

Urban Violence, Ethnic Militias and the Challenge of Democratic Consolidation in Nigeria

Topics covered include:

- Historical antecedent of the phenomenon of ethnic militias in Nigeria
- Ethnic militias and the national question in Nigeria
- The management of ethnic conflicts in South Africa, 1990-1999
- Comparative perspective on ethnic militia, fringe groups and rebel movements: The case of the Great Lakes
- Nourishing democracy, nurturing diversity: ethnic militancy and resistance politics in Nigeria
- The changing nature of ethnic conflicts: Reflections on the Tiv situation
- Ethnic militias and democracy in Nigeria: A media perspective
- The media and the management of ethno-national differences
- Urban violence as metaphor: Insecurity, ethno-religious fault lines and the crises of democratic legitimization
- Case studies on Nigeria's ethnic militias: The case of OPC, Bakassi Boys, Ijaw of the Niger Delta, Voice of Izon, and MOSOP
- Ethnic and religious conflicts in Nigeria: Implications for the economy
- Activities of ethnic militias and their implications for national security: A perspective from the police
- Civil society, ethnic militias and sovereign national conference in Nigeria
- Democracy, constitutionalism and the phenomenon of ethnic militias
- Ethnic militias and the Nigerian state: The challenges before civil society
- The state, ethnic militias and the challenges of democratic governance in post-military Nigeria
- Beyond ethnic militias: Reconstructing the Nigerian state
- Justice and equity in Nigerian politics: A case for the Niger Delta

The editor, Tunde Babawale, is a professor of political economy and international relations in the Department of Political Science, University of Lagos. An erudite scholar, social commentator and political analyst, he is currently the Director/Chief Executive of the Centre for Black and African Arts and Civilization (CBAAC), Lagos, and has authored/co-authored or made contributions to several publications directed towards addressing key national and international problems.

Urban Violence, Ethnic Militias and the Challenge of Democratic Consolidation in Nigeria

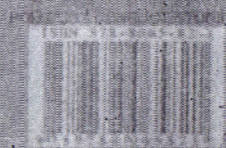
Edited by
TUNDE BABAWALE

Urban Violence, Ethnic Militias and the Challenge of Democratic Consolidation in Nigeria

Edited by
Tunde Babawale



Concept Publications



Second edition

Concept Human Sciences Series

Concept Publications Limited

77 Shipeolu Street, Palmgrove-Shomolu, Lagos.

P. O. Box 2516, Mushin, Lagos, Nigeria.

e-mail: deleconcept@yahoo.co.uk

Phone: 01- 8183150 & 0802 309 4010

First published 2003 by Malthouse Press Limited

© Institute for Media and Society (IMESO), 2003, 2007

First edition 2003

Second edition 2007

ISBN 978-8065-82-1

All rights reserved. No part of this publication may be reproduced, transmitted, transcribed, stored in a retrieval system, or translated into any language or computer language, in any form or by any means, electronic, mechanical, magnetic, chemical, photocopying, recording, manual or otherwise, without the prior permission of the copyright owners

Designed, printed and bound in Nigeria by
Concept Publications (Press Division), Lagos.
Phone: 01- 8183150 & 0805 259 4490

Contents

Dedication ii

Acknowledgements viii

Preamble ix

Introduction – *Tunde Babawale* xi

Notes on Contributors xiii

Part A

Ethnic Militias: Historical and Comparative Perspectives

1. The Historical Antecedent of the Phenomenon of Ethnic Militias in Nigeria – *Adigun Agbaje* 17

2. Ethnic Militias and the National Question in Nigeria – *Bolaji Akinyemi* 35

3. The Management of Ethnic Conflicts in South Africa, 1990-1999 – *Andries Odendaal* 44

4. Comparative Perspective on Ethnic Militia, Fringe Groups and Rebel Movements: The Case of the Great Lakes – *David Mafabi* 56

Part B

The Changing Nature of Ethnic Militancy and Resistance

5. Nourishing Democracy, Nurturing Diversity: Ethnic Militancy as Resistance Politics in Nigeria – *Oronto Douglas & Doifie Ola* 63

6. The Changing Nature of Ethnic Conflicts: Reflections on the Tiv-Jukun Situation – *Remi Anifowose* 71

traditions. One of such is through the formation of their respective ethnic militias. Many of these ethnic groups in the South, especially those in the Niger Delta, see the nation-state as existing solely to exploit and oppress them, and it is their utmost desire to liberate themselves from this *'monster'* called Nigeria.

