

Distributive Justice and the Niger Delta Question in Historical Perspective

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Abstract

Nigeria is currently the 10th largest oil producer in the world, accounting for about 1.4 million BPD in 2021, and the Niger Delta region is the storehouse of petroleum resources, which accounts for more than 80 percent of Nigeria's revenue and more than 90 percent of the total exports. Regrettably, the region where this crude oil is produced is impoverished, ecologically degraded, and infrastructural underdeveloped, leading to a slew of violent clashes, kidnappings, and unrest (Akpan and Akpabio 2010). In this paper, we look at the concept of distributive justice as it relates to how oil profits are allocated and the region's overall development. We discovered that a number of factors, including politicization of benefits, revenue and infrastructure distribution, incorrect policies and programs, ethnic dominance, and the lack of transparent and accountable leadership, are real deprivers and captors of oil benefits, keeping the region perpetually poor and underdeveloped. The paper shows that real oil benefits do not trickle down to the Niger Delta region in a significant amount. The study will employ the analytical method which requires thorough understanding of the fundamental questions of benefits arising or accruing from oil exploration and sales in Nigeria with reference to the Niger Delta, and the recommendation herein from the fallout of the injustices in terms of distribution of benefits. Conclusion will be made from the discussion on the above topics.

Keywords: Justice; Distributive; Niger Delta; Nigeria

Introduction

The Niger Delta region was limited to the geo-political zone occupied mainly by the minorities of south-south Nigeria, which currently comprises the six states of Akwa Ibom, Bayelsa, Cross River, Delta, Edo and Rivers. In recent years, the region was politically redefined and enlarged to include all the nine contiguous oil-producing states, which incorporates new states such as Abia, Imo, Ondo and Anambra state. Currently, the Niger Delta forms the largest group amongst the ethnic minorities spread over the south-south geographical zone of Nigeria. It has a population of over 45 million people distributed in over 1600 communities (NPC 2006).

The Niger Delta region, which spans 70,000 square kilometres, is known for its sandy coastal ridge barriers, brackish or saline mangroves, freshwater, permanent and seasonal swamp forests, and lowland rainforest. A huge number of rivers, rivulets, streams, canals, and creeks run through and crisscross the entire territory. The Atlantic Ocean's tides buffet the shore throughout the year, while the mainland is vulnerable to flood regimes caused by several rivers, particularly the Niger. By this, the Niger Delta region is the second largest delta in the world and the largest wetland in Africa. The delta is home to an extraordinary variety of people, mostly fishermen and farmers with a proud history and cultural heritage.

The Niger Delta is a very densely populated region sometimes called the Oil Rivers because it was once a major producer of palm oil (Otoabasi 2011). The area was the British Oil Rivers Protectorate from 1885 until 1893, when it was expanded and became the Niger Coast Protectorate. The delta is a petroleum-rich region and has been the centre of national and international concern over pollution that has resulted principally from major oil spills of multinational corporations of the petroleum industry (Aghalino 2004).

The Niger Delta is also the main centre of oil production activity and therefore the centre of Nigeria's economy, accounting for more than 90 percent of Nigeria's foreign exchange earnings and more than 80 percent of government revenue (CBN 1981). Petroleum was discovered by Shell-BP in 1956, following half a century of exploration. Oil production grew vital in the 1960s, but further progress was hampered by the Biafra crisis and civil war that lasted from 1967 to 1970. The primary reserves are found in and around the Niger Delta, in both on-shore mangroves and shallow off-shore basins, and exploration has shifted offshore since 1990, and Shell continues to be the most important company, but it has been joined by a series of other multinationals over the years like Mobil Producing Nigeria Ltd, Chevron Nigeria Ltd, and Nigeria Agip Oil Company etc.

