

The Politics of Oil in Nigeria: Transparency and Accountability for Sustainable Development in the Niger Delta

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Abstract

The discovery of crude oil in Nigeria led to the neglect of agriculture that was the mainstay of the economy. Politics shifted to oil and how to maximize revenues accruing from the export of the commodity. Certainly, the power elites were the reckless in the management of oil resources, including the depletion of other reserves. In the process, corruption eclipsed both accountability and transparency. Eventually good governance and development were sacrificed and the people were left at receiving end. The paper examines these issues as they relate sustainable development in the Niger Delta.

Keywords: Accountability, Transparency, Oil Resources, Sustainable Development

Introduction

Oil politics has become a critical issue in Nigeria's body politics. Since the discovery of the black gold (crude oil) in Olobiri in 1956, oil became a determining factor in the economy and over took agriculture in foreign exchange earnings in the subsequent decades. Before oil was discovered, agriculture was the mainstay of the economy employing over 60% of the population.

After the Nigerian Civil war, the country's elites, both military and civilian struggled to capture political power at the central and state levels. It became "a do or die affair" because of the oil wealth flowing. The battle for the national cake even worsened after the Yom Kippur War (Arab – Israel War) of 1973 that led to the skyrocketing of oil prices when the Arab States imposed oil embargo on the Western countries because of their support for Israel. Nigeria witnessed a series of military coups that brought different military leaders to power so that they could have a share of the national cake, i.e. enrich themselves from the oil wealth. Also, a democratic transition brought into power, civilians that did not fare well at the central, state, and local levels. At all levels, they are out to amass wealth at the expense of development. It has negatively affected development in the Niger Delta; because of corruption at the central, state, and local governments, the area is neglected. Indeed, funds earmarked for project developments were appropriated by some elites because of lack of accountability and transparency in the country.

Because of corruption in the system, fiscal federalism has been badly manipulated and practiced at the detriment of the oil producing areas. In brief, fiscal federalism is a failure in Nigeria, when compared to other countries, including the United State of America. Actually, all kinds of formulae were adopted by powerful political groups in order to maximize the benefits of the oil wealth to their regions/states and also fill their pockets with petrodollars. For instance, political decisions unfavorable to the Niger Delta region were taken, such as; oil facilities like oil multinational corporations headquarters were sighted in Lagos and NNPC in Abuja. Indeed, taxes, among others paid by these oil corporations are enjoyed by Lagos State, a non – oil producing State. Certainly, most of the oil wealth is circling between Lagos and Abuja. In addition, the 1963 Republican Constitution formula used mainly for the principle of derivation whereby states/regions received 50 percent derivation of their products was jettisoned by the military when it intervened in the country's politics. In addition, oil subsidy is a bane of corruption in the Nigerian economy.

Theoretical Issues

The intervention of the military in Nigeria's politics in 15 January 1966 destroyed the principle of derivation that was enshrined in 1963 republican Constitution. It provided for 50 percent derivation benefit or gain for each of the region's earnings of their produce. Because of the military involvement in politics, coupled with the civil war, whereby oil became a major source of foreign revenue earnings, led to the military elite destroying the existing derivation formula to the detriment of the oil producing regions of the Niger Delta.

In 1914 Lord Lugard, the Governor General of imperial British rule in the colonial territory of Nigeria amalgamated both the Northern and Southern Protectorates without the consents of the colonial peoples of Nigeria. It was done arbitrarily without the settling several of the outstanding problems and issues of governance and as well as how the new union of the amalgamation will be financed. It might be argued that the current problems facing the Nigerian State were the unresolved issues of governance, finance, ethno – regional, among others, before the amalgamation was put in place¹.