The question is, is Nigeria indeed a *'monster'*? We think so for now to the extent that she is not prepared to hear the lamentation and cry of the aggrieved ethnic groups (who feel oppressed and deprived) through the convocation of a Sovereign National Conference to resolve the nationality question. Until that is done, and urgently too, more ethnic militias will emerge as one of the processes towards a possible catastrophic disintegration of the nation-state.

Chapter 25

Justice and Equity in Nigerian Politics: A Case for the Niger Delta

—Tunde Babawale & **Adelaja Odukoya

Introduction

THIS chapter is divided into three parts. Part one explores the theoretical and philosophical discourses on justice and equity. Part two deals with a brief interrogation of the constitution of the Nigerian state and explicates the centrality of the Niger Delta to the Nigerian political economy, with particular emphasis on the paradoxical underdevelopment of the region. In the final part, a case for a just and equitable distribution of national power with the shift to the Niger Delta is canvassed, following which we draw the conclusion. The intention here is to situate the imperative of justice and equity in the origin, structure and composition of the Nigerian political economy.

Theoretical and Philosophical Discourse on Justice and Equity

A proper starting point of any discourse on justice and equity is the identification of the ends which it seeks to serve. These two concepts are consequently better seen as a means to an end. Those ends which justice and equity seek to achieve are social harmony, community progress, individual and collective development, stability and health of the human ecology. In other words, justice and equity seek the protection of humanity from self-inflicted harms and pains that could be injurious to the human social existence as an orderly collective. As Ogundare (1994: 106) opines, "justice seeks to promote what is utmost fairness in relations among a society and consequently remove ills in the society." It is to this end that Euben (1990:39), argues: "justice provides impetus and place for otherwise antagonistic forces (whether in the soul or state) to enhance both the social efficiency and moral efficacy of the community."

What then is justice? According to Agbede (2004: 169), justice is nothing but a moral imperative. It connotes a notion of equality, which could be of a distributive or corrective nature. According to Ogundare (1994: 105):

Particularly, justice is either distributive or rectificatory. The first can be illustrated by the distribution of honour or money or such other assets which are divisible among members of the community. Rectificatory justice is by remedies an inequitable division between two parties by means of a sort of arithmetical progression. Thus, when one party has inflicted, and the other suffered a blow, or one has killed and the other has been killed, the active and passive aspects of the affair exhibit an unequal division. The judge tries to equalise them with the help of penalty.

How then does injustice take the place of justice in the human community? As Aristotle (cited in Mukharji, 1972:4) argues, "Injustice arises when equals are treated unequally and also when unequals are treated equally". Pieper (cited in Johari, 1987:358) identifies three basic norms of justice:

"(i) Reciprocal or mutually exchanged justice which orders the relations of individuals called 'cumulative justice' or 'justice in exchange'; (ii) ministering justice, which brings order to the relations between the community as such and the individuals composing it with the result that it marks the inseparable association between law and order; and (iii) legal or general justice, which orders the members' relations to the social whole."

The common threads in the above postulation are: one, justice implies fairness; two, justice entails equality of opportunities to social benefits, including power to control the state; three, there cannot be justice when no conscious attempt is made to correct obvious injustice to equal stakeholders in an enterprise; finally, justice embraces a programmatic sense of collectivity and inclusiveness. Hence, accommodation, proportionality and equitability are the underlying factors in the justice equation. In fact, according to Ogundare (op cit) "equity is the rectification of legal justice." To this end, legalism does not necessarily make for justice. A strict adherence to constitutional provisions and majoritarian democratic precepts with little or no regard to minorities' concern may be counterproductive in the long run for national stability and development. Plato's articulation of justice to mean "giving to every man his due" is

meaningful in the present context. A nation without justice cannot endure for long.

While legal justice ultimately has its purpose in the sustenance of the human community, as argued previously, it is a very shaky basis on which to construct an enduring and stable nation made up of a diverse and heterogeneous population, especially with regard to Nigeria where the resource for social production and reproduction is owned by the minority who, given their minority status, are excluded from power. This calls for political justice, which is not only the progenitor of legal justice, but is of a superior nature in the context of social balance, distributive justice and power equalisation. As Aristotle articulated, political justice is the property of every community of free and equal citizens with a commonality of interest in general welfare and progress, which is either done "arithmetically or proportionally." In his elaboration of this position of Aristotle, Ogundare (ibid), submits: "Hence in associations where these conditions are not present there is no political justice between the members, but only a sort of approximation of justice".