However, in spite of being the richest geopolitical region in terms of natural resource, Akpan and Akpabio (2003) observed that the Niger Delta's potential for sustainable development remains unfulfilled, and is now threatened by environmental degradation and worsening economic conditions, and this attributed to what is perceived the application of distributive justice in doubt which form the brainchild of this paper having observed the level of poverty, infrastructural deficit and environmental degradation in the region.

Elucidation of Relevant Concepts

Justice

The concept of justice has a variety of meaning depending on one's perspective and course of discourse. Justice is the concept of a proper proportion what is merited and the good and bad things that befall or are allotted to him or her. Ogunmodede (2005) identifies justice as the oldest human virtues in the world. In view of the various meaning to the concept of justice, Macquarie, in the dictionary of Ethics (1967) opines that several meanings can be actually

given to justice, namely: Justice in the oldest sense; justice in the narrow sense; and justice in the proper sense. In the oldest sense, as contained in the Ancient Egyptian Wisdom Literature and Old Testament, justice means moral “righteousness, rectitude or moral excellence, or perfection”. In order to be in communion with the spirit of the gods and to be found worthy on judgment day, man must live a righteous and perfect life. In the narrow sense, justice means conformity with the law. While in the proper sense, justice is understood as the “harmonious functioning of the constituent parts in the individual, or in the state. It is in this sense that Plato (1974) in the republic understands and defines justice as the basis of society and goes to say that justice is keeping what is properly one’s own and doing one’s own job. Plato says Justice is the requirement we laid down at the beginning as of universal application when we founded our state, or else some form of it. Plato therefore added, ‘justice consists in minding your own business and not interfering with other people.

However, before Plato, Ptah-Hotep as captured in Hilliard (1987) in his 5th instructions or teachings, defines justice (Maat) as the basis of good governance. He (Ptah-Hotep) says if you are a man who leads, a man who controls the affairs of many, then, seek the most perfect way of performing your responsibility so that your conduct will be blameless. Great is Maat (truth, justice, righteousness) which is everlasting. Thus he further defines distributive justice as “rightness” or “straight line” which is an antidote for the vice of greed. Greed is a grievous sickness that has no cure. There is no treatment for it. It is compound of all evil. (Hilliard 1987)

Aristotle (1976) regards justice as the sovereign virtue and the major purpose of the state. He stated that justice consists of righteousness, or complete virtue in relation to one’s neighbour. He also espoused the idea of justice as a state of character, a cultivated set of dispositions, attitudes and good habits. Aristotle expands on justice by stating it consists of treating equals equally and unequal unequally, in proportion to their inequality. This is also known as distributive justice (Aristotle 1985). He further maintains that unjust means either lawless or unfair; therefore justice means either lawful or just (Aristotle 1976). The implication is that the concept of justice could as well be replaced by legality. On the contrary, we argue that justice is also appealed to in matters where there is no positive law. More so, it is justice that supplies the criteria of law as well as judges its justification. Therefore, justice cannot be synonymous with legality since it transcends it and gives it its justification.

Generally, Justice, in its broadest sense, is the principle that people receive that which they deserve, with the interpretation of what then constitutes "deserving" being impacted upon by numerous fields, with many differing viewpoints and perspectives, including the concepts of moral correctness based on ethics, rationality, law, religion, equity and fairness.

Distributive Justice

As far as distributive justice is concerned, some have assumed that what distinguishes it from other types of justice is that it is justice in the distribution of material or economic advantages only, or that it only concerns with the allocation as opposed to the production of given goods. While others have instead equated the idea of distributive justice with that of social justice, and used it to refer to all the principles regulating the balancing of individuals’ claims to all of the possible benefits of social cooperation.

Theorists of justice in wider sense has it that distributive justice is a concepts of justice consists in giving each person his or her due, or treating like cases alike; and that distributive justice is justice in the distribution of benefits and burdens to individuals, or consists in the balancing of the competing claims persons make on the benefits that are up for

distribution. But, as is often observed, theorists of justice disagree about how to interpret these abstract ideas and, accordingly, formulate different conceptions of justice and of distributive justice.