The principle of derivation anchored on the 1963 Republican Constitution was based on regionalism and provided for fiscal reviews every five year. However, with the ascendance of the military the fiscal reviews were thrown away and replaced by centralized system of poor accounting of the oil revenues. Prior to military rule, each of the region's main agricultural exports were cocoa, groundnuts, palm produces, timber, rubber, cotton, hides and skins among others. Respectively, each of the four existing regions then enjoyed 50% of the principle of derivation or fiscal federalism from each of their exports. As crude oil became the mainstay of the economy, the military dictators devalued the principle of fiscal federalism. The successive military regimes reduced the 100 percent derivation to 3 percent and under General Abacha regime; it was raised to 13 percent. As oil, revenues began to flow in surplus, every military leader or civilian one coupled and with civil servants from their regions cornered most of the oil wealth to themselves. Thus, the urge for primitive accumulation of wealth by these leaders led to corruption in every sector of the oil economy².

The tension existing in the country is being fueled by oil, how they will take possession and control of the oil wealth, including the NNPC and other associated institutions in the oil sectors. The major ethnic groups are the ones dominating every sector of the oil economy and their position in government and the economy has had negative implications for the population and the ecosystem in the Niger Delta. For instance, over fifty years now the oil producing region is facing environmental disaster as a consequence of oil production. Certainly, the neglect of the oil producing communities led to the emergence of the Niger Delta militia (Freedom fighters). Over the past fifty (50) years of oil exploitation and exploration, the successive governments failed to develop the economy was used by the then military and civilian leaders to develop their respective regions/states, while under developing the Niger Delta. In fact, the oil rich Niger Delta had to confront environmental degradation, pollution, gas flaring, disease, and abject poverty. As such, youth restiveness, eventually led to the rise of the freedom fighters that questioned and challenged the Nigerian State over neglect, underdevelopment, environmental degradation, fiscal federalism, lack of representation at the federal level and poverty in the Niger Delta. The situation led to the 'Niger Delta Crisis', when the youth took arms against the Nigerian State. Consequently, the Nigerian government came out of its buckler to negotiate with the Niger Delta freedom fighters in order to resolve the crises³.

Certainly, one might argue that oil was one of the factors that led to the civil war. The federal military regime under General Yakubu Gowon and Lt. Col. Ojukwu, the military leader of the Eastern region, both wanted to assert their control over the oil and the oil revenues accruing from it. It might also be argued that those who control the oil also control the nation's oil wealth. This is why since 1960s to date; the dominant groups in the country struggled to take possession of the oil and its earnings.

¹ Esekumemu Clark (1991). *African International Relations: The Post – Cold War Era*. Vienna: Development Publisher

² Kaiama Declaration (1997). Kaiama, see also Bright Ekuerehare (2009). 'Development Options for the Niger Delta Region.' *Journal of Social and Management Science Review*. Delta State University, Abraka, pp. 17 – 25

³ Gini F. Mbanefoh and Festus O. Egwaikhide (1999). *Revenue Allocation in Nigeria: Derivation Principle Revised*. In Kunle Almuwo (eds) *Federalism and Political Restructuring in Nigeria*: Ibadan: Spectrum Books. Pp. 213 – 231. See also Esekumemu Clark (2009). *Oil as a Source of Political Conflict in Nigeria: The Case of Ijaws*. In Victor Ojajorotu, (ed.), *Contending Issues in the Niger Delta Crisis of Nigeria*. Houston: JAPSS Press.

Indeed, they used all kinds of policies to manipulate the system and also deployed security forces to secure and perpetuate their hold on the crude oil as well as the former Eastern Nigeria now the present day River State and Bayelsa State. At the time, the Eastern region was under the rule of the military regime based in Enugu. As tensions started simmering before the war, several of the oil fields (wells) were under the jurisdiction of the military regime of Lt. Col. Ojukwu in Enugu. As such, vast oil revenues came under the control of the military regime in the east. Among others, oil wealth and royalties were being paid by foreign oil multinational corporations to the military regime in the Eastern region of the country; it became worrisome to the federal military regime in Lagos⁴.