In *Arior v Elemo* (1983) 1SC. 13 at 81, it was held:

Immutable justice demands that justice must be even-handed and where injustice has been done by unfair adjudication, nobody can set a substantive standard of justice for himself by acquiescing to it. (Cited in Ogefera 1997: 157).

Our final concern is whether injustices could be purposive, and the propriety of justifying any form of injustice. Ogundare (1994) provides a perceptive answer to this when he argued:

It is only when an unjust act is voluntary that it is blamed. There are three kinds of injury. Those done in ignorance are mistakes. Those done knowingly but without premeditation are (sic) an injury. The first two do not make the doer unjust or wicked. Those done on purpose or maliciously are unjust and wicked.

How are we to understand the continued and historical injustices done to the people of the Niger Delta socially, economically and politically since the formation of the Nigerian nation? Are they to be understood as ignorant mistakes, unpremeditated injustices, or malicious and calculated injustices?

These we shall explain presently.

Nigeria and the Niger Delta: A Tale of Oppression, Exploitation and Subjugation

According to two of Nigeria's founding fathers, "Nigeria was a mistake of 1914" (Balewa); and also "a mere geographical expression" (Awolowo, 1947:47-48). What this implies is that, conceptually and empirically, Nigeria cannot meaningfully stand the test of nationhood. The above expressions therefore underscore the crisis, contradictions and ambiguities embedded in the foundation of the Nigerian nation.

Nigeria was not just a creation of colonial imperialism but in fact a dysfunctional marriage of disparate and otherwise autonomous political entities which neither willingly nor consciously surrendered their independence to be ruled by a single political power. What informed the political matrimony was the administrative convenience and logic of colonialism. This was made possible given the superior weaponry and fire power that was deployed by the colonialists in their drive for a safe and secure territory for surplus appropriation and expropriation.

The question that naturally arises from the above articulation is whether the formation of Nigeria as a nation under the above historical circumstances and context is in any way peculiar? In other words, is there any reason in the formation, constitution and composition of Nigeria as a nation under the overarching interest of colonialism that precluded her achieving political stability, national harmony and consensus, economic development, and, more importantly, a pervasive consciousness of nationhood?

Another pertinent concern relevant to our problematic in this chapter is the interrogation of those political variables employed/engaged by nations in similar circumstances, and suffering from the dilemma of national maladjustment and structural incongruity as a result of the peculiar circumstances of their composition, as a desideratum for the convocation of an enduring national architecture. Put differently, of what heuristic benefit is the application of justice and equity as a *sine qua non* for nation building, political development and economic prosperity, with particular reference to the Niger Delta region of Nigeria?

Colonialism, as experienced in Nigeria, was not just arbitrary; it was a very autocratic, undemocratic, oppressive and dictatorial system. Expectedly therefore, the nature and character of the state that colonialism institutionalised in Nigeria followed the logic of these

negative orientations. To compound this crisis, the economic process that was put in place was highly dependent, with the centrality of foreign capital concretely assured.

The implication of this was the subservience and subordination of the domestic ruling classes to imperialist capital. This was due to their lack of control over the means of production within their economy. Not only were the various social formations integrated by colonialism to form Nigeria not consulted, the colonial authorities, in furtherance of their own interest, created artificial majorities where none existed hitherto. For instance, before 1954, there was no entity known as Hausa-Fulani. As Usman and Abba (2005:56) argue, "Hausa-Fulani, cannot meaningfully define an ethnic group, or a nationality, because Hausa is a language with its associated cultures and identities," just as Yoruba solidarity was a creation of colonial politics of survival and irredentism."

The same can be said of the Igbo. As Usman and Abba (Ibid: 43) again argue, "The Yoruba ethnic identity, like almost all the others in Nigeria, is a product of the formation of Nigeria in the late 19th and 20th centuries. This process was not simply one of the integration of communities speaking related dialects. It involved the incorporation of people speaking different languages." Relying on the authority of Dike and Ekejiuba (1980:6), Usman and Abba (Ibid: 51) demonstrated that the Igbo ethnic identity is of a very recent date.

Within the context of the dependent political economy, the creation of the majorities and minorities' dichotomy was a veritable instrument of exclusion, marginalisation, underdevelopment, exploitation, oppression and injustice. All these were already clearly evident well before independence. And it was in this context that the Willink (Minorities) Commission of 1957 was set up by the colonial authority in the wake of the country's march towards independence in 1960. The discovery of oil in commercial quantities in the Niger Delta, and its transformation as the dominant source of national wealth and capital accumulation, has only further compounded the oppression and exploitation of the people of the Niger Delta area by the combined forces of the local ruling classes and global capital. The state economic nationalism was a function of the oil wealth from the Niger Delta (Obi, 1997: 141).