In Book V of the *Nicomachean Ethics*, Aristotle distinguishes justice as the whole virtue or universal justice, which requires abiding by the laws of the city state, from justice as a part of virtue or particular justice. He divides particular justice into distributive justice and rectifying justice:

One form of particular justice, and of that which is just in the corresponding sense, concerns the distribution of honour or money or other things that are divisible among those who have a share in the constitution (for in these cases it is possible for one man to have a share either equal or unequal to that of another); the other form rectifies the conditions of a transaction (Aristotle 1954).

Although Aristotle mentions money and “other things” as the subject of distributive justice, this form of justice primarily concerns the just distribution of political offices and the honor that the citizens can achieve by exercising them. For him, distributive justice relates primarily to the distribution of political power (Aristotle 1954).

Distributive justice is all encompassing as it speaks of justice from the angle of goods to be distributed, what entities deserve this distribution and what is the basis for this distribution. Hence, theorists of distributive justice hold that society is obligated to compensate individuals for misfortune with a view to assuring everyone a fair share of opportunity for a good life necessarily assigns individuals responsibility in the cost-sharing sense for outcomes that are beyond their power to control.

Distributive justice is a form of justice that is not blindfolded; it allots the goods of the city state with distinction of the persons and in view of their qualities and in line with merit. As different persons generally have different qualities and worth, they usually get allotted unequal shares. In a just distribution, these shares should be bestowed on the persons in proportion to their different qualities, or as Aristotle puts it, in proportion to their unequal worth or merit.

Hence, it is concerned with the apportioning of privileges, wealth, duties and responsibilities, opportunities, power and goods in consonance with the merits of the individual and in the best interest of society.

Theories of Distributive Justice

The first theory of distributive justice to be considered is Rawls' justice as fairness. Rawls is often regarded as the greatest English-language philosopher of the 20th century, and certainly its greatest political philosopher. His *Magnus opus*, *A Theory of Justice*, published in 1971 offers a modern form of social contract theory, arguing that the appropriate arrangement of a society's basic structure which is its main social and economic institutions can be ascertained by imagining the arrangement that would be selected by self-interested individuals in a hypothetical 'original position'. In the original position individuals are behind a 'veil of ignorance' that deprives them of information about their particular preferences, objectives, and talents, though they have access to general social and economic information. In other words, they know their society, but not their position in it (Rawls 1971). Rawls (1971) maintains that persons in the original position would be concerned to secure the things most essential to pursuing their goals, whatever they may prove to be, even at the cost of foregoing the possibility of great material benefits. He thus suggests that individuals would prize equal

provision of the basic liberties (political liberties, freedom of thought, freedom of association, and so on) above all, and once these were satisfied insist on a robust form of equal opportunity (fair equality of opportunity)(Rawl 1971). Only then would they be concerned to secure income and wealth, and given the possibility that they may be the worst off members of society, they would choose to maximize the amount of income and wealth of the worst off class, as proposed by the ‘difference principle.

The next theory is utilitarianism, which can be traced, in a developed form, at least as far back as the 18th century. Rawls himself took this as the dominant theory of morals and politics, and developed justice as fairness in response to it. Central to utilitarianism is individual utility or welfare, which is a matter of how well an individual’s life is going for them. Utilitarianism maintains that an action is good insofar as it increases overall welfare, and bad insofar as it decreases overall welfare. Often, as in this article, utilitarianism is understood as having a corresponding four (4) theory of justice, which equates distributive justice with maximizing welfare. A major internal dispute among utilitarian’s concerns the appropriate measure of welfare. Bentham associates it with hedonic pleasure, a view with which J. S. Mill broadly agreed though he suggests that ‘higher’, more intellectual pleasures make a greater contribution to welfare (Bentham 1970). Others have followed Aristotle in focusing on ‘objective lists’ of goods that are required for human flourishing or, by contrast, on subjective assessments of happiness and life satisfaction. R. M. Hare (1997) and many other present day utilitarian’s associate welfare with preference satisfaction, individuals having higher welfare levels, the more their preferences are satisfied. For our purposes, we need not distinguish between these philosophical views of welfare. We should note, however, that on all of them, welfare is strongly influenced by wealth, but is not just a matter of wealth.

