

# The Quest for Resource Control in Nigeria: The Niger-Delta Experience

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## Abstract

The paper examines some fundamental factors that spur the quest for resource control in the Niger Delta areas in Nigeria. The pursuit for resource control has been at the centre stage of public discourse in Nigeria's quest for fair sharing and public discourse. The clamour for fairness, justice, equity, equality and good conscience has been the wish of many groups and civil society organisations, communities in the Niger Delta. The paper reviewed the probable areas under which the aggrieved communities could be catered for especially social amenities. For some time now, the subject of this paper has been on the front burner of public discourse through incisive and engaging features by youth groups, CSOs and communities political leaders such as states governments from the oil producing states in the South-South zone of Nigeria. This work highlighted the great potential of Africa and urgent developmental needs of this vital geo-political region of the Niger Delta with critical analysis of the link between variables of ethnicity and religion as vital instrumentalities fueling the quest for resource control. This work also traced the historical antecedents of resource control vis-à-vis the environment as the main cause of conflict globally and the Niger Delta situation in particular. The paper concludes within frustration aggression theory that the role of the federal government through some policies in collaboration with the oil drilling companies have exacerbated the restiveness and agitations in the Niger Delta. Thus the processes and outcome of the scenario is inimical to the ethos of socio-economic and political development in the region and Nigeria as a whole. The paper therefore revealed that various governmental attempts aimed at providing solutions to resource control through requisite institutional framework like the NDDC is *sine qua non* to the agitation by various communities in the region. To arrive at this conclusion the paper relied on secondary sourced data from electronic and printed documents.

**Keywords:** Resource Control, Quest, Nigeria, Development, Niger-Delta.

## 1. Introduction

There is no gainsaying the fact that the issue of resource control has grossly been misconceived, misinterpreted and misrepresented in various quarters based on the emotional and/or perceptual standpoint of different individuals. Through threats and blackmail, efforts are being made to treat the phrase "Resource Control" as a national shibboleth and anathema.

It is important to point out that the issue of resource control should not be misconstrued as the peculiarity of Niger Delta area alone, but applicable to all the states that make up the Nigerian Federation. We must acknowledge the fact that every state in Nigeria has its own share of resources and it is the question of how they explore and develop it. Similarly, resource control include all natural resources whatever they may be, deposited or located in the country. Resource control is not the same thing with oil control (Michael, 2001).

The issue of resource control in Nigeria has generated so much controversy over the years to the extent that a lot of people have been emotionally carried away in the way they go about their agitation or condemnation of resource control. This has been as a result of palliative measures adopted by government leaders in solving the problem of resource control rather than finding a permanent solution to the problem, the emotion of most Nigerians was or has been manipulated and become antagonistic to resource control by the political intrigue of Nigerian leaders.

In regard to the above, the Southern Governors' Forum proclaims its stand on this issue in its communiqué at the end of the their meeting in 2001 defines resource control as "the practice of true federalism and natural and in which the federating units express their rights to primarily control the natural resources within their borders and make a great contribution toward the maintenance of common services of the government at the centre". This dogma cannot be true in its entirety as the individual and not the state is the final repository of this general will (Dafinone, 2001). These developments underscore the national dimensions of the Niger Delta problems and their relevance to the corporate existence of Nigeria. The nation is however, yet to have a clear meaning of the concept of resource control. Thus One of the former Governors asking for it, Chief Lucky Igbenidion (2001) of Edo State was reported to have said as cited by Thursday Punch Newspaper of April 15, 2001 to have defined resource control thus:

"Resource control means if I as a Benin man goes to Kebbi State and finds gold, the resource should belong to me and not the State or the Federal Government. All I owe the Federal Government is to pay taxes and royalties. The same principle should apply if a Kano man

comes to Edo, Delta or Bayelsa and strikes oil, he only pays royalties and taxes to the State or the Federal Government”, (Punch, 2001).

This definition departs from a commonly held notion that resource control is the grant of power and rights to the states to exploit the oil and mineral resources found in their domain. Igbenidion’s idea smacks of individuals taking control of the resources which if it is adopted could further compound the miseries of the people. The country therefore is yet to know the true meaning of resource control.