The oil companies, particularly Safrap and Shell – BP, encouraged Biafra to secede; they paid it some royalties, helped with external propaganda, assisted in the running of oil installations, provided needed supplies and pressured their home governments to support Biafra's position. Safrap is suspected to have paid royalties of about \$7 million to Biafra between November and December 1966 alone⁵. Thus, the federal military regime it became of paramount importance to declare war on Biafra (Eastern region) in order to assert and secure sovereignty, jurisdiction, and takes over the control of the oil fields and the wealth being generated from the crude oil. In view of this, the federal military regime had to promulgate several land, oil and minerals Decrees to enable it exercise right of sovereignty, jurisdiction control and ownership which gave land, oil and other minerals to the federal government. The federal military regime through its obnoxious Decrees and other policies destroyed the principle of fiscal federalism that existed under the 1963 Republican Constitution.

As the Kaiama Declaration shrewdly noted, the obnoxious Decrees coupled with a series of policies implemented by the Nigerian State were some of the underlying factors perpetuating the underdevelopment of the Niger Delta. The genesis of all this is the urge for primitive accumulation of wealth which led to the institution of corruption as illegal state practice among the ruling elite. As regards to the principle of derivation, the Kaiama Declaration (1998) stipulated: 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 rumoured 13% in Abacha's 1995 under democratic and unimplemented constitution.

Politics of Oil: The Lack of Transparency and Accountability

Since oil became a major determinant of the Nigerian political economy, it has influenced and shaped the course and nature of politics and development in the country. The quest for the oil wealth has intensified the battle in the country to acquire political power by the elites whether through the ballot box or by the barrel of the gun. Oil is a factor that is pushing both the civilians and military officers to seek power in order to benefit from the huge oil wealth personally. Such behaviour had led to problems of underdevelopment and dysfunction in the country's political economy.

The urge for power has disarticulated the country's political system. It has led to political instability, economic distortions, and failures in several development projects and programmes. Consequently, it has led to abject poverty, environmental degradation, underdevelopment, sectionalism, violence, and insecurity. Again, the advent of oil in the Niger Delta has led to the dislocation of that region's political economy. The political economy and the delicate network of social relationships in the Niger Delta have been compromised by the discovery of petroleum oil. The advent of oil production disrupted a hitherto stable political system that was supported by a vibrant subsistent agricultural sector which also accounted for about eighty percent of local employment⁶.

At independence, the country had three regions, the Northern region, Eastern region and Western region. In 1963/64 a fourth region, Midwest was created out of the Western region, after a referendum which the mid-westerners overwhelm voted for and opted out of that region. Before independence minorities, questions were not properly addressed. The minorities wanted their own regions because their human rights were abused, including discriminations and domination by the dominant groups.

⁴ Esekumemu Clark (1991). *African International Relations: The Post – Cold War Era*. Vienna: Development Publishers. See also Billy J. Dudley (1973). *Instability and Political Order: Politics and Crisis in Nigeria*. Ibadan: Ibadan University Press.

⁵ O.J. Ihonvbere and T. Falola (1988). *Nigeria and the International Capitalist System*. Boulder: Lynne Renner Publishers.

⁶ Victor Jike (2005). *The Political Sociology of Source Control in the Niger Delta*. see Hassan A. Saliu (ed), *Nigeria Under Democratic Rule (1999 – 2003)*, Vol. 2, Ibadan: University Press, p. 54

The dominant ethnic groups controlled the then three regions, the North, East, and West. Infact, when the Midwest was created out of Western region then under Action Group (AG), both the Northern People's Congress (NPC) and NCNC controlled governments, respectively, refused to heed the demands of their respective minorities for a region of their own. In the north, the Hausa/Fulani dominated government based in Kaduna failed to find a common ground with the minorities including the Tiv of the Middle belt for a region of their own. The NCNC led government based in Enugu also refused to address the demands of the minorities such as the problems and challenges facing the Ijaws and other groups in that region⁷.