The final theory to be considered is egalitarianism. A school of thought within political philosophy that builds from the concept of social equality, prioritizing it for all people. Egalitarian doctrines are generally characterized by the idea that all humans are equal in fundamental worth or moral status. Egalitarianism is the doctrine that all citizens of a state should be accorded exactly equal rights. Many philosophers, including Ingmar Persson (1993) and the likes have argued that egalitarianism implies that the interests of non-human animals must be taken into account as well. However, as with the related dispute among utilitarian but are not reducible to wealth. Egalitarianism will inevitably be concerned with economic distributions, but not only with them.

Thus, Rawlsian justice identifies three considerations of justice, in the following order: first, equal basic liberties are to be secured; second, fair equality of opportunity is to secure; finally, economic inequalities are to be arranged to the greatest benefit of the least advantaged group.

In this light, this paper seek to holistically look at distributive justices in an encompassing manner from the angle of fairness, equity and truthfulness as we relate it to the Niger delta question in terms of how the Niger delta have fared in regard to the enormous wealth coming out from the region.

Distributive Justice and its Application to the Niger Delta Question

Since the discovering of crude oil in the Niger Delta precisely in Oloibiri-Bayelsa State, Nigeria in 1956 by Shell-BP. Crude oil has become the main stay of the Nigeria national economy, igniting a mono-cultural economy. Oil is the main incentive for those who seek government offices and patronage, it is the major source of national revenue, and indeed the benchmark for budgetary projections. But in spite of the enormous importance of oil to the

economy, yet very little attention has been paid to the environment and people of the oil producing communities.

In light of the concept of distributive justice, this section of the paper will analyse how Nigeria's oil wealth is dispersed, with a focus on how the Niger Delta region has been integrated into the benefit sharing equation. The general investments and distribution of infrastructures that accompany oil booms and busts will be discussed, as well as the politics of development agencies and revenue sharing, the impacts of oil-related policies on oil wealth distribution, the general leadership problem as it relates to oil benefit distribution, and the New Petroleum Industry Bill. The question is: how has the Nigerian State fared in respect of its responsibilities to the environment and development of the oil producing communities of the Niger Delta region? Have they fared better in the light of the fact that the region is the cash cow laying the golden egg? This and many more will be discussed in this section, which begin with a look at the following points explained therein.

1. The New Petroleum Industrial Act (PIA) Factor

The New Petroleum industry act which provide legal, governance, regulatory and fiscal framework for the Nigerian Petroleum Industry and development of Host Communities. This act contains five (5) Chapters, (319) Sections and, (8) Schedules is geared towards ensuring good governance and accountability, creation of a commercially oriented national petroleum company, and fostering a conducive business environment for petroleum operations.

However, As part of federal government resolve to foster sustainable prosperity within host communities, provide direct social and economic benefits and enhance harmonious co-existence to the host communities where this crude oil is being explore, the bill in Chapter (3) which talk about Host communities development provides that any company granted an oil prospecting licence or mining lease or an operating company on behalf of joint venture partners (settlor) is required to contribute 3% - 5% (upstream Companies) and 2% (other companies) of its actual operating expenditure in the immediately preceding calendar year to the host communities development trust fund (PIA 2021). This is in addition to the existing contribution of 3% to the NDDC. The Fund is tax exempt and any contributions by a settlor is tax deductible. This section of the bill is being criticised by many stakeholders and people of the Niger delta region saying that the 3% is way to small compared to degradation and hazard been faced by the region, and the fact that 30% will be remitted to Frontier Exploration Fund for the development of frontier acreages in addition to 10% of rents on petroleum prospecting licences and mining leases. A scenario many has viewed to be against what distributive justice entails. It is repugnant to natural justice, equity and good conscience. As remitting 30% to the exploration of oil in frontier region of the country is the opposite of what played out when oil was discovered in Oloibiri, Bayelsa state, for Shell Corporation used their own funds in the exploration of oil in Oloibiri Bayelsa state.