Resource control in today’s political lexicon refers to the appropriation of mineral deposits found in some states by such states. By implication where such minerals are located they become the property of that state by alienation. This is to enable the government of these states to pursue development programmes that will ameliorate the burdens and sufferings of the people. The demand, strange as it seems, is the collective desire of the people. The government responded by whittling down this demand, to accommodate its interest by virtue of Section 162 (2) of the 1999 Constitution which gives back thirteen percent (13%) of the money generated from oil resources to the various state governments. The reason for this capitulation arose not out of sympathy or love but because of the ferociousness with which the youths in the oil states were advancing their course.

## **2. Frustration-Aggression Theory**

The work has made use of the above theory in respect of two views, firstly, in recognition of the underdevelopment of the Niger-Delta region which led to the carrying of arms by the Niger-Delta militants. Secondly, in view of the fact that the Federal Government of Nigeria did not copy in whole the totality of the United States’ Presidential and Federal systems of government. The work of Schmid, Jongman, & Documentatiecentrum (1984) explores the meaning of violence, political crime, assassination, victims of terrorism, and motivation in explaining why men involve in violent acts. The underdevelopment of the Niger-Delta region by the states in the Niger Delta region and the Federal Government gave rise to the quest for violent agitations in the region (Ikelegbe 2001). Frustration-aggression theory explains why people fight for what they believe to have gotten or in place of neglect, refusal to address prevailing Situation that affects the people. In such a situation for example, the people believe that the government should provide social amenities, infrastructural development as well as provision of jobs for the people but when neglected, they result to violent acts against the government (Ukeje, 2001).

Frustration emerge when the expected is not provided or addressed, and that gives room for aggressive behavior as seen in the case of the Niger Delta region. Ukiwo, Ahonsi, Ako, Emeseh, Samuel, Ukeje, & Oluwaniyi, (2011) connotes that, the Niger Delta Militants were riding on the back of widespread frustration that non-violent protests were not having the desired effect on petro-business, and that resorted to violence and attacking the oil companies in the Niger Delta region. Therefore, when the needed is not provided and the desired is not addressed, frustration sets in and aggressive behavior takes the stage resulting to violent acts (Pastore, 1952; Fox & Spector, 1999; Feierabend, & Feierabend, 1972; Breuer & Elson, 2017; Bandura, 1978; Grimm, 2008; Baron & Richardson, 2004; Miller, Pedersen, Earleywine, & Pollock, 2003). The second view explains how frustration on seeing the development of the Niger Delta led to the quest for resource control within the Niger Delta region. Although, this work acknowledged that the agitators did not act violently but organized into summits by their leaders on calling for the control of their natural resources in the region.

## **3. Study Area: Niger Delta**

Niger Delta is located in Southern Nigeria, a geographical framework mainly populated by Ijaw, Urhobo, Isoko, Itsekiri, Ibibio, Ogoni, Ikovere ethnic nationalities spreading over a total land mass of about 70,000 square kilometers. The region is inhabited by estimated population of 20 million Nigerians in 2000 communities, (Census, 2006).

The region is said to start from North of Aboh in Delta State, southward to palm point just below Akassa and the Nun River Benin estuary to east of the Imo River estuary. The entire region has various types of sediments arising from the River Niger deposits. It has the geomorphological characteristics of acrid swamps, mangrove vegetation and difficult terrain that posed difficult problems for development.

The area is also a home to Ogonis, the Ikwerres, Ekpeyes, Ogbas, Egbemas, Engennes, and the Abuas of Ahoada division as well as the Obolos, and the Opobo people. In addition to the Ijaws of Western Delta are the Urhobos, Isokos, Itshekiris and part of Kwale. In the present composition, the Niger Delta covers six states of south-south namely Akwa-Ibom, Bayelsa, Cross-River, Delta, Edo and Rivers. However, the legislation of the Niger Delta Development Commission (NDDC) in 2000 has further expanded the frontiers of the Niger Delta to include Abia, Imo, Akwa-Ibom, Bayelsa, Cross River, Delta, Edo, Rivers and Ondo States thus making the political map of the Niger Delta to comprise nine states.