In addition, it must be noted that the Midwestern part of the Western region was created from the Yoruba dominated government based in Ibadan because of the Action Group crisis (leadership crisis) of the 1960s. One might argue that if there was no constitutional crisis in the west among the Action Group leadership (Yoruba leaders) the Midwest region would never have been created, because it should have been unacceptable and an antithesis to the Yoruba nation. The Action Group crisis divided the party into two major factions. One faction was led by Chief Obafemi Awolowo's supporters while the other group was led by Chief S. L. Akintola and supporters; and Chief Akintola then was the Western regional Premier. He and his supporters broke away from the Action Group (AG) to form a new political party, the Nigerian National Democratic Party. Thereafter, new alliances emerged in the Nigeria's political landscape. The NCNC and AG joined to form the UPGA while the Northern People Congress (NPC) and NNPP formed the Nigerian National Alliance (NNA). These alliances raised the political heat in the country. Both UPGA and NNA respectively, supported their allies in regional elections such as the inconclusive Western regional election which acted as one of the cathysics that led to the military intervention in politics in the country⁸.

With the involvement of the military in the polity from January 15, 1966, it imposed its straitjacket on the economy. After the events of the civil war, the military under the supreme Military Council (SMC) fiscal federalism was centralized with the abrogation of the 1963 Republican Constitution which made provisions for the principles of derivation. However, the aftermath of the Arab Israeli (Yom Kappur) war in 1973 led to the skyrocketing of oil prices as a consequence of the Arab oil embargo. Nigeria made huge amount during the oil boom. After General Gowon, subsequently military and civilian leaders mismanaged the funds. There was no transparency and accountability on how much of the petrodollar made was spent. Thus, the then leaders failed to direct their attention on how to develop the oil producing communities of the Niger Delta. While much of the resources from the oil earnings were trashed out in foreign banks or spent on foreign policy misadventures at the detriment of achieving sustainable development in the Niger Delta, the area was left to bear the full brust or consequences of environmental degradation and underdevelopment. For instance, during the Gulf War between Iraq and Iran in 1980s, the country made US\$12.4bn oil windfall under General Ibrahim Babangida's regime. How the US12.4 bn was spent was unaccounted for and also the military leader then even denied any knowledge of such money.

Chronicled: The \$12.4bn billion oil windfall money that accrued to the federal government between 1988 and 1994 was spent by the former military President, General Ibrahim Babangida (rtd)⁹. Indeed, there are several such cases where billions of dollars made from oil are unaccounted for, stolen, or mismanaged by different regimes to the detriment of the development of the Niger Delta. As regards to the oil money, mismanagement and corruption eclipsed transparency and accountability in the system¹⁰.

⁷ Billy J. Dudley (1973). *Instability and Political Order: Politics and Crisis in Nigeria*: Ibadan: Ibadan University Press

⁸ Esekumemu Clark (1991). *African International Relations: The Post – Cold War Era*. Vienna: Development Publishers. See especially Chapter 1, on the Power (Political) Elite and Origins of the Nigerian Civil War. Pp. 33 – 48

⁹ Vanguard, November 30, 2012:6 Lagos, Nigeria. See also Kauyode Soremekun (1991) oil and Democratic Imerative in Nigeria. In Dele Olowu, Kayode Soremekun and Adebayo William (eds), *Governance and Democratization in Nigeria*. Ibadan: Spectrum Books. Pp. 97 – 109.

¹⁰ Claude Ake (1996). *Democracy and Development in Africa*. Washington, DC: The Brookings Institution. See also all the Chapters in A.S. Akpotor (2007) (eds.) *Cost of Governance in Nigeria: An Evaluative Analysis*. Ekpoma: Amrose Alli University. Several of the Chapters highlight lack of transparency and accountability, Mismanagement, Corruption that causing Huge Cost of Governance and Negatively Undermining Economic Growth, Performance, Development and Prosperity in Nigeria.