Another defeat to distributive justice is the second clause in chapter three (3) which states that Board of trustees and executive members of the management committee may include persons of high integrity and professional standing who may not necessarily come from any of the host communities (PIA 2021).

2. Crude Oil Revenue and Public Investments vs Infrastructure Distribution

The importance of petroleum oil has spanned well over 3 decades, significantly dictating Nigeria's economic growth. By 1970, petroleum exports had assumed up 58.1 percent of the country's export value. Oil revenues jumped from 1.3 billion naira in 1973 to 3.9 billion naira

in 1974. After a slight drop in the late 1970s, they rose back to a peak of 4.9 billion naira in 1980. Until 1983, real revenues then dropped to less than half their value (2.0 billion naira). The oil price had slackened, but even more importantly, Nigerian production quantities almost halved due to insufficient previous exploration (Oyejide 2000). However, after the bust in the 1980s, production resumed at previous levels of around or above 2 million barrels per day throughout the 1990s. Petroleum's share of exports was 96.9 percent in 1980, 93.6 percent in 1990 and 95 percent in 2001 (UNCTAD 1999; Mbendi 2002). In other words, oil exports boomed in 1973-81; fell off in the 1980s but resumed high levels in the 1990s and down to the 2000s. Incidental to Nigeria's oil wealth and revenue, Investment in infrastructures happens to be one of the topmost priorities and this has been handled largely by the federal government which has the largest share of oil revenue. It is with the revenue accruing from oil, and lately gas resources of the Niger Delta that important national projects have been executed, like the Third Mainland Bridge in Lagos (South-west), the building of a new multibillion dollar Federal Capital Territory; the construction of a multi-billion dollar stadium; and the Refineries were built, among several costly projects. Headquarters of most oil multinationals (e.g., Exxon Mobil, NNPC) are sited in far-away Lagos (South-west) which means the company tax are paid to Lagos State. Sadly, this significant contribution to national revenue by the oil-bearing communities in the Niger Delta region has not meant anything in terms of socio-economic and physical development. The Willinks Commission report of 1958 captured the current state of the region in relations to other regions of Nigeria as follows: "the Niger Delta is poor, backward and neglected". In terms of poverty head count, available statistics in Akwa Ibom state alone, for instance, show that 72.3% of its population is poor (Umoh 2002). This is higher than the Nigerian average of 70.7%. The World Bank (1995, cited in Aaron 2003) added the ecological aspects when it observed that the ecological devastation unleashed on the region is life-threatening. The inflow of oil revenue in the early 1970s further led to an unprecedented boom in the economy and created opportunity for the State to pursue indigenization policy in the economy by introducing limiting quotas for expatriates, minimum purchase requirements of Nigerian goods, increase Nigerian ownership, among others. Public wages also rose sharply. For instance, in 1975 alone, average public wages were doubled in an attempt by the government to buy political support from key stakeholders (Ezeala 1993). However, where did these investments and public spending go and who benefited most? While major investments in public infrastructures went to the major ethnic groups who control the power equation in the country, the seat of oil producing region (the Niger Delta) was left unattended to in many areas, including employment, infrastructure development and provision, investment activities and many other development programmes of the country. A look at the transportation programme of government in the Third National Plan (1975-80) shows highly skewed allocation with the Niger Delta region receiving only 9.2% and this is also evident in the current rail construction programme ongoing in the country, of which a major part of the construction is being done in the southwest and Northern part of the country neglecting the Niger delta region. Also, within the said period of 1975-80, while other regions had high allocations for road development ranging from the least of 16% to the highest of 19.5%, the south-south (Niger Delta region) had the worst allocation of 9.2% of the Federal budget for road development for the period. This neglect or lopsided allocation to roads in the region is still evident as the east west road and other adjoining roads around the region have been left to a shadow of itself. The indigenisation strategy in the economy could not also work in the advantage of the people in the Niger Delta since most top government and company employees were dominated by workers from the north, south-west and east. Unequal distribution of infrastructures, employments and investments accruing from oil wealth in