The region remains pervasively poor and underdeveloped, lacking virtually all forms of social amenities and infrastructure, including electricity, portable water, medical facilities, road, shelter etc. the area suffers a regrettable legacy of hunger, high and rising unemployment, communal conflict, youth restiveness and all forms

of social insecurity.

#### 4. The Debate on Resource Control

The politics of resource control cannot be said to be a new phenomenon, it has become a topical issue of debate among scholars in various conferences, summits and seminars. AuwaluYadudu the then legal adviser to Late Sani Abacha believes that states cannot control their resources, citing some countries of the world mostly governed by monarchies to back his claim. In his view presented to the Committees on Revenue Allocation and Fiscal Federalism and on Environment and Natural Resources of the National Reforms Conference, the Legal luminary made the following points clear in relation to resource control:

- (a) That any claim for absolute or any form of control, ownership, dominion or any other proprietary claim by any state, being a component part of the federation, to hand over mineral resources belonging to the federal government of Nigeria lacks any legal or constitutional basis in Nigeria under International Law.
- (b) That it is incorrect to assert that states in Nigerian federation have any claim whatsoever to mineral resources situated under inland, soil or on seabed under Nigerian territorial water and sovereignty. According to our laws and constitutional provisions, such resources belong to the federal government.
- (c) States both littoral and non-littoral, do benefit from a distribution of the federation account on account of the derivation principle not by virtue or on the basis of any claim of entitlement to, dominion or possession of natural resources found on their soil and adjacent to it but solely in obedience to an act of the National Assembly passed within a specific objective and in furtherance of the provisions of Section 162 of the 1999 Constitution.
- (d) That the provision in the 1999 Constitution, which stipulates that in calculating the share of revenue accruing to them from the consolidated revenue distributed to states, the derivation principle shall be accorded "... no less than 13%..." was arrived at by process of consensus building generated by well-meaning Nigerians from all walks of life and every part of the country during the 1999 Constitutional Conference. This language is flexible and fluid enough to be utilized by the National Assembly, when the need arises (Okonmah, 1997)

During the First Republic, the derivation principle was applied strictly because it favored the northern and western regions and it is true that during the post war period and the First Republic, there was a strong agitation for the derivation principle on the allocation of the federation's revenues. This was because the northern and the western regions were subsidized at a particular time the poorer eastern region (which included the present south-south zone) and that time the source of revenue was the hard labour of the peasants (Ostheimer, 1973:33).

In reaction to the change in attitude to the principle of derivation, Mbanefo (1993) stated that "the speed at which the derivation principle paled into insignificance with changes in both sources of revenue and allocation is purely a political power game. Besides having history on their side, the oil producing states have based their case for their derivation principle in the negative side effect of mining activities in their areas. What most people from the Niger Delta area are crying for is an increase in the derivation fund. Their cry according to former Governor James Ibori is that *"before the oil well dries up, please allow this region to use the monies to diversify their economies so that they can be sustained when in case the wells dry up"* (Okonmah, 1997:33). There is no point exploiting these natural resources and using the money in the way that defies all accountability theories and then leave us high and dry when the well dries up, Okonmah, (1997).

Thus the editor of the Daily Independent while writing on page C4 on Friday, January 2, 2004 said:

"Non-adherence to universally approved safety and environmental standards has left the Niger Delta Basin, where over 96 percent of oil related operations take place, extensively devastated... massive land and atmospheric pollution alongside local input in production operations has remained abysmal as the multinationals source over 90 percent of their requirements, ranging from furniture and chemicals to machines pumas platforms and personnel from their respective home base in Europe and the United States. This has hurt the Nigerian economy greatly the same way as it stymied the drive for backward integration and technology transfer".

