NNHRC, 2017).

Therefore, in more serious note, it's a fact that the present situations of things is not helping matters; but worst still it only encourages punitive behavior amongst aggrieved disillusioned youths or young people and criminals to engaged in such criminal activities. That also include both the regional state government and the federal government to seriously embark on policy of political transparency in governance and accountability, whilst focusing on objective developmental projects in addressing the problems of underdevelopment and environmental sustainability in the region; and at the same time empowering young people and community groups and organizations on social mobility and skill acquisition programs in order to swade young people from the acts of criminality whilst encouraging and promoting self development amongst young people (Eguruze, 2016; Osaghea, 2001).

**3.1. INTRODUCTION:**

This conceptual framework is to enable the researcher to show a graphic picture of the issues relating to the need for critiquing and analyzing human rights values in Nigeria, while identifying the need for minority right to “Self-determination” and “Resource Control” in the Niger Delta region of Nigeria, as enshrined in the UN charter of 1945 and its subsequent treaty conventions both at regional and international level (e.g. ICCPR, 1966; IESCR, 1966; UDHR, 1948; ECHR, 1950; ACHPR, 1981; UK Human Right Act 1998; Nigerian Constitution, 1999) respectively. Whilst at the same time promulgate human rights principles, norms and values in Nigeria, particularly the right to “self-determination” by promoting public awareness through various mediums and platforms particularly “Social Marketing Model or Techniques” (Eguruze, 2015, 2016, and 2017).

When considering Nigeria constitutional human rights provisions within the Nigerian constitution 1999 (as amended) under chapter four (4) titled: “Fundamental Rights” and its subsequent sections, these constitutional provisions do fall short or fail to address the basic fundamental issues of “self-determination” or the right to self-determination; particularly for the people and communities of the Niger Delta region of Nigeria. Retrospectively, this failure and lack of clarity in the constitutional provision has recently exacerbated local regional and national debate on the issue federal constitutional restructuring of the Nigeria state; including national regional autonomy (state autonomy) or national state sovereignty i.e. Nigerian Constitution 1999 (as amended).

Historically, Nigeria as a state was made up of several tribal national ethnicities with many tribal languages amounting to over 250 languages and over 500 dialectic spoken languages with mixed cultural heritage and a population of over 200 million. These were brought together through amalgamation by the British colonial master in 1914 for administrative convenience and national economic interest which was subsequently divided into three regional divisions (namely: Northern, Western, and Eastern regions) and later Midwestern region shortly after Nigeria Independence on the 1<sup>st</sup> October, 1960.

even though there are several other tribal ethnic groups in the regions. This is particularly so in the Eastern and Midwestern regions. The northern region is mainly occupied by the Hausa Fulani speaking ethnic group, the Western region was mainly occupied by the Yoruba speaking ethnic groups, and the Eastern region is occupied by the Igbo speaking ethnic group. The Midwestern region is mainly occupied by the Benin and Edo speaking ethnic group before the Nigeria civil war in 1967 to 1970 which lasted for three years after the 15<sup>th</sup> January 1966 military coup which over threw the democratic government of Sir Abubaka Tafawa Belewa.

However, following the military coups the Nigeria state was plunged into national crisis following a counter coup by the northern elite officer's corp. on 28<sup>th</sup> July 1966 just six months after the first military coup (January) in the same year 1966. Consequently, after the 28<sup>th</sup> July counter coup of (1966) there was several social, political and economic crises in Nigeria, particularly in the north which resulted in the killing of the Igbo speaking ethnic group or nationals leading to the 30<sup>th</sup> May now defunct "Biafra Republic" was declared of in 1967 which precipitated the crisis in the eastern region.

During this time there were also similar ethnic political and economic tension or crisis in the Eastern region,; particularly in the Niger Delta under the Eastern region that eventually led to the 23<sup>rd</sup> February declaration of the now defunct "Niger Delta Republic" in 1966; following the twelve days revolution by the indigenous Ijaw speaking ethnic groups led by Major Isaac Jasper Adaka Boro and his comrades (Samuel Timipre Owonaru, Nottingham Dick, Capt. Amagala). This came about due to the exploitation and control of natural economic resource (oil and gas), and environmental degradation; including the domination of ethnic Igbo speaking majority under the old Eastern region of Nigeria (Boro, 1982; IYC, 1998; Eguruze, 2015).

However, given the retrospective perspective of Nigerian antecedents,; it is worrying to note that despite its rich historical diversity of social and cultural mix including its massive population of 180 to 200 million, and natural economic resources (oil and gas) exploration and production which account for more than 95% percent of its national and foreign earning (World Bank, 2010), not enough has been done to address the fundamental human rights issues and concerns particularly those from the Niger Delta region. Even though it is supposed to be constitutionally guaranteed by the Nigerian

constitution,; particularly the issues of national regional autonomy or “self-determination” and resource control (IYC, 1998).

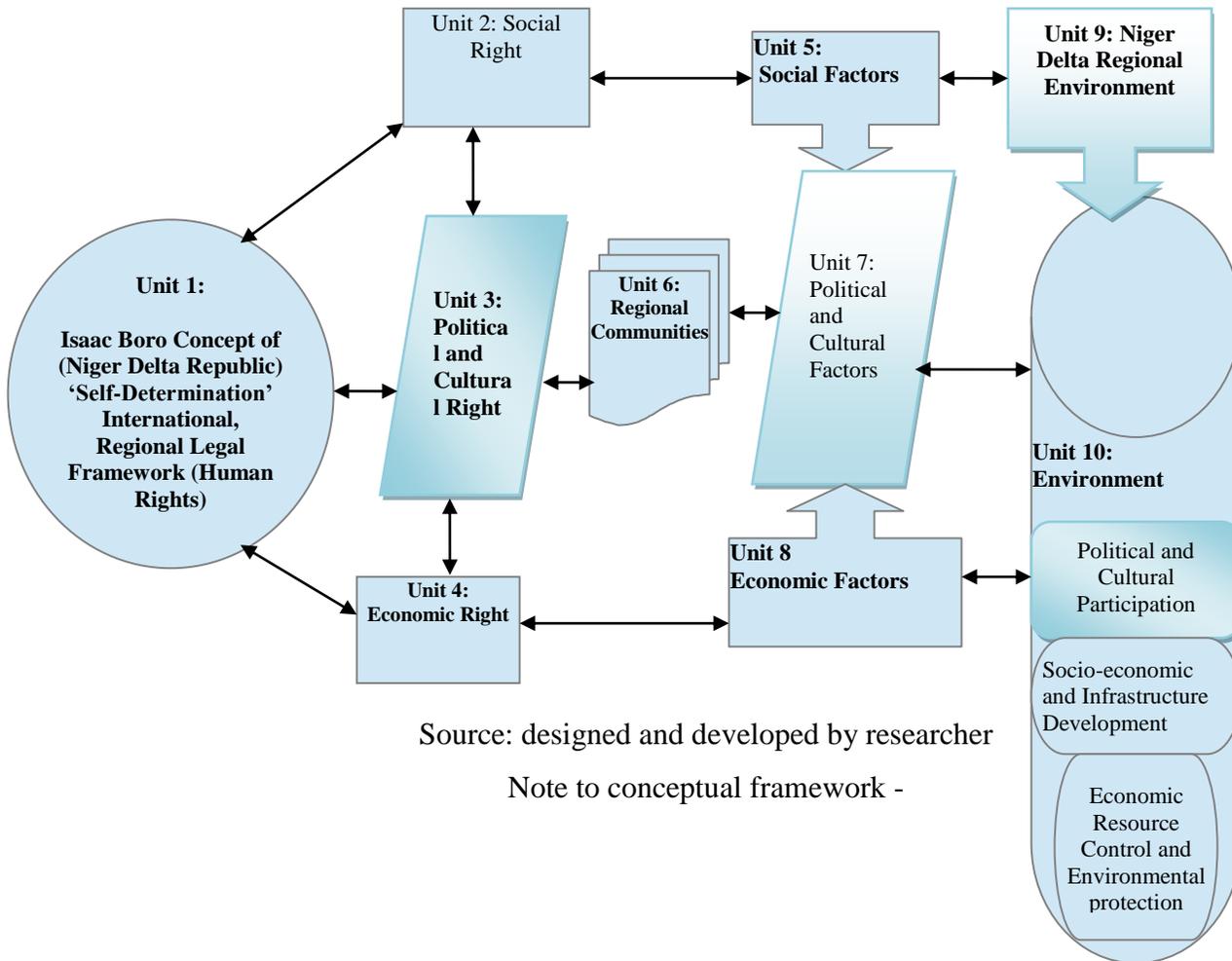
### **3.2 DEFINITION:**

Conceptual framework could be described or defined as an end result of bringing together a number of related concepts to explain or predict a given event or give a broader understanding of the phenomenon of interest in the process of arriving at a conceptual framework. Therefore it is akin to an inductive process whereby small individual pieces, in this case, concept are joined together to construct a bigger picture or map of possible relationship (Tamene, 2016; Miles and Huberman, 1994, p18; Maxwell, 1996, 2005, p39; Jebareen, 2009, p51).

This conceptual framework constitutes or comprises of ten blocks units or steps. Unit 1: human Rights law “Self-determination” (HRL); Unit 2: social right (SR); Unit 3: political and cultural right (PCR); Unit 4: economic right (ER); Unit 5: Niger Delta regional communities (NDRC); Unit 6: social factors (SF); Unit 7: political and cultural factors (PCF); Unit 8: economic factors (EF); Unit 9: Regional Environment; and Unit 10: Environmental (incorporating: political and cultural participation, socio-economic and infrastructural development; economic resource control and environmental protection (EPCPSEIDERCEP) .

### 3.2.1. Analysis of the steps involved in the conceptual framework:

Conceptual Framework on Isaac Jasper Adaka Boro: Concept for ‘Self-determination’ in the Niger Delta region of Nigeria during the “12 Day Revolution”– (now defunct Niger Delta Republic) 1966 (Boro, 1982)



#### 3.2.1. Unit 1. Human Rights Law:

As previously explained, human right law is the body of law that surrounds this conceptual framework and indeed this thesis which comprises social and economic rights which derives human rights laws. This thesis focuses on social and economic rights only, particularly “Self-determination”. As such, the issues are being seen as underprovided or unrepresented in the Niger Delta area or region of Nigeria. The people of Niger Delta are continuing to complain, and due to this lack of requested response, this now leads to the need for seeking “self-determination” by the people and communities of the Niger

Delta area or region to be able to control their own natural economic resources and determine their political future or destiny in accordance with the provisions of the United Nations charter and its subsequent treaty conventions; including regional charter (UN charter, 1945; UDHR, 1948; ICCPR, 1966; IESCR, 1966; ACHPR, 1981).

### **3.2.2. Unit 2. Social Rights:**

Thus step 2 constitutes Unit 2 of the conceptual framework plays a role in that that this research focuses on social rights as one of the key areas of concern in the Niger Delta. As scholarly or legally defined, social rights constitute the followings: e.g. freedom of movement, freedom of speech, freedom of expression, freedom of association, freedom from torture, freedom of religion, freedom of assembly, freedom from discrimination, right to form and join trade union, right to marry; right to private family life, right to political and cultural life, right to education, right to own land and property, right to life and protection, right to healthcare and personal development etc. These rights to social amenities have been limited or deprived in the Niger Delta area or region (UDHR, 1948; ICCPR, 1966; IESCR, 1966; ECHR, 1950; ACHPR, 1981; Nigerian constitution 1999; NHRA, 1995).

### **3.2.3. Unit 3. Political, Cultural Rights:**

This unit refers to political and cultural participation being defined as a right to political and cultural participation in the governance of his or her country, therefore it's seen as "peoples or group right" as enshrined in the International Convention on Civil, Political Rights (ICCPR,196) including the International Convention on Economic, Social and Cultural Right (ICESCR, 1966) respectfully. Therefore, it is grouped as a fundamental right to both for the individual and as a group irrespective of your nationality, creed, sexuality, region, language and political affiliations without discrimination, specifically those from ethnic minority regions or areas classified as "Indigenous People" or "Natives or Tribesmen" within nation states. Consequently, these rights are guaranteed and protected by the United Nations (UN) convention and its subsequent treaties; including that of the regional governments around the world such as the African Commission or Charter, therefore it should respected (ACHPR, 1981; ICCPR, 1966; ICESCR, 1966).

#### **3.2.4. Unit 4. Economic Rights:**

This unit involve economic rights as defined by international law, as the right to gainful employment, right to equal pay for equal work, the right to leisure and rest break, the right to periodic paid annual holiday, right to decent standard of living, to be able to provide for him/her self and family adequate food, shelter, clothing's, medical care, education, right to be protected against unemployment, the right not to be discriminated against, right to social security, and access to public fund in case of serious disability, old age pension, widowhood and other emergency, the right to form and join a trade union (UDHR,1948; IESCR,1966; ACHPR,1981;ECHR,1950; and the Nigerian constitution 1999). The roles its plays is that, as explained previously,; it is one of the fundamental focus issues demanded and the lack of economic rights leads to serious regional concerns relating to the Niger Delta. That is one of the major reasons for regional agitations for self-determination in the Niger Delta region of Nigeria (World bank. 2008; Boro, 1982; IYC, 1998; MEND, 2008; Eguruze, 2015).

#### **3.2.5. Unit 5. Niger Delta People and Communities**

This is unit 4 of the conceptual framework. As the name suggests it represents the people and the communities of the Niger Delta. This is the main focus of this study essentially. The people and communities are complaining about their fundamental social and economic rights are being deprived, neglected and violated by the federal government of Nigeria. The Niger Delta is located at the South, South region of Nigeria state. They produce over 95 % of the Nigeria oil and gas revenue and account for almost 98 % percent of the Nigeria economic revenue. Yet they are unfairly treated and deprived by the multi-national oil and gas conglomerates and Nigeria government. This led to the basis for the agitations, for “self-determination” including calls for natural economic resource control (World bank. 2008; Boro, 1982; IYC, 1998; MEND, 2008; Eguruze, 2015; MOSOP, 1995; Ogionwo, 1995; Okoko, 2011; Okonta, 2006; Saro-wiwa, 1995).

#### **3.2.6. Unit 6. Social Factors:**

Unit 6, comprises various social factors that constitute the case for self-determination, example of this is the lack of basic social amenities and the demand for social

infrastructural development in the local and regional communities throughout the Niger Delta region as demanded by various social groups including; cultural groups, community groups, political groups, religious groups, family groups, and youth or young people's groups, due to; abject poverty, poor healthcare, poor social housing, poor infrastructure, and underdevelopment, including environmental protection, pollutions and degradation while fostering and ammonizing good relationship with nature towards sustainable global environment (Boro, 1982; MOSOP, 1995; MEND, 2008; IYC, 1998).

### **3.2.7. Unit 7. Political and Cultural Factors:**

Unit 7, constitutes various political and cultural ideals such as political participation in true democratic governance, however, this has not been the case in the Nigerian democratic process where ethnic minority tribes have been disenfranchised and marginalized by the majority tribes (Hausa/Fulani, Yoruba, and Igbo) in the politics of Nigeria democratization particularly those from the Niger Delta region. Consequently, this often lead to the demands for state cessation, regional autonomy and agitation for "Self-determination,"; Examples of this were: the twelve day revolution in 1966 led by Isaac Boro leading to declaration of the now defunct "Niger Delta Republic", the Ogoni Bill of Rights in 1990 which are being precipitated the Ogoni crisis in 1995; the Kaiama Declaration in 1998; and the Odi crisis in 1999.

Often the entire Niger Delta regional communities have seen and experienced both cultural and political marginalization, oppression, intimidation, economic resource exploitation and environmental degradation for decades even before Nigeria independence in 1960. This treatment was upheld by the British colonial masters at the time hence the need for the Willink Commission, established in 1956 and its report published in 1958 concerning the Niger Delta region of Nigeria. However, over the decades its report was never fully adapted or implemented by the Nigeria state, but rather, whenever there were peaceful demonstrations by the people, it was often met with brutal force by the state security agencies even though the right to protest is enshrined in Nigerian Constitution 1990 (as amended).

### **3.2.8. Unit 8. Economic Factors:**

Unit 8: comprises or contains “Economic factors” which could determine the case for self-determination in the Niger Delta area or region. It precludes the lack of economic empowerment such as; soft- loan, grants, subsidizes educational scholarship. It also considers; the lack of employment or unemployment, lack of job creation and job opportunities, poor wage, terms and conditions of employment, poor education, lack of training and development, lack of trade, industries and commerce, exploitation of economic resources, lack of financial investment in industrial development, poor environmental sanitation which may affect industrial growth and development, inadequate marine and agro-allied industries, poor mining conditions, poor oil and gas exploratory activities causing oil spillage, gas flairs, dumping of toxic waste, contamination of drinking water, air, flora, marine and waterways, environmental pollution and degradation, and the lack of other service sectors (Saro-Wiwa, 1995; Okonta, 2006;IYC, 1998; MOSOP, 1995; MEND, 2008; Eguruze, 2015).

### **3.2.9. Unit 9. Niger Delta Regional Environment:**

Unit 9: comprises all the indigenous ethnic Niger Delta regional communities consisting several ethnic groups with divers dialectic languages spoken across the region, however; despite this the problems are all too unique consisting of ( i.e. poverty and deprivation; social inequality; political and economic marginalization; economic resources exploitation; lack of social, educational, medical healthcare provisions; lack of social housing, unemployment, social injustice; lack of basic amenities and infrastructural development) including environment degradation. Consequently leading to youth restiveness, armed militancy and agitations, hostage taking, kidnapping, oil bunkering and other forms of criminalities in the region; therefore it requires effective compressive objective policy decisions on the part the federal government and state government to engage fully young people, community groups, and organizations in addressing the problem’s of the Niger Delta. This includes good governance, (transparency, responsibility, and accountability) fairer distribution of wealth, citizenry participation in nation building and infrastructural development (Eguruze, 2015; Boro, 1982; Sarowiwa, 1995; Osaghea, 2001; NNHRC, 2017; IYC, 1998).

### **3.2.10. Unit 10. Environmental Factors:**

Unit 10: Contains the human environment embracing social (inequality), cultural (deprivation), political (marginalization), and economic (exploitation) constituting a variety of issues and concerns which the people and communities of the Niger Delta region have been complaining about including the lack of environmental protection, pollutions and degradation, lack of social, economic and infrastructural development, the lack of political participation, and natural economic resource (oil and natural gas) exploitation by the Nigeria state and the multi-national oil and gas conglomerates operating in the Niger Delta region of Nigeria.

As a result, the people and communities of the region have been agitating for self-determination based on the principles of equality of rights, entitlements and opportunities for all without discrimination of ethnic nationality, language, social background or status, political and religious affiliations based on equal value; and free from nepotism, tribalism, favoritism or political associations (Saro-Wiwa, 1995; Okonta, 2006; IYC, 1998; MOSOP, 1995; MEND, 2008; Eguruze, 2015).

### **3.3.0. Summary:**

In conclusion, a conceptual framework to enable the researcher to graphically illustrate a clear picture of the issues in relation to human right principles, values and norms in Nigeria particularly in the Niger Delta region of Nigeria, concerning the issue of socio-economic rights, self-determination and economic resource control would be advantageous (IYC, 1998; Boro, 1982; Saro-Wiwa, 1995; Eguruze, 2015).

As a result, there is a significant need for human right promulgation and promotion in the Niger Delta; so as to create general public awareness of their fundamental human rights, particularly the right to self-determination and social-economic rights as guaranteed by both international and regional laws including the 1999 Nigeria constitution, as amended, so as to tackle poverty in the Niger Delta (ICCPR, 1966; IESCR, 1966; UDHR, 1948; ACHPR, 1981; Nigeria Constitution, 1999; Boro, 1982; Eguruze, 2015; Osaghea, 2001; Saro-Wiwa, 1995).

## **CHAPTER FOUR**

### **RESEARCH METHODOLOGIES, METHODS, AND DISCUSIONS**

#### **4.1. INTRODUCTION**

This chapter is to give a reflective account of the research method and process it represents, and as such, it will endeavor to clarify the methodological approach which underpins this study. Adopting a ‘flexible mixed method approach is useful when attempting to justify an outcome in order to give or enable the researchers to resolve the research questions for a more flexible, integrated, holistic rigor in its investigative techniques; as it seeks to answer a complex multiple range of research questions in a variety ways’ (Leech and Onwuegbuze, 2010: p66) cited in Eguruze’s (2015)

However, the overall primary aim is the collection of primary data to fill research gaps; whilst responding to key research questions which are applicable or appropriate in this study of, “What socio-economic factors that could determine the case for self-determination in the Niger Delta region of Nigeria, using social marketing techniques (SMT);; consequently using socio-economic rights to tackle poverty in the Niger Delta, while seeking to adhere to the needs and challenges of the people in a pragmatic way so as to address or reduce some of the issues that emanate from the fieldwork during this research.

#### **4.2. Definition:**

The America Heritage dictionary (2016), described research methodology as a body of practiced procedures and rules; by those who work in:

- (a) A discipline or are engaged in a inquiry; or set of working methods
- (b) A study of theoretical analysis of such working methods
- (c) The branch of logic that deals with the general principles of the formation of knowledge.

#### **4.3. GENERAL DISCUSSION ON METHODOLOGY AND METHODS:**

The overall consideration of this research method is to adopt a broad based consensus of the method to be used, so as to enable the researcher to have a clear picture of its

objective outcome Guba (1990) and Messer-Knobe (2007) cited in Eguruze (2015).

This includes:

- (1) The reality of the epistemology of the research between the researcher and the phenomenon
- (2) also ontology of the research phenomenon for which the researcher is investigating; particularly viable data's that is to be generated in the course of the research investigation in terms of ethical consideration, access and the theory behind it and
- (3) What is to be used for; as it will be explained in the research methodologies?

#### **4.3.1. Research Paradigms:**

According to Bryman et al (2007), research paradigms are said to be clusters of set belief systems which could influence the researchers study and how he/she proceeds or carries out the studies, including the interpretation of its outcome and also the understanding of how he/she would make their decisions and implement them which is highly critical (Miles et al, 1972) in the research paradigm based on well considered opinion (including: axiology, epistemology, entomology, realism, pragmatism) based on a mixed-methods.

It could also be described as a systematic form of investigation or enquiry whereby data are collected, analyzed and interpreted in an effort to understand, dismiss, predict and control educational phenomenon; in order to empower individuals in the field of research methodology (Burns,1997; Merlen,2005, p.2' O'Lery,2004) cited by Mackenzie et al (2006). Therefore, it could said to be a set of loosely collective clusters of related assumptions, concepts or proposition that enrich the researcher's thinking based on philosophical intent or motivation in undertaking a study (Bogdon and Biklen, 1998, P.22) cited (Ibid).

#### **4.3.2. Axiology:**

Axiology could be described as a set of researcher's ethical belief considerations, such as values embedded in the research paradigm, which could subsequently act as a guide in respect of the researcher's decision making process. Therefore, its purpose is to inquire the needs for a balanced value of what the researchers believe in as well as others ethical considerations regarding the conduct of the researchers (Killam, 2013). Or It could be

the representation of the researchers; personal values and beliefs system based on some degree of conviction which might have influence in his/her conduct on a specific or specialized piece of research work (Eguruze, 2015). However, Baranoski (2011) argued that axiology could be ethically biased in its value system within the researchers' personality, which could have influence in the way the research is undertaken; and are therefore often impossible to eliminate. Therefore, it could be argued that such conducts are practically impossible to eradicate when attempting to conduct research free from others influence or point of view and opinion which might validate or invalidate the research outcome cited in Eguruze (2015).

#### **4.3.3. Epistemology:**

Hofer (2004) described epistemology as a collection of independent beliefs within the doctrines of research paradigm drawn from epistemological theory involving views of individuals that may have in general a given theory of knowledge about the nature of knowledge in it that is being investigated. Therefore, epistemological research enables the researcher to get to the truth about the reality of the research investigation, in particular the key questions the researchers may consider necessary and important from their view point in order to obtain or ascertain the true picture of the information required through the use of forms and questionnaires which could present the researcher with a clear understanding of the social reality about the essence of the knowledge (Burrell and Morgan, 1979; Robson, 2002) cited in Eguruze (2015).

As a result, the empirical is based on a large data sample of questionnaires distributed to a large number of people by examining their views through the use of questionnaires in order to determine what socio-economic factors that could support the case for "self-determination" in the Niger Delta region of Nigeria. Therefore it is very much appropriate to use or implement an epistemological approach under a positive paradigm (Creswell, 2005; 2007; Saunders et al, 2003, 2012) cited in Eguruze (2015).

Therefore, the trajectory of this circumstance is for the researcher to have prior knowledge or background of the subject or study while examining its effect in the area of socio-economic rights; particularly the issue of "self-determination" which would become the determinant factor in the paradigm (Eguruze, 2015). Consequently, a series of

questionnaires will be designed to reflect topical answers “true” or “false” believing that this study will be objective in its findings based on the objectivity of the research questionnaires; which will be no doubt respond to the needs of the research participants or respondents in the research (Burrell et al, 1979; Robson, 2002, 2011) cited in Eguruze (2015).

#### **4.3.4. Ontology:**

Staab and Struder (2009) cited Grubber (1993) defined the notion of ontology as an “explicit specification of conceptualization”, however; Borst ( ) defined ontology as a formal specification of share conceptualization, meaning the conceptualization should express a share view between several parties, or share consensus rather than an individual view. Therefore, the conceptualization should be able to express a readable interest. In merging these two definitions, Struder et al (1998) define ontology as a formal explicit specification or specialization of share conceptualization, which could be said to be a research enabling tool for understanding the very nature of the phenomenon of the issues being investigated; therefore it could be described as the stand point of a research (Eguruze, 2015).

#### **4.3.5. Positivism:**

Positivism is a set of belief systems that individual knowledge is based on which is been carefully processed and directed towards observation, measuring, and recording of its outcome (Crewell, 2003; Saunders et al, 2003; 2012). This could amount to a large statistical data under a positive paradigm in an effort to determine socio-economic rights in order to determine the case for self-determination (Eguruze, 2015).

#### **4.3.6. Pragmatism:**

Pragmatism is seen as a form of mix method of research which does put great emphasis on the research questions that allow the use of more than a single data collection method (Denscombe, 2007).

#### **4.3.7. Realism:**

Realism is seen as part of epistemology belief system designed to see things from the position of epistemological perspective that acknowledge the reality of the independent accessibility of the researchers to act independently, however; such action should be well structured so as to exert social influence or constraint on the individual (Brymen and Bell, 2007, p.719; Eguruze, 2015).

#### **4.3.8. Interpretivism:**

Interpretivism is considered on the other hand as holding a true picture of the individual views, to different people with different interpretation, therefore; it could be perceived, presented and interpreted differently by others (Crewell, 2003; 2004). Therefore, interpretivism could be considered as a social reality from personal observation and subjectively through the need to explore and identify a different course of action to affect the link between, in this case “self-determination” and “resource control” (Saunders et al, 2003; 2012).

#### **4.3.9. Deductive Approach:**

A Deductive approach could be more suitable or appropriate for a large collection of well established literature on research topic, however; there should be substantial amount of reliable available literature in the context of research topics, in this case the issues of “Socio-economic right” or “Self-determination” per se according to international, regional national legal instruments including the Nigerian federal constitutions 1999 as amended (UDHR, 1948; ICCPR, 1966; ICESCR, 1966; ACHPR, 1982). Arguably, the deductive approach is modestly related to academic theories ascribed to explore research questions and developments (Creswell, 1994, 2003; Gauri and Gronhaug, 2005).

However, Robson (1993, 2002, 2011) choose to argue that researchers may like to involve a more progressive approach which might comprise the following: deductive hypothesis (ii) expressing hypothesis (iii) Suggestive hypothesis (making linkage between two or more variable hypothesis (iv) Testing operational hypothesis and (v) with subsequent examination of outcome,; which could enable the researchers to make a modification to the hypothesis depending on its results or outcome.; However its best

suited for quantitative data collection along with well structured methodology which allows testing of an hypothesis (Creswell, 2003, 2007; Saunders et al, 2003; 2012) cited in Eguruze (2015).

#### **4.10. Mixed Method Approach:**

The Mixed method approach could be said to be a research strategy which is flexible enough to apply various number of variables of research methods when research methods becomes critically necessary in cases where both qualitative and quantitative data collection and analysis methods are used in a single research (Cameron, 2010; Bryman and Bell, 2011; Monllina-Azonrin and Cameron, 2010).

Consequently, Saunders et al (2012) identifies three kind of mixed research methods; namely: Convergent, Complex and fully integrated. Whereas Creswell (1994; Creswel et al, 2002, 2003; Plano Clark et al, 2007; Molina-Azonrin and Cameron 2010) sees the mixed method as “World view”; meaning it could be used in several different ways: because in a quantitative data design it’s used to collect “numbers or figures”, while in a qualitative data design it is used to collect “words” in the field of sociology, psychology, education and health sciences (Eguruze, 2015).

#### **4.3.11. Benefits of Mixed Methods:**

The benefits of mixed research methods are its capability to integrate with several research methods, the ability or capacity to adjust and readjust to its expected outcome which do add to knowledge advancement in an organized manner and behavior (Greenberg, 2007); which perceived to be positive and methodologically diverse in a strategic setting within the research spheres or environment (Boyd, Groove and Hitt, 2005; cited in Eguruze, 2015).

Also, its ability to rationalize deeper; and better understanding to provide even better insight to the understanding of complex research problems. It can be used in a broader or wider perspective with better expected outcomes (Monllina-Azorin, 2010) cited in Eguruze (2015).

Furthermore, its promotes synergy, development, complimentary benchmark; including the initiation and expansion of the enrichment of power and collaboration; as well as

better understanding of inherent complex research phenomena (Tashkkori and Teddlie,2010; Saunders et al, 2012) cited in Eguruze (2015).

#### **4.3.12. Limitation of Mixed Methods:**

Mixed method, by contrast are not easy because it does takes more time and resources (Cresswel and Plato Clark, 2007); particularly financial resources (money), skills and experience more than mono-methods. It could even be more complex and complicated, such as; words, numbers, pages, diagrams or graphics illustrations, tables, printing of materials in large quantities, cost of data collection including travel or transportation costs to attend focus group meetings and seminars (Bryman, 2006; Plato Clark, 2005).

#### **4.3.13. Case Study Research Design:**

Case study research is normally or notably linked to interpretivism paradigm and qualitative methods, therefore; a case study is viewed as an in-depth empirical examination of a single real world phenomenon which involves several sources of evidence which allows in-depth analysis at the time when the research was conducted (Robson, 1993, 2007, 2011, 2012; Saunders et al, 2009, 2012). Consequently, case study research involves four related functions which; identifies theoretical motivation (2) it outlines strength and weakness of each methods used or adopted (3) it also highlights practicable or practicability of the research process (4) and finally, it could also act as a bridge to one another (Ibid).

#### **4.3.14. Advantage of Case Study:**

Cohen et al, (2007), in its narrative described the case study as a useful tool to social and business management study; as its in-depth studies are based on specific phenomenon to the extent that it allows or enables a variety of approaches during single data collection effort and it also allows or aids triangulation in the research process (Denscombe, 2010). However, in this study it would be more appropriate to use a case study design model due to its in-depth specific study on human rights value in Nigeria specifically the right to “Self-determination” according to the UN charter of 1945; including other international, regional and national legal instruments (UDHR, 1948; ICCPR, 1966; ICSECR, 1966;

ECHR, 1952; ACHPR, 1982).

#### **4.3.15. Disadvantage of Case Study Research Design:**

Case study design could be susceptible or vulnerable to risk of personalization or personalized interpretation, or limitation or even generalization; and it could also be cumbersome and time consuming research exercise to undertake (Denscombe, 2010; Saunders et al, 2009, 2012).

#### **4.3.16. Interview:**

Interviews are largely used by researchers despite its expensive nature to administer, rather than questionnaire data collection methodology due to its in-depth, flexibility and adaptability in nature to conduct survey; involving one-to-one conversations between the interviewer and the interviewee in order to find out the facts ( Gilbert, 2001;Robson, 2002; Henn et al, 2009). Meanwhile, realistically speaking; the offer of interview gives flexibility and scope for one-to-one interaction between the researcher and the interviewee so that the researcher could be able to achieve its desire aim or stated aims by asking questions or follow-up questions as a way of probing respondents for feedback where clarification is needed to avoid bias (Densin and Linkoln, 2003).

This enables or allows the researcher to have an in-depth personality profile data directly of the interviewee, be it from young people, community organizations, and other stakeholders; including policy decision makers themselves (Czinkota et al, 1992, p339; Eguruze, 2015; Mann, 1985, p61). However, the quality of knowledge, skills and experience, is by far, more important in terms of the quality of data or information that is to be collected in the research so as to gain a wider or variety of knowledge and understanding of the phenomenon; through which to explore perceptions, feelings, attitudes, behaviors and thoughts on issues that affect their lives particularly in this case: “human rights violations and poverty “Self-determination” (Eguruze, 2015).

Therefore, in retrospective terms;, research observations in conversation are absolutely a necessity or necessary integral part of societal social interaction by which people do communicate amongst themselves or do business with one another or a way to extract qualitative data (information) which provides access to information for people to give an

account of their personal problem, fortune and life experiences (Eguruze, 2015). However, to conduct research interview exercises; the researcher needs to ensure that meetings are pre-arranged beforehand and to make sure other ethically related matters or rules are adhered to or taken care of-including copies of the proposed interview guide or schedule of the interview to the interviewee in advance before the interview date in order to enable the interviewee to get familiar with the subject contents so as to avoid surprises (Henn et al, 2009; Eguruze, 2015)

#### **4.3.17. Summary:**

To summaries this chapter and its outline, it could be considered to justify the basis of using a mixed methods as well as to ensure that all research ethical requirements are met and respected in the research design and conduct of case study research. As such, this chapter needed answers to the overarching question of human rights violations in particular; the issue of “Self-determination” in the Niger Delta region of Nigeria as opposed to “Socio-economic rights” as stipulated in both international and regional laws, while evaluating the human rights provisions within the 1999 (as amended) Federal Nigerian constitution under chapter four. Consequently, the chapter examines reviews and evaluates which data to collect and analyze while highlighting the linkage between research processes. In this context the chapter reviewed the following contents:

(1) **Ontology** (what are the realities and causes of human rights violations, particular in the Niger Delta region of Nigeria?)

(2) **Epistemology** the truth and reality of human rights violations: e.g., corruption, resource exploitation, resource control, environmental degradation and pollution, social; and infrastructural underdevelopment in the region.

As such, its main or key research objective is to:

- (1) Create human rights awareness in the Niger Delta Region
- (2) Promulgate human rights values in the Niger Delta region
- (3) Promote human rights culture in the Niger Delta region while engaging young people, community groups and community organizations in creating public awareness of the role and importance of human rights values in the Niger Delta region of Nigeria; particularly

the issue concerning minority right to “Self-determination” and “Resource Control” (Eguruze, 2015; Osaghea, 2001).

The aim was also to examine the establishment of existing methodology in relation to the research objectives, using deductive approach to identify and isolate data dependency and independency of variables; whilst objectively examining both case study design (literature review) and qualitative (interview) data samples bearing in mind the issues involved and its complexity whilst been cautious of its sensitivity as a matter of national security when expressing individual or collective views. While at the same time, observing research ethnical rules, regulations and standards; in accordance to British Sociological Association (BSA); and the Selinus University Ethnic Standard Committee “ESC” (Silverman, 2012; Trau, 2012; Eguruze, 2015).

## 5.0.

## CHAPTER FIVE

### CASE STUDY REVIEW AND QUALITATIVE ANALYSIS

### MINORITY RIGHT TO SELF-DETERMINATION/RESOURCE CONTROL

#### 5.1. INTRODUCTION:

This chapter will focus on the issue of minority right to “Self-determination” and “Resource Control” in the Niger Delta region of Nigeria, as a result; these issues have become very contentious and contemptuous between local community groups, organization and the federal government over the decades; particularly in recent times. However, the federal government argues every landed property, economic and mineral resources belong to the federal government of Nigeria in accordance to the “Land Use Decree/Act” 1978, and the “Petroleum Act” 1969 respectively. While, local indigenous community groups and organizations argues; such constitutional provisions violates their fundamental human rights contrary to the provisions of both regional and international law (UDHR, 1948; ICCPR, 1966; ICESCR, 1966; UNDRIP, 2007; ACHPR, 1981).