Nigeria has often been used to explain the perpetual conflicts and restiveness in the region over the years which is as a result of distributive justice gone wrong.

3. The Politics of Development Agencies vs Revenue Sharing

The uniqueness of the Niger Delta problem drew governments' developmental attention from colonial to post-independence periods. Her Majesty's Government established the Sir Henry Willink's Commission during colonial times to recommend the best techniques for the development of the country's most difficult terrain. When the commission submitted its findings in 1958, it particularly proposed that the Niger Delta region be designated as a special area to be developed by the federal government. This was before crude oil became Nigeria's primary source of revenue. As a result of the suggestion reports, the Niger Delta Development Board (NDDDB) was founded in 1960 to handle the region's unique developmental needs. The Niger Delta Development Board (NDDDB) was idle until the civil conflict broke out seven years ago. Following the civil war, the River Basin Development Authority was established to promote regional development that would benefit the Niger Delta region, despite the willinks' requests for special attention to their developmental needs. This scenario sparked a wave of protests in the region, culminating in the formation of a presidential task force that set aside 1.5 percent of the Federation Account for the development of the Niger Delta (NDDC 2001). This had a minor impact on the region and did not address the people's growing restlessness and developmental requirements. Despite the fact that the Babangida dictatorship formed the Oil Mineral Producing Area Development Commission (OMPADEC) in 1993, it was unable to make considerable headway in the development of the region due to a lack of a master plan, limited money, and official corruption. The Niger Delta Development Commission (NDDC) was established in response to the failure of these development efforts. The NDDC Act provides that the commission in a way provides some of the infrastructural deficit and development needs if the region thereby making the Federal Government tactically dodges its developmental responsibilities to the region. In essence, this amounts to playing politics with the Niger Delta's development demands. In comparison to other regions that have paid little or nothing to the federal account, the Niger Delta region has not received its due share of the federal government's developmental "dividends" from 1954 to the present. Population, land size, and equity are the main criteria for resource allocation in Nigeria, all of which favour the Niger Delta region due to its lack of people and land size. Other criteria, such as land area, internal income effort, and social development, are less essential. Derivation was 100% between 1954 and 1959, after which it was discontinued and is now set at 13% as per Nigeria's constitution (1999 as amended) (Adenikinju 2002).

Also, the introduction of onshore/offshore oil revenue dichotomy has been politically used to further reduce the constitutional 13% to 7.5% (Aaron 2003). For instance from January 2000 to April 2002, the Federal Government of Nigeria released about N215.6 billion to the government of the South-South states in terms of revenue derivation from oil production. This represented 60 percent of the total revenue accruable to the states (Newswatch, May 5, 2003). What happened to the remaining 40 percent or N143.74 billion of the derivation fund not released? Compared to pre-1954 whereby regional governments had autonomy over their resources, the current arrangements only serve to alienate the Niger Delta region from having the full benefits of their resources giving rise to inequities and the cry of marginalization among the people. The Niger Delta is also entitled to a two percent (2%) ecological fund from the Federation account (to respond to the ecological problems of the entire country) of which 90 percent should be channelled to address the ecological problems in the region.

However, these funds have not been fairly utilized to reflect the mounting ecological problems in the region and which is mostly a result of oil exploration. The south-south peoples' conference (an advocacy group for the Niger Delta region) also noted as follows:

.....in the disbursement of ecological funds for example, the Lagos Bar Beach Project and the re-channelization project both in the south-west alone have taken more than what has been disbursed to all the projects in the whole of the south-south (Newswatch, May 5 2003: 24).