The idea is so simple and the prospects so exciting that you wonder how anybody could possibly misunderstand it except as a deliberate act of confiscation. One found the judgment delivered by Hon. Justice T.A. Oduowo on 16<sup>th</sup> February, 2000 in Suit Number FHC/LCS/689/95 involving Elugushi and other VS, the Attorney General of the Federation and others most pertinent to the issue of resource control. He had this to say: *It must be emphasized that as of now, land is to Lagos State what oil and gas represent to the oil producing states.*

His conclusion therefore was the essential resources of Lagos State must continue to be controlled by that state. It cannot be different from other national resources. All states of the federation must control their natural resources. It has been documented that the plundering of the resources of the Niger Delta people and their

struggle against exploitation, environmental degradation and control of their resources date back to the chattel slavery era in the Sixteenth Century (Okonta and Douglas, 2001). This continued into the colonial era till date. However, the publicity and tempo of the struggle increased with the formation of the Movement for the Survival of Ogoni People for its development. Also in the same vein in October, 1999 the Movement of the Survival of Ethnic Nationality (MOSISEND) among other things demanded for the right of the Ijaw to control their natural resources. Hence Kiama declaration among other things asserted the right of the Ijaw people to ownership and control of their lives and resources. Kiama 1998 Declaration affirmed that:

“All land and natural resources (including mineral resources within the Ijaw territory belong to Ijaw community and are the basis of our survival. We cease to recognize all undemocratic decrees that rob our people/communities of the right to ownership and control of our lives and resources, which were enacted without our participated and consent include the land use decree and the petroleum decree etc”, (Kiama Declaration, 1998:12).

The provision of the constitution is merely an aspiration of political will of the government that lacked the basic legal condiment. Environmental protection should be fundamental legal right of the citizens and this is applicable to developing countries such as South Arica, Burkina Faso, India, China and others. The right to good environment is closely associated to a right to minimum quality of life and anything that affects health physically, emotions and means of livelihood threatens life itself (Smith, 1998).

After five months of heated debates of National Constitutional Conference-CONFAB (2014), intense lobbying, horses trading and mud’s clinging by 492, delegates representing various interests across the country, the National Conference has finally ended. Many delegates played various roles in propagating their agenda, thus, adopting all manners of strategies to ensure that their interests were protected. The agenda that generated heated arguments are South-South which referred as the region that lays the golden egg, the Niger-Delta delegates were led to the conference by former Federal Commissioner and Ijaw leader, Chief Edwin Clark. He was also the self-appointed political father of former President Goodluck Jonathan.

Clark led the South-South delegates at the conference providing them adequate political cover, the chief went extra mile to issue both direct and veiled threats against what he termed “parasitic” regions that constituted themselves as cog in the wheel of progress for their agenda (Constitutional Conference Reform 2014). Raymond Dokpesi was at the conference under the platform of the media, but he switched from his professional calling to become the “Chief Executor” of his Niger-Delta regions plan. Annkio Briggs is a Federal Government delegation from Niger-Delta she advocated for the total control of resources by the Niger-Delta with vehemence. Chief Victor Attar former Governor of Akwa-Ibom was the Chief Diplomat of the region. He commanded respect as a gentleman and Pan-Nigerian even while advocating for the Niger-Delta.

From North, Yadudu a former Presidential Adviser, headed the Northern delegation, he defended the letters and spirit of the constitution, whenever there was any attempt to flout it as confab rejected new constitution, battle shifted to National Assembly.

## 5. Resource Control and Federalism in Nigeria

According to Awolowo (1968) “federalism is a constitutional system under which the people of any particular territory are politically united in subjection to the control, not of one government supreme over them in all matters and for all purposes, but a number of governments each supreme in a divine sphere of its own, free completely from the possibilities of encroachment from the rest”. This is cardinal and gives rise to the assertion that in a true federal arrangement, no level of government is subordinate to one another, but rather all tiers of government are co-ordinate to each another.

Notwithstanding Nigeria’s history of the 1950’s has attested to the reality of codified federalism and it was the only established time of political freedom in the country, the essential of federalism was demonstrated by a deliberate quest of all Nigerians with intention for a transparent and unique government that responded to the needs of the generality without distinctive phrases.