Certainly, verification of the amount of oil produced/lifted, exported and oil receipt were not properly documented by the appropriate authorities such as oil multinational corporations, Nigerian National Petroleum Corporation (NNPC) and the federal government. The country had lost and is still losing billions of dollars monthly or annually because of selfish attitude of those actors and the lack of transparency in the oil sector. Oil is recklessly being extracted without the concern for environmental degradation and the rapid depletion of oil in the Niger Delta in the next few decades. The elites are only interested in the flow of oil revenues which they are benefiting enormous from. In fact, the Nigerian State has put in place various policies to seize land and mineral resources aggressively to further the interests of the dominant groups.

The Nigerian State is interventionist and violent in character, with the result that it paid little attention to the degradation of the environment in the Niger Delta and the massive abuse of human rights. The character of the state is such that there is the tendency to interpose coercion in economic processes. This intervention of the state is usually for the selfish interests of the ruling and dominant classes. Again, the evident possibilities of wealth, states, power and patronage that state intervention has demonstrated has ignited stiff factional struggles within the ruling elite, as witnessed by the numerous coups d'état and violent politics for control of state power. This struggle for the control of state power has influenced the formulation of oil policy and the laws guiding the relations between the oil producing communities and the multinational oil companies in a way that favoured the oil companies and their cronies who constitute the dominant and ruling classes in Nigeria. Whereas the state is supposed to assist in ameliorating the harsh living conditions of the peoples of Niger Delta, it has rather been perceived as being a collaborator with the oil companies in destroying the rich bio – diversity of the Niger Delta¹¹.

The Oil Regime

The Nigerian state has operated an oil subsidy policy for several years in order to cushion the effects of actual market prices of oil products on the Nigerian public. In fact, averages of 35 million litres of petrol are consumed daily in the country. In August 2011 the landing cost of litre petrol is N129.21, it makes a margin for transporters and marketers of N15.49 and the pump price of petrol to N144.70. The initial official pump price for petrol is N65 per litre and the government subsidises a difference of N79.70. () Indeed, the fuel subsidy regime has encouraged the emergence of a group referred to as a cabal that has been involved in the manipulation of the oil sector for several years. The cabal has been involved in shade deals including declaring fuels they did not import and collected billions of naira from the Nigerian state. Among others, the marketers are cheating and encouraging corruption in the oil sector. The payment of oil subsidy by government has led to the marketers being fed fat which has contributed to increase in the poverty level in the country. Resources that should have been invested into social and physical infrastructure have been stolen by marketers, because some government officials colluded with them to default the State. As empirically demonstrated, from 2006 to 2011, a total of N3.7 trillion was spent on fuel subsidy. In 2011, the sum of N1.38 trillion was spent between January and October while the sum of N1.436 trillion was spent in December. It represents 30 percent of total government expenditure, including 18 percent of the capital budget and 4.8 percent of the GDP (Gross Domestic Product). In addition, in 1999 the government spent the sum of N600 billion on subsidies alone, and N800 billion was spent on subsidy in 2010. (Source)

There are several reasons why the government is keen on the removal of the fuel subsidy. These are:

- a. To enable the government to properly deregulate and liberalize the petroleum sector as such the fuel subsidy must go, so as to reposition and oil sector and boost the economy.
- b. Fuel subsidy removal will lead to increase in revenue earnings by saving the sum of US\$ 8 bn yearly.
- c. It will open up the petroleum sector to competition and also attracts flow of foreign investment.
- d. Fuel subsidy removal will make resources/funds available for the state to invest in infrastructure developments. Thus it would contribute to economic growth, development and poverty reduction in the country.
- e. Fuel subsidy removal will encourage the private sector to invest in refineries and petrol chemical industries in the economy.

¹¹ O. Agbu (2005). Oil and Environmental Conflicts. In Hassan A. Saliu (ed.), *Nigeria under Democratic Rule (1999 – 2003)* Vol. 2, Ibadan: University Press. Pp. 87 – 99. See also V.T. Jike (2005). *The Political Sociology of Resource Control in the Niger Delta*. In Hassan A. Saliu, (ed.), *Nigeria under Democratic Rule (1999 – 2003)*, vol. 2, Ibadan: University Press. Pp. 153 – 160.