#### 5.2. DEFINITION:

Case review could be described or defined as critical reappraisal, reexamination, reevaluation, reassessment or review of a case, by examining the route causes, the fundamentals, legal reasons and objectivity (motive and intent) etc, whether it is actionable (civilly or criminally) in court; neither nationally, regionally or internationally (Oxford Dictionary, 2010).

In retrospect, this chapter will examine the case for “Self-determination” and “Resource Control” in the plight of what had transpired in the Niger Delta region of Nigeria since 1966 to date (21<sup>st</sup> century); with specific reference to the following cases:

- **Isaac Jasper Adaka Boro Niger Declaration “Niger Delta Republic” 1966**
- **Ken Saro-wiwa –Ogoni Crisis 1995**
- **IYC – Kaiama Declaration 1998**
- **Odi Massacre/Crisis 1999**
- **Warri Crisis 1997-2003**

**5.2.1. Isaac Jasper Adaka Boro “Niger Delta Declaration” (now defunct: Niger Delta Republic) during the twelve (12) days armed revolution against the Nigeria State/Federal Government (FGN):**

**5.2.2. Case.1. Re: JELR91477(SC) SC377/66: Isaac Boro vs FMG “12 days revolution”**

On the 23<sup>rd</sup> February 1966 leading to the declaration of now defunct “**Niger Delta Republic**” was precipitated by the lack of regional proportional political representation of indigenous ethnic minority groups in the old eastern region, (ii) lack of political participation (iii) social and economic deprivation (iv), social and cultural inequality, (v) social, economic and political marginalization (vi) social injustice (vii) lack of social, economic and infrastructural development, (viii) environment degradation, and resource exploitation (oil and gas) in the region of which there was no real significant benefit for the people and communities of the Niger Delta region; but rather to the betterment of the majority Igbo speaking ethnic group, and the federal government (Boro, 1982; Osaghea, 2001; Human Rights Watch, 2017; Eguruze, 2015; Saro-wiwa, 1995; IYC, 1998).

**5.2.3. Case .2: Re: 155/1996 CESR v FRN Ken Saro-wiwa Ogoni Crisis (MOSOP) 1995**

The Ogoni crisis are no different from the armed agitation of Isaac Boro 1966 revolution, there are similarity in nature; but different in implementation. The Ogoni crisis was led by Ken Saro-wiwa under the flagship of the Movement for the Survival of the Ogoni People (MOSOP) from the 1990s, however; these problems persisted over the decades (i.e. social inequality, poverty and deprivation, unemployment, social, economic, and political marginalization, social injustice, lack of basic infrastructural development, resource exploitation, social exclusion, environmental degradation) etc.

Consequently, the Ogoni people went of a peaceful protest led by Mr. Ken Saro-wiwa (he was an minority rights and environmental activist) at the premises of Royal Dutch Shell Petroleum Corporation over oil spills and environmental degradation; whilst the protest was on the management of Shell in collaboration of the Nigeria state security forces move in with brutal force killing several people, thereafter moved into the local community killing, destroying properties, farmland, live stocks, rapping women and girls.

As a result, the youths of Ogoniland took reprisal or revenge on the leaders accusing them of willful betrayal in collaboration with the oil companies and the Nigerian state authorities in depriving the Ogoni-land from its lawful entitlements'; which subsequently resulted in the deaths of nine (9) Ogoni elders (chiefs) which subsequently led to the arrest, trial, sentence and execution (hanging) of Mr. Ken Saro-wiwa in 1995 (Saro-wiwa, 1995).

His (Ken Saro-wiwa) death, did spark regional and international condemnation from both African and International leaders across the globe; to the extent diplomatic relationship were suspended leading to several regional and international lawsuits both by individuals, community groups, and civil organizations. However, in 1996 a civil case or lawsuit was brought against the Nigeria government by the Centre for Economic Social Rights (CESR) for gross willful negligent of human rights violations over the Ogoni incident; held at the African Human Rights Commission. Consequently, the court held the view that indeed the Nigeria state was negligent of its regional and international human obligation; therefore in breach or violation of human rights law (case ref: 155/1996). Nevertheless, some of these cases are still ongoing in various parts of the world; where judgments are yet to be determined by the courts.

#### **5.2.4. Case .3: Ijaw Youth Council (IYC) – “Kaiama Declaration” 1998**

The Ijaw Youth Council (IYC) on the 11<sup>th</sup> December 1998, mass mobilized over 5000 indigenous Ijaw youths from over 200 clans to congregate at Kaiama town (the home town) of Major Isaac Jasper Adaka Boro to commemorate Isaac Boro inspiration and ideology (otherwise known as: BOROISM) leading to the formation of the “Niger Delta Volunteer Force” (NDVF); leading to the 12 day revolution on the 23<sup>rd</sup> February 1966. IYC, inspired by “Isaac Boro” Ideological activism (Boroism) and declaration of the now defunct “Niger Delta Republic” in 1966 proclaimed and promulgated the following statements (known as: The Kaiama Declaration); this come to be known as the “Ijaw Bill of Rights” (IYC, 1998).

This statement goes to outline six (6) key or core fundamental areas of fixing the antecedents of the Niger Delta problems (regional self-determination or state autonomy

and resource control); which are open to dialogue and negotiation with the federal government of Nigeria. The statement reads:

That all Ijaw Oil, Gas, Mineral and Natural resources, within the Ijaw territory belongs to the Ijaw communities, and also demand that IYC ceases to recognize all decrees enacted without the participation and consent. The statement also call on all military personnel's to withdraw from the region, and warned all oil and gas companies that they would be regarded as an enemy; if they relied on the military for protection. -

- *That all lands and natural resources, including, mineral resources within the Ijaw territories belongs to the Ijaw communities; and are the basis of our survival*
- *We ceases to recognize all undemocratic decrees that rob our people and communities of the right of ownership and control of our lives and resources, which were enacted without our participation and consent; these includes the Land Use Decree/Act 1978, and the Petroleum Act 1969 (amended, 1998).*
- *That we therefore demand the immediate withdrawal of all military occupation forces of the Nigeria state and Oil companies that employ the services of the Nigeria state to protect its operation in Ijaw-land and territories will be view as enemies of the Ijaw people, therefore; members of the military personnel's stationed in the Ijaw-land should appeal to their people to leave the Ijaw areas alone.*
- *The Ijaw youths in all communities in all Ijaw clans in the Niger Delta will take steps to implement this resolution beginning from the 30<sup>th</sup> of December 1998, as a step towards reclaiming our resources and control of lives. Therefore, we demand that all oil and gas companies should stop all explorative and exploitative activities in the Ijaw areas; we are tired of gas flairs, spillages, blowout, and being labeled as saboteurs and terrorist; it's a case of preparing the noose for our hanging. We therefore reject this labeling, hence we advice all oil and gas companies, staffs, and contractors to withdraw from Ijaw territories by 30<sup>th</sup> December 1998; pended the resolution of these issues of resources ownership and control in the Ijaw areas of the Niger Delta.*

- *Ijaw youths and people will promote the principles of peaceful coexistence between all Ijaw communities, and with all our neighbors despite provocative and divisive actions of the Nigeria state and transnational oil and gas companies and their contractors; we offer a hand of friendship and our neighbors the: Itsekiri, Ilaje, Urhobo, Isoko, Edo, Ibibio, Ogoni, Ekpeye, Ikwere etc we offer our commitment to joint struggle with other ethnic nationalities in the Niger Delta area for “Self-determination”.*
- *We express our solidarity with all people, organizations, and ethnic nationalities in Nigeria and elsewhere who are struggling for “Self-determination” and “Justice” particularly the Oodua Peoples Congress (POC), the Movement for the Survival of the Ogoni People (MOSOP), and the Eji Women Movement (EWM) etc.*
- *We also extend our hand of solidarity to the Nigeria Oil Workers Unions and others; we expect that they will see this struggle for freedom as a struggle for humanity.*

*We reject the present transition to civil rule program of the Abubakar regime, as it is not preceded by restructuring of the Nigerian federation; the way forward is a “Sovereign National Conference” (SNC) of equal representation of all ethnic nationalities to discuss the nature of the democratic federation of Nigeria of all ethnic nationalities; conference; therefore noted that the violence and killings characterized in the last local government election in most parts of the Niger Delta was motivated by political ethnic nationalism. Therefore, the federation should be run on the basis of “Equality” and “Social justice”, finally; the Ijaw Youth resolve to set-up the Ijaw Youth Council (IYC) to coordinate the struggle of the Ijaw people for “Self-determination” and “Justice”.*

Critically, these ideological concepts represent “Boroism” in all intents and purposes in all respect: e.g. freedom, equality, fairness, justice, unity, peace, empowerment, progress, development and environmental protection; and it were also about indigenous ethnic Ijaw nationalism throughout the Niger Delta and beyond in his emancipation struggle and advocacy for minority rights and environmental sustainability towards “Self-determination”, or “Self-autonomy” and "Resource control" (IYC, 1998).

#### **5.2.5. Case 4: The Odi Massacre/Crisis 1999 - OCPC vs Federal Government (2014)**

Odi crisis and massacre was relatively similar in nature to the Ogoni crisis of 1995 leading the killings of the Ogoni elders which subsequently led to the hanging and murder of Ken Saro-wiwa, however; the differences here was that the Odi crisis was precipitated by young people of Odi-land over all too familiar issues of: poverty, deprivation, social inequality, social injustice, socio-economic and political marginalization, resources exploitation, underdevelopment and environmental degradation throughout the Niger Delta region of Nigeria.

However, the contemporary issues are the same; nevertheless the reaction of the federal government is clearly overboard, excessive and disproportionate in all its ramifications no matter what instead of seeking peace through consultation, dialogue and negotiation to restore peace, law and order the federal resulted to extreme use of force by the dissemination of entire Odi town and its people in a violent and grotesque manner with no regard for human life or rule of law. Therefore, the actions of the federal government is a clear a gross violations, and a breach of human rights and fundamental freedom, and also a clear violation of its national, regional and international human rights obligations contrary both national, regional and international law (UDHR,1948; ICCPR, 1966; ICESCR, 1966; UNDRIP, 2007; ACHPR, 1981).

No wonder Mr. Justice Lambi Akanbi of the federal high court held in February 2013 ruled against the federal government of Nigeria for the massacre of over 2.500 people and total destruction of Odi town (people and communities) including the rapping of women and girls etc carried out by its security forces, consequently awarded the sum of N37.6 billion naira to the people and communities of Odi town as a form of reparation, judicial remedy or redress; which was eventually settled for N15 billion naira as a negotiated settlement and was settled on the 21<sup>st</sup> October 2014 according to the Odi Case Prosecution Committee (OCPC, 2014).

#### **5.2.6. Case 5: Warri Crisis (Delta State) 1997-2003: Ethnic Ijaw v Ethnic Itsekiri**

The Warri crisis has been a long and protracted ethnic intertribal rivalry between two indigenous groups (ethnic Ijaw v ethnic Itsekiri) even though there are well over four (4) different ethnic groups in Warri city of Delta state within the Niger Delta region of

Nigeria. Namely: Ijaw, Itsekiri, Urhobo, Isoko, and others; however predominately the ethnic Ijaw's are the majority amongst the lot but never socio-economically and politically engaged in the political affairs of the state while the Itsekiri's are academically and politically engaged.

As a result, the Itsekiri's are more academically and politically influential in the administrative policy and affairs of the state. Consequently, this socio-economic and socio-political power and authority have empowered the ethnic Itsekiri to have overall dominance in the state; dictating how the state will be run. As a result, this has brought some kind of hegemony and rivalry between the two ethnic groups (Ijaw and Itsekiri) which was otherwise peaceful city of Warri (all ethnic groups of Warri have coexisting, living side by side for over five hundred years).

However, when in May 1997 the government of Delta state embark on policy of the creation and allocation of local government area in predominately Itsekiri area (Oyidijben) spike overall resentment from the ethnic Ijaw communities; consequently resulting to community violence between the two communities (Ijaw and Itsekiri); the violence continued up to 2003 when eventually the federal joint security services (JFT) comprising the army, police, navy and air force were dispatched into the area after several hundreds of people were killed, properties destroyed by both sides of the conflict. However, in the preceding years; the Delta state house of assembly decided to relocate the local government head quarter from "**Oyidijben**" area of Itsekiri to "**Ogbe-Ijoh**" which is ethnic Ijaw area of the city (Warri) and since then there has been relative peace in the city of Warri amongst all the ethnic groups throughout Delta state of Nigeria.

To critically examine and analyze the fundamentals of this case, it is profoundly obvious that the basic issues are surrounded by equity, fairness and justice which are the recipes for peaceful coexistence and democratic dispensation (meaning fairer distribution of wealth); across the board without discrimination no matter ones ethnicity, cultural background, gender, religion, social, economic and political affiliations throughout the Niger Delta region and Nigeria at large. Therefore, these problems are uniquely familiar throughout the Niger Delta region; as poverty, deprivation, social inequality, injustice, underdevelopment and environmental degradation has become the order of the day in present Nigeria (Osaghea, 2001; Boro, 1982; IYC, 1998; Eguruze, 2015).

### **5.3.0 Part B. QUALITATIVE ANALYSIS (interview):**

#### **5.3.1. INTRODUCTION:**

Part B (segment) of this Chapter five (5) will explore and focuses on expert knowledge, opinion, and narratives in relations to the issues of the Niger Delta region of Nigeria, which is based on qualitative method (personal interview); in accordance with British Sociological Association (BSA) and the Selinus University Ethnical Standard Committee (SUESC) while observing fundamental human rights principles, norms and values. Consequently, personal interviews are been conducted in strict anonymity and personal freedom, and consent without being coax or financially induced or other forms undue influence of the interviewee and whatsoever; whilst complying with current legislations on data protection act 1998 (amended, 2018).

The interviews are conducted with strict confidence in interviewee professional knowledge and experience on the subject in their professional capacity according the interview guidelines, which were earlier sent to all participating interviewees; whilst using the opportunity to explore the experiences of few of those who were involved in the emancipation struggle of the Niger Delta specifically “The Kaiama Declaration” 1998.

Therefore, the identity of the interviewees will remain anonymous to prevent individuals being identified; as the subject matter (self-determination and resource control) is serious view by the state authorities a threat to national security by the Nigeria state. As a result, the identity and response of each respondent will be codified in order to protect their identities; inline with the ethnical requirements of both the British Sociological Association (BSA) and the Selinus University Ethnical Standard Committee (SUESC) 2010

The interview will focus on three main or core areas: (i) “Bororism” 1966; (ii) “Kaiama Declaration” 1998; (iii) “Odi Massacre” 1999, respectively, however; during the coding process the following- phrases, concepts were used interchangeably to describe or refer to the phenomena of “self-determination”, “autonomy”, “semi-autonomy” “resource control”, “regional control”, “regional autonomy”, “better reorganization”, “creation of state”, “declaration of Niger Delta Republic”, “bill of rights” “fair treatment regarding the sharing of oil and gas wealth (wealth distribution)”, “ agitation of better

*recognition”, “ victimization”, “enslaves”, “oppressed”, “environmental degradation” or “damage done to our fragile environment” “pollution” “emancipation” “liberation” etc.*

The interview was conducted in March, 2019 during my previous research investigation at Kaiama town in present Bayelsa state of Nigeria; amongst those who participated was the previous youth leader during the “Kaiama declaration” 1998; the present member of the chieftaincy council, and Isaac Boro siblings ( Boro junior).

### **6.3.2. Boroism & The Niger Delta Question**

**DB states .....** *“Yes, I did; I was in class five in secondary school then. On the day they struck, I mean for what is now known as the “12 Day Revolution” in 1966, we were in school – Bishop Dimieri Grammar School, Yenagoa, when we started hearing the sounds of dynamites blast. It was terrible. People were running into our school compound and everybody took off, they say it was Isaac Boro and I said he is my elder brother. I waited to be sure if it was him, and there he was leading the group of young men. They were members of the “Niger Delta Volunteer Force” (NDVF). This corresponds to Research Question 1 as well as meets Research Objectives 1. This was an experience in Yenagoa. The then the Yenagoa Local Government HQ, which is now the Bayelsa State Government HQ...” (DB)*

**(DB) Another Response from the same younger brother was again,**

**“Yes”** DB *“.... He came to tell our principal to close the school, because they had declared a “Niger Delta Republic”, and they know that the Federal troops would be coming down and there would be exchange of gunfire. So in order not to expose the school children to danger he told the principal to close the school, and the principal complied and all of us went home. By the time I got home, everybody had ran away. Our father was then the headmaster at Taylor Greek. I didn’t meet anybody.” “ I went into the village and ask where they were, and I was told. I went to meet them. Then some policemen came and we ran into the bush”.*

*“As you may see this appeared to be an experience in three connecting towns: Yenagoa (where the younger of Boro was attending secondary school and closed due to the Struggle/crisis), Taylor Creek; (where Boro’s father was the headmaster of the school)*

*and Kaiama (the home town of Boro). ....” (DB)*

*More categorically spelling out, according to DB ..... “Boroism and Autonomy” are about self determination for the Niger Delta.” DB asked “Now we have some degree of “autonomy” we have our own budget, what are we doing with these budgets?” ..... (DB) DB states “ ... Isaac Boro had enough reasons, first to be aware of what was happening and secondly, to be aggrieved and thirdly, because upon becoming an undergraduate at the University of Nsukka on the scholarship of Eastern Nigeria they tried to use him to engage the Federal Government. Then when he brought the issue of state for his people, the Eastern (Regional) Government rejected it outright. But as I said, he discovered that the northern leaders were aligned to helping the Niger Delta people to have greater autonomy; based on that he had a pact with them on mutual protection. So, he had all the reasons at that point to do what he wanted to do, all that was needed at that point was courage and as for courage; Isaac Boro had it.....” Hence the theory of Boroism and Courage..... Implying that, the issues of demanding self-determination; entails or requires courage. The selfless effort and the commitment are key elements, in addition to being aware and knowledgeable of the prevalent issues/challenges, etc. This implies leadership, foresight and; vision with the ability to communicate such vision to the followers effectively. He carried along the people - Boro DB.*

Again DB added

*“...Anybody at that time, even now a child growing up is aware that the Niger Delta people are not given their fair treatment regarding the oil and gas wealth in this area.”*

*This consciousness started even before Isaac Boro and that was why the Niger Delta elders at the time wanted a state. Even the 1958 “Willink Commission” that was setup to look into the predicament of the Niger Delta people before the creation of Nigeria shows there was agitation for better recognition; but that did not come. So that gap was there.....” DB*

**5.3.3. Boroism and the Niger Delta Question/Struggle – Key Themes:** was among other key selected themes and quotes from the coding process. Let’s reflect on some of the comments by the interviewees.

DB regularly cited “Niger Delta Volunteer Force” (NDVF); “Declaration of the Niger

Delta Republic” which is now defunct, as well as the “12 day Revolution” during which the NDVF forces volunteer forces and the Federal Troops from the Eastern region engaged in series of gun battles.

DB explained “actually the 12 Day revolution did not happen out of the blue; it had the silent consent of the northern Nigerian hierarchy”. DB also noted other strategies that Boro adopted: “Student Leader” - President of the University of Nsuka”. “after the 1963 general election, they took the Federal Government to court seek its nullifications at the time”. These followed the election that they believed was not free and therefore unfair.

DB also commented “*The Niger Delta Question and Boroism are tied to a large extent. It highlights the ensuing issues affecting all the peoples of the Niger Delta, not just for the Ijaws. It represents a sense of self-sacrifice, a sense of service to the people, a sense of self help, etc.*” “Opinions are divided, some think that “Boroism” means bearing arms, but my elder brother (Boro) had two sides. One side of him, was source of change; then if it will not come, force it to come quickly. Secondly, if you succeed and you are there, what will you do?” DB

**Borosim and Leadership and Elitism** - “*And that is where a lot has not gone well, and it is not strictly an issue that concerns youths. It is an issue that has to do with “Leadership” and “Elite” “Elitism”.* DB

**Boroism and Autonomy** “*Now we have some degree of “autonomy” we have our own budget, what are we doing with these budgets? That is the issue, so “Boroism” is also about Empowerment.....* “ DB

**Boroism and Empowerment?** “*For many “Boroism” has nothing to do with wars or bearing arms because they are already in power*”. The point is, again he states, “if you are disbursing state resources as one of the outcome(s) of the struggle, then you are in the second part of “Boroism”; It is not about engineering suppressive structure”.

Again he states “*No, it is about “empowerment”, the question is “is the money reaching the people?” “What structure have you put in place?” “Take Yenagoa for example.*

How many shops are owned by Bayelsa People? How many market stalls are owned by Bayelsa people? There are lot of people who want to go there and sell, but they don't have the opportunity, because most times these things are just revolving around one cartel or cabals and it never really trickled down, so in that regards "Boroism" has been misplaced" In fact, "when there is trouble, they want hungry people to come and fight for them.; Therefore it is not about Ijaw youths"

DB on "***Freedom Fighter***" to the question is Boro were alive, do you think he would have gone into politics? "Yes, he would have. That is the reason why he had problems with some of his military superiors. He was not a soldier; he was **a freedom fighter** who joined the army because that was the best platform upon which to achieve political ends. That was the reason he joined the army. It was his plan that after the war he would quit the army and go into politics, because that is where there is always the power to develop. He would not have remained in the army." DB

DB states, "*Our father (ie Boro is father) was a member of the Niger Delta Development Board (NDDDB), which was like the Niger Delta Development Commission (NDDC) of present day. They were the people who went abroad and brought foreigners to assess the region and they came up with their findings on how the area could be developed. All those things were done, but there was no implementation.....*" (DB).

..... "*As a minority in this part of the country, we had always felt cheated out of our oil wealth; because we were not many. Somebody could come to your land, take your oil; and if you talk they will point a gun at you. So you would keep quiet. It is the federal law. If it was a large tribe in Nigeria that had the oil the law would have been different. But that did not prevent us from agitating. At some point, we thought the eastern region was the problem and Isaac Boro went to them; but during the interaction he found out that the eastern region was not ready to give Ijaw people a state like the Bayelsa State we have today".....* DB

DB..... "*But northern leaders like Abubaka Tafawa Balewa and others were disposed to it. That is where the alliance between the north and the south came from. So Isaac Boro did not just start the 12 day revolution, and decided to declare a "Niger Delta Republic"; there was some degree of encouragement from the north. That is why the north and the Niger Delta,; especially the Ijaw bloc have close alliance all these years. It is just that the*

*new generation of northerners is not aware of the covenant that exists between the north and the Niger Delta people.....* DB

EAB views on **Boroism**; *“it was because of the awareness of Boroism and the ideology of emancipation struggle of “Self-determination” following the Niger Delta declaration. Niger Delta Republic in 1966 that made the Youths to gathered at the ancient city of Kaiama to resolve and carry on now known as the famous “Kaiama Declaration”.* EAB.

**PPE on Borosim**; according to PPE *“..There is a great awareness from the development of Boroism: struggle for self-determination and emancipation of the Niger Delta (declaration) which motivated (inspired) the youths to come up with the idea of Kaiama declaration to defend and developed the interest to control our natural resources..”* PPE From a literature perspective, from the above response data it could be seen that the BOROISM AND THE NIGER DELTA STRUGGLE are synonyms (Boro, 1982, Tamuno, 2011). It represents or symbolized: freedom, liberation of the oppressed; liberation from oppression and marginalization, self defenses, advocacy for the fundamental human rights, empowerment and transformational leadership (Boro,D. 2020). Crucially, the philosophy of Borosim represents and provides a sense of hope for oppressed people, marginalized people, enslaved people, and liberation, freedom, and hope for positive change (Shein, 2010, Cole,2004, 2005; Hills and Jones, 2009; Eguruze, 2016,2017). Borosim represents youth empowerment (Ortom .S, 2021); a change agent (Boro, 2020). Boroism reflects a leadership with empathy for the PCNDR (Mbaka, 2021). It is important to note these in the right context of this research.

#### **5.3.4. IYC - Kaiama Declaration (1998)**

According to PPE, as previously stated *“... As the Youth Leader, during the Kaiama Declaration during the hit of the actions “..... My experience was very interesting. It was not regrettable experience in one’s life, because it motivated us to agitate; for us to be free from oppression, intimidation, deprivation of our natural mineral resources by the (larger or majority) ethnic tribes: Hausa/Fulani, Yoruba’s and Igbo. It was a declaration for us (Niger Delta peoples), to spilt from Nigeria and have our Niger Delta region republic, with the target to control our own natural resources...”* (PPE)

According to PPE “..... A recent review of the top 20 positions in NNPC were occupied by Fulanis (Hausa/Fulanis or all Muslims) Baikanti Baru (until his death) was the Group Managing Director of NNPC; capitals on names mele kyari gmd; umar ajiya chief finance officer/finance and accounts; yusuf usman chief operating officer; farouk garba chief operating officer corporate services; mustapha yakubu chief operating officer refining and petrochemicals; hadizacoomassie corporate secretary/legal adviser to the corporation omar ibrahim group general manager, international, kallamu abdullahi ggm renewable energy; ibrahim birma ggm governance risk and compliance; wunti ggm napims; inuwa waya md nnpc shipping; musa lawan md duke oil/nnpc trading company; malami shhu md port Harcourt refinery company; muhammed abah md warri refining and petrochemical company; abdukkadir ahmed md nigeria gas marketing compnay; salihu jamari md nigeria gas and power investment company limited; mohammed zango md nnpc medical services; sarki auwalu director department of petroleum resources By contrast only three positions were allotted to the entire southern Nigeria. What happened to federal character? What’s the job of the federal character commission, do we have a national assembly? If yes, the hell is wrong with members of the national assembly? Where is the senate oversight committee of nnpc? Where are the activists?” PPE .

PPE “... the north produces nothing and contributes zero revenue to the central purse in Abuja. Yet the north gulps 99 percent of the revenue ... “ *“this is nepotism , resulting in bias, unfair, treatment, and exclusion of others , - nepotism....* “ (PPE)

PPE “*Minority Fulanis control the the judiciary, the military, the police, the air force, civil defense and immigration, The Tncan Island (Apapa Port).....*” PPE

**PPE’s** “.....*Yes, our region Niger Delta is blessed with natural resources and I am very happy to be part of the Niger Delta in our country Nigeria.....*”.

Again, **PPE** states “..... *It is better for the Niger Delta people to control their own resources oil and gas and only pay contributory taxable levy to the Federal Government or the Nigeria State, that will surely help to improve the area better, and of course; that is the purpose of the declaration.....*”

Again, PPE argues..... *“I am not happy at all, we are heavily cheated. The basic amenities being provided or supplied in the Niger Delta region of Nigeria, including the activities of the multi-national oil and gas corporations or companies operating in the region are not balanced. The sharing formula is very poor. Instead let the multi-national oil and gas companies should come down to operate in the Niger Delta region so as to increase their internally generated revenue. The idea of shifting our oil through pipeline to the northern region should also stop; instead refineries should be built in the Niger Delta region.....”*

**EAB** *“ I am one of the happiest person being a Niger Delta man as part of the Nigeria State... ” But meanwhile ... EAB states “The cry for resource control is the only solution because we the Niger Delta that lays the golden egg are victimized oppressed and enslaved. We produce ninety percent of the gross domestic product, but a paltry sum is returned to us as revenue accruing of FAAC. I also agree that we earn only pay contributory taxable levy to the Federal Government.” EAB*

**EAB** *“...I am not happy with the way the basic amenities are provided and supplied in the Niger Delta region, including the activities of the /multi-national oil and gas corporations and companies operating in the region. I also urge the multi-national oil and gas companies to relocate to the Niger Delta so as to increase their internally generated revenues....”*

**EAB states** *“ To the best of my knowledge and awareness, I stand bold to state unequivocally that a lot of changes have taken place in the Niger Delta after the “Kaiama Declaration” and “Odi crisis” in terms of politics, economy, social, cultural and infrastructural development,; for example: the Amnesty Programme, the establishment of NDDC, the creation of Ministry of Niger Delta, the establishment of higher educational facilities, the establishment of Maritime University to be specific, given scholarships to indigenes to study abroad amongst others.” EAB*

According to respondent EAB *“ ...A lot of improvement has to be done in the area in terms of Social, Economic, and Cultural, Political participation, Infrastructural development and empowerment, including Environmental degradation. First the youths should be given employment, and those who intend to learn skills be trained and starters pack given to them. The oil spillage areas to be given priority attention like the Ogoni*

*Saga. Another provision of good pipe bore water, good healthcare facilities, recreational centres to drive the rural-urban drift, be given loans to carry out subsistence farming.....”*

EAB

PPE (Changes): *“... The protest message of Kaiama Declaration has brought some development into the Niger Delta region to specify one: political participation, economic, social, cultural and infrastructural development, education Empowerment.....”*. PPE

Another respondent states PPE *“... I am not happy at all, we are heavily cheated. The basic amenities being provided or supplied in the Niger Delta region of Nigeria, including the activities of the multi-national oil and gas corporations or companies operating in the region are not balanced. The sharing formula is very poor. Instead let the multi-national oil and gas companies should come down to operate in the Niger Delta region so as to increase their internally generated revenue. The idea of shifting our oil through pipeline to the northern region should also stop; instead refineries should be built in the Niger Delta region.....”* PPE

EO *“It was for the emancipation of the people from the shackles of poverty and backwardness, and also the struggle for resource control.”*

EO *“ **CHANGES** better or worse off!: By that I mean, the Kaiama Declaration was supposed to highlight or draw attention to some of the deep rooted , problems and concerns of the people and communities of the Niger Delta region; particularly: abject poverty, deprivation, discrimination, socio-economic, political and cultural marginalization, social inequality and injustice, resource exploitation, lack of social-economic and infrastructural development; including environmental degradation etc, are happening even before the Kaiama declaration and Odi crisis are still happening now even after the declaration. ....”* ..EO

EO *“.... For example, what we are now seeing recently following the Federal Government forensic audit probe of the NDDC, which reveal the true extent of corruption within the commission, where billions and trillions of Naira are been misappropriated and misused by commission officials. Consequently, despite these entire so called probes I believe nothing fruitful will come out of it at the tail end; because as usual corruption is the order of the day blighted by politics and plagued by politics of corruption, nepotism, tribalism, cabalism, which is being designed and controlled by juntas, mafias and cabals*

including community leader and community organizations. Therefore the same thing will continue to happen while the Niger Delta region continued to suffer, as such; we have lost hope in our so called democratic governance in the Niger Delta region in my life time and that is the reality of things in the Niger Delta and when things goes wrong they called on the youths to do their dirty jobs for them as they see the youths as a tool to be used by the political elites as of when it is convenient for them during political campaign for elections.....” EO

EO “....**Good leadership** is the only panacea for positive change which will bring about real positive social, economic, cultural, political and infrastructural development to the people and communities of this region (Niger Delta) like these of other developed nations of the world. As such, elected leaders should know or realize that they are there in office to serve the interest of the people; and to not to serve their own interest by means of creating and accumulating wealth for themselves, and abuse of power in public office. Instead official public office holders should be focus creating wealth, employment and development to improve the lives of the people and communities they serve throughout the Niger Delta region. Therefore, the Federal Government should do the right thing by making sure that those in public office should be transparent, accountable while in office,; and when there are wrong doings they should be brought to book instead of playing party politics because in the Niger Delta we are really suffering.....” EO

### **5.3.5. ODI Massacre/Crisis 1999**

PPE “....*The basic rational reasons behind the Kaiama declaration and Odi massacre or crisis was to free our Niger Delta region from oppression, intimidation, deprivation of our Natural resources and to save our people of being enslaved with the keen mind to control our natural resources as to develop our Niger Delta region. It was a kind of revisit action to follow up the Boroism principles of the twelve days revolution for emancipation and for self-determination.....*” ( PPE)

EO “ It was a terrible situation to have lives and properties were destroyed during the Kaiama Declaration in 1998 and Odi Massacre in 1999 by the Federal Forces and State Security Agencies when the people are only exercising their fundamental right to freedom of speech and expression while expressing their democratic concerns over their

right to life, particularly their right to self-determination and resource control; without any act of criminality of criminal offence yet many lives were lost. Indeed it is a great pity to have situations where people have to lose their lives for expressing themselves in so called “Democracy” which is contrary to the principles, norms and ethics of democratic governance which are enshrined in the 1999 federal constitution; also against international and regional legal framework....” (EO).

**EO** *“No, because; it was not a struggle for self-determination. It was for the lack of socio-economic development and empowerment....”*

Again, EO added *“.....Our environment has been degraded by oil spills from oil exploration activities by the multinational oil and gas companies. Consequently, yet we the ones to suffer its full environmental impact, with no reparation or compensation or legal or financial redress from neither from the companies or the federal government; and whenever we took to the street to demonstrate to highlight our concern the federal government response is (repression and subversion) send in the state security forces (military) to rape, murder and destroy local communities (i.e. Ogoni crisis, 1995; Kaiama Declaration, 1998; Odi Crisis, 1999) just to name a few.....”* EO

**EO ACHIEVEMENT** - *“.....However, the only seemingly positive outcome of all these struggles is that; it does bring the problems and demise of the Niger Delta to the fore of both International and Regional attention which was widely reported worldwide. As a result, a lot of money has allocated to the region through the Niger Delta Development Commission (NDDC).; However, due to the high level of Official Corruption and corrupt practices by the political class and elites, these monies are being misused, mismanaged and side-funded or looted and transferred into foreign bank accounts abroad for their personal interest in the name of official immunity while the ordinary peoples and communities of the Niger Delta pays the ultimate sacrifice whilst the minority few enrich themselves at the expense of the majority.....”* EO.

EO *“.... For example, what we are now seeing recently following the Federal Government forensic audit probe of the NDDC, which reveal the true extent of corruption within the commission, where billions and trillions of Naira are being misappropriated*

and misused by commission officials. Consequently, despite these entire so called probes I believe nothing fruitful will come out of it at the tail end,; because as usual corruption is the order of the day blighted by politics and plagued by politics of corruption, nepotism, tribalism, cabalism, which is been designed and controlled by juntas, mafias and cabals including community leaders and community organizations. Therefore the same thing will continue to happen while the Niger Delta region continued to suffer, as such, we have lost hope in our so called democratic governance in the Niger Delta region in my life time and that is the reality of things in the Niger Delta and when things goes wrong they called on the youths to do their dirty jobs for them as they see the youths as a tool to be used by the political elites as of when it is convenient for them during political campaign for elections.....” EO

#### **5.4.0. SUMMARY:**

The overall examination and analysis of this chapter reveal the arching dichotomy between poverty, underdevelopment, and environmental degradation throughout the Niger Delta region of Nigeria, made worst by the incoherent government political will and policies in addressing the problem of the Niger Delta over the decades; thereby fueling the need for regional radicalization and agitations particularly amongst young people, community groups and organizations. These problems are particularly endemic in the Niger Delta region, leading to e.g. youth restiveness, armed militias, hostage taking, kidnapping, armed robbery and other forms of criminality; but still not enough is been done to calve youth restiveness and armed militants in the region leading to overall insecurity and restiveness throughout the region and Nigeria at large (Osaghea, 2001; IYC, 1998; MOSOP, 1995).

Despite these over arching issues of national insecurity, political leaders and the Nigeria state (federal government) seems powerless to bring these issues of national insecurity under control; rather they are blighted by ethno politics: bribery, corruption, nepotism, favoritism, ethnic nationalism made worst by cabalism (political elites), juntarism or militarism (military juntas), mafiarism (mafias) with no end in sight; whilst they are busy pillaging, sharing and enjoying the general (public) wealth of the country through budget allocation, contracts, fat salaries and allowances, and other remunerations whilst the

masses are suffering in abject poverty, deprivation, social inequality, injustice, social, political and economic marginalization leading underdevelopment particularly in the Niger Delta region (Eguruze, 2015; NNHRC, 2017; Okonta, 2010).

Therefore, what is important in Nigeria and in particular; is good governance in government, transparencies, responsibility and accountability to avoid regional youth restiveness, armed agitation, militancy, hostage taking, kidnapping, armed robbery, terrorism, and other forms of criminality and insecurity throughout the country (Osaghea, 2001; Eguruze, 2015; NNHRC, 2017).

Therefore, government officials both at state and federal levels; including politicians should do more in their respective capacity and constituencies to win back the trust of the people while they should and must realize that “politics” is about public service and not about personal wealth creation (accumulation of wealth) neither about position of power and authority or self aggrandizement. After all, one of the fundamental principles of politics is “*selflessness*”, “*dignity*”, “*honesty*”, “*sincerity*” “*integrity*” “*commitment*” and “*dedication*”; “*leadership*” leading to true democratic dispensation; of which democracy is all about the “creation of wealth”, “conservation of wealth” and the “redistribution of wealth” through socio-economic empowerment, provision of social amenities, infrastructural development, protection and security of lives (Eguruze, 2015; Boro, 1982; Osaghea, 2001).