Nigeria at independence practiced rationalistic federalism. The country was grouped into regions. Each region operated independently without undue interference and hindrance from the central government. The former governor of Lagos state Bola Tinubu’s argument of true fiscal federalism is his “critical issues” series a step in a right direction. He argued that it is utterly ridiculous and unjust for more that 80 percent of VAT proceeds to be spending outside the state which generated the same percentage. As a matter of fact, if Nigeria were practicing true federalism, the principle of resource control is justified and is in line with the concept and tenets of true federalism. In an ideal federalism or federation, the federating units are autonomous by implication each of the 36 states in Nigeria should be empowered (by a federal constitution) to take charge of their resources and pay taxes and other fiscal obligations to the government at the centre (Adebisi, 1998).

Unfortunately, the devolution of powers, political and fiscal which started in 1954 continued in the 1960 Constitution and affirmed in the Republican Constitution of 1963 with some amendments by the founding fathers of the Nigerian Federalism had its provisions violently suspended in part and amended by the military

coups in 1966 (Asobie, 1998:26-28). Though none of the pre-military governance constitution could qualify as “original act of the people of Nigeria” (Asobie, 1998:22); the distortions and damage to the constitutional provisions by subsequent authoritarian military administrative fiats through the instruments of decree and edicts, have created serious tension among the nationalities, classes and social groups in Nigeria.

From the foregoing, we can see that Nigeria is a federation by name but a feudal empire in practice or a unitary system in a federal garb. “By the power of this constitutional coup d’etat the central government is given authority to appropriate all the revenue from the juicy resources in the country which it in turn dispenses to the states and local governments according to criteria which are blatantly unfair (Darah, 2001). It is this political economy of feudal rather than fiscal federalism that emasculates the states and local governments to the points where they are unable to run sustainable programmes. Nigerians are getting tired of all these emotional defence of moribund and exploitative federal system that only leads to the ignoble situation where the rest of the country will be expected to catch cold each time the federal government sneezes out some toxic air or fall of oil price in the international market. Asobie (1998: 29-36) argued that if Nigeria was not a fraudulent federalism and a jack booth of democracy, the issue of resource control would have been long settled, either through a national conference or the proper interpretation or a review of constitution.

## 6. Conclusion

The pluralistic views and beliefs has been one of the most significant causes of social crisis and political instability in Nigeria and the country is sharply divided along ethnic lines, ethnicity have been perceived in general as a major obstacle to the overall political and economic development of the country. It has been argued that the ethnic problem in Nigeria is indeed the “national question” around which a great deal of our national life revolves, and in the name of which all sorts of crimes has been perpetrated against the nation. Looking at the concept within the context of political economy approach, this study places much emphasis on the manipulative tendencies of the elite and the ruling class towards satisfying their age long interests at the expense of the vast, silent majority of Nigerians thus constituting obstacle to meaningful solution to the resource control dilemma. The above scenario has consequences on the socio-economic development of the country as a whole. Therefore, stakeholders - the Federal Government, Leadership of South-South Governor’s Forum, Non-Governmental Organisations, Civil Society Organisations, community leaders, International Non-Governmental Organisations and youth groups needs to fashion out modalities to minimize tensions and crisis on the basis of fair sharing and resource control.

The level of poverty and environmental degradation suffered by the vast majority of inhabitants of the area is perhaps unprecedented in Nigeria. Furthermore, it is incongruous with the law of social justice that an area from where such wealth is being generated should remain paradoxically without basic necessities for decent, meaningful existence side by side abject poverty. This is a metaphor for present day Nigeria. For being not just the area from which the bulk of state revenue is sourced but also for the strategic reason of being the area from which our country is most vulnerable to foreign attack. There is strong and compelling case for decisive intervention by the federal and state governments of the area to massively improve the living conditions of the area. I firmly believe that improving the living conditions in the Niger Delta would have a positive ripple effect on the rest of Nigeria in quantum terms. Such interventions should however be balanced side by side with the larger interest and not creating conditions for unhealthy regional dichotomies in terms of wealth and development in the country. Oil is a national patrimony which all citizens collectively as Nigerians own and for which defence many have fought and died for its provision and sustenance.

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