Meanwhile, several marketers obtained Forex but failed to supply the petroleum product, thus undermining the Nigerian State and negatively impacting on development and poverty reduction. The fuel subsidy was managed with lack of transparency and devoid of any accountability. Below are the names of marketers who collected Forex and also those companies that participated in the scheme and refused to appear before the House of Representative Committee.

The list of marketers who collected Forex

S/N	Names Of Marketers (2010-2011)	Amount (US\$)
1.	Business Ventures Nig Ltd	-
2.	East Horizon Gas Co. Ltd	-
3.	Emadeb Energy	-
4.	Pokat Nig. Ltd.	-
5.	Synopsis Enterprises Ltd	-
6.	Zenon Pet & Gas Ltd.	-
7.	Carnival Energy Oil Ltd	-
8.	Crownlines	-
9.	Ice Energy Petroleum Trading Ltd-	-
10.	Index Petroleum Africa	-
11.	Ronad Oil & Gas W/A	-
12.	Serene Greenfield Ltd	-
13.	Supreme & Mitchelles	-
14.	Tridax Energy Ltd	-
15.	Zamson Global Res.	-

Total: S337, 842, 663.8664, 767,763.22

Source: The House of Representative Committee Report on fuel Subsidy, 2012

The List of Those Companies That Participated In the Scheme but Refuse to Appear Before the House of Representative Committee, 2012.

S/N	Name Of Marketer	Amount (N)
1.	Mut – Hass	-
2.	Nepal Oil & Gas Servo Ltd	-
3.	Oilbath Nigeria Ltd	-
4.	Techno Oil Ltd	-
5.	Somerset Energy Services Ltd	-
6.	Stonebridge Oil Ltd	-
7.	Mobil Oil Nigeria Plc	-
8.	AX Energy Limited	-
9.	CAH Resources Association Ltd	-
10.	Crust Energy Ltd	-
11.	Fresh synergy Ltd	-
12.	Ibafon Oil Ltd	-
13.	Lottou Oil & Gas Ltd	-
14.	Oakfeild Synergy Network Ltd	-
15.	Petrotrade Energy Ltd	-
16.	Prudent Energy & Services Ltd	-
17.	Rockey Energy Ltd	-
Total:		41,936,140,005.31

Source: The House of Representative Committee Report on Fuel Subsidy, 2012

Conclusion and Recommendations

Conclusion

Oil has been a driving force in the body politics of the Nigerian State. The urge for primitive accumulation of wealth is a factor that is pushing the power elite to undermine the development needs of the Niger Delta region had been appropriated by some of the elites. The power tussles among the elites led to several military coups and to a civil war.

Thus, it eventually led to the abrogation of the principle of derivation that was anchored in the 1963 Republican Constitution. Certainly, the attitude of the elites subsequently led to massive corruption in the system as well the eclipse of transparency and accountability.

Recommendations

Based on these factors that have been indentified the following recommendations have been made:

1. Transparency and accountability should be given utmost consideration.
2. There should be noticeably improvement of infrastructure in the Niger Delta.
3. Corruption in the system relating to oil matters should be combated
4. Environmental degradation should be seriously tackled because of its effects on the livelihood and health of the people. Also, critical efforts should be made to avoid the depletion of scare environmental resources, such as fish, birds, animals, mangrove forest, economic trees and farm crops.
5. Agriculture should be boosted and given a new lease as it was before oil was discovered
6. Local business in the oil producing communities should be encouraged.
7. The political economy of the Niger Delta region should be strengthened so as to contribute to sustainable development and poverty reduction.
8. Sound macroeconomic policies should be put in place in order to boost the Nigerian economy, to enable it to participate fully in the international division of labour.
9. Those obnoxious decrees such as the land, oil and minerals that were promulgated by the then military regimes should be abrogated. These decrees had contributed negatively to the underdevelopment of the political economy of the Niger Delta region, per se.

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