The crucial fact is that, since independence, Nigeria's power balance has not favoured the Niger Delta region in any way. While all other sections of the country have produced presidents since 1960, the South-South column has remained blank, at least until divine providence brought President Goodluck Eberé Jonathan to power following the death of President Umaru Musa Yaradua. The question of who receives what is determined by a region's amount of political authority, which has not been the case in the Niger Delta.

4. Oil Policies vs Wealth Distribution

The emergence of the Niger Delta region as an oil producing area within the Nigerian nation led to some policies primarily aimed at giving the central government considerable amount of controlling power over resources. One of such policies is the Land use decree of 1978 and its amended version of 2004, which vests the ownership and control of all land in Nigeria on the Federal Government. Although the Land use Decree succeeded in unifying the law relating to land tenure system in Nigeria, the timing of its emergence has raised some questions of security of tenure especially when the 'minority issue' is raised in a multi-ethnic society such as Nigeria. It has been argued that the transfer of property right to the government by virtue of section one (1) of the Act has placed limits on communities' abilities to make decisions about their surroundings (Oyeshola 1995). Today, the fundamental questions on the Land use Decree borders on the justice surrounding its present day relevance, in the face of persistent environmental degradation occasioned by petroleum exploitation in the oil rich region. According to Ndukwe, following Article one (1) of the Geneva Convention on territorial sea and the contiguous zone (1958), it would appear that oil spills from offshore drilling which causes damage and destruction that affects the territorial sea is the exclusive business of the Federal Government of Nigeria by the land use Act. In this matter, the coastal inhabitants are the direct victims in many ways. They suffer the loss of fish, which may not only be the basic source of their food but of their livelihood. In the same vein, oil spills that destroy crops on land will raise the question as to who has the radical title, whose enjoyment of land is being interfered with? Is it the Governor that claims for his fellow citizens as a constructive trustee or must the affected people show a statutory or customary right of occupancy as an evidence of interest in land? The decree itself is oppressive and cannot in any imagination be said to further the cause of empowering the people in the region as the interests and concerns of the oil producing communities are placed beneath those of oil corporations and the Nigerian treasury (Oyeshola 1995). Politically, this is one of the instruments of ethnic domination and disempowerment given the fact that the decree was brought into being when oil started becoming the mainstay of Nigeria's economy. Other oppressive decrees that have been used against protests and opposition in the region include the detention decree, treasonable offence decree and many others. The treasonable offences decree was effectively used in executing Ken Saro-wiwa and eight other activists for championing the resource control and environmental justice cause on behalf of the Niger Delta people. Even at the dawn of democracy in Nigeria, these decrees and laws have not been repealed as the total number of

Representatives of the region at the National Assembly cannot constitute a simple majority to counter the prevailing ethnic politics and domination by other regions. The problem now is how to control the massive consciousness of the people and the calls for 'resource control', which in most cases have degenerated into violent conflicts.

5. Decay in Leadership

The government's involvement in promoting good governance and achieving equitable income distribution in the Niger Delta is dependent on the general quality of leadership. Nigeria has gone through cycles of leadership transitions and problems over the last three decades, with the military dominating the scene. The military's command style and attributes hampered the development of democratic administration based on public engagement and individual/institutional responsibility. As a result, there was widespread corruption and the suppression of legitimate protests, particularly in the Niger Delta. Such an irresponsible governance system resulted in the late General Abacha's 1998 death of Ken Saro-wiwa and eight other Niger Delta activists for protesting against governmental and oil corporation negligence of the various environmental concerns associated with oil extraction in the region. While successive military administrations existed, there was no conducive atmosphere for the establishment and maturity of effective public institutions that were truly sensitive to the Niger Delta crisis.