## CASE STUDY ANALYSIS, FINDINGS, AND INTERPRITATION

**6.1. INTRODUCTION:**

This chapter focuses on the findings of the research based on the case study review and analysis in relations to over arching issues of “Self-determination” and “Resource control” in the Niger Delta region of Nigeria, however; these issues or problems are not simplistic but rather complex in nature and are compounded and accumulative over the decades leading to youth restiveness, militancy, armed agitations, rebellions, insurgency, insurrections’, hostage taking, kidnapping, armed robbery, and other forms criminalities and overall insecurity of the region (Osaghea, 2001; NNHRC, 2017; Eguruze, 2015)

Therefore, this chapter is to critique or reexamining the aforesaid cited cases i.e. Boro Niger Delta declaration (Niger Delta Republic) following the 12 day revolution (1966), Ken Saro-wiwa (Ogoni crisis) 1995, IYC (Kaiama Declaration) 1998, Odi Massacre/ Crisis (1999), and the Warri Crisis (1997-2003) respectively. The findings and the overall outcome will be interpreted in an unbiased manner in accordance with the British Sociological Association (BSA) and the Selinus University Ethnics Standard Committee (SUESC) in order determine the true or clear picture of the issues in involved; particularly the issue of “Self-determination” and “Resources control” in the Niger Delta region of Nigeria (Eguruze, 2015).

**6.2. Definition:**

Research findings and interpretation could be described as a systematic investigation being carried out to establish the facts of a given subject or problem either through empirical or scientific, experimental investigation or experiential studies, undertaken by researcher’s in anticipation of solving or resolving a peculiar problem; using a variety of methodologies, methods and approaches in accordance with professional or academic standards either sociologically, scientifically, experientially, or otherwise in a given subject (Oxford Dictionary, 2010).

### 6.3. Research Findings and Interpretation of the Niger Delta Declaration 1966

Following the Niger Delta declaration under the flagship of the “Niger Delta Volunteer Force (NDVF), leading to the declaration of the now defunct “Niger Delta Republic” on the 23<sup>rd</sup> February 1966, during the 12 Days Revolution; the research found the followings:

The revolution was precipitated by *“poverty”, “neglect”, “economic deprivation”, “social and cultural inequality”, “socio-economic and political marginalization”, “oppression”, “economic resource exploitation”, “environmental pollution and degradation”* by the Niger state and the majority ethnic Igbo speaking tribe or nationality in the old eastern region of Nigeria.

This constitute gross act of inhumanity and a violation of the rights of the indigenous ethnic minorities in the Niger Delta, particularly the indigenous ethnic Ijaws contrary to the Geneva Convention (UN Charter, 1945) under article 1(2) *“self-determination”* and the universal declaration of human rights 1948; and the convention for the protection human rights and fundamental freedoms 1950 (as amended) under article 1 *“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”*.

Article 2 *“Everyone is entitled to all rights and freedoms set forth in this declaration, without distinction of any kind: such as race, color, sex, language, religion, political or others, i.e. nationality, social origin, birth or status; including social or political affiliations or jurisdiction may a person belongs whether independent, trust non-self-governing or under any other limitation of sovereignty”*; 7 *“ All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against discrimination in violation of this declaration and against any incitement to such discrimination”*; 21(1) *“Everyone has the right to take part in the government of his country, directly, or through freely chosen elected representatives”* (2) *“Everyone has right of equal access to public services in his country”* (3) *“The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine election which be shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures”*.

Article 25 (1), (2) *“Motherhood and childhood are entitled to special care and assistance. All children whether born in or out of wedlock, shall enjoy the same social protection”* (UDHR, *Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including: food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his/her control”* 1945).

It is also in clear violation of both the International Convention on Civil and Political Rights (ICCPR, 1966) and the International Convention of Economic, Social, and Cultural Rights (ICESCR, 1966) under article 1 (1) *“All peoples have the right of Self-determination. By virtue of this right they freely determine their political status and freely pursue their economic, social and cultural development”*; (2) *“ All people may, for their own ends freely dispose of their natural wealth and resources without prejudice to any obligation arising out of international economic co-operation based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence”*; and (3) *“The State parties to the present Covenant, including those having responsibility for the administration of Non-self-governing, and Trust Territories, shall promote the realization of the right of Self-determination and shall respect that right; in conformity with the provisions of the Charter of United Nations”* (ICCPR, 1966; ICESCR, 1966).

There was also wide spread neglect, oppression and disenfranchisement of minorities in the Niger delta region mainly by the majority Igbo speaking tribes or nationality, constituting widespread discrimination against indigenous ethnic minority groups in the region, therefore; in violation their fundament human rights both regional and internationally (UDHR, 1948; ACHPR, 1981; UDRIP, 2007).

The recommendation of the “Willink Commission Report” 1958 was never implemented by the Nigerian state, even though; it was enshrined into both the Nigeria federal Constitutions of 1960 and 1964 in order to alien the needs, fears and concerns of the indigenous ethnic minorities in the region (Niger Delta) under the old eastern region. This amounts to fundamental constitutional breach of the federal constitution and also Nigeria regional and international human right obligations under both regional and

international law, particularly the right to be free from discrimination under article 7 “ *All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against discrimination in violation of this declaration and against any incitement to such discrimination*” and self-determination under 1 (1) (2) and (3) respectively; whilst reaffirming the UN Charter under the General Assembly Resolution 60/251 2006 (UDHR, 1948; ICCPR, 1966; ICESCR, 1966; UNGAR, 60/251; 2006).

Including, African Chapter (ACHPR, 1981) under article 20 (1) “*All people shall have the right to existence. They have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they freely chosen*”, and (2) “*Colonized or Oppressed people shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community*”.

It also found that there is massive social and infrastructural underdevelopment in the region, even though the region produces over 95% percent of the Nigeria Oil and Gas export which account for between 85-95% percent of Nigeria Gross Domestic Produce (GDP); making Nigeria the tenth (10) largest oil and gas exporting country, and also a member of the Oil Producing and Exporting Countries (OPEC) according to the African Development Bank (2010).

This also amount to gross violation of the fundamental right to development under UN Resolution 41/128 1986 article (1) (1) “*The right to development and is an inalienable human right by virtue of which every human person and all people are entitled to participate in, contribute to, and enjoy economic, social cultural and political development, in which all human rights and fundamental freedoms can fully realized*”, and (2) “*The human right to development also implies the full realization of the right of people to self-determination, which includes; subject to the relevant provisions of both international Covenants on human rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources*”.

Article 2 (1) “*The human person is the central subject of development and should be the active participant and beneficiary of the right to development*” and (3) “*State have the right and the duty to formulate appropriate national development policies that aim at the*

*constant improvement of the well-being of the entire population and all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting there-from” (UNDRD, 1986).*

It also found that the issue of environmental pollution and degradation is profoundly endemic in the region, as a result of oil and gas exploratory activities; where there several cases of oil spills and spillages contaminating farm land water ways, gas flairs burning polluting the air, and dumping of hazardous toxic chemical waste in land and waterway thereby affecting the entire region thereby depriving the entire people and communities from their livelihood of which their lives depends on. Consequently, the level of pollution and contamination have reached endemic that is now affecting their general health and well-being; thereby causing respiratory and cancerous deceases thereby affecting pregnancy and reproductive complications in child barring; including high child or infant mortality rate as compared to the national average throughout the region (Osaghea, 2001, Boro, 1982; ICY, 1998; MEND, 1998).

There is also a clear violation of indigenous ethnic minority rights to life under the Geneva Convention in relation to the universal declaration on human rights under UN Resolution 217A (iii) 1948 article 3 *“Everyone has the right to life, liberty, and the security of persons”*, it is also against the 1992 Rio Declaration on Environment and Development under principle 1; *“Human beings are at the centre of concern for sustainable development, they are entitled to a healthy and productive life in harmony with nature”* (RDED, 1992; UDRHR, 1948). Including Kyoto protocol on UN framework Convention on Climate Change 1997, *“State parties shall take steps to promote and facilitate sustainable development in their reduction and emission of greenhouse gases not controlled by the Montreal protocol; research, promote and develop new renewable forms of energy, of carbon dioxide sequestration technologies of advanced and innovative environmentally sound technologies”* (article, 2).

It is equally, a violation of the provisions in the UN conference on the Human Environment 1972, principle 1 *“Man has the fundamental right to freedom, equality, and adequate condition of life in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generation. In this respect policies promoting or perpetuating*

*apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated”, 2, 3, 4, 5, particularly, 7 “State shall take all possible steps to prevent pollution of the seas by substance that are liable to create hazard to human health, harm living resources and marine life, to damage amenities or interfere with other legitimate uses of the sea” (UNCHE, 1972).*

#### **6.4. Ken Saro-wiwa (MOSOP) Ogoni Crisis 1995:**

The Ogoni crisis in 1995 were not new in the region (Niger Delta) and were all too familiar, the crisis began before 1995, it has been a long protracted one shortly oil and gas was first discovered in Nigeria at Oliobiri (Ogbia) present Bayelsa state in 1956 by Royal Dutch Shell Petroleum Corporation; and by 1958 it began full commercial operation. However, oil and gas exploration and operation in Ogoni-land came much more latter 1970’s shortly after the Nigeria civil war which began from 1967-1970; after the war oil and gas pipelines were constructed through Ogoni-land (town and villages) through to the main refinery in the city of Port Harcourt (Rivers state) within the Niger Delta region of Nigeria. Over the years due to poor or lack of technical maintenance there were constant oil spills, leakages, burning gas flairs, and the dumping of hazardous chemical waste in Ogoni-land affect farmlands, waterways, and air; pollutions is rampant and environmental degradation is endemic. As a result, Movement for the Survival of the Ogoni People (MOSOP) was set; led by Mr. Ken Saro-wiwa (human rights and environmental activist); started to mobilize civil societies (community groups and organizations) to advocate for and on behalf of the Ogoni people. Consequently, in 1990 a bill of rights (otherwise known as “Ogoni Bill of Rights) was submitted to the federal government; however amongst their key demands were centered on human rights, environmental pollution and protection in and around Ogoni-lands.

Amongst which are: (i) Political control of Ogoni affairs by Ogoni people; (ii) The right to the control and use of a fair proportion of OGONI economic resources for Ogoni development; (iii) Adequate and direct representation as of right in all Nigerian national institutions; (iv) The use and development of Ogoni languages in all Nigerian territory; (v) The full development of Ogoni culture; (vi) The right to religious freedom; and (vii)The right to protect the OGONI environment and ecology from further degradation.

Consequently, as indicated; the “Ogoni Bill of Right” comprises social, cultural, economic, political, and environmental issues as the case may be; however in 1995 Mr. Ken Saro-wiwa led a protest march under the flagship of “MOSOP” to the premises of Royal Dutch Shell Petroleum Corporation demanding “human rights” and “environmental protection”.

Whilst the protest was ongoing the company (Shell) called in the state security forces, on their (state security) arrival at the company premises while the protest was still ongoing they (state security officers) open fire with live rounds killing several protesters at the scene and even went to nearby towns and villages (killing several more people, damaging properties, farm lands, and raping of women and girls, destruction of live stocks) which are quite too familiar such we have seen during Isaac Boro’s 1966 “Niger Delta Declaration” leading to the 12 Days revolution and the “Niger Delta Republic” (Boro,1982).

As a result, the youth movement of MOSOP vented their anger and frustration on the elders of Ogoni-land whom they was colluding and collaborating with Shell and the state government in committing such grotesques act of human rights violations; which eventually resulted in the death of nine Ogoni chiefs (otherwise known as the Ogoni nine) which was blamed on Mr. Ken Saro-wiwa for which he was charged, convicted, and sentenced to death by hanging and in 1995 he was hanged in his prison cell against all national, regional and international interstate or governmental protest (Saro-Wiwa,1995).

**As such, the research found the followings:**

There are massive or widespread socio-economic, cultural and privation, political marginalization, social inequality, social injustice, neglect and abject poverty; including environmental pollutions and degradations in Ogoni-land which is precipitated by wide spread discrimination by the Nigeria state and the political ruling class particularly by the (cabals, juntas, and mafias) in the Nigeria political spheres based ethno-politics and tribal sentiments where: nepotism, favouritism, corruption, political affiliations, and discrimination has become the norm. These are contrary to the provisions of both regional and international legal instruments under regional and international laws: e.g.

UDHR, 1948; ICCPR, 1966; ICESCR, 1966; UNDRIP, 2007; ICPHRFF, UNCC, 97; 1950 (as amended).

There is also widespread resource exploitation by the Nigeria state and multinational oil and gas companies, in collaboration with the political elites or ruling class both at local, national, and state levels, where wealth creation, conservation, and distribution is non existence; thereby creating an atmosphere of desperation and disillusionment amongst indigenous Ogoni's in Ogoni-land whereby poverty and deprivation thrive, socio-economic, social inequality and discrimination is endemic particularly amongst youths or young people in the region. As a result, the issue of national or regional "self-determination", "regional autonomy" and "resource control" has now been brought to the fore between the regional political elites in the Niger Delta; which are all too familiar in the region; hence there calls for federal constitutional review, restructuring, and sovereign national conference is ever increasingly louder amongst regional and national political elites (Eguruze, 2015; Saro-wiwa, 1995).

However, these antecedents are detrimental to the development of Ogoni-land and the entire Niger Delta region which contrary to both regional and international laws; particularly the right to development under article 1 (1), *"The right to development is an inalienable human right, By virtue of which every human person and all people are entitled to participate by contributing to enjoy economic, social, cultural, and political development in which all human rights and fundamental freedom can be fully realized"* (2) *"The human right to development also implied the full realization of the right of people to Self-determination, which includes; subjective relevant provision of both international convention on human right, and the exercise of their inalienable right to full sovereignty over all their natural wealth and resources"*. Article 3 *"States having the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development"* (UNDRD, 1986). This also include principle 1 of the United Nations Conference on Human Environment *"Man has the fundamental rights to freedom, equality, and adequate condition of life in an environment of quality that permits a life of dignity and well being, and he bears a solemn responsibility to protect and improve the environment for present and future generation; in this respect policies, promoting or perpetuating apartheid racial*

*segregation, discrimination, colonial and other forms of oppression, or foreign dominations stand condemned and must be eliminated*” (UNCHE,1972).

This also constitute a gross violation of indigenous people rights of Ogoni-land according the provisions of the United Nations Declaration of the Rights of Indigenous People under article 1 “*Indigenous people have the right to the full enjoyment of collective, or as individuals of all human rights and fundamental freedom; as recognized in the charter of United Nations, and the Universal declaration of human rights and international human rights law*”. Article 2 “*Indigenous people and individuals are free and equal to all other people and individual have the right to be free from any kind discrimination in the exercise of their rights in particular based on their indigenous origin and identity*” (UNDRIP, 2007).

Article 3 “*Indigenous people have the right to Self-determination. By virtue of this right, they freely determine their political status; and freely pursue their economic, social, and cultural development*”; Article 4”*Indigenous people in exercising the right to Self-determination, have the right to Self-autonomy or Self-government in matters relating their internal and local affairs; as well as ways and means for financing their autonomous functions*”; and article 6 (1) “*All states should cooperate with the view of promoting, encouraging, strengthening universal respect for and observance of all human rights and fundamental freedom for all without any discrimination as to race, sex, language or religion*” (2) “*All human rights and fundamental freedoms are indivisible and interdependent, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights*” (3) “*States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights*”; particularly: article 24 (2) “*Indigenous people have an equal right to the enjoyment of the highest attainable standard of physical and mental health, states shall take the necessary steps with a view to achieving progressively the full realization of this rights*”. Article 26(1) made it clear the “*Indigenous people have the right to lands, territories, and resources which they have traditionally owned, occupied or otherwise used or occupied*” (UNDRIP, 2007).

Consequently, article 26(2) reinforces the provision within the declaration that “Indigenous people have the right to own, use, develop, and control their lands, territories, and resources that they possess by reason of traditional ownership or traditional occupation, or used as well as those which they have otherwise acquired”. Fundamentally, article 26(3) reaffirmed the need for states to make legal provisions for the recognitions of these rights in accordance with the declaration that “*States shall give legal recognition and protection to these lands, territories, and resources, such recognitions shall be conducted with due respect to the custom, tradition, and land tenure systems of the indigenous peoples concerned*” (UNDRIP, 2007).

While article 27 of the declaration concerning the rights of indigenous people requires an unbiased, balanced, transparent and independent judicial process in adjudicating the rights of indigenous people in accordance with the provisions that “*States shall establish and implement in conjunction with indigenous peoples concerns a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples law, tradition, custom and land tenure systems; to recognize and adjudicate the right of indigenous people pertaining to their lands, territories, and resources; including those which were traditionally owned, or otherwise occupied or used. Indigenous people shall have the right to participate in this process*” (UNDRIP, 2007).

Similarly, article 28 (1) and (2) reinforce the need for restitution and judicial redress or remedies if these rights are violated or breached in order to seek fair, balanced, and equitable means of resolving human rights and territorial issues or disputes as stipulated in the declaration; that: 28 (1) “*Indigenous people have the right to redress by means that can include restitution or when this is not possible, just, fair, and equitable compensation for their lands, territories, and resources which they have traditionally owned, or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior informed consent*”. Section 28 (2) “*Unless otherwise freely agreed upon by the people concerned, compensation shall take the form of lands, territories, and resources of equal in quality, size, and legal status or monetary compensation or other appropriate redress*” (UNDRIP, 2007).

Unequivocally, article 29 (1), (2), and (3) made it expressly clear the need for environmental protection, conservation and sustainability in human development; as stipulated by the declaration; section (1) *“Indigenous people have the right to the conservation, and protection of their environment; including the productive capacity of their lands, territories, and resources. States should establish and implement assistance programmes for indigenous people for such conservation and protection without discrimination”*. While section (2) reaffirm and reinforces the obligatory responsibility of states to guarantee such legal commitments; that *“States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands, territories of indigenous people without their free, prior and informed consent”* (Ibid). Similarly, section (3) of the declaration promulgate states legal responsibilities in making sure adequate enforcement mechanisms are put in place to effect these legal provisions; that *“States shall also take effective measures to ensure, as needed that the programmes for monitoring, maintaining and restoring the health pf indigenous people, are developed and implemented by the people affected by such hazardous materials are duly implemented”* (UNDRIP, 2007).

#### **6.5. The Ijaw Youth Council (IYC) Kaiama Declaration (1998)**

The epilogue of Kaiama declaration was a proclamation and promulgation of Isaac Boro profound Ideological expression, otherwise known as “BOROISM”; made to highlight the unfair and unjust treatment of the Indigenous people and communities in the Niger Delta region of Nigeria; made worst by the oppressive and exploitative attitude of the Nigeria state over the decades. It is also a demonstration of solidarity in oneness, unity of purpose with other indigenous ethnic minorities in the region (Niger Delta) suffering similar faith and plight in the region e.g. poverty, neglect, social, economic deprivation, social, political and economic marginalization, social and cultural inequality, social injustice, discrimination, resource exploitation, and the lack of social infrastructural development (Boro, 1982; Osaghea, 2001; Eguruze, 2015; IYC, 1998; Saro-wiwa, 1995). As a result, these were expressed in a joint communiqué in their declaration with reference to Isaac Boro’s armed 12 day revolution on the 23<sup>rd</sup> of February 1966; leading to the Niger Delta declaration of now defunct “Niger Delta Republic” shortly after the

military coup which saw the overthrow of the first republic 15<sup>th</sup> January, 1966 (Boro, 1982; IYC, 1998; MEND, 1995). To mitigate this mass mobilization of youths or young people of over five thousand (5000) from over two hundred (200) different ethnic indigenous Ijaw clans from all over the Niger Delta and beyond; issued a joint statement, communiqué, or five (5) key resolutions (otherwise known as the Kaiama declaration) on the 11<sup>th</sup> of December 1998 as follows:

*1. All land and natural resources (including mineral resources) within the Ijaw territory belong to Ijaw communities and are the basis of our survival.*

*2. We cease to recognise all undemocratic decrees that rob our peoples/communities of the right to ownership and control of our lives and resources, which were enacted without our participation and consent. These include the Land Use Decree and the Petroleum Decree etc.*

*3. We demand the immediate withdrawal from Ijawland of all military forces of occupation and repression by the Nigerian State. Any oil company that employs the services of the armed forces of the Nigerian State to "protect" its operations will be viewed as an enemy of the Ijaw people. Family members of military personnel stationed in Ijawland should appeal to their people to leave the Ijaw area alone.*

*4. Ijaw youths in all the communities in all Ijaw clans in the Niger Delta will take steps to implement these resolutions beginning from the 30th of December, 1998, as a step towards reclaiming the control of our lives. We, therefore, demand that all oil companies stop all exploration and exploitation activities in the Ijaw area. We are tired of gas flaring; oil spillages, blowouts and being labelled saboteurs and terrorists. It is a case of preparing the noose for our hanging. We reject this labelling. Hence, we advise all oil companies staff and contractors to withdraw from Ijaw territories by the 30th December, 1998 pending the resolution of the issue of resource ownership and control in the Ijaw area of the Niger Delta*

*5. Ijaw youths and Peoples will promote the principle of peaceful coexistence between all Ijaw communities and with our immediate neighbours, despite the provocative and divisive actions of the Nigerian State, transnational oil companies and their contractors. We offer a hand of friendship and comradeship to our neighbours: the Itsekiri, Ilaje, Urhobo, Isoko, Edo, Ibibio, Ogoni, Ekpeye, Ikwerre etc. We affirm our commitment to joint struggle with the other ethnic nationalities in the Niger delta area for "self-determination" (IYC, 1998).*

This resolutions predicate the concept of one Nigeria under the slogan or Motto: “Peace”, “Unity” and “Progress” as seen in the country (Coat of Arm), however; in contrast it also highlight the severity of the underlining issues of “Self-determination”, “Regional Autonomy” and “Resource Control” in the Niger Delta either socio-economically, socio-politically, and environmentally. Even though, the region produces or contributes 100% percent of its natural economic resources (oil and gas) to the federal government since 1956 when oil was first discovered; and by 1958 oil was operational commercially produced in Nigeria before its independence in 1960; which account for over 85-95% percent of Nigeria foreign earning which account for 85% percent of Nigeria gross domestic product (GDP) making Nigeria the tenth (10<sup>th</sup>) oil and gas producing country in the world, and also a member of the oil producing and exporting country (OPEC) according to African Development Bank (2010).

Yet the region is ravaged or riddled in abject poverty, neglect, social inequality, socio-economic deprivation, and social political marginalization; including environmental pollution and degradation, underdevelopment with high level of youth unemployment as compared with the national average (NNHRC, 2017; Eguruze, 2015; Osaghea, 2001; Saro-wiwa, 1995; IYC, 1998).

As a result, leading to armed militancy, agitations, hostage taking, kidnapping, inter tribal conflicts, armed robbery and other forms of criminalities in the region; leading to local, state and national insecurity of the Nigeria state despite the recommendations of the Willink report since 1958. To alien the needs, fears and concerns of the indigenous ethnic minorities in the Niger Delta region; under the old Eastern region of Nigeria (Willink Commission Report, 1958). Consequently, the failure of the Nigeria state to adhered to or abide and implement by the recommendations of the Willink report (1958) has brought the whole issues of the Niger Delta region to the fore (disrepute); as a result its has helped to encourage and promote civil disobediences and insurrections’(in an effort to “emancipate”, “liberate”, or “free themselves” from the shackles of “dominance”, “slavery”, and “exploitation” from the Nigeria state): leading to gross human rights violations, (including rape, destruction of properties) and even deaths in some cases been perpetuated by the Nigeria state security agencies (NNHRC, 2017).

As such, the people and the communities in the Niger Delta are aggrieved and felt betrayed, that their God given economic resources (oil and gas) exploited and stolen from them since when oil and gas was first discovered in the region 1956/1958 by the Nigeria state when promises were made and signed between the Nigeria state and the imperial colonial British before its independence in 1960; given the fact that the Niger Delta region was a colonial British protectorate since 1885 before the amalgamation or creation of the Nigeria state in 1914 (Boro, 1982; Saro-wiwa, 1995; Eguruze, 2015; IYC, 1998).

Human rights violations and resource exploitation come into being in the form of discriminatory legislations, for example: the “Land Use Decree” 1978; which denies the indigenous ethnic minorities of the Niger Delta their lands and resources, including the “Petroleum Decree” 1969, which also denies indigenous people and communities of the Niger delta their right to their God given natural economic resources. But meanwhile, oil and gas blocs are been shared, divided, and allocated amongst the majority tribes (Hausa-Fulani; Yoruba; and Igbo) who are always in charge of the Nigeria political and economic affairs since its independence in 1960; while the Niger Delta region sees no significant social, economic, financial, and political benefits of their wealth or including social infrastructural development from its economic resources (oil and gas) over the decades or years (Osaghea, 2001; Eguruze, 2016; Saro-Wiwa,1995).

Therefore, it is a general believed that over 80% percent of the Nigeria oil and gas blocs are in the hands of private individuals who are either ex-military juntas, (heads of states) cabals (political elites) mafia’s (corrupt public office holders) according to civil society groups and organisations; despite the constitutional provisions under Part 1: schedule V code of conduct for public officers, section (1) “*A public officer shall not put him/her self in a position where his/her personal interest conflict with his/her duties and responsibilities*” Section (3) “*The President, Vice President, Governors, Deputy Governor, Ministers of governments of the federation, Commissioners of the government of states, members of the National Assembly and Houses of Assembly of states, and such other public officers or persons as the National Assembly may by law prescribe shall not maintain or operate a bank account in any country outside Nigeria*”.

Section (8) “*No persons shall offer public officer any property, gift or benefit of any kind as an inducement or bribe for granting of any favour or discharge in his/her favour of the public officer’s duties*”. Section (9) “*A public officer shall not do or direct to be done, in abuse of his/her office, any arbitrary act prejudicial to the right of any other persons knowing that such act is unlawful or contrary to any government policy*” in an attempt to eliminate or fighting corruption in Nigeria (FCN, 1999) as amended.

Therefore in retrospect, the research found that: there is wide spread abuse of power amongst political office holders, at every level or spectrum of government both local, state, and national or federal chains of government; including “*corruption*”, “*nepotism*”, “*favouritism*”, “*tribalism*” within the Nigeria political and economic spheres hence financial misappropriation and mismanagement is endemic while seemingly there are no infrastructural development specifically in the Niger Delta region of Nigeria. As such, there is lack of transparency, accountability, and responsibility in governance; which only serve to encourage an attitude of impunity and abuse of power, authority, by public office holders contrary to civilised democratic principles and constitutional provisions which is tenure in a democratic society (NNHRC, 2017; Amnesty International, 2019; Eguruz, 2015; Osaghea, 2001).

This includes the political class or elites (known as the cabals), Juntas (ex military head of states), and Mafias (corrupt public office holders) also the judiciary and the legislator’s are all unequivocally corrupt and lawless; hence there is no independent adjudication in the dispensation and administration of justice hence there is this apparent lack of justice in the judicial process. According, to Professor Ayo Ajomo of the Nigeria Institute of Advance Legal Studies “*Access to justice cannot be over emphasised in the fight against human rights violations, our justice to especially to the poor and vulnerable groups; and also there is need for adequate advocacy capacity in the bar and the bench to create and secure access given but justice is actually guaranteed*” (NIALS, 2010).

Similarly, law enforcement mechanism and security personnel’s (police, army, navy and air force) are inadequately trained; particularly in the area of human rights awareness, law enforcement, and judicial processes (hence human rights violations and extra judicial killings or renditions are common place in Nigeria civil society). Democratically, human rights principles, values, norms and fundamental freedoms are the corner stone and

bedrock of true democratic dispensation and political development in a civil society (NNHRC, 2017; Human Right Watch, 2019; Amnesty International, 2020). However, in Nigeria these human rights values and democratic principles are not equally shared by all; but rather enjoyed by the minority few (political elites, ex military juntas, and corrupt politicians) while the masses are been oppressed, abused and unlawfully killed by state security forces and agents on a daily basis with no recourse to credible, transparent, and independent judicial redress as stipulated in the 1999 constitution and other regional and international legal instruments under international laws (ICCPR, 1966; ICESCR, 1966; UDHR, 1948; ACHPR, 1981).

Therefore, the Kaiama declaration of 1998 was to reinforce the need for true democratic governance in the Nigeria democratic development by recognising human rights and fundamental freedoms are indivisible and alienable rights for all; which are profoundly important in civil and democratic society. As such, the Nigeria state should recognize and respect the rights of its citizens in order to usher unity, peace, faith and progress in the Nigeria democratic experiment after years of military administration (FCN, 1999) as amended. Therefore, the fundamental principles of human rights, freedoms and democracy must be allowed to flourish without discrimination and the need to abolish or eliminate partisan politics, whilst recognizing minority rights to self-determination or regional autonomy in a democratic setting through dialogue, consultation, and negotiation; and not by oppression, subversion, repression or the use of force as we have seen in the past because democracy and unity is by consent and not by force (IYC, 1998).

#### **6.6. Odi Crisis Massacre 1999:**

The massacre was by the same regional Niger Delta issues of poverty, neglect, unemployment, social inequality, socio-economic deprivation, political marginalization, underdevelopment, and environmental pollution and degradation; including resource exploitation and control. Although, the issues were local but with national and international dimensions given the complexity of the issues involved; nevertheless it was and aged old problems which degenerated into a crisis situation due to bad government policy and bad governance on the part of state to have handled the situation differently if democratic principles were to be followed.

Consequently, the failure of state authorities to bring the situation under control did exacerbated already bad situation worse; which disintegrated and eventually spiraled out of control that led to the total destruction of entire population of Odi town of between fifteen to twenty thousand (20) people, and the killing of over 2, 500 peoples, destruction of properties, raping of women and girls by the Nigeria state security forces and agents (army, navy, police, and air force) both by land, sea and air (full military operation) ordered by then president Olusegun Obasanjo on the 20<sup>th</sup> November 1999.

Despicably, it was found by civil society groups and organizations that the actions of the Nigeria state was not proportionate; which was later proved in court by Justice Lambi Akanbi presiding over his ruling condemned and commented *“that the federal government has committed a brazen violation of the fundamental human rights of the victims Maldivian lost of live and properties in their peaceful ancestral home”*. And ordered the federal government to pay the sum of N37.6 billion Naira, as a form of financial compensation for victims of the Odi massacre which was later settled for, N15 billion Naira as out of court settlement in 2014 as a final out of court settlement (even at that little was received by beneficiaries, as buck of the money was misappropriated through corruption, nepotism and favoritism); according to the Odi Case Prosecution Committee (ODCPC, 2014).

In retrospect, this case seems to underline the ideological prospect of “Boroism” of the Ijaw nationalism; who are under constant retrospective repression, occupation, oppression, deprivation, marginalization, exploitation, and environmentally degraded by the Nigerian state and its culprits (multinational oil and gas companies) for far too long over the decades since the creation of the Nigerian state in 1914 despite its enormous economic contribution (oil and gas) to the Nigeria state since 1956 (Boro, 1982; Osaghea, 2001; Eguruze, 2015; NNHRC, 2017).

### **6.7. Warri Crisis 1997/2003.**

Again the Warri crisis was also too familiar in the Niger Delta region, which started as inter ethnic or tribal community conflicts between ethnic Ijaw and Itsekiri communities over; allocation of resources and the creation of local government headquarters in Delta state. However, this simple local issue became fully blown national problem (political

taken out of context by arrival ethnic political groups); also the refusal and failure of both parties (state and communities groups, leaders and organizations) to engage in liaison or consultation, or to have dialogue and negotiate to reach a settlement with those parties involved in the dispute even though there has been ethnic rivalry amongst them in the past the lost of lives and destruction of properties are needless and therefore preventable. Although, the dispute was eventually settled when the initiated location of the local government headquarter was eventually moved from ethnic Itsekiri dominated area of the city to predominately ethnic Ijaw dominated part of the city; since then there has been relative calm, peace, and tranquility in the city of Warri (Delta state) within the Niger Delta region of Nigeria. Consequently, this goes to show that if prompt and effective measures or steps were taken initially to alien and elevate the needs, fears and concerns of both communities by state actors; it would have undoubtedly resolved, reduced, averted, and eliminated the crisis before it began.

#### **6.8. Summary:**

To summarize this chapter, the overall problems of the Niger Delta region are unequivocally the same or similar in nature socially, economically, culturally, politically, and environmentally; whether these problems emanated from local community group levels or from state or national level. But in retrospect, one thing is certain throughout the Niger Delta region is the issue of poverty, social economic deprivation, social inequality, political marginalization, resource (oil and gas) exploitation, environment pollution and degradation; leading to the over arching call for regional “Self-determination”, “Autonomy”, “Resource control”, “Environmental protection”, “National restructuring”, “Constitutional review”, and “National sovereign conference” etc from mostly ethnic minority communities in Nigeria particularly those from the Niger Delta region of Nigeria.

Nevertheless, whatever extrapolation shape or form; the problems of Nigeria are complex and diverse which are deep rooted from colonialism to nationhood, which are more ethnically nationalistic than nationhood; of which ethno political nationalism is at the centre instead of nation building where tribal politic is the order of the day based of individualism, ethnicity, nepotism, favoritism, political and religious affiliation is

centered around bribery and corruption rather than the integrity, ability, capacity, knowledge, and understanding of Nigeria geopolitical, and geo-social, economical, cultural diversity, its intricacy and complexities. This is evidently obvious in the social, economic and political dispensation of the Nigeria democratic process, where power is centered in the Northern and Western territories rather than in the East and South; since its independence in 1960.

As a result, there have been several armed agitation, revolutions, military coups, and counter coups; and civil wars; but yet the problems of Nigeria remained the same. It seems lessons have not been learnt in the emancipation of Nigeria political development from its colonial era, rather the ethos of individualism, ethnicity or ethnic nationalism, and self-aggrandizement are predominately prevalent in Nigeria political development; which are politically and economically destabilizing in our quest for nation building and development which are detrimental to our development as a nation both collectively and individually given the present antecedent of the Nigeria state (i.e. *“insecurity”, “infrastructural underdevelopment”, “regional agitations”, “militancy”, “social economic meltdown”, “kidnapping”, “banditry”, “hostage taking”, “arm robbery”,* and other forms of criminality etc) in an epic proportion.

Therefore, it is worth mentioning that the Nigeria state needs to demonstrate true leadership in its political democratic dispensation and social economic development without discrimination of any kind; whilst promoting human rights principles, values and norms; particularly good governance, transparencies, accountability and responsibility amongst public office holders. Because politics is all about public service, human rights, freedom, equality of opportunities for all, empowerment, development, and environmental protection; whilst holding on to democratic principles and political integrity whilst in public office. It is not about, *“self aggrandizement”, “pride”, “self-interest”* (personal wealth creation and accumulation), *“corruption”, “ nepotism”, “favoritism”, “tribalism” or “ethnic nationalism”, “religious” and “political affiliation”*; it’s about the people and not about your-self per se.

**DISCUSSIONS, CONTRIBUTION, CONCLUSION AND RECOMMENDATIONS****7.1. INTRODUCTION:**

The epilogue of the Nigeria history will not be completed without the Niger Delta region of Nigeria before it's pre-colonial and postcolonial era or times, sociologically; the Niger Delta could be viewed or said to be the bedrock of Nigeria nationhood because of its social, economic, cultural and linguistic diversity. Socialistically, it is a known fact that the region was the first to embrace the British colonial and European explorers from the Mungo Park to the Lander brothers (John Lander and Richard Lander) after his death in 1805 before the amalgamation or creation of the Nigeria state in 1914 by Lord Lugard, and by 1960 Nigeria got its independence from colonial Britain and became a republic in 1963.

- The Niger Delta region was the only region that did not ascend her sovereignty to the colonial power (Britain) throughout its colonial history; when such as Lagos caliphate gave up her sovereignty in 1851, Benin kingdom 1897, Sokoto caliphate in 1903, while the Niger Delta (Nembe, Bunny, and Opopo) retained their sovereignty even though there was after the Akssa war (raid) in 1885 by King Fredrick William Koko (Minge the III), King Purple and King Jaja of Opopo (who was kidnapped by the British) and were all sent on exile after bitter battle and disagreement with the Imperial colonial power; but rather signed treaty of understanding as a British protectorate in 1885.
- It was in the Niger delta region where petroleum oil and natural lignified gas was first struck or discovered at Oliobiri (Ogbia) present Bayelsa state in 1956 by Royal Dutch Petroleum Corporation, and by 1958 it commences full commercial operation in Nigeria; as such it is the hub of the Nigeria oil and gas sector.