As Odukoya (2006) posits:

The oil-based accumulation in the Niger Delta has not been justified on account of national development

legal backing in the *Land Use Decree of 1978* and the *Land Use Act of 1980* and *Section 40(3) of the 1979 Constitution* and also *Section 42(3) of the 1989 Constitution* which gave the Federal Government the ownership and control of all minerals, mineral oil and natural gas within The Nigerian territorial boundaries. This was an improvement on *Section 15 of Decree 51 of 1969*, which contains similar provisions.

Oil has brought mixed blessings to Nigeria. For the majority ethnic groups, especially those living in the urban areas, oil has brought about unparalleled prosperity and improved welfare. Paradoxically, for the entire Niger Delta region where the oil is found, it has been sorrow, tears and blood. As Olorode (1998: 15) opines, "Consequently, the oil industry in Nigeria has inflicted unprecedented agony on the indigenous communities by completely disrupting the waterways, by destroying soil, water, air, animal and plant life and indeed cutting off all the means of livelihood of the communities". The Ogoni Bill of Rights equally lamented the paradox of poverty in the oasis of wealth in Nigeria when it declared, "...oil and gas have only brought misery to Ogoni people... deprived them of farmlands and polluted their streams. Nigeria should be a rich, and not a debt-ridden country with education, health...in a parlous state, its people hungry and malnourished".

As Odukoya (ibid) further contends:

Following from the above scenario, it is not surprising that the potential wealth of the Niger Delta has turned into an apparent poverty. Majority of the Niger Delta people are living a subhuman life. This is because they happen to be minorities and powerless in the dynamic power calculus between the imperialist forces represented by the multinational oil corporations and the ruling oligarchy in Nigeria, represented by the major ethnic groups.

The agitation, resistance and protests of the people of the Niger Delta have been met with continuous state violence and brutalisation. This started with the suppression and repression of the Isaac Jasper Adaka Boro insurrection in the Niger Delta in 1966. The trial and death sentence passed on Boro, Dick Nottingham and Samuel Owonaru for committing treason against the Nigerian state was the beginning of the massive bloodletting by the Nigerian political class against the Niger Delta people. This pattern has become institutionalised. The massive oil wealth was not only instrumental to the attraction of the military to power in Nigeria, military rule

also served the purpose of the ruling cabal in their grand exclusion, suppression and exploitation of the Niger Delta people.

The military, especially during the Babangida and Abacha regimes, acted like soldiers of occupation in the Niger Delta. The people were seriously violated and suffered serious degrading abuses. The peak of this was the judicial murder of Ken Saro-Wiwa and the 'Ogoni Eight.' Without any equivocation, oil in the Nigerian political economy has encouraged internal colonialism and domestic oppression. This explains why international best practices are not given consideration in the operations of the multinational oil companies working in the Niger Delta.

It is therefore not surprising that from Odi to Choba, Warri to Yenagoa, Ilaje to Ogoniland, Okrika to Afam, and from Andoni to Eleme, what we have are monumental cases of economic desolation, environmental degradation, social disarticulation, excruciating poverty and unparalleled youth unemployment and underemployment. It is within this context that the people, through various organisations and platforms, call for justice and the control over their God-given resources. The failure of the constitutional mechanism to redress these apparent injustices was at the root of the escalating conflicts and violence in the Niger Delta area. The late Ken Saro-Wiwa and his Movement internationalised this struggle for equity, justice and development for the survival of the Ogoni People.

The demands of the Niger Delta people are simple, genuine, practical and constitutional. Basically these involve a control over their resources and destiny; justice and equity within the Nigerian federation as a major stakeholder providing the mainstay of the political economy; a chance to administer Nigeria like other regions of the country; and, more importantly, a right to be treated as an equal partner in the Nigerian project, as well as the development of the Niger Delta whose underemployment is directly a consequence of the volume of oil taken by the Nigerian state from the soil of the region. Above all, the Niger Delta people are demanding for genuine democracy, constitutionalism and the rule of law in the affairs of the Nigerian state. As the saying goes, "to whom much is given, much is expected". The Oil Minerals Producing Areas Development Commission (OMPADEC) set up during the military regime of President Ibrahim Babangida, the Niger Delta Development Commission (NDDC) established by the Obasanjo administration in 1999 as well as the increase in derivation allocation in the 1999

Constitution to 13%, have been nothing but tokenism to a largely oppressed community.