A sigh of relief was to come on May 1999 when Nigeria transitioned to a democratically elected system of governance. This period coincided with the cry over persistent marginalization and subsequent demand for resource control by the people. The period is best captured by NDDC (2001) as follows:

the long years of neglect and deprivation, coupled with the insensitivity of some previous government and oil companies as well as the failures of previous development intervention agencies, had created by the late 1990s a volatile atmosphere characterised by protests, agitation and communal conflicts.

By 1998, the Niger Delta region had devolved into a lawless zone, with teenagers disrupting oil production at impunity and communities frequently engaging in destructive inter- and intracommunity violence with little provocation (Oyeshola 1995). On his first campaign visit to the region, then-presidential candidate Olusegun Obasanjo promised that if elected, he would design a program that would address the region's developmental needs promptly and fundamentally, bringing sustainable wealth and peace to the region. Following his election and inauguration as president on May 29, 1999, he kept his word and sent a bill to the National Assembly within two weeks of taking office, establishing the Niger Delta Development Commission (NDDC) as the agency in charge of implementing a program for the region's long-term development. Despite the fact that Presidents have personally and unilaterally presided over the Ministry of Petroleum Resources, as opposed to the normal practice of being headed by a cabinet Minister, the Niger Delta region has not been able to move beyond decades of developmental neglect and backwardness, both in terms of infrastructure and the general well-being of the people. As a result, there were accusations and counter-accusations in the presidential administration about misappropriation, misapplication, embezzlement, bribery, secret and illegal accounts, and poor accounting procedures in the oil sector, all of which were made in complete disregard of relevant rules, regulations, and standard practices.

Leadership corruption in Nigeria has manifested in various forms at high and low places. It is not even different within the Niger Delta Development Commission (NDDC) which was set up to specifically respond to the developmental needs of the people. Few months ago, the

chairman of the NDDC was suspended for alleged involvements in a whopping 800 million naira juju scandal to retain his seat and command supports at higher hierarchies of power. They have been an array of corruption running into billions of naira which has marred the commission for some years now and still counting. The implication of these is that the total revenue accruing from oil for the developmental needs of the region is not always properly accounted for. Few people in the ruling class control the oil wealth while the greater number does not enjoy the benefits but ecological degradation. As oil is the mainstay of the Nigerian economy, the impact of poor leadership translates to wide ranging poverty in the oil producing regions as every act of leadership corruption tends to capture and deprive the people of the benefits of resource exploration. This leadership and corruption is attributed to politics and injustices on the part of power that be and sentiment.

Recommendation and Conclusion

The Niger Delta region is Nigeria's economic engine, although it is plagued by infrastructure and environmental neglect. Because of its "minority status," it has been systematically marginalized and denied involvement in general national politics, which is dominated by ethnic dominance. Nigeria's oil wealth has come to be associated with poverty in the country's producing regions. These are fundamental governance challenges, and the role of "ethnic minorities" in resource distribution has pushed the threat of distributive justice to the forefront. To propose answers to the Niger Delta's challenges, many models, theories, assumptions, and data are frequently used. Because of governance and power politics failures, these rarely work. The escalating occurrences of violence, kidnapping, and disputes in today's Niger Delta explain the implementation of ineffective policies as well as the lack of "fair shares" and "fair play" in the allocation of their "God-given" resources. Who are the decision-makers in the Niger Delta for and on behalf of the people? What are the contents of such judgments, and who benefits from them? These are all political issues relating to environmental and development decisions, and they are at the heart of the Niger Delta issue. For solutions to be achieved, the Federal Government of Nigeria (FGN) must demonstrate a clear sense of political commitment, such as the commitment to clean up Ogoni, and inclusive politics aimed at total infrastructural development, such as the construction of the Bonny-Bodo bridge, which will link the island housing the NLNG to the mainland, and capacity building of the region's teeming unemployed youths. This could be one of the methods to make up for the region's years of neglect.

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