- It was also in the region that first took the federal government to court for electoral fraud or malpractices after the December 1964 general election, led by Isaac Jasper Adaka Boro, an ethnic Ijaw nationality; who feel aggrieved that the indigenous ethnic minority people of Ijaw nationality were disenfranchised from the political electoral process by not providing them with polling stations and ballot papers in their respective indigenous clans throughout the region during the elections by the Nigerian state thereby denying them of their right to vote or participate in the electoral process; contrary to the provisions of the 1960 and 1963 constitutions.
- It was in the region that saw the first armed rebellion against the Nigerian state, otherwise known as the “12 day revolution” leading to the Niger Delta Declaration; now defunct “Niger Delta Republic” by the Niger Delta volunteer force (NDVF) on the 23 February 1966 led by Isaac Jasper Adaka Boro; shortly after the first military coup of January 15 1966 that saw the overthrow or dethronement of the first republic (Sir AbubakaTafawa belewa) before the “Biafra Declaration” on the 30<sup>th</sup> May 1967 leading up to the Nigeria Civil War from 1967 to 1970 of which an estimated 3.million people were killed between the opposing forces of the war (Biafra and Nigeria Federal Forces).

**7.1.2. Historically,** the Niger Delta is situated at the southern tip of Nigeria by the Niger River (otherwise called “River Niger”), directly by the gulf of Guinea on the Atlantic Ocean. The area or region is densely populated, which is made up of several tribal ethnic groups and communities with several languages; it is sometimes called the oil river because it was once a major trading point and producer of palm oil (Osaghae et al, 2007; Alagoa et al, 2009). The region was once a “British Oil River Protectorate” from 1893 which was later expanded to become the “Niger Coast Protectorate”. Because of its regional economic resources, such as; oil, natural gas, palm oil, cottons, agriculture and fisheries; including flora and wild green vegetations (Ibid).

**7.1.3. The people:** The region is made up of people from diverse ethnic backgrounds. The diversity of ethnicity within the region comprises: Benin; Efik; Esan; Ibibio; Igbo; Annangs; Oron; Ijaw; Itsekiri; Ilaje, Yoruba; Isoko; Urhobo; Ukwuani; Ikweres, Ogoni (Osaghae et al, 2007; Alagoa, 1999, 2000; Boro, 1982, Asari-Dokubo,2005; Eguruze, 2016). In terms of its population, there are over 31 to 45 million people and more than 40 ethnic groups; and over 250 different dialectic languages.

**7.1.4. Geography:** Geographically, the region is unique in its geographical location as it is the gateway to the Atlantic Ocean and coastal areas of Nigeria. The Niger Delta has been officially defined by the Federal Government of Nigeria as over 70,000 kilometers (27,000 sq miles); and it occupies 7.5% percent of Nigeria's land mass which currently comprises (Bayelsa state; Delta state; Rivers state; Cross Rivers state; Akwa Ibom state; Edo state; Abia state; Imo state; and Ondo state); totaling nine states. However in recent times the Niger Delta has become the centre for international controversies over its oil and gas exploration, exploitation, environmental pollution and degradation, corruption, militancy, human rights violations in Nigeria (Wikipedia, 2006; Osaghea, 2001; Alagoa, 1999; Oronto Douglass and Okonta; 1995; Amnesty International, 2008).

**7.1.5. Socio-economic Resource:**

socio-economically, the Niger Delta region has been socially, economically and political disadvantaged and marginalized for decades; despite the fact that the region is the epic centre for Nigeria oil and gas exploration, production and exports making up for almost 95% percent of Nigeria's foreign earnings and about 85-90% percent of Nigeria's GDP; even though oil was first discovered at Oloibiri (Ogbia) present Bayelsa state in 1956 before Nigeria had its independence in 1<sup>st</sup> October 1960 producing 2 - 3.5 million barrels of oil and gas a day (African Development Bank, and African Development Fund, 2009).

**7.1.6. Poverty and Underdevelopment:**

According to Smock, (2009), the Issue of underdevelopment, neglect, poverty and deprivation in the Niger Delta region have reached chronic endemic proportion; where there is massive youth unemployment, inadequate educational facilities, poor healthcare

provision, no social housing, and the lack of road transportation systems, no drinkable water, no rural electrification, communication facilities including poor environmental degradation.

Consequently, due to abject poverty, neglect, deprivation, social inequality, socio-economic and political marginalization, resource exploitation, oppression, repression, discrimination, underdevelopment, environmental pollution, and degradation; the people and communities in the Niger Delta do feel and believe that they are disenfranchised and marginalized in the social, economic and political affairs of the country. Therefore, their needs, fears, feelings, and concerns which they shared with the Willink commission in 1956; as part of the fact finding mission to alien the fears, needs and concerns of the indigenous ethnic minorities in Niger Delta under the administrative convenience of the old eastern region of Nigeria which are now been confirmed in relation to their treatment (Willink Commission Report, 1958).

As a result, they feel they are not part and parcel of the Nigerian state as expressed in the Willink Commission Report (1958); that the regional administrative authority was under British colonial protectorate at the time from 1885 (Oil River Protectorate) and by 1893 it was extended and renamed (Niger Coast Protectorate) prior to the creation of the Nigeria state in 1914 by Lord Lugard. As such, the Niger Delta was put or placed under the administrative convince of the old Eastern region of Nigeria when the country was partitioned into four major regions (North, West, Midwest, and East); of which Nigeria gained its independence in 1960 and then became a republic in 1963(ibid).

This colonial administrative arrangement was recognized by both parties (between imperial Britain and Nigeria state) that was why it enshrined (the right of consent through regional constituent public vote as to the question whether the Niger Delta people or others should want to remained or be part of the Nigerian state through the process of Referendum) both in the 1960 and 1963 Nigerian Constitution, however; these fundamental rights of consent were contemptuously eroded, violated, breached, and taken away by the Nigeria state in its federal military constitutions of 1979 and 1999 (as amended) without a democratic mandate.

This violates the right of indigenous ethnic minority people of the Niger Delta contrary to

the provisions of both regional and international laws; as such; the region have been ravaged by poverty, neglect, social inequality, socio-economic deprivation, economic and political marginalization, resource exploitation, infrastructural underdevelopment, environmental pollution and degradation leading to: several armed agitations, militancy, rebellions, revolutions, youth restiveness (calling for “Self-determination”, “regional autonomy”, and “resource control”) including: kidnapping, hostage taking, banditry’, bunkering, armed robbery and other forms of criminalities in the region thereby creating an atmosphere of regional or national insecurity in the country (Osaghea, 2001; Eguruz, 2015; IYC, 1998; Asara-Dokubo, 2005).

Consequentially, social-politically and economically; these antecedences could be seen playing through inter-communal violence, ethnic political conflicts, armed agitations, militancy, protest and demonstrations; such we have seen in the past and present times e.g. Isaac Boro’s “12 Day Revolution” in 1966 (NDVF); Ogoni crisis 1995 (MOSOP) led by Ken Saro-wiwa; Kaiama Declaration 1998(IYC); Odi Massacre 1999; Warri Crisis 2003.

Profoundly, these regional issues have significantly heightened in recent times which have now become a national problem for the Nigeria state that needs to be addressed or resolved politically; and not by military might or by the use of force but consultation, dialogue, and negotiation through trusted elected representatives at both local, regional and national levels.

Therefore, there needs to be the political will and determination from the federal government in wanting to seek peaceful and amicable means of seeking lasting solutions to these never ending problems frequent regional militancy, armed agitations for cessations’ “self-determination” “Autonomy” and “resource control”; particularly in the Niger Delta region of Nigeria. Paradoxically, the social, economic, cultural, political and environmental antecedents of the Nigeria state are self made despites its huge or massive economic potentials; mired or made worst by “*bribery*”, “*corruption*”, “*nepotism*”, “*favoritism*”, *ethnic nationalism*” “*individualism*”, “*sectionalism*” and “*ethnic or tribal politics*”; which are been controlled by “*cabals*”, “*juntas*”, and “*mafias*”. It also includes lack or inadequate of strategic economic planning, and incoherent strategic policy implementation could also be a contributory factors leading to the demise of the

Nigeria democratic, social, economic, and political development since its independence in 1960.

As a result, the problems of the Nigeria state has become accumulative through its political leadership often been polarized by their inept attitude and ignorance towards political governance; made worst by corruption, nepotism, favoritism and ethnic nationalism; including the lack of vision and political integrity in good governance in politics. Although, some may argue that the verse ethnic diversity, composition, and complexity of the Nigeria state; could be a major factor to the lack of meaningful social, political, and economic progress and development in its history since the creation of the Nigeria state in 1914. However, at the same time one could argue that ethnic diversity should not be a problem; but rather should be a social, economic advantage or blessing for Nigeria political and economic development.

Therefore, the fundamental issues here is the respect for “human rights principles, values, and norms” “good governance”, and “social responsibilities” towards changing mind sets, or mental orientation, behavior and attitudes of the people themselves both at individual and collective group levels otherwise it could lead to further destabilization and disintegration of the Nigeria state; including its social, economic and political structure and development (Eguruze, 2016).

After all, Nigeria wasn't the only country that was colonized by the British imperial colonial power; as compared to the United States, Canada, New Zealand, Austria, South Africa, and India (so on and so forth): therefore in relative terms all these countries are all socially, politically and economically are well developed than Nigeria (Rehman, 2010). And also Nigeria is not the only oil and gas exporting country in the world, as compared to other oil and gas exporting countries in (OPEC) e.g. Saudi Arabia, Kuwait, United Arab Emirates, Iran, Iraq, Russia; all these countries are doing socially and economically well and developed in terms of social, economic, and infrastructural development; whilst Nigeria is lacking behind these countries (Eguruze, 2016; Rehman, 2010; Boro, 1982; Saro-Wiwa, 1995).

Retrospectively, this has something to do with national compulsive disorder of “*individualism*”, “*sectionalism*”, and “*ethnic tribal nationalism*”, as a nation with due regards to nation building; while basking under the euphoria of “*individualism*”,

*“sectionalism”, “nationalism”; been mired by “bribery”, “corruption”, “nepotism”, “favoritism”, and “bad governance” or “bad political leadership”* instead of patriotism towards greater nation building a better, stronger social, economic, and political development as opposed to divisive politic of personal interest (NNHRC, 2017).

These problems are profoundly endemic in the Nigeria social, economic and political spheres, where due process and the rule of law often don't matter or apply as far as you are one of the high profile civil servants or political elites (cabals), ex. Military officers (juntas), and corrupts civil servants (mafias'); alternatively politically connected to those at the top of the political class, or elites or bribe your way to the top by way of *“nepotism”, “favoritism” or by “political affiliations”* (NSALS. 2010).

Vicariously speaking, the entire Nigerian social, cultural, economic, political, legal and educational institutions are prone to corruption, which are particularly prevalent in government (Executive) both in the “legislature”, “judiciaries”, and “law enforcement”; there is no surprise why law and order seems to have broken down exhaustively: including the entire social, economic, democratic political structure of the country particularly in relations to the Niger Delta region of Nigeria (Eguruze, 2016; Saro-Wiwa, 1995; Boro, 1982; NNHRC, 2017). This being that, the entire region of the Niger Delta is ravaging in abject poverty, neglect, social inequality, social economic deprivation, political marginalization, resource exploitation, environmental pollution and degradation; including social economic infrastructural underdevelopment as compared to the rest of the country (Boro, 1982; Saro-wiwa, 1995; Osaghea, 2001; IYC, 1998; Eguruze, 2015).

This goes to show or highlight the seriousness of the problems in the Niger Delta region, therefore; there should be concrete and meaningful restitution to redress the wrongs in the region in terms of socio-economic empowerment and social infrastructural developments; whilst protecting and promoting environmental sustainability and development in accordance with the provisions of both regional and international laws concerning human rights and fundamental freedom, including minority rights to *“self-determination”, “autonomy”, “resource control” and the right to “human environmental developments”* (ICHRFF, 1950;UDHR, 1948; ICCPR,1966; ICESCR, 1966; UNDIP, 2007; ACHPR, 1981).

### 7.2.0. DISCUSSIONS AND CONCLUSION:

Since the amalgamation or creation of the Nigeria state by the Imperial colonial Britain in 1914 by **Lord Lugard**, Nigeria was Balkanized or divided up into three major regions along ethnocentric tribal lines between the North (Hausa-Fulani), West (Yoruba's), and East (Igbo's), solemnly under the administrative convenience of colonial Britain; whilst protecting its geopolitical national economic interest of the colonial British Empire gurus (Osaghea, 2001; IYC, 1998; Eguruze, 2016). However, Nigeria after its independence in 1960, the Midwestern region was created in 1963 to facilitate the ethnic minority in the Southwest (Edo's) under the political influence of "Chief. **Anthony Eromosele Enahoro**"; while the South-South (otherwise known as: Niger Delta region) was placed under the administrative convenience of the old Eastern Region (Boro, 1982). Consequently, since this ethnocentric balkanization of the Nigeria state; the country has been in turmoil, disarray, disagreements, and despaired with its self: polarized by "*ethnic tribalism*", "*sectionalism*", "*individualism*" which have ravaged throughout the entire Nigeria political structure, system, and development that has profoundly and profusely ravaged by "*bribery*", "*corruption*", "*nepotism*", "*favoritism by political affiliation*" which resulted in the first Nigeria military coup on January 15<sup>th</sup> 1966 (Boro, 1982).

This coup saw the overthrow of the "First Republic" (the civilian government and the assassinations of Sir Abubakar Tafawa Bewlewa, Ahmadu Bello; Zulumu Sardauna of Sokoto and 11 other senior politician's), carried out by mainly junior Igbo officers from the old eastern region: (e.g. Major Kaduna Nzeogwu (Igbo); Maj. Timothy Onwuatuwegwu (Igbo); Maj. Emmanuel Ifeajuna (Igbo); Maj. Chris Anuforo (Igbo); Maj. Don Okafor (Igbo); Maj. Adewale Ademoyega (Yoruba); Maj. Humphrey Chukwuka (Igbo); Capt. Emmanuel Nwobosi (Igbo); Capt. Ben Gbulie (Igbo); Capt. Ogbu Oji (Igbo). While leaving eastern Igbo speaking politicians alive (e.g. Dr. Nnamdi Azikiwe; Kingsley Ozumba Mbadiwe; Michael Iheonukara Okpara and others). However, fatal errors were made by the coup planners and executors' (military juntas) because it was based on ethnicity or tribal, sectionalism, and ethnic nationalism not for the entire or common good of Nigeria (Boro, 1982).

However, just barely a month later; Isaac Adaka Jasper Boro (an ethnic Ijaw nationalist under the old eastern region), led a 12 Days revolution against the Igbo led Nigerian state

on February 23<sup>rd</sup> 1966 leading to the formation of the “Niger Delta Volunteer Force” (NDVF); which subsequently led to the “Niger Delta Declaration” of the now defunct “Niger Delta Republic” (otherwise known as the 12 Days Revolution) with 120 men (Boro, 1982). Most of them were killed, but (Isaac Boro, Samuel Owonaro, and Nottingham Dick were captured by the federal forces, charge with “Treasonable Felony” sentenced to death by hanging by the Federal High Court Lagos, while they were awaiting execution six (6) months later on the July 28/29 1966 there was counter coup by ethnic northern officers led by Col. Yakubu Gowon which saw the assassination of Major General Johnson Aguiyi Ironsi (military head of state) who is from Igbo speaking ethnic nationality and others (Boro, 1982).

Col. Yakubu Gowon as head of state gave general Amnesty or presidential pardon to these ethnic Ijaw nationalist (Boro and his comrades), as a result; they regained their freedom and were released from jail. However, on the 29/30<sup>th</sup> of May 1967, Col. Chukwuemeka Odumegwu Ojukwu (an Igbo ethnic nationalist) from the old eastern region declared the now defunct “Biafra Republic” that led to Nigeria civil war which ensued on the 6<sup>th</sup> July 1967 to 15<sup>th</sup> January 1970 (3 years); of which claimed an estimated 2-3 million lives from both sides of the war (General. Olusegun Obasanjo, 1980). Despite the lost of lives, Nigeria continued to be plague in ethnic nationality and antecedents with no end in sight, more so in recent times (e.g. Ogoni Crisis 1995; Kaiama Declaration 1998; Odi Massacre 1999; Warri Crisis 2003; IPOB 2001); particularly in the Niger Delta region of Nigeria (Saro-Wiwa, 1995; IYC, 1998; Eguruze, 2016; Osaghea, 2001).

Jurisprudentially, these problems and antecedences in the Niger Delta under the old eastern region were envisaged by the British colonial empire in 1956 before the independence of Nigeria in 1960 when the Willink Commission was setup by the British Parliament or House of Common primarily to investigate and alien the plight, concerns, needs, and fear of the indigenous ethnic minorities tribes in Nigeria; particularly those of the Niger Delta under the old eastern region of Nigeria in relations to the rights of ethnic minorities who are been oppressed and discriminated against by the Igbo speaking ethnic majority groups in the region (Willink Commission, 1958). The commission (Willink Commission) was headed by Sir Henry Willink, and by 1958 the commission published its findings and recommendations to the Houses of Commons with the following

assertions: Specifically, the commission had the following terms of reference:

- 1) To ascertain the facts about the fears of minorities in any part of Nigeria and to propose means of allaying those fears whether well or ill founded.
- 2) To advise what safeguards should be included for this purpose in the constitution of Nigeria.
- 3) If, but only if, no other solution seems to the commission to meet the case, then as a last resort to make detailed recommendations for the creation of one or more new states and in that case:
  - a) To specify the precise area to be included in such a state or states;
  - b) To recommend the governmental and administrative structure most appropriate for it.
  - c) To assess whether any state recommended would be viable from an economic and administrative point of view and what the effect of its creation would be on the regions from which it would be created and on the federation.
- 4) To report its findings and recommendations to the Secretary of States for the Colonies (Nigeria, 1958, p.2; Willink Commission Report, 1958).

As a result, the following recommendations were made:

*“The problems of Minorities (fears, needs and concerns) in the Eastern region cannot be solved by the creation more state” (ii) “ Fundamental Human Rights should bge enshrined into the 1960 federal constitution to the British House of parliament; which was later enshrined into the Federal constitution of Nigeria (1960), to safeguard the interest of the minority communities in the region” (III) “The police should be under the federal government control” (VI) “ Minority areas should be have special administrative council” (V) “ There should be special development board for the Niger Delta region”; which were also reaffirmed in the 1963 federal constitution.*

### **7.2.1. Findings and Recommendations:**

Etiologically, no recommendations can be complete without pathologically findings the route causes of the problems and proffer solutions in addressing them; therefore in retrospective terms the followings research problems were identified during the course of this research which is of significant important adding value into its recommendations:

- Nigeria National Population, and Cultural Diversity
- Political Governance and Government policies
- Social Economic Resource and Resource Allocation
- Human Rights Principles, values and Norms
- Constitutional Provisions, Law, Order, and Law Enforcement
- Educational Development
- Social, Economic, and Infrastructural Development
- Environmental Protection, and Sustainability

Nigeria national population and ethnic cultural diversity: at present stood at over 200 million according to the office of national statistics (Census) 2015, with over 250 languages, and over 500 ethnic dialectic languages spoken across the country; particularly within the Niger Delta region of Nigeria. Although, there is national linguistic concept of “WAZOBIA” meaning (Yoruba: WA = come; Hausa: ZO = come; Igbo: BIA = come); representing the three major ethnic groups in Nigeria (Hausa-Fulani, Yoruba, and Igbo) which are incorporated into the national primary/secondary educational curriculum or system; however this guidelines are not often followed by other minority states due to the ethnic diversity or composition of the country (Federal Ministry of Education, 2015).

As a result, other minority states see this kind of systemic linguistic imposition (WAZOBIA) as divisively oppressive and discriminatory; in a country where there are over 250 languages been spoken and comprising over 500 dialectic languages across the country: why only three languages are allowed to be spoken and thought in schools whilst other languages are excluded (NNHRC, 2017). This is fundamentally wrong, and discriminatory contradictory; contrarily to the provisions of the 1999 constitution (as amended) chapter II Section 14, subsection (3) *“The composition of the Government of the Federation or any of its agencies and conduct of it’s affairs shall be carried out in such manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from few state or a few ethnic or other sectional groups in that’d government or in any of it’s agencies”*

It is, also against the spirit of national unity, according to chapter II section 15, subsection

(2) “Accordingly, national integration shall be actively encouraged, whilst discrimination on the ground of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited” (FCN, 1999). It is also against fundamental tenure of democracy and principle of human rights, values and norms as enshrined in the universal declaration of human rights, including; the UN declaration on the rights of indigenous people, and also the African charter (UDHR, 1948; UNDRIP, 2007; ACHPR, 1981).

Equally at the same time one should not over emphasis the need to recognize the importance of national cultural diversity and ethnic composition of Nigeria, which are dynamically positive, unique, and rich in demonstrating it’s social, cultural, economic, political heritage through democratic development; which is a positive thing if only it could be harnessed and enhanced consciously for the benefit Nigeria social democratic political experiment since its independence in 1960 (Saro-Wiwa, 1995; Eguruze, 2016).

Therefore, efforts should be made to adhere to true democratic principles and the rule of law both nationally, regionally, and internationally to avoid constitutional conflict, disunity in the country, and the abuse of power and authority; whilst Nigeria remained signatory to all such regional and international treaty conventions (UN Charter, 1945). As such, Nigeria is under legal obligation to uphold the fundamental principles of law, human rights and democratic dispensation; whilst promoting human rights principles, rule of law and peaceful coexistence for all Nigerians without discrimination (FCN, 1999; UDHR, 1948; ACHPR, 1981).

### **7.2.2. Political, Governance and Government Policies:**

Politically Nigeria seems to be democratic, however; often nevertheless does not conform to democratic principles, values, and norms due to government and public misconception and misunderstanding of “*democratic principles*”, “*politics*”, and the role of “*public service*” or the role of “*political leadership*” and “*governance*”. Therefore, to a large extent complacency and non compliance to democratic principles and rule of law tends to be the order of the day (or common place); this is due to the fact that Nigeria political spheres is highly polarized by party politics rather than nation building due to high bread “*corruption*”, “*nepotism*”, “*favoritism*”, and the doctrine of “*tribal politics*” (individualism, sectionalism, ethnic nationalism) which are often controlled by “**Cabals**”

(political elites), “**Juntas**” (ex- military generals), and “**Mafias**” (corrupt public office holders); who often does not conform to democratic principles neither the rule of law but rather believed in the ideology of “*cabalism*”, “*juntarism*”, and “*mafiarism*” (rule of the jungle) which means the overall political system seems be that of “*feudalism*” or “*quasi dictatorship*”/ “*Autocracy*” as oppose to “**democracy**”, “**human rights**”, and “**respect for the rule of law and order**”.

As a result, the political tenure in Nigeria politics is all about “*self serving*”, “*wealth accumulation*”, “*self aggrandizement*”, “*abuse of power and authority*”; instead of proper and cogent meaningful political representation in serving the interest and needs of people whilst in public office (they do serve themselves) which is contrary to the provisions of the 1999 constitution (as amended) chapter II, section 14, subsection 2(a) “*Sovereignty belongs to the people of Nigeria from whom government through this constitution derives all its power and authority*”; (b) “*The security and welfare of the people shall be the primary purpose of government*”. Whilst in chapter II, section 15, subsection (5) “*The state shall abolish all corrupt practices and abuse of power*”; and section 16, subsection d (2c) that “*The economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group*”, and (d) “*that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care, and pensions, and unemployment, sick benefits, and welfare of the disabled are provided for all citizens*” (FCN, 1999; NSALS, 210).

Despite these constitutional provisions it seems many of so called politicians doesn't fully understand the concept of politics, and political dispensation, as such; there is disconnect between political leadership, government and the people (NNHRC, 2017; NSLAS, 2010). Therefore, arguably one can categorically state or affirm that political leadership and governance is all about public service, and not about “*self serving*” (interest), or “*self aggrandizement*” (power, authority, wealth, position, and status), and also not about “*ethnic nationalism*”, “*nepotism*”, “*favoritism*”, “*political affiliations*”; but is all about the “**creation of wealth**”, “**conservation of wealth**”, and “**redistribution of wealth**” by creation “*equal opportunities*” for all, “*social justice*”, “*economic empowerment*”, “*social economic and infrastructural development*”, “*environmental*

*protection” and “sustainability” for the common good of all without discrimination; according to Chapter II, section (16), subsection (1b) “control the national economy in such manner as to secure the maximum welfare, freedom, and happiness of every citizen on the basis of social justice and equality of status and opportunity” (FCN, 1999).*

Therefore, it is prudent to say that; there should be peoples centered or oriented approach in government policies which are strategically centered on the needs of the people without prejudice to any ethnicity or nationality, or sectional interest which is geared towards promoting, encouraging and fulfilling the needs and aspirations of the people (both in terms of social, economic, political, infrastructural and environment) whilst upholding democratic principles, (*human rights, norms, and values*) in governance while making sure transparency in government is promoted and encouraged (Eguruze, 2016).

Those in public offices should be held responsible, and accountable to the people in the interest of good governance, “*unity*”, “*peace*”, “*tranquility*”, and “*development*”; in accordance with Chapter II of the Nigeria Federal Constitution 1999 (as amended), section (15), subsection (4) “*The state shall foster a feeling of belonging and involvement amongst the various people of the Federation, to the end that loyalty to the nation shall override sectional loyalty*”, **Section (16), subsection (1a)** “*harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy*” (FCN, 1999).

### **7.2.3. Socio-economic Resource and Revenue/Resource Allocation:**

Nigeria as a country is endowed with wealth, riches in every possible economic natural resource and minerals, including oil and gas; particularly throughout the Niger Delta region of Nigeria, which accounts for almost 95% percent of Nigeria foreign earning and about 85% percent of its gross domestic product (GDP); according to the African Development Bank (2010). This makes Nigeria the tenth (10<sup>th</sup>) oil and gas producing and exporting country in the world, and a member of the oil producing and exporting countries (OPEC); according the World Bank (2019). As such, oil and gas was first struck, found or discovered in Nigeria at Oliobiri (Ogbia) present Bayelsa state of Nigeria in the Niger Delta region by Royal Dutch Petroleum Corporation Ltd in 1956; and by 1958 it is fully operational before Nigeria had its independence in 1960 yet Bayelsa state

has no oil refinery plant up to date but rather or instead oil/gas refineries are been built in Warri (Delta State), Port Harcourt (Rivers State), Kaduna (Kaduna State); (Boro, 1982).

Figuratively the Niger Delta region produces almost 95 - 98% percent of the total Nigeria oil and gas export, making the region the hub of Nigeria oil and gas sector despite this; the region had been contentiously and contemptuously agitating for “Self-determination”, “*Regional Autonomy*”, and “*Resource Control*” over the decades (otherwise known as: emancipation or freeing the Niger Delta region from the federal exploitation ) and in recent times due to the extreme level of ( i.e. *poverty, neglect, social inequality, socio-economic deprivation, political and economic marginalization, resource exploitation, environmental pollution, and degradation*) including the lack of social infrastructural development the region have seen a spike of in youth restiveness or d armed militaint activities (Boro, 1982; Eguruze, 2015; Saro-wiwa, 1995; Osaghea, 2001). As a result, the indigenous people and communities of the region (Niger Delta) do feel and believed they are been “*disenfranchised*”, “**robbed**”, and “*expioted*” (both economicall and poilitically) from of their God given natural resources and heritage (**oil and gas**) by the federal government with nothing to show for it while other majority tribes (Hausa, Yoruba, and Igbo) enjoy the benefits; as such there has been several armed agitations in the past i.e. 1966 led by Isaac Jasper Adaka Boro leading to the formation of Niger Delta Volunteer Force (NDVF) and the declaration of the now defunct “Niger Delta Republic” following the 12 Day Revolution on the 23<sup>rd</sup> February 1966 shortly after the first Nigeria military coup on the 15<sup>th</sup> January 1966 (Boro, 1982).

The second agitation was led by Col. Odimagwu Ojukwu after the second military coup on the 28<sup>th</sup> July, 1967 following the overthrow of Major General Johnson Aguyi-ironsi that led the declaration of the now defunct “Biafra Republic” on the 30<sup>th</sup> May 1967; that subsequently led to the Nigerian civil war from 1967 to 1970 (Boro, 1982; General Olusegun Obasanjo, 1980). Since then, there has been several such agitations in the region; namely: Ogoni crisis, 1995 led by Ken Saro-wiwa (MOSOP, 1995); Kaiama Declaration (IYC, 1998); Odi Massacre (IYC, 1999); Warri crisis (2003); IPOB (2021) etc (Saro-Wiwa, 1995; IYC, 1998; Osaghea, 2001).

Despite, these regional agitations the economic looting and resource exploitations by the federal government continue to collaborate with currupt regional leaders in looting,

pillaging, and stealing huge sums of economic and financial wealth of the nations (oil and gas blocs) whilst the nations wealth is been pillaged and shared by the cabals (political elites), juntas (ex military generals), and mafias (corrupt public office holders); by the imposition of draconian military decrees and laws (with no public or political mandate) upon at the expense of minority states particularly those from the Niger Delta region of Nigeria whilst state corruption is allowed and encouraged (1999 constitutional immunity clause) for example: Petroleum Decree/Act, 1969; Land Use Decree, 1978.

Amazingly, these corrupt draconian undemocratic military decrees and laws were readapted, coaxed, or been forced upon by the military and were enshrined into the 1999 federal constitution (as amended); when at the same time these undemocratic pieces of legislations are fundamentally flawed as it is against fundamental democratic human rights principles, values and norms both regionally and internationally under article 1(1) (2) and (2) both ICCPR, and ICESCR (1966); including ACHPR (1981), and UNDRIP (2007) of which Nigeria is a signatory to all regional and international treaty conventions according to chapter II, Section (18), subsection (19d) “*respect for international law and treaty obligation as well as the seeking of settlement of international disputes by negotiation, mediation, conciliation, arbitration and adjudication*” (FCN, 1999).

Even at that, the corrupt practices of looting and pillaging of national treasure by the minorities few, and individuals (corrupt political elites, public office holders, and others), practically; such corrupt practices are against or contrary to the provisions of the 1999 federal constitution of Nigeria (as amended) under chapter II, section (15), subsection (5) “*State shall abolish all corrupt practices and abuse of power*”, and section (16) subsection (1b) “*control of the national economy in such manner as to ensure the maximum welfare, freedom and happiness of every citizens on the basis of social justice, equality of status and opportunities*”; section (16), subsection (2c) “*that the economic system is not operated in such a manner as to permit the concentration of wealth or means of production and exchange in the hands of few individuals or of a group*”: yet these corrupt practices are allowed to flourish in the Nigerian political spheres, under the immunity clauses (FCN, 1999; Eguruze, 2016; NNHRC, 2017).

Arguably, even if one has to go by these draconian undemocratic military decrees, laws,

and constitutional narratives or provisions under chapter V, section (44), subsection (3) *“Notwithstanding the foregoing provisions of this section, the entire property in and control of all minerals, mineral oil and natural gas in under or upon any land in Nigeria or in under or upon the territorial waters and the Exclusive Economic Zone of Nigeria shall vest in the Government of the Federation and shall be managed in manner as may be prescribed by the National Assembly”* arguably one beg the question, how come almost about 80% percent of the oil and gas blocs are own by individuals (IYC, 1998; Osahea, 2001; Eguruze, 2016).

Likewise or similarly, even though these currupt practices are contrary to the provisions of the constitution under chapter II, section (16), subsection (2c) *“that the economic system is not operate in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group”*; and it is also fundamentally flaw, and against the principles of democratic dispensation in a democratic society as it does infringe on fundamental human rights values, principles and norms particularly indigenou ethnic minority rights to **“self-determination”** according to article 1(1) (2) (3) of ICCPR (1966); ICESCR (1966); UNDRIP (2007); and ACHPR (1981) respectively nothing is been done by the government (or successive governments: both military/civilian) to rectify, reduce, eradicate or eliminate such inhumane, inhuman up-evil against Nigerians (NNHRC, 2017; NIALS, 2010; Eguruze, 2016).

When at the same time, revenue allocation to minority oil and gas producing states are bear minimum as compared to none oil and gas producing states which happens to be in areas of the majority ruling class of the political elites; particularly those from the (i.e. Northern, Western and Eastern states); while those from the minority states (Niger Delta region) are being disproportionaly disenfranchised, and discriminated against when these minority states are the bread basket or backbone of Nigeria economic (oil and gas) strength and development (Eguruze, 2016; Osaghea, 2001; IYC, 1998; Boro, 1982). The economic model, methodology and methods of wealth distribution or resources allocation is bias, unfair and discriminatory in all terns and purpose; as such there is massive poverty, social inequality, economic and social deprivation, political marginalization, and underdevelopment in the most economically viable and productive areas of Nigeria particularly in the Niger Delta region (Osaghea, 2001; Eguruze, 2015; Boro, 1982).

As a result, there are regional strifes, youth restiveness, armed militancy, and agitations for regional “*self-determination*”, “*autonomy*”, and “*resource control*” in these areas; due to the massive regional state inequality in the country (Boro, 1982; ICY, 1998; Osaghea, 2001; Saro-Wiwa, 1995; NNHRC, 2017). Therefore, it is democratically necessary for the federal government to engage in meaningful consultation, dialogue and negotiations with minority state parties; including local community leaders, groups and organizations to see unbiased, balanced and equitable resolutions to the needs, fears, and concerns of the indigenous ethnic minority peoples and communities of the Niger Delta region as recommended by the Willink Commission Report of 1958 before the independence of Nigeria (Boro, 1982; IYC, 1998; Saro-wiwa, 1995; NNHRC, 2017; Willink Commission Report,1958).

#### **7.2.4. Human Rights Principles, Values and Norms:**

Nigerian human rights principles, values and norms are somewhat precariously susceptible or prone to abuse as there are no adequate monitoring and enforcement mechanism in place to protect the individuals, or groups of individuals from been abused or violated by those in positions of power and authority, particularly; by those in the security and law enforcement agencies (Human Rights Watch, 2010); Amnesty Internationa, 2017; NNHRC, 2017; NIALS, 2010). As such, human rights awareness was never part of their (security agencies) training; therefore they are ambivalently oblivious of the fact that; there are no legal or constitutional safeguards, and enforcements for human rights protection for the individuals or groups of individuals both at the national, regional, and international levels (Amnesty International, 2017; Human Rights Watch, 2010; NIALS,2010).

As such, Human rights abuses and violations in Nigeria are rampant, repugantly excessively, which are often been committed or perpetrated by the Nigerian state security and law enforcement agencies, the rich and powerful, and those in position high of public offices; including the political class (NIALS, 2010; NNHRC, 2017). Eventhough, there are constitutional provisions and safeguards under chapter four of the 1999 constitution (as amended) titled: Fundamental Human Rights; nevertheless theses rights are often overlooked by security and law enforcement agencies (police and military) and to a large

extent by the individuals themselves due to lack of public human rights awareness according to the Nigerian institute of advance legal studies (NIALS, 2010).

According to the paper *“Nigeria is a party to most international human rights instruments. Unfortunately, Nigeria in terms with its domestic constitutional scheme of human rights; a paradoxical and hypocritical a stance that engagement in a bogus public relation stunt”* and as such; *“poverty and ignorance is again identified as being at the root of non challenge of torture and other act of human rights abuses, therefore there should be development and empowerment of the people will in usher in strong resistance to act of torture and other human rights abuses”*. Therefore *“access to justice cannot be over emphasized in the fight against human rights violations”*. *“Our justice especially to the poor and vulnerable groups”* Again *“there is need for advocacy capacity in the bar and bench to create and secure access given but justice is actually guaranteed”* (NIALS, 2010; NNHRC, 2017).