The inelegant structure of power in the Nigerian federation is a major factor in the perpetuation of injustice and inequity in the Niger Delta region. The Nigerian federation has been largely administered as the enclave and empire of the three major ethnic groups, whereas the minorities like the Niger Delta are treated as conquered people. It is also instructive that when the interests of the major ethnic groups are involved or injustice is visited on any of them either by omission or commission, immediate action is taken to redress the situation.

It is within this context that we can understand the post-civil war policy of *no victor, no vanquished*, as well as the policy of *Reconciliation, Rehabilitation, and Reconstruction (The 3 Rs)* towards the Igbo. Also, the return of the so-called "abandoned properties" of the Igbo in Lagos and Port Harcourt is another example of injustice by the Nigerian state. The fielding of a Yoruba candidate by all the political parties in the 1999 general elections was a conscious national effort to redress the injustices inherent in the annulment of the June 12, 1993 presidential election believed to have been won by Chief Moshood Abiola. Not to be forgotten is the constitutional provision for federal character, the quota system for admission and recruitment into the armed forces, and the convention of religious balancing in the choice of presidential candidates and their deputies.

In other words, the Nigerian state is not insensitive to injustice when the interests of its managers or hegemony are concerned. As the situation stands now, of all the geo-political zones in the country it is only the Niger Delta that has never produced the president of the country. The fact that the South-West has been in power since 1999 is no reason to foreclose the chance of the South-South to rule Nigeria. Out of the forty-six years of nationhood, the North has been in charge of the affairs of the nation for thirty-five years!

Recommendations and Conclusion

We cannot hope to build a stable and united nation when a part of the country is treated with disdain on account of its demographic state. Nations like America, France, Switzerland, India, etc., have similar compositions like Nigeria, but they have been able to engender a sense of nationhood through the enthronement of justice, equity, rule of law, constitutionalism, participatory and popular democracy.

If Nigeria must develop economically, socially and politically, the solution must entail the transformation and reordering of the power equation in the country. And in the present circumstance, the power must move unequivocally to the South-South. This is the only path to peace.

As an anonymous writer once said, "*the final justice, against unjustifiable injustice, is justifiable justice.*" As we said earlier, justice entails *distributive* and *corrective* imperatives. Distributive and corrective justice both favours power shift to the Niger Delta region. The policy of reconciliation, rehabilitation and reconstruction needs to be urgently brought to bear on the Niger Delta situation before it is too late. What has happened in the Niger Delta since independence in 1960 could be likened to a low intensity war against the people of the region with the rest of Nigeria, especially the major ethnic groups, as the aggressor. The irreducible minimum condition to redress this historical injustice and guarantee lasting peace in the country is to concede power to the Niger Delta region.

References

- Agbede, I.O. (2004). "Perspectives in Law and Justice." In Irukwa, J. O. and I.O. Umezuike, *Judicial Excellence: Essays in Honour of Hon. Justice Anthony I. Iguh*. Enugu: Snaap Press Limited pp 169-190.
- Awolowo, O. (1947). *Path to Nigerian Freedom*. London: Faber and Faber.
- Euben, P. (1990). *The Tragedy of Political Theory*. Princeton: Princeton University Press.
- Johari, J.C. (1987). *Contemporary Political Theory*. (Revised and Enlarged Edition). New Delhi: Sterling Publishers Private Limited.
- Obi, C.I. (1997). "Globalisation and Local Resistance: The Case of the Ogoni versus Shell". *New Political Economy*, Vol.2, No. 1, pp. 137-148.
- Odukoya, A. O. (2006) "Oil and Sustainable Development in Nigeria: A Case Study of the Niger Delta", *Journal of Human Ecology*, India. Vol. 20, No. 4, December, pp. 249-258.
- Ogeferra, A.P.A. (1997). *Nigerian Law through the Cases*. Benin City: URI Publishing Limited.
- Ogundare, J.D. (1994). *The Nigerian Judge and His Court*. Ibadan: University Press.
- Olorode, O. (1998). "Imperialism, Neocolonialism and the Extractive Industries in Nigeria." In CDHR, *Ken Saro-Wiwa and the Crises of the Nigerian State*. Lagos: CDHR.
- Usman, Y. B. and A. Abba (2005). *The Misrepresentation of Nigeria*. Second Edition. Zaria: CDDRT.