Arguably, the Nigeria human rights act 1995 which led to establishment of the National Human Rights Commission in 1996 was setup to oversee the implementation of the human rights act; which was also nshrined in the federal constitution of Nigeria (1999, as amended); however not much has been done to promote and advance the course of human rights awareness amongst its citizens or public since its introduction or enactment (NIALS, 2010). Also, there are no effective monitoring and enforcement mechanism under law or effective civil society organisation advocating for and behalf of the public on matters of human rights under civil/public interest litigation (CPIL) schemes; where human rights cases had occurred or involved while making sure that justice is seen to be served or done accordingly as required by law to effect changes in attitude, behaviour and mind set (NNHRC, 2017).

Disappointingly, justice seems to be hampered by constitutional failures (as public opinion, views, and suggestions by way of public vote or referendum is not enshrined or guaranteed in the 1999 Nigeria federal constitution), including official bureaucratic institutions are been corrupted by bad political leadership or governance; particularly the lack of law enforcements: (i.e. inadequate police training on human rights law awareness and enforcement mechanism, and above all the inept attitude, and behaviour of ineffective public office holders; particularly those in charge of the human rights

commission; also there are no other independent human rights commission in the country); hence these institutions are often easily been influenced by governments, and authorities, politicians, and public office holders: especially those human rights abuses and violations been perpetrated or committed by the national security services or law enforcement agencies (NNHRC, 20017; Amnesty International, 2008; NIALS, 2010).

Therefore, there should be constitutional review and amendment in areas of human rights violations, protection, promotion, restitution, law enforcement training, and advocacy; including the establishment of independent security and police service compliant board or commission with powers to carry out independent, unbiased, and balance investigation on police conduct and behavior on human rights offences whilst carrying out their duties (NIALS, 2010; NNHRC, 2017). As part of the constitutional review process, if any law enforcement officer are found guilty of wrong doing or offence; those officers should be charged, reprimanded and prosecuted; including victims should be given or provided with legal aid from the department (federal ministry of justice) to represent victims human rights violations (and if state security officers are found quilty of wrong doing) there should be adequate restitution or compensation to redress or remedies for victims of wrong doing for their pains and suffering to dither others from committing such human rights violations or offences (NNHRC, 2017; NIALS, 2010).

#### **7.2.5. Constitutional Provisions, Law, Order and Law Enforcement:**

Constitutionally, the federal constitution of Nigeria 1999 (as amended) was written or drafted or taken from the 1979 constitution during the military rules or ere and was imposed upon Nigerians without a legislative or democratic mandate; hence it lacks democratic mandate or legitimacy (therefore its lacks creditability) amongst civilized democratic nations of the world (NNHRC, 2010). Hence, it is full of contradictions, errors, faults, flaws, and ambiguities; which are often legally vicariously contentious within the ambits of law or legal scholarships; (and could be contradictory fundamentally in the absense of legal principles based on democratic tenure and human risghts values) where there are no independent judiciary, legislature or law enforcement, neither independent human rights commission to advocate for and on behalf of the ordinary or common man/citizens which does not exist as every known institutions in the country is

been virtually created, own, setup, established and controlled by government (NIALS, 2010; NNHRC, 2017; Eguruze, 2016; Human Rights Watch, 2017).

According to the 1999 constitutional provisions under chapter II, Section (14), subsection (2a) *“Sovereignty belongs to the people of Nigeria from which government through this constitution derives all its powers and authority”* (b) *“The security and welfare of the people shall be the primary purpose of government”* (c) *“The participation by the people in their government shall be ensured in accordance with the provisions of this constitution”* and Section (3) *“The composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such manner as to reflect the federal character of Nigeria, and needs to promote national unity; and also to command national loyalty thereby ensuring that there shall be no predominance of persons from a few states, or from few ethnic or other sectional groups in that government or in any of its agencies”*; all these insertions are meaningless in the absence of public opinion or referendum (FCN, 1999; NNHRC, 2017).

Arguably, Jacob Dada (2012) seems to concord or supportive to this statement or argument or insertion; that the constitution of Nigeria in its self *“It raises pertinent issues and problems in some provisions which negate and undermine human rights goals and jurisprudence. It argues against the retention of the identified provisions and set a roadmap for reforms”*. For example, the constitution takes away the collective rights of indigenous ethnic minorities or groups rights to own land, property and resources as their accental heritage, with the introduction of the **“Land Use Decree/Act”** (1978); **“Petroleum Decree/Act”** (1969) in case of the Niger Delta region and others, also their right to *“Self-determination”* as collective people; contrary to universal human rights principles, values and norms as required by both regional and international law (ICCPR, 1966; ICESCR, 1966; UNDRIP, 2007; ACHPR, 1981).

Notably, the 1999 constitution does not make provision for group rights or *“Self-determination”* and *“Resource Control”* nor *“Public Referendum”* which are also contrary to the provisions of the: United Nation charter of (1948), International Convention on Civil and Political Rights (ICCPR, 1966); International Convention on Economic, Social, and Cultural Rights (ICESCR, 1966); United Nations Declaration on the Rights of Indigenous People (UDRIP,2007); including the African Charter

(ACHPR,1981) respectively. Controversially, one can fundamentally see the undemocratic structure and nature of this inept constitution provisions in the absence of proper civilized democratic civil debate; which do collectively put the needs, fears and concerns of the indigenous ethnic minorities people (Niger Delta) particularly those under the old eastern region of Nigeria as recommended by the “Willink Commission Report” (1958) before the independence of Nigeria in 1960 only to be eroded by the 1999 federal constitution (as amended) without due consideration of people (Jacob Dada, 2012).

Hence there are so many national regional protest or agitations for “*Self-determination*” and “*Resource Control*” (constitutionally often seen as treasonable felony, therefore against the state) including other politically motivated antecedence (political violence/criminality) which are been disguise as part of indigenous ethnic minority agitation for “*Self-determination*”, and “*resource control*” particularly; those minority states in the Niger Delta region of Nigeria (Boro, 1982; Saro-wiwa, 1995; IYC, 1998; Willink Commission Report, 1958).

However, despite the constitutional ambivalence, flaws, and ambiguity of the federal constitution it does embrace or contain some fundamental democratic human rights concept and elements; including social, economic, political and cultural rights (such as: right to life; right to dignity of human person; right to liberty; right to fair hearing; right to private and family life; right to freedom of thought, conscience, and the press; right to peaceful assembly and association; right to religion; right to freedom of movement; right to freedom from discrimination; right to compensation; right to free compulsory education; adequate health care and gainful employment; and shelter, food, education etc (FCN,1999).

Despite, these constitutional provisions there are no adequate safeguards, protection and enforcements mechanisms to protect the ordinary common man or citizens; but rather these rights and freedoms are often been trembled upon, abused, and violated by the “*cabals*”, “*juntas*”, and “*mafias*”, particularly by the security agencies and law enforcement officers (police and military officers) such we have seen for example: in recent time Endsars protest (2020); IPOB (2021); Ogoni Crisis, (1995), Kaiama declaration (1998);Odi Massacre (1999) etc. As a result, fundamental human rights and freedom is under constant attacked by the Nigerian state; where freedom of speech,

expression, assembly, conscience, opinion, movements and the rights to fair hearing, torture and freedom from discrimination are under threat by the Nigerian state; which is contrary against its own constitutional provisions (NNHRC, 2017).

This seems to justify the rational legal and constitutional narratives of Professor Ayo Ajomo of the Nigerian institute of advance legal studies (NIALS) that *“Nigeria is a party to most international human rights instruments. Unfortunately, Nigeria in terms with its domestic constitutional schemes of human rights, a paradoxical and hypocritical stance that engagement in bogus public relations stunts”* (NIALS, 2010). More so, that rule of law and order are continued to be flaunted, abused and violated by the political elites, public office holders, security and law enforcement agencies without judicial recourse (NNHRC, 2017).

As a result, law and order are never obeyed or neither observed, or followed and effectively enforced due to official corruption; for example: Schedule V, Part 1, (3) Nigeria Code for Public Officers General Guideline: States *“President, Vice President, Governors, Deputy Governors Ministers of the government of the Federation and commissioner of the Government of the States , members of the National Assembly and the House of Assembly of the States, and such other public officers or persons as the National Assembly may by law prescribe shall not maintain or operate a bank account in any country outside Nigeria”*; but yet these laws are been flaunted or disregarded by all public office holders without any enforcement and penalty or consequences while the national treasure is been pillaged, looted, side funded, and transferred to foreign bank accounts abroad even though the constitution is against such corrupt practices (FCN, 1999; NIALS, 2010; NNHRC, 2017).

Furthermore, one may argue that Nigeria as a country is politically and constitutionally is a federal system of government; while administratively operates a unitary system of government (where the federal government has the vested power and authority over the control of all social, political, economic resources) over individuals and state parties (FCN, 1999). Democratically, true federalism is based on the separation of power, and independence of states with centralized federal administrative control system; where states parties have democratic powers and authority to make laws (through individual state house of assembly) raise and collect taxable revenues, and control their own

economic resources; while paying taxable contributory contribution to the central federal government: i.e. the United States of America (USA) and other federated states of the world (Jacob Dada, 2012).

Subjectively, that is notwithstanding despite the political advances in the Nigeria democratic political spheres in recent years the political development in Nigeria is still shrouded in unconstitutional and undemocratic political dogma where political prostitution and destitution (defection, desertion) is a common place or widespread: where elected politicians will defect to another party with their constituency mandate without seeking their constituent approval and consent; or without evacuating their constituent seats for fresh election (Jacob Dada, 2012).

This kind of attitude, behaviour and practice is wholly undemocratic in a civilized sense, it does not conform to democratic principles, values, and norms; therefore tantamount to political deception, deceit and fraudulent (which amount to political criminality) it is therefore unlawful; and also against international human rights laws: (the right to freedom of choice to choose) who is to represent your political party interest in your local or national constituency platform (and not to be forced into it through political defection) without public vote or mandate (Amnesty International, 2017; Jacob Dada, 2012).

Constitutionally, the Nigeria concept of true federalism could be seen as ambiguously wrong, misplaced, and misconceived or not well thought out in the first place without due consideration for its geopolitical spheres and structure; including “*social*”, “*economic*” and “*ethnic cultural diversity*”; also regional and environmental complexity which are intrinsically complicated: particularly within the Niger Delta region of Nigeria without first of all considering the needs of the people and the freedom to determine and control their economy (FCN, 1999; Jacob Dada, 2012; Eguruze, 2016; Boro, 1982; Saro-Wiwa, 1995).

Therefore, there should be “*adequate*”, “*efficient*”, “*effective*” and “*enforceable law enforcement mechanism*”, “*strong and independent judiciary*”, and “*sound human rights advocacy*” capable of promoting strong and effective human rights awareness in Nigeria; whilst encouraging and promoting human rights education in schools, communities and local community organizations, so as to create general human rights awareness in

Nigeria. Also free legal advice and legal aid or funds should be made available for citizens to enable them seek legal redress or remedies when their human rights are been abused or violated by state authorities and law enforcement agencies (NNHRC, 2017; NIALS, 2010; Amnesty International, 2019).

However, others may argue and differ; that there legislative and enforcement mechanisms in place such as the likes of “Economic and Financial Crime Commission” (EFCC) which was setup by federal government (to monitor and investigate serious financial crime and fraud) is somewhat disappointing in terms of the number of successful prosecutions been brought to court are barely few: this being those empowered to enforce such crimes are themselves are very corrupt that is why such hideous financial crimes are frequently rampant (NNHRC, 2017; Eguruze, 2016).

As a result, those in power and position (**cabals, juntas, and mafias**) are looting, stealing, pillaging the “*wealth*”, “*resources*”, and “*economy*” of the country with impunity; knowing full well that there will be no repercussion or prosecution or jail time for their hideous crimes (Eguruze, 2016). Consequently, the entire political spheres including the legislative branch, judiciary and law enforcement is blighted and polluted by “*corruption*”, “*nepotism*”, “*favoritism*”, “*tribalism*”, “*ethnic nationalism*” and “*political affiliation*”; which only serve to encourages corrupt punitive behavior from political leaders, public office holders and these are some of the reasons why the Nigeria national economy is in tatters and underdeveloped (World Bank, 2015; Eguruze, 2016; Jacob Dada, 2012).

Consequently, politician sees politics as a form of “*wealth creation*”, “*wealth accumulation*”, and “*self serving*” (*self-aggrandisement*); and not for the purpose for which they are elected but rather for self serving: because true democracy is all about “*public service*” and “*concern for peoples needs*”, and is not about “*political parties*” or “*party politics*”, “*personal wealth creation*”, “*self-aggrandisement*”, or “*personal interest*”, otherwise it could amount to “**conflict of interest**” (Eguruze, 2016; FCN, 1999; Jacob Dada, 2012). Lastly, there should be cogent, flexible, and pragmatic constitutional review which will allow regional states to make “*taxation policy*”, “*raise taxes*”, “*collect and manage revenues*”, and “*control*” their individual states natural economic resources; whilst paying taxable contributory contributions to the centre (federal

government) just as the like of United States of America (Eguruze, 2016).

### **7.2.6. Nigeria Educational Development:**

Nigeria rapid educational development have come of age as compare to many other developing countries of Africa and beyond from time of her independence to date, and its been seen as one of the best amongst Africa and many in the global educational league; and according to the Nigeria University Commission (NUC) Nigeria has 43 federal universities across the 36 states, 52 states universities, and 79 registered private universities making a total of 174 universities across the country (NUSC,2020).

However, this rapid educational development is mire by controversy in recent times amongst others in the educational sector; it is therefore a known fact that individual private educational institutions are striving for the top than public sector or government owned institutions. This is as a result, of government failure to invest in the public sector education over the decades; leaving schools and educational sectors vulnerable (*buildings dilapidated, derelict, disrepair beyond human habitation*); including primary, secondary, tertiary and higher education's (polytechnics, and universities): lacking basic educational facilities (library, science laboratory, and engineering workshop and high tech computer facilities) leaving the educational sectors in tartars with no hope, and end in sight (NUSC, 2020).

On top of this, the constants industrial disputes between the “Academic Staff University Union” (ASUU) and the “Federal Ministry of Education” (FME) over “*salaries*”, “*remunerations*”, and “*terms and conditions of service*”, leaving students “**hopelessly useless, and helpless**” (when national industrial action or strikes are called, which do go on for several months at a time); with no redress or beneficial outcome for side, neither some sort of incentives, remedy or financial compensation for students whilst academic staffs are on strike. The academic staff union and government should and must realise that, these are fee paying students; despite the fact that education was supposed to be free according to the 1999 federal constitutional provisions; under chapter IV (fundamental human rights): this is fundamentally “*wrong*”, “*inhumane*”, and against “*fundamental human rights principles*” “*democratic norms*”, and “*values*” (right to education with interference) under chapter four of the Nigerian constitution 1999 (fundamental human

rights) as amended (FCN, 1999).

As a result, student education suffers at the hands of bureaucratic quagmires, (i.e. *corruption, nepotism, favoritism, tribal politics and political affiliation*) at the expense of studentship; while students are been used by lecturers as money making venture by compelling students to buy their “*handouts*”, “*textbooks*”, “*articles*”, “*journals*”, and “*paying supervisory fees*” for project supervisions (*whilst sex for grades, prostitution, cultism, ritualism are rampant and are common place in university campuses*) in the absence of strong human rights advocacy for and on behalf of students (NUSC, 2020). Consequently, this has resulted in poor student’s turnout in terms of “*academic result*”, “*performances*”, “*employability*”, and “*job retentions*”; thereby creating high “*manpower turnover*”, “*economic depletion*”, “*degradation*”, and “*high labor skilled manpower shortage*” or “*brain drain*” (lack of skill manpower) in the country particularly in areas of “*science*”, “*medicines*”, “*engineering*” and “*technology*” (NUC, 2020).

As a result, this is having some very grave and serious detrimental effect on the nation’s institutional and economic development as compared to other developing nations of world (i.e. *India, Pakistan, South African; Malaysia, Iran, Saudi Arabia*); equivocally often Nigeria universities or academic institutions are not known for their field of specialization per se, (as research funds, scholarships, grants are often funds are small and limited, and are often been mismanaged or embezzled by corrupt university administrators and other stakeholders ) with nothing to show for it as these corrupt officials often cover up their tracks by presenting false accounting to justify their corrupt practices (UNCEF, 2010; Eguruze, 2016).

Therefore, there should be strong synergy in human rights advocacy in university and other educational institutional campuses in the promulgation and promotion of human rights awareness; including stringent and punitive code of conducts for academic and professional staff as well as students who are cut in such corruptive practices in institutions of higher learning, and elsewhere. Also there should be joint partnership and network between universities and private corporate bodies or entities, for example: private partnership initiatives (PPI) that are capable of investing significantly in human capital development through; *training, research and development; particularly in areas*

*of science, medicine, engineering and technology.*

As a result, the federal government or ministry of education should make available “*scholastic funds*”, “*scholarships*”, “*grants*”, and other incentives for research and development in areas of “*science*”, “*medicine*”, “*engineering*”, and “*technology*” to *attract, encourage, and promote studentship* in these subject areas of study; whilst rewarding financial rewards and incentives to universities for academic excellence and performance in order to stimulate and encourage competition amongst universities (NUC,2020). Also there should be better and effective collaborative working partnerships between universities to share expertise, knowledge, skills, and experiences for the advancement of knowledge, skills and expertise in areas of human capital advancement and knowledge development; while creating employable skills and opportunities for grandaunts in their various field or areas of specialization whilst encouraging diversity without discrimination (Eguruze, 2016; NUSC, 2020).

#### **7.2.7. Social, Economic, and Infrastructural Development:**

Social Economically, Nigeria is yet to develop to her full economic potentials in terms of social economic and infrastructural development due to the inept (poor) political leadership and undemocratic system of governance; lack of “*transparences*”, “*responsibility*” and “*accountability*” in the dispensation of democratic governance; contrary to human rights principles and democratic values. However, one will say the system is intrinsically systemic by nature which is susceptibly predisposed to “*corruption*”, “*nepotism*”, “*ethnic tribal nationalism*”, and “*individualism*” which are easily politically influenced; due to the lack of “*constitutional principles*”, “*honesty*”, “*sincerity*”, and “*integrity*”, due to its cultural diversity.

Therefore, it’s highly disappointing to note or acknowledge that Nigeria at 61 years since its independence in 1960 is yet to find its feet on ground politically, economically, and social infrastructural development over the decades despite its social economic potentials; however one may argue that majority of the political adminstrave era of the Nigeria state has always been under the adminstratice custody of military rule hence progress and development has been slow to the detriment of Nigerians as “*corruption*”, “*nepotism*”, “*favoritism*”, “*ethnic nationalism*”, “*individualism*”, and “*political affiliation*” have

increased and poverty have become endemically and pandemic throughout Nigeria particularly in the Niger Delta region of Nigeria (Eguruze, 2016; NIALS,2010; IYC, 1998; Osaghea, 2001).

However, whatever be the circumstance it should not be an excuse to overlook or deny the fact that politically and developmentally the Nigerians have not come into grips or the realisation with its inept and ineffectiveness of its (both military and political) leaders; who are not visionary in their thinking, poor in their planning, and ineffective in their performances throughout the decades who are only too busy in the pursuit of their personal “*self aggrandizement*”, and “*wealth accumulation*” at the expense of the nation rather than serving the need of the people (Eguruze, 2016; NIALS, 2010). And in doing so, the national needs of the people are being sacrificed at the altar of “*selfishness*”, “*greed*”, and “*self-pride*”; while the nation suffers without the slightest consideration that true democratic governance is about the “*security*”, “*welfare*”, and “*wellbeing*” of the people through which there is progressive development, socio-economic growth, and prosperity for all citizens according to the 1999 constitution (as amended) under Chapter II.

Due to the pandemic rate of political corruption by the ruling class or elites (*cabals, juntas, and mafias*) the Nigeria economy is in tatters despite the fact that Nigeria is the 10<sup>th</sup> (tenth) major oil and gas exporting country of the world, a member of the “Oil Producing and Exporting Countries” (OPEC); and other mineral resources apart from its huge or large human capital is still being considered as “underdeveloped” or “developing” or “third world” in terms of social, political, economic, and infrastructural development in the 21<sup>st</sup> century (World Bank, 2019).

This is due to the fact that the social political and economic structures have no solid basic foundation, therefore; it is susceptible to “*corruption*”, “*nepotism*”, “*favoritism*”, “*individualism*”, “*sectionalism*”, “*ethnic nationalism*” and “*political affiliation*”, and as a result the entire “**social-economic**” “**social cultural**”, and “**social-political structure**” is being controlled by “*cabal*” (*political elites*), “*juntas*” (*ex military generals*), and “*mafias*” (*corrupt public office holders*); including politicians with no “*conscience*”, “*honesty*”, “*sincerity*” and “*integrity*” aspiring for elections and political offices with no impeccable traceable record, neither skill or experience of public office administration

(Jacob Dada. 2012; Eguruze, 2016; IYC, 1998). As a result, most of these politicians are amateur and inexperience are often been used and controlled by *these “cabals”, “juntas”, and “mafias”* to further advance their political, economical, and financial agenda or personal interest (otherwise known as cronyism, or godfatherism); as supposed to protecting and fostering the interest of the country (NIAL, 2010; NNHRC, 2017; Eguruze, 2016).

Consequently, as a result the Nigeria national *“socio-economic”, “socio-political”, and “infrastructural developmental system”* have deteriorated, declined, and collapsed which has inadvertently affected the entire *“social”, “economic”, and “infrastructure development”* of Nigeria society (where oil and gas bloc are shared amongst the ruling class or political elites); particularly within the Niger Delta region of Nigeria where there are no affordable *“drinkable water”, “healthcare provision”, “social housing”, “poor educational facilities”, “no rural electrification”, “no motorable roads”, and “no road transportation network/ systems”* including *“gas flairs”, “blowout”, “oil spills”, “leakages”, “dumping of hazardous chemical waste”, “pollution” and “environmental degradation”*; as a result of oil and gas exploration and exploitative activities by multinational oil and gas companies in collaboration with the Nigeria state since 1956 when oil was first discovered in Nigeria by “Royal Dutch Petroleum Corporation” at Oliobiri (Ogbia) present Bayelsa State within the Niger Delta region of Nigeria (Boro, 1982; Saro-Wiwa, 1995; IYC, 1998; Eguruze, 2016; Osaghea, 2001; NNHRC, 2017).

Despite, the regional economic contribution nothing visible is seen in terms of infrastructural development in the region; but rather the wealth of the region only goes to align the pockets of the **“cabals”, “juntas”, and “mafias”** (through share allocation of oil and gas blocs) instead of building social, economic and environmental infrastructural development. Instead the region is ravaged in “abject poverty”, “environmental pollution” and “degradation” despite the recommendations of the Willink report of 1958 prior to Nigeria independence in 1960; but these imperial colonial recommendations were ignored after the independence even though its fundamental principles were enshrined into the 1960, and 1963 constitutions in order to protect minority rights in the old eastern region (freedom of choice) through regional referendum (FCN, 1960; 1963). As a result, this gave rise to region demand for state regional “self-determination”, “autonomy” and

“resource control” over the decade past and present; such we have seen in 1966 “12 day revolution” in (23/2/1966); “Biafra Declaration” in (30/5/1967); “Ogoni Crisis” (1995); “Kaiama Declaration” (1998) “Odi Massacre”(1999); “Warri Crisis” (2003) etc.

Therefore, there should be effective and efficient government strategic policies both from federal and inter states governmental levels: involving local community groups and organizations through participative leadership involving “*consultation*”, “*collaboration*”, “*negotiation*” and “*dialogues*” within the Niger Delta region gear towards building and improving infrastructural development; while putting in place very robust and effective “*anti-corruption mechanisms*” to combating corruption involving the local community groups and organizations with powers to monitor and bring legal prosecution to individuals contractors and organizations who have failed their legal contractual obligations (Eguruze, 2016; Jacob Dada, 2012).

This is due to the fact that, the present Niger Delta Development Commission (NDDC) and state government participation in the development the region is not working for the benefit of the region (communities and people), as state governments and the commission officials are monopolizing the current status quo; therefore their roles and involvement should be reviewed, curtailed, or abolished all together because at present there are no “*synergy*”, “*effective transparent*”, and “*accountability*” within their ranks and filles in their “*policy*”, “*planing*”, “*activities*” and “*decision making process*” (Eguruze, 2016; Jacob Dada, 2012).

#### **7.2.8. Environmental Protection, Pollution, Degradation and Sustainability:**

Environmental protection, pollution, degradation and sustainability in Nigeria particularly, in the oil and gas producing areas of the Niger Delta region of Nigeria has become a global issue, caused or made worst by the activities of these multinayional oil and gas companies explorative activities throughout the decades; causing serious environmental pollutions and degradation (Bo;ro, 1982; Saro-Wiwa, 1995; Eguruze, 2016; IYC, 1998). As a result, there has been national and international outcry from environmental activist, and human rights groups, organisational and advocates (such as green peace, friends of the earth) after the advent Ogoni crisis leading to the unlawful killing of the environmental activist Mr. Ken Saro-Wiwa (leader of MOSOP) in 1995; by

the Federal Military Government of Nigeria (led by Major General Sani Abacha) in 1995 by military tribunal following a peaceful protest against Shell Petroleum over environmental pollution and degradation of Ogoni-lands (Osaghea, 2001; Eguruze, 2016; Ken Saro-Wiwa, 1995).

The death of Ken Saro-wiwa (leader of MOSOP) galvanized nationalist groups, both regionally and internationally across global geopolitical divide leading to inter-governmental protest across the globe, culminating; or resulting to official diplomatic withdrawal of heads of diplomatic missions from Nigeria: particularly those from international communities (Canada, USA, Sweden, UK etc); after intensive diplomatic negotiations at the highest level of governments the matter or problems were resolved or overcome between inter-state governments (Amnesty International, 2008; Eguruze, 2016).

Nevertheless, this being the case; the issue of environmental protection was never taken seriously by the federal government even though there are objective constitutional provisions in the 1999 federal constitution of Nigeria (as amended): to protect and safeguard the environment from hazardous waste and pollution from oil and gas exploration, mining of other minerals extracts under chapter II, Section 20 *“The state shall protect and improve the environment and safeguard the water, air, land, forest and wild life of the country”* yet there are no effective enforceable mechanisms in place to enforce, prosecute and deter persistent offenders; particularly oil and gas multinational corporations (i.e. Shell BP, Chevron, Total, Gulf Oil, Agip, including Nigeria National Petroleum Corporation (NNHRC, 2017; Eguruze, 2016; IYC, 1998).

Although, there are established state environmental monitoring and enforcement mechanism in place such as: the Nigeria National Environmental Agency (NNEA) and the Nigeria National Environmental Commission (NNEC); including other environmental task force with sweeping powers but lack effectiveness in their duties and functionality hence the extent and level of pollutions and degradations in the Niger Delta would not have worsen as it is as a result of oil and gas explorative activities (including the *“dumping of hazardous chemical waste”, “oil spills”, “leakages”, “gas flairs” and “blowout”*) causing contamination in the water way, marine life, plants, animals, wildlife, and the entire ecosystem thereby affecting the entire livelihood of the people and

communities of the Niger Delta region thereby affecting their *health, welfare and wellbeing* (Amnesty International, 2008; Saro-Wiwa, 1995; IYC, 1998; Eguruze, 2016).

As a result, there has been some successful legal law suits or litigative (cases) been brought against Shell Petroleum Corporation of Dutch land and the Nigeria state in recent years for example: in 1996 a test case was instigated between the Centers for Economic and Social Right (CESR) Vs Federal Republic of Nigeria (FRN) held at the African Commission on Human and People Rights (ACHPR); case reference no: 155/1996.

Where the court held the view that there was a violation of social, economic, and group right on the part of the Nigerian state, and that the Nigerian state was directly involved in the production of oil and gas which resulted in the environmental pollution and degradation of Ogoni-land in present Rivers State of Nigeria (located within the Niger Delta region of Nigeria); consequently leading or causing environmental contamination of : farm lands, air, waterways, marine life and the entire ecosystem, seriously affecting community health, welfare, and well-being of people and local communities; resulting in *“skin infections”, “gastrointestinal” and “respiratory ailments” which increases risk to “cancer”, “neurological” and “reproductive problems”* (paragraph 2).

Therefore, the Nigeria state is culpable of serious human rights violations; including “civil”, “political”, “social”, “economic” and “cultural rights” hence it has failed in its duty to promote safety environment for the people of Ogoni-land, and other areas within the Niger Delta region of Nigeria; whilst not fulfilling its international legal statutory obligations under the United Nations (UN) charter and other treaty conventions under international law in accordance with article 24; 14; 18 (1) and 21 (paragraph 44, 52 and 62) respectively.

Also in 2013 the people and communities of the oil and gas producing communities of the Niger Delta region, comprising (Akwa Ibom, Bayelsa, Delta, Edo, Rivers states) resulted in similar action in seeking judicial restitution, redemption or legal redress outside the jurisdiction of Nigeria court or state; a case was instigated, instituted or filled against Shell (Royal Dutch Petroleum Corporation), and others including Nigeria National Petroleum Company (NNPC) in Dutch Distric High Court in the Hague Amsterdam (Netherland) in Europe for the first time: for the role its played in the 1995 over the environmental pollution and degradation (oil leaks, spillages, gas flairs’, blow

back, dumping of hazardous chemical waste and contaminations of Ogoni-land), and other oil and gas producing areas of the Niger Delta region of Nigeria over its oil and gas “exploratory”, “exploitatory”, “production”, and “export” activities in the Niger Delta region of Nigeria.

As a result, the “Dutch District High Court” in its determination or decision overwhelmingly held the view that “Shell Petroleum” was seriously negligible and culpably liable for its role in the environmental pollution and degradation of Ogoni-land; including other serious human rights violations in Ogoni-land and other areas of the Niger Delta region of Nigeria. As a result, outcome of this legal judgment or ruling mark’s a watershed victory for the people and communities of Ogoni-land and the entire Niger Delta region of Nigeria. The court also found that, there were no adequate, effective or efficient protective mechanism in place for the “protection”, “safeguard”, “welfare” and “wellbeing” of the human environment; therefore Shell was order to pay financial restitution in the form of financial compensation to the victimes families, people and communities of Ogoni-land and other environmentally affected areas of the Niger Delta region (ACHPR, 1996).

However, despite these land mark rulings or judgments; it is true that nothing have changed in the behavioral attitude of the “Shell Petroluem Corporation” or that of other multi-national oil and gas companies operating in the area (Niger Delta region) neither that of the Nigeria state. Instead the Nigeria state in collusion and lcollaboration with these oil and gas multi-nationals corporations , operatives, or companies are all too busy engaged in all sorts or kinds of “**cabalistic**”, “**juntaristic**” and “**mafiaristic**” activities of (“*covert*”, “*cynical*” and “*insidious*”and “*repressive*”) campaigns designed to impede, suppress, subvert, circumvent and evade state and corporate social responsibilities in the “*safeguard*” and *protection of life, property*”, and the “*improvement of life quality*”; including human environmental development while the victims of the 1995 genocidal act or actions of these oil and gas multinationals

corporations are seriously detrimentally affecting the people and communities of Ogoni-land who continues to suffer in penury and die in their ancestral land “Ogoni-land” (Ken Saro-Wiwa, 1995; IYC, 1998; Osaghea, 2001; Eguruze, 2016).

Consequently, in recent years the outcome of the “Hague Distric High Court” judgment have galvanized the entire people and communities of the Niger Delta to instigate civil legal actions or claims or group actions (make various civil litigation cases, or cliams, otherwise known as: group actions) against the Nigeria state and the likes of Shell and others oil and gas companies and operatives in the Niger Delta region for punitive damages; for cases involving serious “*human rights violations*”, “*environmental pollution*”, “*degradation*”, “*criminal damage*”, “*criminal*”, “*defarmarion*”, and others (NNHRC, 2017).

As a result, both regional and domestic (national) courts have set judicial jurisprudence (presidence) for entrying civil judegement civil litigation cases (claims) both from “*individuals*”, “*civil rights organizations*”, and “*community groups*” under the “public interest litigation scheme” (PILS); whilst multinational oil and gas corporations operating in the region are becoming more careful or mindful of their “*explorative*”, “*exploitatory*”, “*productional*”, and “*operational*” activities while efforts are been made to clean up oil and gas contaminations in the region (NNHRC, 2017).

However, progress is slow; but it seems once again this progress is been hampered or impeded by “*bribery*”, “*corruption*”, “*nepotism*”, “*favoritism*”, and “*ethnic nationalism*”, and “*geopolitical affiliation*” are being infiltrated by those (in power, and in government circles or corridors of power); who are hell bent on circumventing national progress and development for their own selfish interest in favor of “*cabalism*”, “*juntarism*”, and “*mafiarism*” rather than the overall national progressive interest both in social, economic, political and infrastructural development (NIALS, 2010; Osaghea, 2001; Jacob Dada, 2012; Eguruze, 2016).

Therefore, the overall constitutional provisions and government policies on “*human rights*”, “*environmental protection*”, “*pollution*”, “*sustainability*”, in relations to “*human environmental development*” should be reviewed; while robust and effective “*environment protection policy*”, “*laws*”, “*legal mechanism*”, and “*statutory*

*authorities*”, and “*agencies*” should be put in place to “*regulate*”, “*monitor*” and oversee the explorative activities of these (oil and gas) multinational companies; whilst working collaboratively with regional “*community groups*”, “*local community organizations*” throughout the Niger Delta region of Nigeria in order to protect and safeguard the human environment and its entire eco-system as guaranteed by the federal constitution under chapter II “That the primary purpose of government is to protect, secure the welfare and wellbeing of its people” (FCN, 1999).

Meanwhile, there should be “*punitive*”, “*cogent*”, “*coherent*” and “*concerted*” efforts by all parties involved in the environmental protection matters; including civil society groups and organisations to clean up the environment which is beneficial for human habitation and its entire ecosystem which “*mother nature*” is capable enough to sustain life on earth universe (Saro-Wiwa, 1995; Boro, 1982; IYC, 1998).

### **7.2.9. Summary:**

Imperatively, the emancipation struggle for the Niger Delta region of Nigerian has come of age over the years; and it has had profound effect in the unity and development of Nigeria over decades: particularly on the issues of “*Self-determination*” and “*Resource Control*” including the followings: “*exploitation*”, “*marginalization*”, “*revenue allocation*”, “*poverty*”, “*socio-economic rights and empowerment*”, “*poverty*”, “*inequality*”, “*social injustice*”, “*underdevelopment*”, “*environmental protection*”, and “*sustainability*” which predicates colonial balkanization of the Nigeria state; particularly within the Niger Delta region of Nigeria during the amalgamation process or creation of the Nigeria state in 1914 by Lord Lugard (Boro, 1982; Saro-Wiwa, 1995; IYC, 1998).

Therefore, historically; the Niger Delta region is unique in terms of its historical heritage per se in its ethnic diversity and composition in terms of its homogenous habitations made up of indigenous ethnic diversity of people from various tribes, ethnicity and orntentic cultures comprising: (i.e. *Ijaws, Edos, Calabar, Effick, Ibibios, Isoko, Irohbor, Itsekeri, Andoni, Bonny, Kalabari, Ogoni*, etc just to name a few) which geographically spread across nine (9) homogenous states of the Niger Delta region of Nigeria. Namely: (*Abia; Akea-Ibom; Bayelsa; Cross Rivers; Delta; Edo; Imo; Ondo; Rivers state*)

before the advent and arrival of the Portuguese in the fourteen (14) century in 1470 (Britannica, 2020). Conservatively, the first regional treaty of friendship was signed in 1470 between the “Portuguese” and the “Natives” of the region before the arrival of the British in 1750; and on the 25<sup>th</sup> of January 1836 the treaty of “Oil River” protectorate was signed by Lt. Robert Tyson for and on behalf of the **HER Majesty the Queen** of Great Britain which effectively became autonomously known as a British protectorate (Britannica, 2020).

Consequently, this royal imperial regional protectorate was eventually transferred to the administrative custody of the “**Royal Niger Company**” and was proclaimed “Oil River Protectorate” in 1885; and later renamed “**Niger Coast Protectorate**” and by 1893 it later renamed or rebranded as the “**Niger Delta Protectorate**” otherwise known as “**Oil River Protectorate**”. However, the region (Niger Delta) remained a “Protectorate” until the amalgamation and creation of the Nigeria state in 1914 when it was forcefully Balkanized and transferred to be an administrative constituent part of the Nigeria statehood; under the administrative custody and convenience of the old eastern region without the express consent, will, opinion, neither the acceptance (referendum) of the people and communities of the entire Niger Delta region as it is democratically required in a democratic system of governance; under democratic rule (IYC, 1998; Boro, 1982; Saro-Wiwa, 1995).

As a result, the people and communities of the Niger Delta region have never accepted the fact that this was done without their “*express consent*”, “*opinion*”, “*permission*” or *neither their “active participation”* in the political process and development at the time (which is contrary to democratic principles by all standards or ramification or ); that was why when the “Willink Commission” was setup in 1956 by the Colonial British House of Parliament (headed by Sir Henry Willink) to look into or investigate, address or alien the fears, and concern of the people and communities of the region (old Eastern Region of Nigeria) in 1956 (Willink Commission Report, 1958).

As a result, the Willink delegations met with the regional representatives of various indigenous ethnic tribes, nationality and groups within the region (for example: Chief (Dr) Harold J.R. Dappa Biriye) who was representing indigenous ethnic Ijaw nationality met with both Nigeria political leaders: including Dr. Nnamdi Azikiwe (who later became

the first Nigerian president), Alhaji Sir Abubakar Tafawa Bewa (who later became Prime Minister); Chief Obafemi Awolowo; Sir Ahmadu Bello (who later became foreign secretary); and the representatives or delegates of the British government to voice his concerns and fears (Britannica, 2020; Willink Commission Report, 1958).

By 1958 the Commission (Willink commission) submitted and published its report to the British House of Parliament/Commons, which made five key or core fundamental recommendation amongst which the indigenous ethnic minorities of the old Eastern region should be given adequate fundamental human rights protection by law, both in terms of: “*social*”, “*economic*”, “*political*”, “*infrastructural*” and “*environmental protection and development*” should be given priority, and there should be an established development board “Niger Delta Development Board” setup to oversee these development; which also includes the right to freedom of choice (referendum) and the right to participate in the political process and development of Nigeria (Willink Commission Report, 1958).

The recommendations of the “Willink commission report of 1958” was then enshrined into law in the 1960 Nigeria constitution when Nigeria ascended or attained its territorial “Independence” from the British colonial empire on the 1<sup>st</sup> October 1960, again these recommendations and constitutional provisions were also enshrined and guaranteed into the 1963 Nigeria Federal Constitution; the year the country (Nigeria) became formally a nation or “Republican country” (Boro, 1982).

However, shortly after the country (Nigeria) had its independence in 1960 and became a republic these constitution provisions were ditched, trashed, dumped, and eroded after the military coup of January 1966 which saw the overthrow of the “first republic” made of the majority political elites from “*Hausa-Fulani*”, “*Yoruba*”, and “*Igbo*” despite its constitutional provisions whilst needs of other ethnic groups and nationalities are been ignored and marginalized by ethno-religious or ethnic politics throughout the Nigeria political spheres and development; and as such: others are been squeezed out of the “*socio-political*”, “*socio-economic*” process (Boro,1982; Saro-Wiwa, 1995; IYC,1998; Osaghea, 2001).

As a result, there has been several ethnic social, economic and political agitation since

after the January 15<sup>th</sup> 1966 military coup; (namely: Isaac Boro “12 day revolution” ; Ojukwu “Biafra Declaration” ; Saro-Wiwa “Ogoni Crisis” 1995; “Kaiama Declaration” 1998; “Odi Massacre” 1999; “Warri Crisis” 2003; IPOB 2021, etc) particularly those within the Niger Delta region which precipitated and predicated the first armed agitation in the country (Nigeria) on the 23<sup>rd</sup> February, 1966 led by Isaac Jasper Adaka Boro leading to the formation of the “Niger Delta Volunteer Force” (NDVF) and the subsequent declaration of the now defunct “Niger Delta Republic”; shortly after the military coup of January 15<sup>th</sup> 1966 that led to the overthrow of the “First Republic” (Boro, 1982; IYC, 1998; Eguruze, 2016).

Consequently, both the 1960 and 1963 constitutional provisions and guarantees’ (referendum) were eroded by the 1979 and 1999 constitution (as amended) under the direct administration of the Federal Military Government without due process; therefore it would be prudent to say that the present 1999 constitution does not have democratic mandate as it was written under the directives of the military government at the time. Therefore, the present 1999 constitution (as amended) as its stand; “*constitutionally is invalid*”, or “*unconstitutional*”, and “*constitutionally not fit for purpose*”; but rather it was unlawfully forced upon Nigerians by the military government at the time hence there has been several calls for “*Constitutional Reviews*”; “*Sovereign National Conference*”; and “*Restructuring of the Nigeria State*” in an attempt to address the diverse public regional geopolitical discourses or issues both at “social”, “economic”, “political”, “cultural” and “religious” at all levels (NFC, 1999; IYC, 1998; Saro-Wiwa, 1995; Osaghea, 2001).

Due to the contemptuous abhorrent “disregard”, and “disrespect” for constitutional supremacy or lack of fundamental democratic principle and norms, such as; the respect for fundamental human rights laws and the entire Nigeria national political spectrum has been perpetuated and perpetrated by “*cabalism*”, “*juntarism*”, and “*mafiarism*” which has been blighted by: “*bribery*”, “*corruption*”, “*nepotism*”, “*favoritism*” fueled or made worst by “*tribalism*”, “*ethnic nationalism*”, “*individualism*”, and “*sectionalism*”; whilst dueling or basking under the euphoria of failure as a nation for (example: the promulgation and proclamation of “Democracy Day” on June 12, 1993 general election). Therefore, in retrospect; June 12<sup>th</sup> does mean a different thing to different people and

section in the geopolitical divide depending on the part of the country or society per se depending on their political beliefs, aspiration or political affiliation and perception which also depend on political influence of the ruling party of state or region (which are often corrupted by “*bribery*”, “*corruption*”, “*nepotism*”, “*favouritism*”, “*political and religious affiliation*”) based on “**cabalism**” “**Juntarism**”, “**mafiarism**” depending on the part of region or federation one comes from (Guardian, 12/6/94).

This being that the Chief Moshood Kashimawo Olawale Abiola (M.K.O) been the purported winner of the annulled general election of June 12<sup>th</sup> 1993 (under the flag ship of Social Democratic Party (SDP)) by General Ibrahim Babangida (IBB) Military Head of State: was also the man (MKO. Abiola) accused of gross corruption when federal government contract (ITT) was awarded or contracted to him (MKO. Abiola) by then the Military government of (General Murtala Mohammed) to install telecommunication network across the federation, but this contractual obligations was never carried out or executed, or fulfilled or niether completed by “Chief. Moshood Abiola”; while hundreds and billions of naira (of public funds) were paid out without executing his contractual obligations. Therefore, one would beg the question; how come such a person should be celebrated as a beacon or symbol of Nigeria “*democratic dispensation*” or “*political development*”? This absurdity only goes to exemplify bad characterization of Nigeria political leadership, mind set, and development over the years, which goes to show bad error of judgment with impunity amongst the political elites is encouraged; while good “*character*”, “*honesty*”, “*sincerity*” “*intergrity*” and “*dignity*” is been discouraged, moreso that this kinds of grotesque “*mind set*”, “*attitude*”, “*character*” and “*behaviour*” with (“*impunity*”, “*bribery*”, “*corruption*”, and “*abuse of power*”, “*office*” and “*position*”) are been encouraged in the Nigerian political system (NIALS, 2010; NNHRC, 2017; Jacob Dada, 2012; Eguruze, 2016).

Therefore, from “*socio-political*” and “*socio-economic*” analytical point of view or perspective; there is no constitutional democracy in Nigeria; rather what is invoke is “*feudalism*” or “*quasi autocracy*”, or “*military dictorship*” based on medieval system of governance where the people have: “*no rights*”, “*no entitlement*”, and “*no responsibility*” as citizens neither do they have a say in the administrative affiars of the state, or the way they are being admisnitered or governed; whilst only the political elites (*Cabals, Juntas*

, *Mafias*) wilding all the powers and authority to themselves (NIALS, 2010; Jacob Dada, 2012).

According to O.W. Igwe et al (2020) published by Seahi Publication; the issues and struggle for “*Self-determination*” and “*Resource Control*” which are been agitated and perpetuated in the Niger Delta by groups such as the likes of: “*Movement for the Emancipation of the Niger Delta*” (MEND), “*Movement for the Survival of Ogoni People*” (MOSOP), “*Indigenous People of Biafra*” (IPOB) and others; are been underpinned by perceived notions of “*marginalization*”; “*resource exploitation*”; “*underdevelopment*”; “*injustice*”; and “*environmental degradation*”; even though the federal constitution of 1999 (as amended) seems to promulgate “*One indivisible and indissoluble Nigeria*” according to Chapter One of the 1999 federal constitution (as amended). While the fact remains, the country is divided as ever; they cited the followings: (i) Ogoni bill of Rights (1990), (ii) Kaiama Declaration (1998) etc are all part of the Nigerian national regional “disgruntlement”, “*discontentment*”, “*dissatisfaction*”, and “*desolationment*” of the overall governance of the Nigeria state (Igwe et al, 2020).

Therefore, it remained to be seen whether Nigeria is a country that is indeed united or divided as ever due to the geopoliticization of “*ethnic nationalization*”, “*ethnic dominance*”, “*sectionalism*”, “*individualism*”, “*marginalization*”, “*socialinjustice*”, “*poverty and deprivation*” neglect”, “*Social and cultural inequality*” “*revenue allocation*”, “*resources control*”, “*resource*” “*exploitation*”, “*underdevelopment*”, “*environmental pollution, and dcegradation*” by very corrupt political elites (“*cabals*”, “*juntas*”, and “*mafias*”), including of course the Nigeria indelible ethnic composition or diversity of the country (Nigeria); which is being made worst by the high level of “*nepotism*”, “*favoritism*” “*bribry*” “*curruption*”, “*faviouritism*”, “*godfatherism*”, “*political-religious affliliation*” and “*underdevelopment*” in some parts or regions of the country (especially in the Niger Delta) contrary to provisions of the 1999 constitution (as amended).

While government official are all too often busy abusing their “*power*”, “*authority*”, and “*position*” which are often rampantly endemic in political offices with no end in sight; whilst the political elites (*cabals, juntas, and mafias*) feels and behaves as if the Nigeria states belongs to them alone (or better still remains: their private property); as such they

get whatever they want and do whatever they say must stand (it must be absolutely and final) whatever the cost, or no matter the situation, and whenever there are independent voices, views and opinions which are opposed or doesn't conform to their narratives should be seen as "Anti-government" (as such; they will do whatever it takes within their means to suppress, eradicate and eliminate such movement or voices to protect, prevent and preserve the status quo no matter the narrative). Consequently, such acts of impunity and abuse of power, office, position and authority only creates strife, division, anarchy, disunity, and discontentments in other parts or regions of the country; for example: the situation in the Niger Delta region otherwise known as: south, south and South East (IYC, 1998; Saro-Wiwa, 1995; Osaghea, 2001; Jacob Dada, 2012).

However, the social, political, and economic dynamics are different but are similar in nature; the south-south (Niger Delta) believes that their God given natural resources (oil and gas) are being exploited for the benefit of other regions while their needs are being denied, deprived, and as such; are they are being impoverished in abject poverty whilst others regions reap their economic reward (Eguruze, 2016; Saro-Wiwa, 1995; Boro, 1982).

Similarly, the South East also equally feel that they are being sidelined or marginalised in the political administrative affairs of the country; without giving consideration to their significant social and economic contributions in the social political, and economic development of Nigeria hence both (South, South and South Eastern) regions are clamoring, calling or agitating for "*self-determination*", "*restructuring*", "*constitutional review*", and "*sovereign national conference*" which is long overdue since its independence in 1960: leading to "*disenfranchisement*", "*hanarchy*", "*disunity*", "*divisions*", and "*destabilisation*" of the Nigerian State (Osaghea, 2001; Boro, 1982; Jacob Dada, 2012; IYC, 1998; Saro-Wiwa, 1995; NNHRC, 2017).

In all fairness and honesty since after the January 15<sup>th</sup> 1966 military coup that saw the overthrow of the first republic which eventually led to the Biafra declaration (30<sup>th</sup> May, 1967) that eventually led to the Nigeria civil war from 1967 to 1970, no Igbo ethnic national had never been elected into the office of a president of the federal republic of Nigeria; the office of presidency has always been revolving between the north and west no matter the administrative outcome (civil or military) except once during Dr. Goodluck

Jonathan administration (2012) who is from the south-south geopolitical region (Niger Delta). Therefore, it is only fair to say if unity and peace is to prevail; there must be equity, fairness, and justice in the political process and development of Nigeria (Igwe et al, 2020). This conceptualized hegemonic attitude and behavior of Nigeria political leadership and so called political elites needs to change in order to create an atmosphere of peaceful coexistence, where national unity, peace, patriotism should and must be encouraged amongst citizens; and where citizenry should mean rights, entitlement, and responsibility because Nigeria belongs to all Nigerians and where citizens have and share equal rights, entitlement, and social and economic responsibility to serve no matter your ethnic nationality as enshrined in the constitution (FCN, 1999). As such, Nigeria should and must be first before any personal self-serving interest; that should be our national duty, responsibility and obligation no matter your status or ethnicity without discrimination. Because, democracy is all about respect for fundamental human rights, freedom and the rule of law; and no one should be exempt from it whether you are in public office or not because politics is about public service and as such the primary responsibility is to serve the people as stated or enshrined in the 1999 constitution (as amended) chapter two “The primary purpose of government is the security, welfare and wellbeing of the people, and through the government derive its power and authority” (FCN, 1999). Equally, the issue of environmental protection, pollution and sustainability is a collective social societal responsibility; because our human lives and existence including the entire ecosystem depends on it. Therefore, it is our collective social societal responsibility to preseve and maintain it; both at individual, group, civil societal, governmental, community and organisational levels: including those of the multi-national corporate organizations as its our sole duties and responsibility to look after our human environments no matter the pearl, situation or form. Therefore, under no circumstances should individuals, groups of individuals or businesses or corporate bodies or organizations be allowed to abuse, pollute, derogate, degrade or by degradation of our human environment through their economic business activities; either by exploration, erosion, extraction or exploitation of its natural mineral economic resources as enshrined in both national, regional and international legal instruments (FCN, 1999; UDHR, 1948; UDIPR, 2007; KYOTO ACCORD, 1991; ICHED, 1971; ACHPR, 1981).

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APPENDICE

Academic Qualification/Certificate

UNIVERSITY of  
EAST LONDON



It is hereby certified that

***Sunday Ebikinei Opiah Peter***

having duly satisfied all prescribed conditions was

on

16 December 2010

duly admitted to the degree of

***Bachelor of Arts  
with Second Class (Lower Division) Honours***

having followed an approved Honours programme in

***Youth and Community Work***

062760271

*Susan Peire*  
Acting Vice-Chancellor

*Aun Myli*  
Secretary & Registrar

Continued



## University of East London

It is hereby certified that

***Sunday Ebikinei Opiah Peter***

having duly satisfied all prescribed conditions was

on

25 September 2013

duly admitted to the degree of

***Master of Laws***

***with Merit***

having followed an approved programme in

***Human Rights***

0627607/3

  
Vice-Chancellor

  
Chair of Board of Governors



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### APPENDICE Academic Publications

## **Youth Participation in Management Decision Making Process: A Case Study of (Sue Bramley & Vibe) Project, London, UK**

### **Autobiography**

Sunday Ebikinei Opiah Peter is currently a PhD research student at the American University for Leaders (AUL) London (UK). His research title is “Critiquing Nigeria Human Rights Values in relation to Socio-economic rights particularly the right to Self Determination under Article 1(2) of UN 1945 Charter: A Case Study of the Niger Delta Region; Using Social Marketing Techniques (SMT). He held a BA (Hon) degree in Youth & Community Study) at the University of East London (UEL); 2007-2010, as well as an LLM (International Human Rights Law) also at UEL; 2011-2013. He was also a research assistant and volunteer computer worker at the London College of Business and Niger Delta Studies Ltd (which formerly known as the Ijaw Weekend School, and which was previously run by the Ijaw Youths Link Project Ltd at the Isaac Boro Centre, London, UK(1999-2005). He is currently a volunteer research support resource at the Isaac Jasper Adaka Boro University(of Human Rights), Project, London, UK. He can be contacted: Email: [sundaypeter64@hotmail.com](mailto:sundaypeter64@hotmail.com); Mobile: +44 739313915; WhatsApp: +44 7519 693268

Dr E.S. Eguruze , the reviewer of this article (is an Associate Professor in Marketing), AUL, London, UK.

### **Abstract**

**Purpose:** This review paper examines the original empirical research project – entitled – Youth Participation in Management Decision Making Process: A Case Study of (Sue Bramley & Vibe) Project that was undertaken in 2010, in Barking & Dagenham, London, UK. The research project explores the questions of youth participation in management decision making; such as: (i) to what extent young people are involved in the management decision making process?, (ii) how does ‘youth participation’ influence the overall management decision making within the social hierarchy structure of the organisation?, (iii) what are social, economic, educational benefit of ‘youth participation’ for young people, the organisation, and society at large?, pecifically in relation to The ‘Sue Bramley & Vibe’ project.

**Methodology/design/approach:** It was a qualitative study based on a case study design, using Sue Bramley & The Vibe Youth and Community Project as the focus. Within this design, the researcher actually adopted a multi-method approach. During the process members of the club who were young people aged between 13 to 19 as well as youth workers (who were members of staff of the club) were surveyed and interviewed. A discussion methodology was adopted. Additionally, the researcher also used observation method to observe/monitor/track progress and number of users’ degree to which they were actively participative, engaging with activities, and

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**Human Rights and Environmental Degradation: A Question of Enforcement- Case Study of the Niger Delta area of Nigeria (specifically: land pollution by Shell BP in Ogoni-Land) A review paper**

## Autobiography

Sunday Ebikinei Opiah Peter is currently a PhD research student at the American University for Leaders (AUL), London, UK. His research title is “Critiquing Nigeria Human Rights Values in relation to Socio-economic rights particularly the right to Self Determination under Article 1(2) of UN 1945 Charter: A Case Study of the Niger Delta Region; Using Social Marketing Techniques (SMT). He held a BA (Hon) degree in Youth & Community Study) at the University of East London (UEL); 2007-2010, as well as an LLM (International Human Rights Law) also at UEL; 2011-2013. He was also a research assistant and volunteer computer worker at the London College of Business and Niger Delta Studies Ltd (which formerly known as the Ijaw Weekend School, and which was previously run by the Ijaw Youths Link Project Ltd at the Isaac Boro Centre, London, UK(1999-2005). He is currently a volunteer research support resource at the Isaac Jasper Adaka Boro University (of Human Rights) Project London (UK). He can be contacted: Email: [sundaypeter64@hotmail.com](mailto:sundaypeter64@hotmail.com); Mobile: +44 739313915; WhatsApp: +44 7519 693268

### Abstract

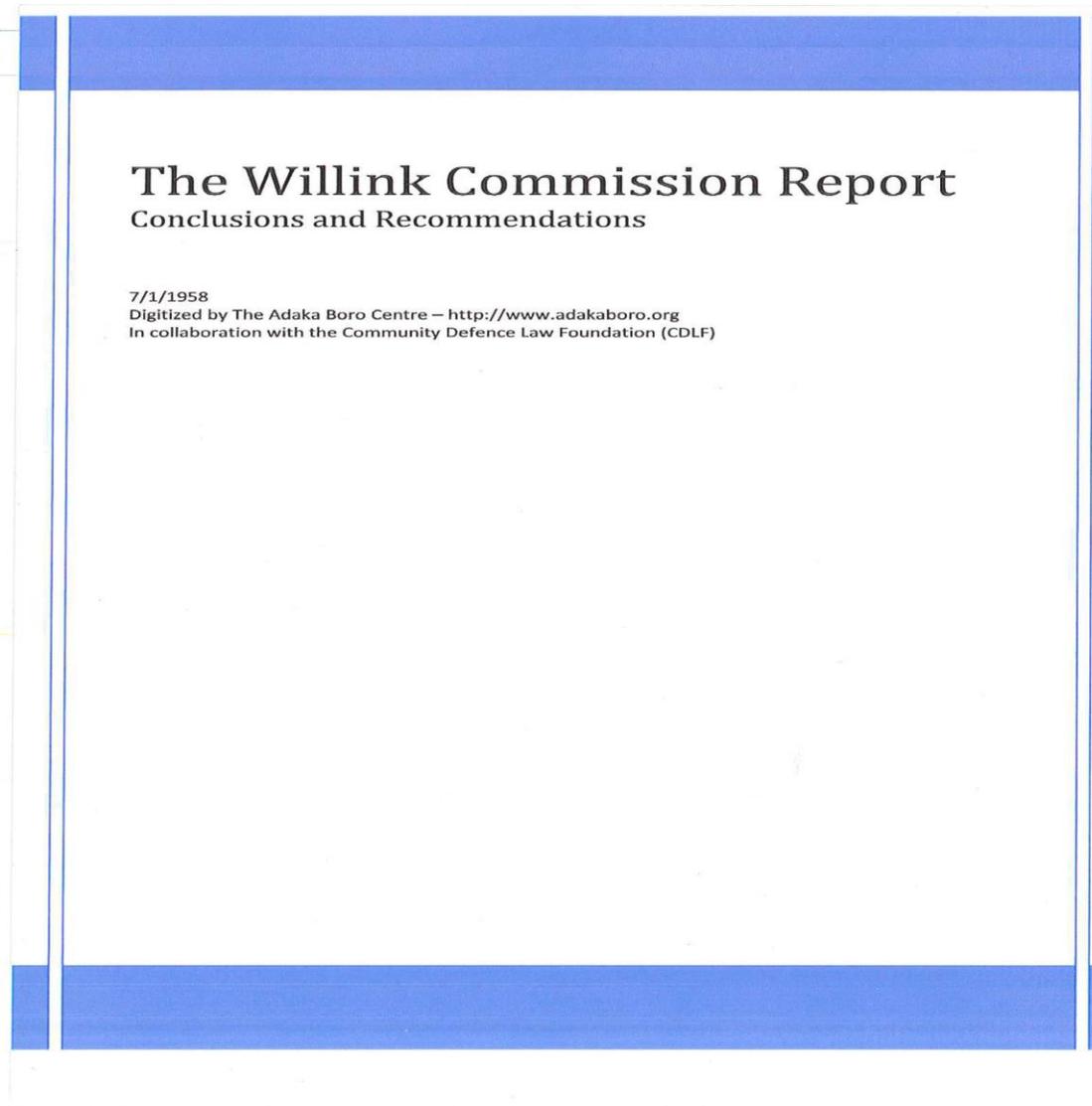
**Purpose:** The paper investigates the broader fundamental issues surrounding human rights and environmental degradation with respect to enforcement. It also seeks to resolve the specific issues of land pollution by Shell BP in Ogoni-land within the Niger Delta region of Nigeria.

**Methodology/design/approach:** The design was a case study in which a qualitative approach was adopted to induce as much secondary data as practically possible and as pertinent to the study. Additionally, a compressive review extant of literature drawn from leading academia in the field as well as legal advocates and environmental activists were utilized to back up the analysis and interpretation of the findings to ensure a more meaningful outcome. At the end, comparative analysis facilitated the argument that augmented the importance of environmental sustainability for the common good of mankind as findings.

**Findings:** The main in findings indicated that increasingly global environmental issues concerning climate change are becoming a scholarly international debate amongst academics, politicians and environmental activists or advocates in the protection of sustainable global environment. This has led to the instigation and establishment of several international conventions and treaties; which are so fundamental for safeguarding the global environment. This, in turn, helps to establish international treaty obligations and mechanisms by member countries under international law by enforcing treaty violation or non-compliance by member states: Geneva Convention on the continental shelf (1958); Declaration of the United Nations Conference on the Human Environment (1972); United Nations Framework Convention on Climate Change (1992);Rio-Declaration on Environment and Development (1992); Convention for the Suppression of unlawful act Against Marine (1988); Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997).

APPENDICE:

The Willink Commission Report (1958)



PART VI  
CONCLUSIONS AND RECOMMENDATIONS  
CHAPTER 14. CONCLUSIONS AND RECOMMENDATIONS

*Section I. General Considerations*

In each of the three Regions of Nigeria we found either a minority or a group of minorities who described fears and grievances which they felt would become more intense when the present restraints were removed and who suggested as a remedy a separate state or states. We were instructed, in the second clause of our terms of reference, to recommend safeguards in the Constitution; the third clause instructed us to make recommendations for the creation of new states "if but only if, no other solution seems to meet the case". It would therefore have been logical, and in accordance with our instructions, to consider first the constitutional safeguards and to discuss the creation of new states only if the constitutional safeguards seemed insufficient. But this would certainly not have satisfied the minorities who appeared before us; in each Region, it was the case for a new state that they wished to argue. In our report, we have followed the arrangement which the evidence suggested and have first considered the creation of new states, not so much as a last resort as on their own merits.

2. In each Region, we came to the conclusion that - on its own merits - a separate state would not provide a remedy for the fears expressed; we were clear all the same that, even when allowance had been made for some exaggeration, there remained a Body of genuine fears and that the future was regarded with real apprehension. In this chapter, we put forward remedies which we believe will meet the situation. But there are certain general considerations affecting all these remedies which require to be stated.
3. In considering the problem within each Region, we were impressed by the fact that it is seldom possible to draw a clean boundary which does not create a fresh minority; the proposed state had in each case become very small by the time it had been pared down to an area in which it was possible to assert with confidence that it was desired. This was in every case an important factor in our recommendation but it was not the only consideration which we took into account. The powers left to the Regions by the decision of 1953 are considerable and, as we have said elsewhere, we do not regard it as realistic to suppose that any of the Regions will forgo the powers they now have. Some years ago, before the relations between the Federation and the Regions had crystallised, it was possible to conceive a larger number of states with smaller powers, but a new state created today would have to compete with the existing Regions and the cost in overhead, not only financial but in resources - particularly of trained minds - would be high. This consideration, when combined with the difficulty of finding a clean boundary, was in each particular case to our minds decisive.
4. But there is also a general consideration of the first importance, which we should have had to take into account if there had otherwise been sound arguments in favour of a particular state. Until the last few years when the prospect of independence came close, the tendency within Nigeria (as in other parts of Africa) was for tribal differences to become less acute: this was beginning to happen to some extent even among the uneducated in the big towns, much more in the secondary schools

and higher places of education and in general among those who had reached a higher level of education.

5. With the approach of independence, the tendency has been reversed and there has been a sharp recrudescence of tribal feeling. But it does not necessarily follow that this will continue; in a few years' time, a Nigeria which has to face the outer world may find within herself forces working strongly for unity. It would be a pity if, at the moment when Nigeria achieved independence, separate states had been created which enshrined tribal separation in a political form that was designed to be permanent. In such circumstances, it seems likely that differences would grow steadily stronger. In Nigeria at the moment thought is directed to the defence of local rights, but it might be as well to bear in mind the example of East Africa; a Royal Commission has there reported that what stands in the way of full productive capacity and a higher standard of living is the existence between tribal areas of boundaries which were meant to protect but have come to confine. It is of the first importance to find means of allaying fears which do not perpetuate differences that might otherwise disappear. This is the reason why we do not accept in its entirety the principle of ethnic grouping, that is, the principle that a recognisable ethnic group should whenever possible form a political unit.
6. The minorities who have appeared before us have thought of separation as a remedy for their troubles. But unity might have the same effect, and though unity cannot be manufactured by a Commission's machinery can be devised which aims rather at holding the state together than at dividing it. We believe that while the first object of our recommendations must be to allay fears, with this should be combined a second, to maintain the unity of Nigeria and thus enable the Federation to play a great part in world affairs; this, we think, can best be done by balancing power within the country so that a majority may be less tempted to use power solely for its own advantage. With these objects in view we have, as we indicated in the introduction, borne in mind throughout our enquiry the thought of the Federal Government as the successor to those restraining functions, the prospect of whose disappearance has been so fruitful a source of fear.
7. In the course of our discussions we found fairly widespread the belief that in the new constitution there can be some fulcrum or fixed point outside and above politics from which absolute impartiality can be exercised. There were for instance frequent references in our conversations to the Governor-General or the Governor retaining certain powers in his discretion. But it is important that there should be no illusions about this. In the new constitution there will be no point outside Nigeria from which power of this kind can be exercised within the country; ultimately, power within the country will be derived from parliamentary majorities, which are responsible to an electorate and are organised by Political parties. The Governor-General and Governors will act on the advice of Ministers. All that can be done is to distribute powers and functions in such a way that it may be to the interest of the party in power to pay due attention to the interests of others. To make recommendations with these aims in view does not argue mistrust of Politicians in general, nor of Regional Politicians in particular, but a belief that in Politics self-interest is liable to prevail over altruism unless some balance is provided. If, therefore in the course of our report we imply that the Regional Governments are more to be feared by minorities than the Federal Government, this proceeds from the fact that in each of the Regions there is at present an assured majority with one main interest; in the Federation, on the other hand, it seems more likely that there will be a balance of interest between different groups.

#### CONCLUSIONS AND RECOMMENDATIONS

8. The fears expressed before us were based on certain assumptions, that voting would always follow the lines of the present major groupings that the majorities would always seek to use power to their exclusive advantage, and that the Federation would continue to play the comparatively minor part in the Nigerian scene which it does to-day. None of these assumptions seems to us to form a firm basis for plans which look far ahead.
  
9. In the Western Region, voting is already divided among the Yorubas on party lines and, though no one can expect a party system to grow up overnight, once a party system is established neither party can afford to neglect minorities. Again, the Federal Government is likely to become more important when it exercises for the first time three functions at present reserved to the Governor-General. These are defence, external affairs and ultimate responsibility for law and order throughout the Federation. With the assumption of these powers, the Federal Government will become a far more attractive field for a man of ability and ambition. National leaders will look to the Federal ministries; each of the great national parties will need to win as many votes as it can in the Federal House of Representatives, and it is to be expected that it will therefore consult the interests of its minorities.
  
10. As to the assumption that power will only be used to the exclusive advantage of the party in office, it would be a rash Commission that made prophecies. But, as we have said, there are possibilities in the political scene that would make it to the interest of any party to woo the minorities, and there is one further point. The whole structure of the proceedings leading to independence is based on the belief that Nigeria means to follow the road of liberal democracy and parliamentary government; to base parts of the structure on the opposite assumption is to invite governments to do their worst. But if that road is followed, votes will count and in the last resort it is the votes that will win fair treatment for minorities.
  
11. We have spoken of liberal democracy and have used such words as freedom and fair treatment. If we are asked to define these concepts, we cannot clarify them better than by the following quotation:  
" ...It has been said that the price of freedom is eternal vigilance. The question arises, What is freedom? There are one or two quite simple, practical tests by which it can be known in the modern world in peace conditions, namely:  
Is there the right to free expression of opinion and of opposition and criticism of the Government of the day?  
Have the people the right to turn out a Government of which they disapprove, and are constitutional means provided by which they can make their will apparent?  
Are their courts of justice free from violence by the Executive and from threats of mob violence, and free of all association with particular political parties?  
Will these courts administer open and well-established laws which are associated in the human mind with the broad principles of decency and justice?  
Will there be fair play for poor as well as for rich, for private persons as well as for Government officials?

CHAPTER 14

Will the rights of the individual, subject to his duties to the State, be maintained and asserted and exalted?

Is the ordinary peasant or workman who is earning a living by daily toil and striving to bring up a family, free from the fear that some grim police Organisation under the control of a single party will tap him on the shoulder and pack him off without fair or open trial to bondage or ill-treatment?"

(Winston Churchill: The Second World War: Vol., VI, p. III.)

Section 2. Police Forces

12. We have referred in other chapters to a situation which already arises when a detachment of the Nigeria Police meets a "strong arm group" who support the party in power in the Region and who mean to use force, to intimidate political opponents. This use of physical force constitutes perhaps the most serious threat to democracy of which we were told it is a serious and well-founded cause of fear to minorities. The Nigeria Police, the Magistrates and the Judiciary are the only Protection against these party gangs and the Police are not only the first line of defence but essential to the operation of the other two; if the Police became a solely Regional Force, this protection would disappear. We therefore place the subject of Police in the forefront of our recommendations.
13. We cannot, however, suggest that the problem is easy. It was discussed at considerable length at the 1957 Conference. Their conclusions may be quoted in full. The Conference :
  - (1) Agreed that no police force in Nigeria should, so far as its use and operational control were concerned, at any time come under the control of political parties. To this end, for example, at the stage when the use and operational control of the Nigeria Police ceased to be vested in the Governor-General acting in his discretion, the appointments of the Inspector-General of Nigeria Police and of the Regional Commissioners of Police, whether or not they were at that time subordinate to the Inspector-General, should be strictly safeguarded by special constitutional provision.
  - (2) Recognised that the Federal and Regional Government would always have a concurrent responsibility for law and order throughout the Federation and that after independence the ultimate responsibility for this, at present vested in the Secretary of State, would be inherited by the Federal Government.
  - (3) Expressed the view that it would always be necessary to have a Federal Police Force and a Federal Police organization to discharge the Federal Government's responsibility throughout Nigeria, to co-ordinate the training and equipment of all Police Forces in the Federation and to be responsible for the Federal CID.
  - (4) Took note of the professional view that the Nigeria Police could not for administrative reasons be regionalised during the next three years.
  - (5) Agreed that during the transitional period every effort should be made to strengthen the contingents of the Nigeria Police stationed in the Regions, so that they could become the nucleus

APPENDICE 7:

Isaac Jasper Adaka Boro (Niger Delta Declaration “Niger Delta Republic” ) – 12 Day  
Revolution 1966: David Broro (Boro junior brother) Interview with The Punch  
Newspaper (2019)

## Northern Nigeria encouraged Isaac Boro’s 12-day revolution –Brother, David

Kindly share this story:



By **Daniels Igoni**

David Boro

11th January 2020

We were disappointed. Everybody was disappointed at their arrests by the Federal Government. I was disappointed. But, somehow, we knew he wouldn't die. And again events proved it because so many events were lined up. They had reasons for striking prematurely. But all that is history now. Basically, we were afraid and unhappy but we also knew God was with him.

*How frequently did he visit home before and after he started the revolt?*

There was no time for him to visit home regularly. But during the training of the Niger Delta Force freedom fighters, he came home only once or twice. I wasn't around to see him, though.

***But were you tempted to join him in the revolt?***

First, he would not allow it because he said war was not a child's play. For instance, when he was in prison at Ashanti Barracks, Lagos, we (my elder brother and I) went to Lagos to enlist into the army after running away from the Eastern Region. But on the day we went there, there was no recruitment. We were school certificate holders and at that time if you could not join the uniformed corps, at least you would work as a clerk. But when Isaac Boro heard that we tried to join the army, he was furious. He said two brothers should not join the army. He said one person could join the army and the other person could stay with the family because there was no guarantee that the one who enlisted would not be killed. But at the end of the day, 37 members of our extended family joined the army to fight in the civil war and 17 of them died! Imagine 17 men dying in one family. That was a big blow to the family. Isaac Boro was just one of them.

***He died when he was just 30 years during the civil war near Okrika in 1968. Did the Boro family suspect any foul play in his death, given the fact that he was more of an activist than a soldier?***

A lot of stories have come up concerning his death. But, you see, some things are providential. He was a brigade commander. In the army, as a brigade commander, you have at least three battalions under your command. You can send two battalions to battle and keep one around you. Or you can send one battalion and keep two. That is to guard you. But he did not see himself as a soldier and he kept saying it. He had brushes with his senior officers because they saw him as one of their own, but he wasn't. He said he was only a freedom fighter in the army to fight to win a war and once the war was won, he would leave the army. So, he was not a regular soldier. He didn't see himself in that light, and in the military, they didn't understand that. That was one problem he had with the military officers. But looking at the way he operated, you would discover that he was not operating as a soldier. He was operating as an aggrieved freedom fighter who wanted quick results. So, when you look at his actions from military standpoint, you will conclude that he was, perhaps, overzealous in getting things done.

***Some people believe his killing was premeditated, are you saying the Boro family did not take any action to unravel the circumstances surrounding his death?***

Nobody could have taken any action because it happened in the middle of the war. Nobody could have gone to the particular spot where he died during the war to verify anything. He had the freedom not to stop where he stopped before he got shot. He had the freedom to pass. It was not as if he was attacking a front and there was a resistance and he died in the process, no. If you are passing through a route and you see something on the shores and you say, 'turn the boat around, let's go there,' you have the freedom to decide to send troops to investigate it when you get to the headquarters. So, he had that option to investigate it as a brigade commander. If he did that, he would not have died, at least, not where he died. That is why I said that sometimes, some things are providential. It is over 50 years now and nobody will investigate his death. That explains the zeal in him to execute the war.

***Where did he get the weapons, he used in The 12-Day Revolution?***

You can ask the youth of today where they get the arms they use. But as for the explosives (used during the revolt), they got them from seismic companies. He even stated it in his book, 'The Twelve-Day Revolution'.

**What was his relationship with Chukwuemeka Odumegwu Ojukwu?**

Ojukwu and Isaac Boro were on the opposite sides of the land. Ojukwu wanted the Igbo to secede from Nigeria on the platform of Biafra, but Boro wanted a united Nigeria on the condition that the Niger Delta would be recognised and given a state.

**But Boro, like Ojukwu, also attempted secession with his revolution?**

So, in that regard, not much has been done. But we have enjoyed some recognition here and there, especially during the administration of Goodluck Jonathan as Governor of Bayelsa State. He was the first governor of Bayelsa State to visit the Boro family in our home. He came to our Kaiama home and sat with us and assured that he would support and assist us, but he did not stay long enough in office before he was asked to serve as Vice President. Then Governor Seriake Dickson came in strongly and along the line, well, he tried his best. He exhumed the remains of Isaac Boro from Lagos and brought them to Yenagoa. Now we can go and visit Boro's grave in Yenagoa. The Boro Day celebration used to be a jamboree in London and the United States of America and some of us could not always attend. Dickson did a great thing by bringing the Boro Day celebration home to Bayelsa. It is no longer celebrated abroad.

I hope that successive administrations will maintain it because it is better for it to be celebrated here. It creates more unity and awareness even among the generality of the people. Nigeria is still metamorphosing and people should not think that the sacrifices of people like Isaac Boro are no longer relevant. They are still very relevant. The way you handle past patriots will either encourage or discourage others to be patriotic. If those who have demonstrated patriotism are neglected and they suffer while others enjoy, then it makes patriotism unworthy and a mockery.

**Boro's children were still very little when he died. How did the family cope with their upbringing?**

They were children that should have enjoyed scholarship. But not one of them got scholarship. Though, during the administration of the late Melford Okilo, we got good attention. He was so close to us that if you wanted to pay your fees, you could walk into his office and he would not stop you because of Isaac Boro. We enjoyed that privilege. All I am saying is that there should have been some formal arrangement for the welfare of his children, but there was none. Apart from Okilo, Alfred Diète-Spiff (first military governor of old Rivers State) also did his best. He gave us – Isaac Boro's siblings – scholarships to study abroad. So in the area of education, Diète-Spiff did very well because then my brother's children were very little but by the time they grew up, his administration had ended. After that, there was no direct care for the children and there was no official arrangement for their scholarships. But if nothing was done for them at that time, how about now since it was their father's struggle that brought about what we have today? Their father died and they became orphans. I pray that the political class will address these issues so that we will not keep harping on about them over and over again.

*If Boro were alive, do you think he would have gone into politics?*

Yes, he would have. That is the reason why he had problems with some of his military superiors. He was not a soldier. He was a freedom fighter who joined the army because that was the best platform upon which to achieve a political end. That was the reason why he joined the army. It was his plan that after the war he would quit the army and go into politics because that is where there is always the power to develop. He would have not remained in the army.

*Did he read books on revolutionists and related literatures?*

I wouldn't know about that but the evidence was there. Anybody at that time, even now, a child growing up is aware that the Niger Delta people are not given fair treatment regarding the oil and gas wealth in this area. This consciousness started even before Isaac Boro. That was why the Niger Delta elders at that time wanted a state. Even the 1958 Willinks Commission that was set up to look into the predicament of the Niger Delta people before the creation of Nigeria showed there was agitation for better recognition but that recognition did not come. So that gap was there.

Our father was a member of the Niger Delta Development Board, which was like the Niger Delta Development Commission of present day. They were the people who went abroad and brought foreigners to assess the region and they came up with their findings on how the area could be developed. All those things were done, but there was no implementation. Isaac Boro had enough reasons, first, to be aware of what was happening and, secondly, to be aggrieved and, thirdly, because upon becoming an undergraduate at the University of Nigeria, Nsukka on the scholarship of Eastern Nigeria, they tried to use him to engage the Federal Government. Then, when he brought up the issue of a state for his people, the Eastern Government rejected it outright. But, like I said, he discovered that the northern leaders were aligned to helping the Niger Delta people to have greater autonomy. Based on that, he had a pact with them on mutual protection. So, he had all the reasons at that point to do what he wanted to do. All that was needed at that point was courage and as for courage, Isaac Boro had it.

*What do you miss about him?*

He was my elder brother. It is not easy to lose an elder brother and not feel it. We felt his death. He was coming up as a pillar in the family to support our father, but his death cut short all of that.

*When he was not engaged in activism or military duty, how did he relax?*

His peers will be able to answer that question better. But, at least from the point of view of a younger brother, he was very loving. In fact, it was from him I first knew about Greek mythology and the stories under Greek mythology. He loved literature a lot. We knew a lot about Greek mythology through him.

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## APPENDICE

Ken Saro-wiwa (MOSOP) – Ogoni Bil of Rights (1990/1995)

*Ogoni Bill of Rights* Page 1 of 8

The Ogoni Bill of Rights which was presented to the Government of the Federal Republic of Nigeria in 1990 called for, among other things, political autonomy to participate in the affairs of the Republic as a distinct and separate unit (by whatever name called), provided that this autonomy guarantees political control of Ogoni affairs by Ogoni people; the right to control and use a fair proportion of Ogoni economic resources for Ogoni development; adequate representations, as of right, in all Nigerian national institutions, and the right to protect the Ogoni environment and ecology from further degradation.

### **OGONI BILL OF RIGHTS**

PRESENTED TO THE GOVERNMENT AND PEOPLE OF NIGERIA October, 1990

WITH

AN APPEAL TO THE INTERNATIONAL COMMUNITY

by

The Movement for the Survival of the Ogoni People (MOSOP) December, 1991

Published by Saros International Publishers, 24 Aggrey Road, PO Box 193, Port Harcourt, Nigeria for  
The Movement for the Survival of the Ogoni People (MOSOP) June 1992.

### **FOREWORD**

In August 1990 the Chiefs and people of Ogoni in Nigeria met to sign one of the most important declarations to come out of Africa in recent times: the Ogoni Bill of Rights. By the Bill, the Ogoni people, while underlining their loyalty to the Nigerian nation, laid claim as a people to their independence which British colonialism had first violated and then handed over to some other Nigerian ethnic groups in October 1960.

The Bill of Rights presented to the Government and people of Nigeria called for political control of Ogoni affairs by Ogoni people, control and use of Ogoni economic resources for Ogoni development, adequate and direct representation as of right for Ogoni people in all Nigerian national institutions and the right to protect the Ogoni environment and ecology from further degradation.

These rights which should have reverted to the Ogoni after the termination of British rule, have been usurped in the past thirty years by the majority ethnic groups of Nigeria. They have not only been usurped; they have been misused and abused, turning Nigeria into a hell on earth for the Ogoni and similar ethnic minorities. Thirty years of Nigerian independence has done no more than outline the wretched quality of the leadership of the Nigerian majority ethnic groups and their cruelty as they have plunged the nation into ethnic strife, carnage, war, dictatorship, retrogression and the greatest waste of national resources ever witnessed in world history, turning generations of Nigerians, born and unborn into perpetual debtors.

The Ogoni Bill of Rights rejects once and for all this incompetent indigenous colonialism and calls for a new order in Nigeria, an order in which each ethnic group will have full responsibility for its own affairs and competition between the various peoples of Nigeria will be fair, thus ushering in a new era of peaceful co-existence, co-operation and national progress. *Ogoni Bill of Rights* Page 2 of 8 This is the path which has been chosen by the European tribes in the European Community, and by the Russians and their neighbours in the new Commonwealth which they are now fashioning. The Yugoslav tribes are being forced into similar ways. The lesson is that high fences make good neighbors. The Ogoni people are therefore in the mainstream of international thought.

It is well known that since the issuance of the Bill of Rights the Babangida administration has continued in the reactionary ways of all the military rulers of Nigeria from Ironsi through Gowon, Obasanjo and Buhari, seeking to turn Nigeria into a unitary state against the wishes of the Nigerian peoples and trends in world history. The split of the country into 30 states and 600 local governments in 1991 is a waste of resources, a veritable exercise in futility. It is a further attempt to transfer the seized resources of the Ogoni and other minority groups in the delta to the majority ethnic groups of the country. Without oil, these states and local governments will not exist for one day longer.

The import of the creation of these states is that the Ogoni and other minority groups will continue to be slaves of the majority ethnic groups. It is a gross abuse of human rights, a notable undemocratic act which flies in the face of modern history. The Ogoni people are right to reject it. While they are willing, for the reasons of Africa, to share their resources with other Africans, they insist that it must be on the principles of mutuality, of fairness, of equity and justice.

It has been assumed that because the Ogoni are few in number, they can be abused and denied their rights and that their environment can be destroyed without compunction. This has been the received wisdom of Nigeria according to military dictatorships. 1992 will put paid to this as the Ogoni put their case to the international community. It is the intention of the Ogoni people to draw the attention of the American government and people to the fact that the oil which they buy from Nigeria is stolen property and that it is against American law to receive stolen goods.

The Ogoni people will be telling the European Community that their demand of the Yugoslav tribes that they respect human rights and democracy should also apply to Nigeria and that they should not wait for Nigeria to burst into ethnic strife and carnage before enjoining these civilized values on a Nigeria which depends on European investment, technology and credit.

The Ogoni people will be appealing to the British Government and the leaders of the Commonwealth who have urged on Commonwealth countries the virtues of good government, democracy, human rights and environmental protection that no government can be good if it imposes and operates laws which cheat a section of its peoples; that democracy does not exist where laws do not protect minorities and that the environment of the Ogoni and other delta minorities has been ruined beyond repair by multi-national oil companies under the protection of successive Nigerian administrations run by Nigerians of the majority ethnic groups.

The Ogoni people will make representation to the World Bank and the International Monetary Fund to the effect that giving loans and credit to the Nigerian Government on the understanding that oil money will be used to repay such loans is to encourage the Nigerian government to continue to dehumanize the Ogoni people and to devastate the environment and ecology of the Ogoni and other delta minorities among whom oil is found.

The Ogoni people will inform the United Nations and the Organisation of African Unity that the Nigerian Constitution and the actions of the power elite in Nigeria flagrantly violate the UN Declaration of Human Rights and the African Charter of Human and Peoples Rights; and that Nigeria in 1992 is no different from Apartheid South Africa. The Ogoni people will ask that Nigeria be duly chastised by both organizations for its inhuman actions and uncivilized behavior. And if Nigeria persists in its perversity, then it should be expelled from both organizations.

These actions of the Ogoni people aim at the restoration of the inalienable rights of the Ogoni people as a distinct ethnic community in Nigeria, and at the establishment of a democratic Nigeria, a progressive multi-ethnic nation, a realistic society of equals, a just nation. *Ogoni Bill of Rights* Page 3 of 8 What the Ogoni demand for themselves, namely autonomy, they also ask for others throughout Nigeria and, indeed, the continent of Africa.

It is their hope that the international community will respond to these demands as they have done to similar demands in other parts of the world.  
Ken Saro-Wiwa Port Harcourt 24/12/91

**STATEMENT BY DR. G.B. LETON, OON JP**  
President of the Movement for the Survival of Ogoni People (MOSOP)

1. The Ogoni case is of genocide being committed in the dying years of the twentieth century by multi-national oil companies under the supervision of the Government of the Federal Republic of Nigeria. It is that of a distinct ethnic minority in Nigeria who feel so suffocated by existing political, economic and social conditions in Nigeria that they have no choice but to cry out to the international community for salvation.

2. The Ogoni are a distinct ethnic group inhabiting the coastal plains terraces to the north-east of the Niger delta. On account of the hitherto very rich plateau soil, the people are mainly subsistence farmers but they also engage in migrant and nomadic fishing. They occupy an area of about 400 square miles and number an estimated 500,000. The population density of about 1,250 persons per square mile is among the highest in any rural area in the world and compares with the Nigerian national average of 300. The obvious problem is the pressure on land.

3. Petroleum was discovered in Ogoni at Bomu (Dere) in 1958; since then an estimated US 100 billion dollars worth of oil has been carted away from Ogoniland. In return for this, the Ogoni have no pipe-borne water, no electricity, very few roads, ill-equipped schools and hospitals and no industry whatsoever.

4. Ogoni has suffered and continues to suffer the degrading effects of oil exploration and exploitation: lands, streams and creeks are totally and continually polluted; the atmosphere is for ever charged with hydrocarbons, carbon monoxide and carbon dioxide; many villages experience the infernal quaking of the wrath of gas flares which have been burning 24 hours a day for 33 years; acid rain, oil spillages and blowouts are common. The result of such unchecked environmental pollution and degradation are that (i) The Ogoni can no longer farm successfully. Once the food basket of the eastern Niger Delta, the Ogoni now buy food (when they can afford it); (ii) Fish, once a common source of protein, is now rare. Owing to the constant and continual pollution of our streams and creeks, fish can only be caught in deeper and offshore waters for which the Ogoni are not equipped. (iii) All wildlife is dead. (iv) The ecology is changing fast. The mangrove tree, the aerial roots of which normally provide a natural and welcome habitat for many a sea food - crabs, periwinkles, mudskippers, cockles, mussels, shrimps and all - is now being gradually replaced by unknown and otherwise useless plants. (v) The health hazards generated by an atmosphere charged with hydrocarbon vapour, carbon monoxide and carbon dioxide are innumerable.

5. The once beautiful Ogoni countryside is no more a source of fresh air and green vegetation. All one sees and feels around is death. Death is everywhere in Ogoni. Ogoni languages are dying; Ogoni culture is dying; Ogoni people, Ogoni animals, Ogoni fishes are dying because of 33 years of hazardous environmental pollution and resulting food scarcity. In spite of an alarming density of population, American and British oil companies greedily encroach on more and more Ogoni land, depriving the peasants of their only means of livelihood. Mining rents and royalties for Ogoni oil are seized by the Federal Government of Nigeria which offers the Ogoni people NOTHING in return. Ogoni is being killed so that Nigeria can live.

*Ogoni Bill of Rights* Page 4 of 8

6. Politically, the Ogoni are being ground to the dust under dictatorial decrees imposed by successive military regimes in Nigeria and laws smuggled by military dictatorships into the Nigerian Constitution which Constitution does not protect ethnic minorities and which today bears no resemblance whatsoever to the covenant entered into by the federating Nigerian ethnic groups at Independence.

7. Ethnicity is a fact of Nigerian life. Nigeria is a federation of ethnic groups. In practice, however, ethnocentrism is the order of the day in the country. The rights and resources of the Ogoni have been usurped by the majority ethnic groups and the Ogoni consigned to slavery and possible extinction. The Ogoni people reject the current political and administrative structuring of Nigeria imposed by the Military Government. They believe with Obafemi Awolowo that in a true federation, each ethnic group, no matter how small is entitled to the same treatment as any other ethnic group, no matter how large.

8. The Ogoni people therefore demand POLITICAL AUTONOMY as a distinct and separate unit of the Nigerian federation - autonomy which will guarantee them certain basic rights essential to their survival as a people. This demand has been spelt out in the Ogoni Bill of Rights. The Ogoni people stand by the Bill and now appeal to the international community, as a last resort, to save them from extinction.

(Sgd) Dr. G.B. Leton President, Movement for the Survival of Ogoni People (MOSOP)

## **OGONI BILL OF RIGHTS PRESENTED TO THE GOVERNMENT AND PEOPLE OF NIGERIA**

WE, the people of Ogoni (Babbe, Gokana, Ken Khana, Nyo Khana and Tai) numbering about 500,000 being a separate and distinct ethnic nationality within the Federal Republic of Nigeria, wish to draw the attention of the Governments and people of Nigeria to the undermentioned facts:

1. That the Ogoni people, before the advent of British colonialism, were not conquered or colonized by any other ethnic group in present-day Nigeria.
2. That British colonization forced us into the administrative division of Opobo from 1908 to 1947.
3. That we protested against this forced union until the Ogoni Native Authority was created in 1947 and placed under the then Rivers Province.
4. That in 1951 we were forcibly included in the Eastern Region of Nigeria where we suffered utter neglect.
5. That we protested against this neglect by voting against the party in power in the Region in 1957, and against the forced union by testimony before the Willink Commission of Inquiry into Minority Fears in 1958.
6. That this protest led to the inclusion of our nationality in Rivers State in 1967, which State consists of several ethnic nationalities with differing cultures, languages and aspirations.
7. That oil was struck and produced in commercial quantities on our land in 1958 at K. Dere (Bomu oilfield).

*Ogoni Bill of Rights Page 5 of 8*

**8.** That oil has been mined on our land since 1958 to this day from the following oilfields: (i) Bomu (ii) Bodo West (iii) Tai (iv) Korokoro (v) Yorla (vi) Lubara Creek and (vii) Afam by Shell Petroleum Development Company (Nigeria) Limited.

**9.** That in over 30 years of oil mining, the Ogoni nationality have provided the Nigerian nation with a total revenue estimated at over 40 billion Naira (N40 billion) or 30 billion dollars.

**10.** That in return for the above contribution, the Ogoni people have received NOTHING.

**11.** That today, the Ogoni people have:

(i) No representation whatsoever in ALL institutions of the Federal Government of Nigeria;

(ii) No pipe-borne water;

(iii) No electricity;

(iv) No job opportunities for the citizens in Federal, State, public sector or private sector companies;

(v) No social or economic project of the Federal Government.

**12.** That the Ogoni languages of Gokana and Khana are underdeveloped and are about to disappear, whereas other Nigerian languages are being forced on us.

**13.** That the Ethnic policies of successive Federal and State Governments are gradually pushing the Ogoni people to slavery and possible extinction.

**14.** That the Shell Petroleum Development Company of Nigeria Limited does not employ Ogoni people at a meaningful or any level at all, in defiance of the Federal government's regulations.

**15.** That the search for oil has caused severe land and food shortages in Ogoni one of the most densely populated areas of Africa (average: 1,500 per square mile; national average: 300 per square mile).

**16.** That neglectful environmental pollution laws and substandard inspection techniques of the Federal authorities have led to the complete degradation of the Ogoni environment, turning our homeland into an ecological disaster.

**17.** That the Ogoni people lack education, health and other social facilities.

**18.** That it is intolerable that one of the richest areas of Nigeria should wallow in abject poverty and destitution.

**19.** That successive Federal administrations have trampled on every minority right enshrined in the Nigerian Constitution to the detriment of the Ogoni and have by administrative structuring and other noxious acts transferred Ogoni wealth exclusively to other parts of the Republic.

**20.** That the Ogoni people wish to manage their own affairs.

NOW, therefore, while reaffirming our wish to remain a part of the Federal Republic of Nigeria, we make demand upon the Republic as follows:

That the Ogoni people be granted POLITICAL AUTONOMY to participate in the affairs of the Republic as a distinct and separate unit by whatever name called, provided that this Autonomy guarantees the following: *Ogoni Bill of Rights* Page 6 of 8

- (i) Political control of Ogoni affairs by Ogoni people;
- (ii) The right to the control and use of a fair proportion of OGONI economic resources for Ogoni development;
- (iii) Adequate and direct representation as of right in all Nigerian national institutions;
- (iv) The use and development of Ogoni languages in all Nigerian territory;
- (v) The full development of Ogoni culture;
- (vi) The right to religious freedom; and
- (vii) The right to protect the OGONI environment and ecology from further degradation.

We make the above demand in the knowledge that it does not deny any other ethnic group in the Nigerian Federation of their rights and that it can only conduce to peace, justice and fairplay and hence stability and progress in the Nigerian nation.

We make the demand in the belief that, as Obafemi Awolowo has written: In a true federation, each ethnic group no matter how small, is entitled to the same treatment as any other ethnic group, no matter how large.

We demand these rights as equal members of the Nigerian Federation who contribute and have contributed to the growth of the Federation and have a right to expect full returns from that Federation. Adopted by general acclaim of the Ogoni people on the 26th day of August, 1990 at Bori, Rivers State and signed by: (see under).

## **ADDENDUM TO THE OGONI BILL OF RIGHTS**

We, the people of Ogoni, being a separate and distinct ethnic nationality within the Federal Republic of Nigeria, hereby state as follows:

(a) That on October 2, 1990 we addressed an Ogoni Bill of Rights to the President of the Federal Republic of Nigeria, General Ibrahim Babangida and members of the Armed Forces Ruling Council;

(b) That after a one-year wait, the President has been unable to grant us the audience which we sought to have with him in order to discuss the legitimate demands contained in the Ogoni Bill of Rights;

(c) That our demands as outlined in the Ogoni Bill of Rights are legitimate, just and our inalienable right and in accord with civilized values worldwide;

(d) That the Government of the Federal Republic has continued, since October 2, 1990, to decree measures and implement policies which further marginalize the Ogoni people, denying us political autonomy, our rights to our resources, to the development of our languages and culture, to adequate representation as of right in all Nigerian national institutions and to the protection of our environment and ecology from further degradation;

(e) That we cannot sit idly by while we are, as a people, dehumanized and slowly exterminated and driven to extinction even as our rich resources are siphoned off to the exclusive comfort and improvement of other Nigerian communities, and the shareholders of multi-national oil companies.

NOW, therefore, while re-affirming our wish to remain a part of the Federal Republic of Nigeria, we hereby authorize the Movement for the Survival of Ogoni People (MOSOP) to make *Ogoni Bill of*

*Rights* Page 7 of 8 representation, for as long as these injustices continue, to the United Nations Commission on Human Rights, the Commonwealth Secretariat, the African Commission on Human and Peoples rights, the European Community and all international bodies which have a role to play in the preservation of our nationality, as follows:

**1.** That the Government of the Federal Republic of Nigeria has, in utter disregard and contempt for human rights, since independence in 1960 till date, denied us our political rights to self-determination, economic rights to our resources, cultural rights to the development of our languages and culture, and social rights to education, health and adequate housing and to representation as of right in national institutions.

**2.** That, in particular, the Federal Republic of Nigeria has refused to pay us oil royalties and mining rents amounting to an estimated 20 billion US dollars for petroleum mined from our soil for over thirty-three years.

**3.** That the Constitution of the Federal Republic of Nigeria does not protect any of our rights whatsoever as an ethnic minority of 500,000 in a nation of about 100 million people and that the voting power and military might of the majority ethnic groups have been used remorselessly against us at every point in time.

**4.** That multi-national oil companies, namely Shell (Dutch/British) and Chevron (American) have severally and jointly devastated our environment and ecology, having flared gas in our villages for 33 years and caused oil spillages, blow-outs etc., and have dehumanized our people, denying them employment and those benefits which industrial organizations in Europe and America routinely contribute to their areas of operation.

**5.** That the Nigerian elite (bureaucratic, military, industrial and academic) have turned a blind eye and a deaf ear to these acts of dehumanization by the ethnic majority and have colluded with all the agents of destruction aimed at us.

**6.** That we cannot seek restitution in the courts of law in Nigeria as the act of expropriation of our rights and resources has been institutionalized in the 1979 and 1989 Constitutions of the Federal Republic of Nigeria, which Constitutions were acts of a Constituent Assembly imposed by a military regime and do not, in any way, protect minority rights or bear resemblance to the tacit agreement made at Nigerian independence.

**7.** That the Ogoni people abjure violence in their just struggle for their rights within the Federal Republic of Nigeria but will, through every lawful means, and for as long as is necessary, fight for social justice and equity for themselves and their progeny, and in particular demand political autonomy as a distinct and separate unit within the Nigerian nation with full right to (i) control Ogoni political affairs; (ii) use at least fifty per cent of Ogoni economic resources for Ogoni development; (iii) protect the Ogoni environment and ecology from further degradation; and (iv) ensure the full restitution of the harm done to the health of our people by the flaring of gas, oil spillages, oil blow-outs, etc. by the following oil companies: Shell, Chevron and their Nigerian accomplices.

**8.** That without the intervention of the international community the Government of the Federal Republic of Nigeria and the ethnic majority will continue these noxious policies until the Ogoni people are obliterated from the face of the earth.

Adopted by general acclaim of the Ogoni people on the 26th day of August 1991 at Bori, Rivers State of Nigeria.

Signed on behalf of the Ogoni people by:

**BABBE:**

HRH Mark Tsaro-Igbara, Gbenemene Babbe; HRH F.M.K. Noryaa, Menebua, Ka-Babbe; Chief M.A.M. Tornwe III, JP; Prince J.S. Sangha; Dr. Israel Kue; Chief A.M.N. Gua. *Ogoni Bill of Rights*  
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**GOKANA:**

HRH James P. Bagia, Gberesako XI, Gberemene Gokana; Chief E.N. Kobani, JP Tonsimene Gokana; Dr. B.N. Birabi; Chief Kemte Giadom, JP; Chief S.N. Orage.

**KEN-KHANA:**

HRH M.H.S. Eguru, Gbenemene Ken-Khane; HRH C.B.S. Nwikina, Emah III, Menebua Bom; Mr. M.C. Daanwii; Chief T.N. Nwieke; Mr. Ken Saro-wiwa; Mr. Simeon Idemyor.

**NYO-KHANA:**

HRH W.Z.P. Nzidee, Genemene Baa I of Nyo-Khana; Dr. G.B. Leton, OON, JP; Mr. Lekue Lah-Loolo; Mr. L.E. Mwara; Chief E.A. Apenu; Pastor M.P. Maeba. TAI: HRH B.A. Mballey, Gbenemene Tai; HRH G.N. Gininwa, Menebua Tua Tua; Chief J.S. Agbara; Chief D.J.K. Kumbe; Chief Fred Gwezia; HRH A. Demor-Kanni, Meneba Nonwa.

**THE INTERNATIONAL COMMUNITY SHOULD:**

1. Prevail on the American Government to stop buying Nigerian oil. It is stolen property.
2. Prevail on Shell and Chevron to stop flaring gas in Ogoni.
3. Prevail on the Federal Government of Nigeria to honour the rights of the Ogoni people to self-determination and AUTONOMY.
4. Prevail on the Federal Government of Nigeria to pay all royalties and mining rents collected on oil mined from Ogoni since 1958.
5. Prevail on the World Bank and the International Monetary Fund to stop giving loans to the Federal Government of Nigeria; all loans which depend for their repayment on the exploitation of Ogoni oil resources.
6. Send urgent medical and other aid to the Ogoni people.
7. Prevail on the United Nations, the Organisation of African Unity and the Commonwealth of Nations to either get the Federal Government of Nigeria to obey the rules and mores of these organisations, face sanctions or be expelled from them.
8. Prevail on European and American Governments to stop giving aid and credit to the Federal Government of Nigeria as aid and credit only go to encourage the further dehumanization of the Ogoni people.
9. Prevail on European and American Governments to grant political refugee status to all Ogoni people seeking protection from the political persecution and genocide at the hands of the Federal Government of Nigeria.
10. Prevail on Shell and Chevron to pay compensation to the Ogoni People for ruining the Ogoni environment and the health of Ogoni men, women and children.

APPENDICE:

Ijaw Youth Council (IYC) – Kaiama Declaration (Ijaw Bill of Rights) 1998

**THE KAIAMA DECLARATION** by IJAW YOUTHS OF THE  
NIGER DELTA

BEING COMMUNIQUE ISSUED AT THE END OF THE ALL IJAW YOUTHS CONFERENCE WHICH HELD IN THE TOWN OF KAIAMA THIS 11TH DAY OF DECEMBER 1998

**INTRODUCTION**

We, Ijaw youths drawn from over five hundred communities from over 40 clans that make up the Ijaw nation and representing 25 representative organisations met, today, in Kaiama to deliberate on the best way to ensure the continuous survival of the indigenous peoples of the Ijaw ethnic nationality of the Niger Delta within the Nigerian state.

**After exhaustive deliberations, the Conference observed:**

- a. That it was through British colonisation that the IJAW NATION was forcibly put under the Nigerian State
- b. That but for the economic interests of the imperialists, the Ijaw ethnic nationality would have evolved as a distinct and separate sovereign nation, enjoying undiluted political, economic, social, and cultural AUTONOMY.
- c. That the division of the Southern Protectorate into East and West in 1939 by the British marked the beginning of the balkanisation of a hitherto territorially contiguous and culturally homogeneous Ijaw people into political and administrative units, much to our disadvantage. This trend is continuing in the balkanisation of the Ijaws into six states-Ondo, Edo, Delta, Bayelsa, Rivers and Akwa Ibom States, mostly as minorities who suffer socio-political, economic, cultural and psychological deprivations.
- d. That the quality of life of Ijaw people is deteriorating as a result of utter neglect, suppression and marginalisation visited on Ijaws by the alliance of the Nigerian state and transnational oil companies.
- e. That the political crisis in Nigeria is mainly about the struggle for the control of oil mineral resources which account for over 80% of GDP, 95 % of national budget and 90% of foreign exchange earnings. From which, 65%, 75% and 70% respectively are derived from within the Ijaw nation. Despite these huge contributions, our reward from the Nigerian State remains avoidable deaths resulting from ecological devastation and military repression.
- f. That the unabating damage done to our fragile natural environment and to the health of our people is due in the main to uncontrolled exploration and exploitation of crude oil and natural gas which has led to numerous oil spillages, uncontrolled gas flaring, the opening up of our forests to loggers, indiscriminate canalisation, flooding, land subsidence, coastal erosion,

earth tremors etc. Oil and gas are exhaustible resources and the complete lack of concern for ecological rehabilitation, in the light of the Oloibiri experience, is a signal of impending doom for the peoples of Ijawland.

g. That the degradation of the environment of Ijawland by transnational oil companies and the Nigerian State arise mainly because Ijaw people have been robbed of their natural rights to ownership and control of their land and resources through the instrumentality of undemocratic Nigerian State legislations such as the Land Use Decree of 1978, the Petroleum Decrees of 1969 and 1991, the Lands (Title Vesting etc.) Decree No. 52 of 1993 (Osborne Land Decree), the National Inland Waterways Authority Decree No. 13 of 1997 etc.

h. That the principle of Derivation in Revenue Allocation has been consciously and systematically obliterated by successive regimes of the Nigerian state. We note the drastic reduction of the Derivation Principle from 100% (1953), 50% (1960), 45% (1970), 20% (1975) 2% (1982), 1.5% (1984) to 3% (1992 to date), and a rumored 13% in Abacha's 1995 undemocratic and unimplemented Constitution.

i. That the violence in Ijawland and other parts of the Niger Delta area, sometimes manifesting in intra and inter ethnic conflicts are sponsored by the State and transnational oil companies to keep the communities of the Niger Delta area divided, weak and distracted from the causes of their problems.

j. That the recent revelations of the looting of national treasury by the Abacha junta is only a reflection of an existing and continuing trend of stealing by public office holders in the Nigerian state. We remember the over 12 billion dollars Gulf war windfall, which was looted by Babangida and his cohorts We note that over 70% of the billions of dollars being looted by military rulers and their civilian collaborators is derived from our ecologically devastated Ijawland.

**Based on the foregoing, we, the youths of Ijawland, hereby make the following resolutions to be known as the Kaiama Declaration:**

1. All land and natural resources (including mineral resources) within the Ijaw territory belong to Ijaw communities and are the basis of our survival.

2. We cease to recognise all undemocratic decrees that rob our peoples/communities of the right to ownership and control of our lives and resources, which were enacted without our participation and consent. These include the Land Use Decree and The Petroleum Decree etc.

3. We demand the immediate withdrawal from Ijawland of all military forces of occupation and repression by the Nigerian State. Any oil company that employs the services of the armed forces of the Nigerian State to "protect" its operations will be viewed as an enemy of the Ijaw people. Family members of military personnel stationed in Ijawland should appeal to their people to leave the Ijaw area alone.

4. Ijaw youths in all the communities in all Ijaw clans in the Niger Delta will take steps to implement these resolutions beginning from the 30th of December, 1998, as a step towards reclaiming the control of our lives. We, therefore, demand that all oil companies stop all exploration and exploitation activities in the Ijaw area. We are tired of gas flaring; oil

spillages, blowouts and being labelled saboteurs and terrorists. It is a case of preparing the noose for our hanging. We reject this labelling. Hence, we advise all oil companies staff and contractors to withdraw from Ijaw territories by the 30th December, 1998 pending the resolution of the issue of resource ownership and control in the Ijaw area of the Niger Delta

5.. Ijaw youths and Peoples will promote the principle of peaceful coexistence between all Ijaw communities and with our immediate neighbours, despite the provocative and divisive actions of the Nigerian State, transnational oil companies and their contractors. We offer a hand of friendship and comradeship to our neighbors: the Itsekiri, Ilaje, Urhobo, Isoko, Edo, Ibibio, Ogoni, Ekpeye, Ikwerre etc. We affirm our commitment to joint struggle with the other ethnic nationalities in the Niger delta area for self-determination.

6. We express our solidarity with all people's organizations and ethnic nationalities in Nigeria and elsewhere who are struggling for self-determination and justice. In particular we note the struggle of the Oodua people's Congress (OPC), the Movement for the Survival of Ogoni People (Mosop), Egi Women's Movement etc.

7. We extend our hand of solidarity to the Nigerian oil workers (NUPENG and PENGASSAN) and expect that they will see this struggle for freedom as a struggle for humanity

8. We reject the present transition to civil rule programme of the Abubakar regime, as it is not preceded by restructuring of the Nigerian federation. The way forward is a Sovereign National Conference of equally represented ethnic nationalities to discuss the nature of a democratic federation of Nigerian ethnic nationalities. Conference noted the violence and killings that characterized the last local government elections in most parts of the Niger Delta. Conference pointed out that these electoral conflicts are a manifestation of the undemocratic and unjust nature of the military transition programme. Conference affirmed therefore, that the military are incapable of enthroning true democracy in Nigeria.

9 We call on all Ijaws to remain true to their Ijawness and to work for the total liberation of our people. You have no other true home but that which is in Ijawland.

10 We agreed to remain within Nigeria but to demand and work for Self Government and resource control for the Ijaw people. Conference approved that the best way for Nigeria is a federation of ethnic nationalities. The federation should be run on the basis equality and social justice.

**Finally, Ijaw youths resolve to set up the Ijaw Youth Council (IYC) to coordinate the struggle of Ijaw peoples for self-determination and justice.**

Signed for the entire participants by: Felix Tuodolo and Timi Kaiser-Wilhelm Ogoriba

APPENDICE

Odi Crisis/Massacre – 1999

UNIVERSITY OF PENNSYLVANIA - AFRICAN STUDIES CENTER

# Nigeria: Odi Massacre Statements, 12/23/99

Nigeria: Odi Massacre Statements  
Date distributed (ymd): 991223  
Document reposted by APIC

+++++Document Profile+++++

Region: West Africa  
Issue Areas: +political/rights+  
Summary Contents:

This posting contains two documents concerning recent incidents in the Niger Delta which pose the most significant challenge yet to the new Nigerian government's credibility in dealing with the issue of human rights abuses and control of oil wealth in the Niger Delta. One statement is from Nigerian human rights and civil society groups; the other from Human Rights Watch (Africa). More details, including the full text of the HRW background paper and an earlier book-length report on The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities are available on the Human Rights Watch web site (<http://www.hrw.org>).

+++++end profile+++++

### Genocide in Odi

Being the Text of a Press Conference by Leaders of Human Rights and Civil Society Groups Who Visited Odi, Bayelsa State on Wednesday December 8th 1999.

(This Text was read by Abdul Oroh, Executive Director, Civil Liberties Organisation, Nigeria. Contact: The Civil Liberties Organisation (CLO), 1A Hussey Street, Off Herbert Macaulay Street, Jibowu-Yaba, Lagos, Nigeria; tel: +234 (1) 860456, 846412; fax: +234 (1) 5840288; [clo@rcl.nig.com](mailto:clo@rcl.nig.com))

Distinguished ladies and Gentlemen of the press.

We have called this press conference to ultimate you of the pathetic situation in Odi and other Communities of the Niger Delta.

Following reports of a military invasion of Odi, a community in Bayelsa State of Nigeria, the human rights, environmental rights groups and civil society movements decided to visit Odi to see for ourselves what we have heard and read. Twenty-nine groups from all parts of Nigeria visited Odi last Wednesday December 8 1999. Odi, a town on the bank of the famous River Nun is populated by the Ijaws of the Niger Delta. Estimated population before the military invasion is put at 60,000. The inhabitant of the rural community survive through fishing, farming, harvesting

and processing of oil palm produce, and trading. It is an oil community, and Shell Petroleum Development Company is present and controls three oil wells there.

In early November a group of lawless elements who had taken refuge in the area was reported to have abducted six policemen. It was later reported that despite the intervention of social movements in the Niger Delta and elsewhere in the country and Bayelsa State government officials, the law officers were killed by the hoodlums. This was then followed by President Obasanjo issuing a 14-day ultimatum to the government of Bayelsa State to produce the miscreants, or he Obasanjo will proclaim a state of emergency.

Ladies and gentlemen, the ultimatum was yet to expire when General Obasanjo ordered troops into Odi and the surrounding communities. The East-West road was cordoned off by the Orashi River at Mbiama and by the River Niger at Patani. Thereafter, a major military operation commenced, via the use of heavy artillery, aircraft, grenade launchers, mortar bombs and other sophisticated weapons. So ruthless, savage and thorough was the operation that it could only have been intended to achieve a genocidal outcome.

It is difficult at this stage to establish the number of those killed, but we have received reports of mass burial, mass cremation and the disembowelment and mass dumping of corpses in River Nun. Two weeks after the operation, the stench of decomposing bodies dumped into various creeks could still be perceived from one kilometre from the town. We saw, so many corpses by the roadside as we drove along. The body of an old man, still clutching firmly to a copy of the Holy Bible, lay decomposing in a pond behind the Anglican Church, a chilly testimony to the scorched-earth objective of the invading troops contrary to the officially declared objective of the mission: to arrest the hoodlums who allegedly killed some policemen. So complete was the destruction that crops were razed, yam barns were burnt, garri processing plants were willfully wrecked, canoes were set ablaze, and every house in the entire community, with the exception of the First Bank, a Community Health Centre and the Anglican Church, were burnt down. No aspect of the community's existence was spared. Places of worship and other sacred places, including sacred forest and groves, churches, ancestral shrines and burial places, were demolished. We received reports that the soldiers looted many of the buildings and made away with the valuables before setting them ablaze. A yet-to-be established number of person, arrested and taken away by the soldiers to military barracks in Elele, Port Harcourt and Warri, were yet to be seen two weeks after the operation.

We saw no single livestock, poultry or other domestic animals except a stray cat. The community's 60,000 inhabitants had tied into the forest or been arrested or killed. Only a few thoroughly traumatised old women, old men and children could be seen around, some of them suffering from fractures and other injuries sustained while trying to escape from advancing soldiers. We also received information that the soldiers were particularly contemptuous of books. Several libraries and educational materials were particularly targeted and destroyed.

The Odi invasion by our investigation was premeditated. It was carefully planned to annihilate the people in order to make things smooth and easy for the oil companies. The invasion was called operation Hakuri II by the Minister of Defence, General T.Y. Danjuma. Briefing the Ministerial Conference on November 25, he explained Operation Hakuri II on Odi and other communities of the Niger Delta thus:

"This Operation Hakuri II was initiated with the mandate of protecting lives and property - particularly oil platforms flow stations, operating rig terminals and pipelines refineries and power installation in the Niger Delta."

In other words, it was for oil and oil alone that the soldiers who are today maintained with oil money from Odi and other communities of the Niger Delta went to Odi to commit those atrocities.

Some of the graffiti left on the walls of the destroyed buildings by the soldiers also confirm their genocidal state of mind. A few examples of such graffiti include the following:

"We will kill all Ijaws

"Bayelsa will be silent forever"

"Worship only God not Egbesu"

" Egbesu, why you run "

"Our power pass Egbesu. Next time even the trees will not be spared.

"This land is for soja, not for Ijaws".

We believe the soldiers were on drugs or were fed with divisive propaganda to motivate their punitive expedition. There is nowhere in the world where battalions of troops - the airforce, army and navy - are sent to arrest a few miscreants.

In the light of the foregoing we wish to observe and state as follows:

1. That the events in Odi cannot be isolated from the larger crises in the Niger Delta which have their root in the historical political alienation, economic deprivation, environmental devastation, physical brutalisation and psychological traumatising of the people by an oppressive Nigerian State and exploitative multinational oil corporations
2. That General Obasanjo's handling of the Niger Delta crisis, as exemplified by his unconstitutional and reckless deployment of troops to Odi, has been consistent with the oppressive philosophy of governance of erstwhile military dictators which conceives of force as the basic strategy for resolving social and political problems. We would have expected that the coming into power of a civilian government would have ushered in a different approach to the crisis, one that would emphasise dialogue and popular participation in the quest for a just and lasting solution. Odi has cast a big question mark on the ability of the Obasanjo government to resolve the nation's social problems in a democratic manner.
3. The military action in Odi not only violated sections of the 1999 Constitution, it was inconsistent with the Universal Declaration of Human Rights.
4. The actions of the soldiers in Odi amounted to a genocide and were clearly inconsistent with Article 5 of United Nations Code of Conduct for Law Enforcement Officers.

#### OUR DEMANDS

Flowing from the above observations, we make the following calls and demands:

- a. An independent Judicial Commission of Enquiry should be conducted into the military action Odi with a view to determining the circumstances surrounding the President's unconstitutional action, investigating the atrocities committed by soldiers and punishing the perpetrators.
  1. A complete reconstruction of Odi should be embarked upon urgently by the Federal Government and its inhabitants resettled, rehabilitated and compensated adequately.
  2. We call for the immediate withdrawal of all troops from the Niger Delta in order to end the devastation, killing, looting, raping, maiming, and other forms of inhumanity for which the troops have become notorious
- b. We support the legitimate struggles of the peoples of the Niger Delta for self- determination, resource control, environmental justice, cultural self-expression and genuine participation in determining the conditions under which oil companies operate in the area. We therefore endorse the Kaiama Declaration, Ogoni Bill of Rights, Ikwerre Rescue Charter, Aklaka Declaration for the Egi, the Urhobo Economic Summit Resolution, Oron Bill of Rights and other demands of peoples' organisations in the Niger Delta.
  1. We call on the Obasanjo government to commence forthwith a transparent process of multi- lateral dialogue that would involve the government, the oil companies and freely chosen leaders of the Niger Delta peoples to work out the modalities for meeting the just demands of the people.
  2. We call on the United Nations and the Organisation of African Unity to institute an International War Crime Tribunal to try and punish all those who in one way or the other perpetrated the atrocity in Odi.

For and on behalf of the underlisted organisations.

Civil Liberties Organisation, Environmental Rights Action, Ijaw Youths Council, Niger Delta Women for Justice, Ijaw Council for Human Rights, Women in Nigeria (WIN), Ikwerre Solidarity Congress, Journalists for Democratic Rights (JODER), Pan African Youth Movement (PAYM), Nigerian Institute of Human Rights (NIHR), International Center for Development & Environmental Planning (ICDEP), Community Rights Initiative, National Association of Nigerian Students (NANS), Constitutional Rights Project (CRP), Campaign for Democracy for Human Rights (CDHR), Pan Ibo Federation, Huri-Laws, Agape (Birth Rights), Bayelsa State Youth Development Foundation (BSYDF), Oduduwa Liberation Movement, Institute of Human Rights and Humanitarian law (IHRHL), United Community Action Network, Public Inhouse Lawyers link, Media for Ethnic Equality.

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#### HRW Call For Action Against Abuses In The Niger Delta

Human Rights Watch (New York) December 21, 1999

For further information, contact Human Rights Watch, 350 Fifth Avenue, 34th Floor, New York, NY 10118-3299 USA. TEL: 1-212-290-4700 FAX: 1-212-736-1300 E- mail: hrwnyc@hrw.org; 1522 K Street, N.W. Washington D.C. 20005; TEL: 202/371-6592 FAX: 202/371-0124. Web Site Address: <http://www.hrw.org>

New York - Human Rights Watch today called on the Nigerian government to initiate criminal proceedings against soldiers responsible for abuses in two recent incidents in the oil producing Niger Delta region. In a background paper based on recent research in Nigeria, Human Rights Watch condemned the razing of the village of Odi, Bayelsa State, by the Nigerian army, and confirmed allegations that soldiers committed rape in the nearby community of Choba, Rivers State.

"It looks like the new civilian government in Nigeria is using the same methods as the old military governments," said Peter Takirambudde, executive director of the Africa Division of Human Rights Watch. "The new regime has made progress in some areas of human rights, but these latest events in the delta cast doubt on President Obasanjo's real intentions." On November 20, at least several hundred soldiers were deployed to Odi, where a gang of armed youths had killed a dozen policemen in recent weeks. The soldiers made no apparent attempt to arrest the suspected perpetrators, and instead systematically destroyed the village over the next two weeks, leaving only three buildings undamaged. At least several dozen unarmed civilians were killed in the army operation, possibly several hundred.

In Choba, in Rivers State, on October 28 soldiers dispersed demonstrators outside the premises of Willbros Nigeria Ltd, a subsidiary of an American contractor to the oil and gas industry, based in Oklahoma. The soldiers killed four people and raped a number of women from the community. The Nigerian federal government dismissed the reports of rapes, asserting that photographs alleged to show the soldiers assaulting the women were staged, and the police have refused to investigate. Human Rights Watch found the women's claims of rape to be fully credible, and believes that contesting the accuracy of the photographic evidence is an inappropriate response by the government to serious allegations of human rights violations.

There has been increasing unrest in the Niger Delta in recent years, as local people have demanded greater control over the natural resources, chiefly oil, found beneath their land.

"The government and oil companies have legitimate concerns over protest when it takes criminal forms. Hostage-taking or the killing of security officers deserve a serious response," said Takirambudde. "But this kind of brutality from the army is certain to make the situation worse. It will fuel arguments that there is nothing to be gained by attempting to dialogue with the new civilian government, and that people must take to arms to make their case." Human Rights Watch called on the Nigerian government to:

\* Undertake an immediate process of criminal investigation of the events in Odi and Choba with a view to instituting court martial proceedings for murder, rape, and other offences against those responsible for the army operations in each case, including both perpetrators and their commanding officers, where appropriate.

\* Appoint independent and public judicial commissions of inquiry into the events in Odi and Choba with a wide mandate to examine the causes and consequences of the army operations and to make recommendations for appropriate relief and compensation to those affected, including the rebuilding of Odi.

\* Undertake an immediate consultation process with a wide range of representatives of opinion in the delta with a view to ensuring that in future clear distinctions are drawn between legitimate political demands and criminal acts and that those allegedly responsible for criminal offences are arrested and tried according to Nigerian law.

The organisation called on Willbros to:

\* Send staff from company headquarters to investigate the alleged rapes, killings and assaults by soldiers outside its premises on October 28 and 29, 1999; take steps to protest abuses with the appropriate authorities and urge that appropriate criminal and disciplinary action be taken against those responsible; review security arrangements to ensure that similar abuses cannot happen in future; and review its relations with the Choba community, consulting widely to develop means of improving that relationship.

\*\*\*\*\*

Message-Id: <199912231434.JAA15724@smtp10.atl.mindspring.net> From: "APIC" <apic@igc.org> Date: Thu, 23 Dec 1999 09:34:13 -0500 Subject: Nigeria: Odi Massacre Statements

Editor: [Ali B. Ali-Dinar](#)

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## APPENDICE

Delta State – Warri Crisis (1997-2003)



# Warri Crisis

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This article **relies largely or entirely on a [single source](#)**. (*December 2013*)

This article's **tone or style may not reflect the [encyclopedic tone](#)** used on Wikipedia. (*March 2013*)

The **Warri Crisis** was a series of riots and clashes between the [Itsekiri](#) and the [Ijaw](#) (and to a lesser extent, [Urhobo](#)) ethnic groups centered on the city of [Warri](#) in [Delta State](#), Nigeria<sup>[1][2][3]</sup> between March and May, 1997.<sup>[4]</sup>



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## *Background*<sup>[[edit](#)]</sup>

While the Itsekiris and the Ijaws have lived alongside each other for centuries, for the most part harmoniously,<sup>[5]</sup> the Itsekiris were first to make contact with European traders, as early as the 16th century, and they were more aggressive both in seeking Western education and in using the knowledge acquired to press their commercial advantages. Until the arrival of Sir [George Goldie](#)'s National Africa Company (later renamed the [Royal Niger Company](#)) in 1879, Itsekiri chieftains monopolized trade with Europeans in the Western Niger region. Despite the loss of their monopoly, the advantages already held by the Itsekiri ensured that they continued to enjoy an advantaged position

relative to that held by the Ijaw. The departure of the British upon independence did not lead to a decrease in tensions between the Ijaw and the Itsekiri. With the discovery of large [oil](#) reserves in the Niger Delta region in the early 1960s, a new bone of contention was introduced, as the ability to claim ownership of a given piece of land now promised to yield immense benefits in terms of jobs and infrastructural benefits to be provided by the oil companies.<sup>[607]</sup> Despite this new factor, rivalry between the Itsekiri and the Ijaw did not actually escalate to the level of violent conflict between the two groups until the late 1990s, when the death of General [Sani Abacha](#) in 1998 led to a re-emergence of local politics.

When the title of the [Itsekiri](#) traditional ruler, Olu Of Warri, was changed by Awolowo's Western Nigeria government from Olu of Itsekiri to Olu of Warri in 1952,<sup>[81]</sup> to reflect its original and historical title, members of the other tribes ([Urhobos](#), [Isokos](#) and [Ijaws](#)) saw this as an attempt to impose an Itsekiri ruler over them because over 80% of the present Delta State was referred to as Warri Province at that time.<sup>[9]</sup> The title dispute has led to series of clashes between the tribes in Warri over sovereignty.

## *Outbreak of violence* [\[edit\]](#)

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In 1997, The Federal Government under the late Gen. Sani Abacha created a number of local government areas, including Warri South-West Local Government Council, whose headquarters is located at Ogidigben, in the Itsekiri area of Warri. But due to Political pressure by the Ijaw on the State Government, the headquarters of the same local government council was relocated to Ogbe-Ijoh, an Ijaw area of the Warri environ.<sup>[10]</sup>

Riots ensued, hundreds died, and six [Shell Nigeria](#) (SPDC) installations were taken over, leading to a drop in oil production. The crisis is known as the "Warri Crisis".<sup>[9][11]</sup> The headquarters have since been relocated to [Ogbe Ijoh](#) by the Delta State House of Assembly, a decision that brought relative peace back to the city.

The issue of local government ward allocation has proven particularly contentious. Control of the city of Warri, the largest metropolitan area in Delta State and therefore a prime source of political patronage, has been an especially fiercely contested area. This has given birth to heated disputes between the Itsekiri, the Ijaw and the [Urhobo](#) about which of the three groups are "truly" indigenous to the Warri region, with the underlying presumption being that the "real" indigenes should have control of the levers of power, regardless of the fact that all three groups enjoy ostensibly equal political rights in their places of residence.

The [Itsekiris](#), an ethnic minority occupying lands containing over 30% of the total oil wealth of Nigeria, were a target of the Ijaws and they were to be a quick and gain as the Ijaws envisaged they could easily be run-over, considering their status as a minority and the fact that they, unlike the Ijaws, were unprepared for war.

The so-called Warri crisis was when the then Military Administrator of Delta State, Colonel David Dungs, announced in a broadcast to the State that the Headquarters of the newly created Warri South-West Local Government Area was Ogidigben, an Itsekiri Community, as was duly gazetted by the Federal Government of Nigeria. The Colonel Dungs could not be maneuvered, he being not from the area but from far away Plateau State in North Central Nigeria, and considering that the action was solely to the benefit of government closer to the marginalized Itsekiri area of Warri with vast crude oil.

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## External links [[edit](#)]

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- [The Warri Crisis: Fueling Violence](#), report by [Human Rights Watch](#).

### Categories:

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## APPENDICE

Ethnic Indigenous Ijaw National Council Conference for Sovereign National Conference/  
Restructuring of the Nigerian State

# On June 12 And Injustice

**T**HE date, June 12, 1993, is forever etched indelibly in our national psyche. It was a landmark, a turning point in our history as a people. The only other date in our national history that matches it in cruciality is January 15, 1966, when we had our first military coup, heralding the recurrence of military coups and military governments.

But June 12, 1993, popularly abbreviated "June 12" means different things to different people.

To some, it marked a refreshing new dawn of hope, of equity, of unity and national cohesion. A day when Nigerians rose above the customary promptings of sectional or ethnic chauvinism or religious bigotry in political preferences. And to others, June 12 occasioned fear; may be the fear of fear. Fear of the very new dawn in our national life or political chemistry. In short, the fear of "second-fidulism".

June 12 is also important for some other reasons, however: negative. First, our popular vaunt about our not being (cannot be!) a Banana Republic where despotic absolutism holds sway was shattered. Babangida simply, arrogantly and spitefully, insulted all of us with impunity. Secondly, and as a follow up to the first, Babangida by a fiat annulled the June 12 Presidential Election after all that went into it in terms of human and material resources.

(Both Federal Government and candidates) and man-hours, thereby perpetrating injustice against Bashir M.K.O. Abiola and all of us. Injustice is synonymous with such words as inequity, iniquity, malfeasance, oppression, prejudice, unjustness, unfairness. It is an antithesis of justice which is one of the central issues or virtues of social institutions having both formal (egalitarian) component and substantive (humanistic) component. Thus, the concept of justice has either explicit or implicit ethical or moral dimension or imperative.

In articulating or reacting to the injustice of June 12, we tend to give the impression of injustice in the land. Of course, this cannot be true. As a matter of fact, many Nigerians have suffered or are still suffering from injustices even greater than that of Bashir M. Abiola either in the hands of government, or institutions, or at places of work or even within our families.

This is not to suggest in any way that Abiola has not suffered great injustice at the hands of one of his closest intimates and confidant. It was a perfidious act. But Abiola should take heart even if it is cold comfort that Jesus had his Judas, Caesar his Brutus, and Sankara his Camaraou. Injustice, like death or sorrow, can be seen as a universal negative of our humanity. We all are perpetrators to them at one time or another. There is no armour against them.

One of greatest evils a citizen should be subjected to is the denial of his freedom, especially freedom of movement and interaction with fellow citizens, imprisonment or detention, especially the political ones.

I was placed under house arrest by General Gowon, on September 6, 1974. I have had occasions to be critical of his style. In "A Date With 1976" *Daily Sketch*, October 7, 1970, Page 5) for instance, I quoted his saying that the 1976 date

for a return to civilian rule was "unrealistic". To me, it was like inviting us to a "blind date with time" and I cautioned that the "future is an enigma fraught with myriads of variables". "Apocalyptic" Gowon was ousted by a military coup on July 29, 1975.

And to compound this injustice, an Oil Minister after me, was reported to have signed off \$64 million to an American oil company. However, his freedom was never infringed upon.

## REFLECTION

By  
Tam David-West

Why? Abiola was at no time denied his freedom of movement or association or expression. In fact when he returned home on September 24, 1993, after a small sojourn abroad, he was extended the unique courtesy of disembarking at the exclusive Presidential Tarmac at Murtala Muhammed International Airport. I was chanced to be on the same Air France flight from Paris to Lagos.

In 1969 the Department of Political Science, University of Ibadan, under the able headship of Professor E.U. Essien-Udon, was recklessly and maliciously labelled by an Ibadan-based writer (now late), Surinshipi, the university authority, for purely political reasons, kept an embarrassing silence. The Society for Social Justice was formed to take up the fight for the department, and its distinguished

head, Emeritus Professors like the late Professor Billy Doolley were on board. I was secretary-general. And in our statement in the *Morning Post* August 6, 1969, pages 8-9, "Society for Social Justice Defends Department of Political Science, University of Ibadan" we were able to turn the tide in favour of Professor Essien-Udon and the department. The Late Sir Samuel Manuwa, Pro-Chancellor and Chairman of Council, wrote to comment us. The main aim of the society is to "cleanse the society of corruption, vice and injustice of all forms". And last year, we also published a defence of June 12 (*Nigerian Tribune*; October 19, 1993, page 13).

My fear over the method of appointing V.C.s published some 20- years ago were further confirmed during the Babangida regime, when both at the Obafemi Awolowo University (former University of Ife) and at the University of Ibadan, the Visitor was made to ignore without any obvious compelling reasons the verdicts of the two universities. The first on the three-man list was not selected. And what was even more unjust and reprehensible in the case of the University of Ibadan, the first but lost-out candidate was the incumbent Deputy Vice-Chancellor for several successful years as university administrator; popular with staff and students alike.

There were other terrible cases of injustice before June 12. The Senate President, Dr. Iy-

orchia Ayu, was manipulated out of office by a disgraceful unifying kangaroo "impeachment" process.

And at the Nigerian Academy of Science, what I consider a monumental academic injustice was done at the Annual Business Meeting of January 11, 1992. For instance, the case of two professors in the same field of medical discipline, Cardiology, was paradigmatic. The "disqualified" candidate had thirty-six professional publications; the last one was in 1991. But the "qualified" candidate had 10 professional publications; the last one was in 1979. I resigned from the Academy.

Men and women of principles should fight injustice wherever it rears its ugly head. Injustice for one is injustice for all. Indeed, in the words of John Donne: "Any man's death diminishes me, because I am involved in Mankind; And therefore never send to know for whom the bell tolls; it tolls for thee."

June 12 is far from being the beginning of injustice in Nigeria; neither will it be the end of injustice in the land. And it cannot be seriously accepted as a super-injustice out-stripping all other injustices in ugliness.

But our wish and prayer should be that the torch of unity and national cohesion and integration lit on June 12, 1993, should not be allowed to flicker and die. It should be allowed to burn with great brilliance over time. Here and here alone lies the hope of a new dawn; a new Nigeria to be founded on justice and equity.

David-West writes from Ibadan

## LETTERS

10

## IJAW ETHNIC NATIONALITY RIGHTS PROTECTION ORGANISATION OF NIGERIA

(The authentic political mouthpiece of the Ijaw Ethnic Nationality balkanized into Rivers, Delta, Edo, Ondo and Akwa-Ibom States in the Federal Republic of Nigeria)

### "WE SALUTE THE IJAW PEOPLE IN NIGERIA FOR THEIR CO-OPERATION AND STEADFAST DETERMINATION IN BOYCOTTING THE NATIONAL CONSTITUTIONAL CONFERENCE ELECTIONS AND THE CONFERENCE ITSELF."

THE IJAW ETHNIC NATIONALITY RIGHTS PROTECTION ORGANISATION OF NIGERIA salutes the IJAW PEOPLE in their various communities and organisations stretching from the Eastern Andoni-Ijaw territories in Akwa-Ibom State through Rivers, Delta, Edo and Ondo States within the 895 miles coastal belt for their cooperation and steadfast determination in adhering to our historic decision to boycott all the processes leading to the holding of the National Constitutional Conference and the Conference itself which resulted in the non-participation of the IJAW ETHNIC NATIONALITY in the Ward and Conference District Delegates Elections that were purportedly held on 23rd and 28th May, 1994.

2. WE CONGRATULATE each and everyone of you for carrying out this historic decision of your POLITICAL MOUTHPIECE creditably in our struggle for a deserved identity, and control of our political and economic fortunes in a country that has doomed the IJAW ETHNIC NATIONALITY only to the excruciating and dehumanising pains of exploitation, marginalisation, discrimination, victimisation and denial of rights to existence and sustainable development.

3. WE MADE IT CLEAR in our 'POSITION PAPER' on the state of political affairs in the country published in The Guardian newspaper of 24th February, 1994, that certain inextricable conditions put in place by the Federal Military Government of Nigeria to belittle the mode of representation on the basis of ETHNIC NATIONALITIES presented by the Ijaw Ethnic Nationality, and the Sovereign status nationally accepted and demanded by a majority of Nigerian ethnic nationalities of the Conference would be a telling-point of a MASS BOYCOTT of the conference.

4. THE IJAW ETHNIC NATIONALITY RIGHTS PROTECTION ORGANISATION OF NIGERIA thus became the first organised body in the whole of this country to issue a Press Statement followed by an advertorial in The Guardian newspaper for a boycott of the Conference by all patriotic IJAW sons and daughters in their balkanized States following the adoption of a Senatorial basis of representation, and the subjection of the Conference decisions to the Provisional Ruling Council (PRC) by the Federal Military Government and the National Constitutional Conference commission to defiantly negate the principles of justice, fair-play and democracy.

5. WE KEPT FAITH with this stance of the Constitutional Conference because of these covert acts and manipulations of the Federal Military Government to predetermine the decisions of the Conference against the interests of the IJAW ETHNIC NATIONALITY in its struggle to control and take its God-given natural resources represented at the moment by the MINERAL-OIL in the Niger Delta, and its political and economic interests on the basis of their designed population majority.

6. WE ARE QUITE AWARE of the number of persons whose names have been listed and published in the national newspapers as having been elected by the Ijaw people to represent them in the National Constitutional Conference. The Ijaw Ethnic Nationality wishes to state that there were no elections anywhere within the Ijaw Ethnic Nationality territories and homelands to have elected persons for any Conference or as Conference delegates to represent the Ijaw people in any Conference. The said persons who have been,

obviously, goaded by the Government as paid agents of destabilisation and opiates of the avowed national and international cause of the IJAW PEOPLE have no authenticity of representation of the IJAW PEOPLE and their territories in Nigeria. They are, therefore, warned in their own interests now that they have been detected, to desist forthwith from parading themselves as having been elected to represent the Ijaw people and their territories in Nigeria to any Conference for that matter.

7. THE IJAW ETHNIC NATIONALITY RIGHTS PROTECTION ORGANISATION OF NIGERIA is resolute and consistent that DEMOCRACY must be enthroned in Nigeria to address the burning issues of:

(a) re-structuring of the Nigerian Federation along the long advocated "ETHNOLOGICAL DESCENT GROUPS and AL-LIES" as basis of each of the units to exercise residual powers in the new dispensation, and in which, the IJAW ETHNIC NATIONALITY FEDERATION within the contiguous coastal territories of 5 States, and comprising the whole of the Eastern Andoni-Ijaw areas of Akwa-Ibom State, the whole of Andoni-Opobo, Bonny, Okrika, Port-Harcourt City, Asari-Toru, Akuku-Toru, Degema, Abua-Odual, Brass, Ogbia, Southern Ijaw, Yenagoa, Sagbama, Ekeremor and the Engenni-Ijaw territories in Ahoada Local Government Areas of Rivers State; Bomadi and Burata Local Government Areas and the Ijaw Kingdoms of Isaba, Ogbel-joh, Gbaramatu and Egbema in Warri LGAs of Delta State; the Ijaw Kingdoms of Egbema, Olodiama, and Furupagha in Edo State, and the Ijaw Kingdoms of Arogho and Apoi in Ondo State — all bordering the Atlantic sea coast, shall constitute one of the units of the new dispensation.

(b) resource ownership and allocation, and

(c) freedom and justice based on equity for all manner of persons shall be brought about by such a democratic system within 90 days upon installation by a democratic government through a SOVEREIGN NATIONAL CONFERENCE of independent Ethnic Nationalities in the country.

8. WE FINALLY IMPLORÉ all patriotic IJAW SONS AND DAUGHTERS to remain resolute and committed to this cause of our liberation as a PEOPLE with our MINERAL-OIL RESOURCES, while we shall continue to use constitutional means and explore all avenues of dialogue and consultations nationally and internationally to bring about our long yearned for, and deserved aims and objectives. We remain totally strengthened in our belief and conviction that the IJAW PEOPLE, both men and women, at home and abroad have the ability and the moral courage to shun and disgrace the clients, agents, lackeys and opiates of destabilisation in our midst in this struggle.

**LONG LIVE THE IJAW NATION AND PEOPLE!  
GOD BLESS OUR STRUGGLE**

  
PA CHIEF GEORGE ALBERT WEIKEZI  
PRESIDENT-GENERAL

  
REV. (PRINCE) D. M. E. ODONDRI  
SECRETARY-GENERAL

FOR AND ON BEHALF OF THE IJAW NATIONALITY  
IN THE FEDERAL REPUBLIC OF NIGERIA

## APPENDICE

Nigerian Federal Constitutional Review – call for Review of the 1999 (as amended)  
Nigerian Constitution by the House of Senate (2021).

  
**THE SENATE**  
FEDERAL REPUBLIC OF NIGERIA  
COMMITTEE ON THE REVIEW OF THE 1999 CONSTITUTION

**CALL FOR MEMORANDA**

The Senate Ad-Hoc Committee on the Review of the 1999 Constitution has formally commenced the process of further alteration to the provisions of the 1999 Constitution (as amended).

The Committee therefore requests the general public, Executive and Judicial bodies, Civil Society Organizations, professional bodies and other interest groups to submit memoranda or proposals for further alteration(s) of the 1999 Constitution [as amended] on the underlisted matters and on **any other matter** that will promote good governance and welfare of all persons in our country on the principles of Freedom, Equality and Justice, namely,

1. Gender Equality for women and girls.
2. The Federal Structure and Power Devolution.
3. Local Government/Local Government Autonomy.
4. Public Revenue, Fiscal Federalism and Revenue Allocation.
5. Nigerian Police and Nigerian Security Architecture.
6. Comprehensive Judicial Reforms.
7. Electoral Reforms to strengthen INEC to deliver transparently credible free and fair elections.
8. Socio-economic and cultural rights as contained in Chapter 2 of the Constitution
9. Strengthening the Independence of oversight institutions and agencies created by the Constitution or pursuant to an Act of the National Assembly.
10. Residency and Indigene Provisions.
11. Immunity
12. The National Assembly
13. State Creation

All proposals or memoranda are to be submitted to the Secretariat of the Committee in **Room 0.28, Senate New Wing, National Assembly Complex – Abuja**, not later than **14 days** from the date of this publication or they may be sent electronically to the email address of the Committee's Secretariat (**08033109357 / 08097522601**), namely, **src9nass@gmail.com**

SIGNED  
**Senator Ovie A. Omo-Agege**  
*Deputy President of the Senate/Chairman*

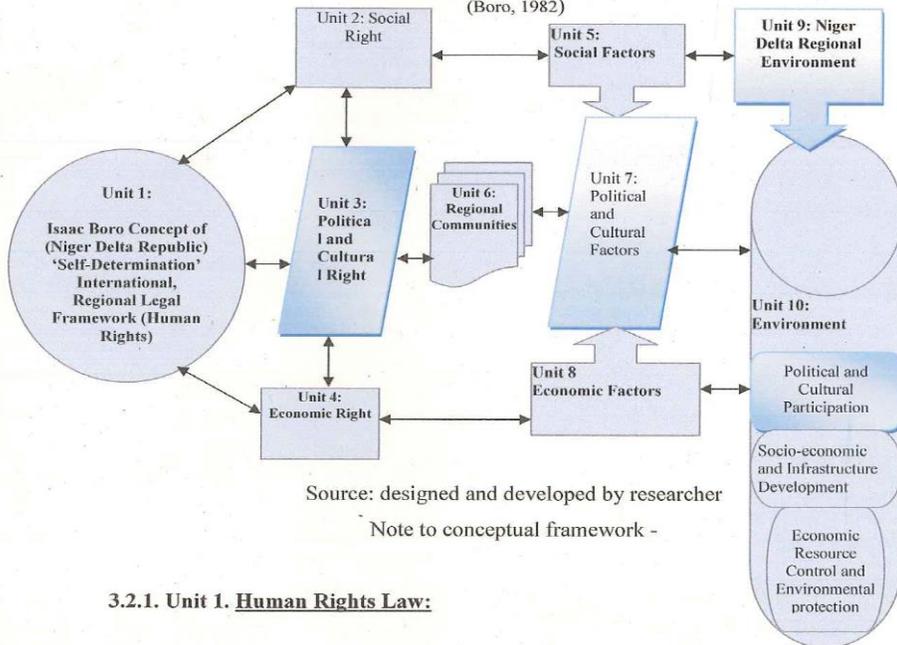
APPENDICE

Research Conceptual Framework



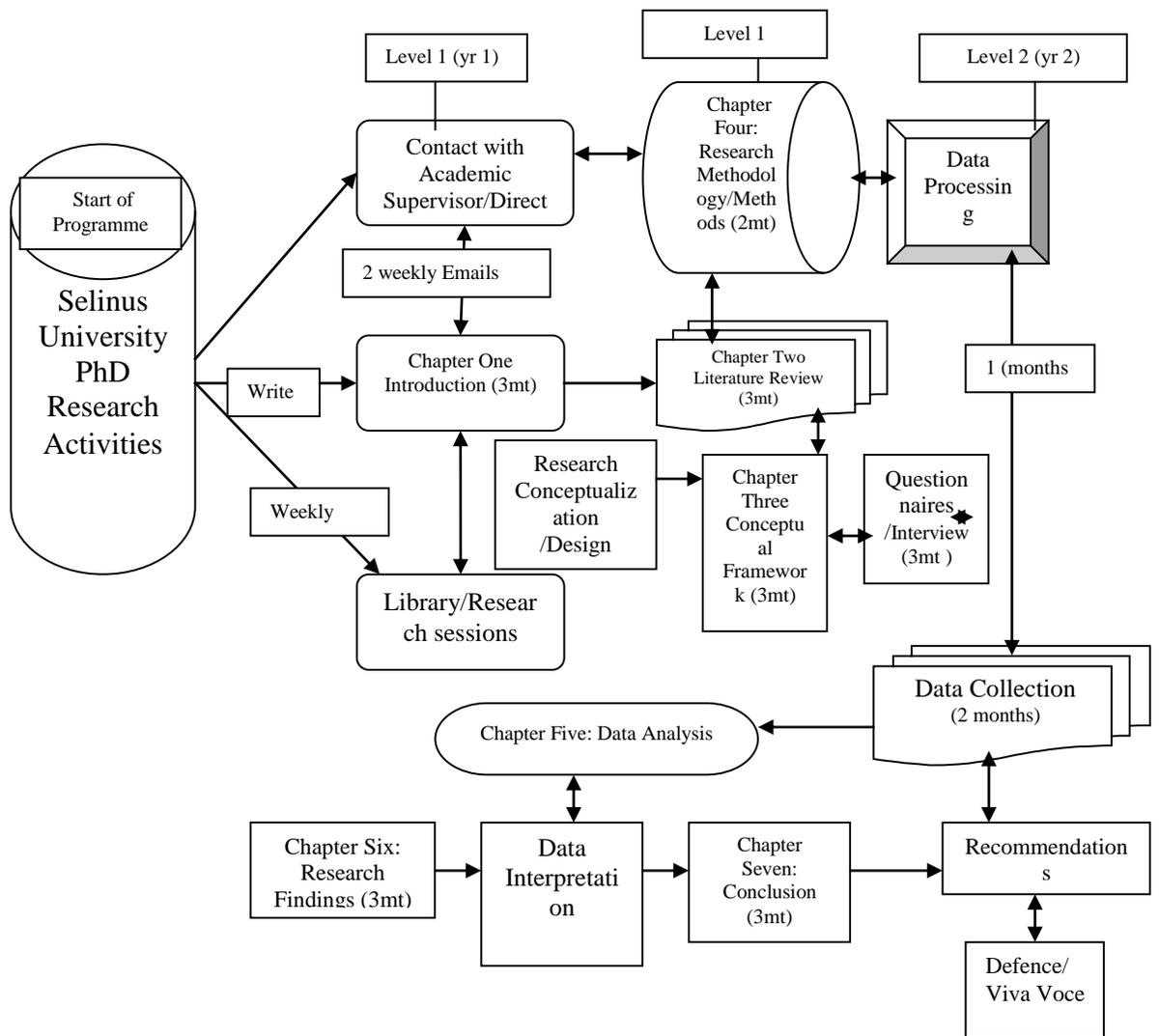
3.2.1. Analysis of the steps involved in the conceptual framework:

Conceptual Framework on Isaac Jasper Adaka Boro: Concept for 'Self-determination' in the Niger Delta region of Nigeria during the "12 Day Revolution"-- (now defunct Niger Delta Republic) 1966 (Boro, 1982)



3.2.1. Unit 1. Human Rights Law:

As previously explained, human right law is the body of law that surrounds this conceptual framework and indeed this thesis which comprises social and economic rights which derives human rights laws. This thesis focuses on social and economic rights only, particularly "Self-determination". As such, the issues are being seen as underprovided or unrepresented in the Niger Delta area or region of Nigeria. The people of Niger Delta are continuing to complain, and due to this lack of requested response, this now leads to the need for seeking "self-determination" by the people and communities of the Niger Delta area or region to be able to control their own natural economic resources and determine their political future or destiny in accordance with the provisions of the United



Source: designed and developed by researcher