Mechanisms of the Politics of Oil: Spaces of Exception and Functions of Governmentality in the Nigerian Context

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Abstract: Since the discovery of oil, Nigeria has enforced governmental mechanisms that denigrate its citizens and distributed its power through territorial and spatial networks of domination. The State has maneuvered in both domestic and global politics and markets to ensure the continued exploration and exploitation of their oil reserves. To do this the State passed laws regulating the property ownership and citizenship. This paper explores this narrative and analyzes the processes and techniques of Nigerian power. [1]

[1]As an Anglo-American in the University of Oxford who has never been to Nigeria, I can only write and critique on what I have read. My experience as an American citizen points to the importance of oil in society, but also how the government shapes, directs and controls this essential natural resource. Like many Americans, the atrocities and policies of my government do not reflect my beliefs or political stances. I can only assume the same is true for the majority of Nigerian citizens and others committed in solidarity to justice and a world committed to human dignity and respect regardless of ethnicity, race, or political orientation.

Introduction

Oil is the coveted natural resource. Governments are built and destroyed depending on their oil reserves and geopolitical importance. The presence of oil integrates the controlling power within the larger globalized world constructed around geopolitics, markets, and transnational corporations. Among the several states central to international oil distribution is Nigeria. Located on the Gulf of Guinea in Western Africa, Nigeria evolved from a colonial state system to a postcolonial state system, and from the 1980's to the present, a neoliberal state system (Adejumobi 2011, 7). The Nigerian government embodies the characteristics of an authoritarian post-colonial oil exporter integrated into the globalized world – neoliberal, corrupt, elitist, militaristic, unequal, and constrained by contentious electoral politics. Nigeria's geopolitical importance in the world's oil infrastructure minimizes the critical political attention paid to its domestic policies – as long as the oil continues to flow in advantageous ways. More than any other factor, the presence of oil in Nigeria transformed the State, both in how its citizens view themselves and their government, but also how the rest of the world views Africa.

In this paper, I argue the politics of oil captured the Nigerian State power in such a way as to require a repressive government system. I show this by first centering the politics of oil in a spatial axis to highlight the importance of space in the politics of oil. Then, I show how the Nigerian government used governmental techniques of their colonial oppressors against their own citizens. To do this, I first place particular importance on the sovereign exception whereby the state assigns particular statuses to individuals that either place them outside the legal system with its associated rights. Second, I look to the necessity of governing "at a distance" and the production of nodes of institutional power along networks of influence. I then highlight the Niger Delta as a space where the use of these two techniques has created a violent, unjust, and

divided space. The purpose of this paper is to highlight the processes and techniques of governance, which work in discursive and often hidden ways, and how they manifest in Nigeria through the politics of oil.

Space/Place/Territory

Territory and spatial understandings of oil reveals how the State enforces power through and along geography. Oil was discovered in the Niger Delta in 1956 and the colony joined the cadres of oil exporting nations in 1958. Gaining independence two years later, oil would forever shape the identity of postcolonial Nigeria. Britain's transfer of power highlighted to the new nation-state the importance of sovereign territorial control over natural resources. As Foucault stated, "[t]erritory is no doubt a geographical notion, but it's first of all a juridico-political one: the area controlled by a certain kind of power" (Foucault 2007, 176). Thus, the sovereign must exercise power over spaces to retain control.

Natural resources, in particular, produce more territorial stakes than many other sectors of capital accumulation and heavily rely on the legal structures delineating political boundaries, land ownership, and local representation (Le Billon 2004, 5). The postcolonial state drew its lines of power through text onto territory itself. Sites of exploitation where marked on maps and strategies implemented, all to ensure the continued expansion of oil exploration, production, and export. These new places and spaces of importance were "conceived as a series of surfaces and containers upon which governmental aims can be projected and within which certain practices can be enacted" (Huxley 2007, 191). The locations of exploitable oil reserves demands the government to constantly consider organizing and defining space and territory – "[i]f every strategy of power has a spatial dimension, power also has a practice of spatial domination that is

appropriate to its strategy" (Brabant 2007, 25). Ensuring the constant exploitation and export of oil requires governmental discipline over territory, bodies, and politics.

Techniques of government

Nigeria's exercise of territorial and spatial power reveals uneven processes of development, subordinated bodies, and unjust (mis)enforcement of law in geographic spaces. Familiar with the governmental mechanisms of their colonial rulers, the Nigeria's postcolonial elite recreated and continued the politics and legal mechanisms of their colonial oppressors. This occurs through a variety of government policies and mechanisms, but two in particular are mentioned here – governmentality and the sovereign exception. The sovereign exception is the technique where the State assigns statuses to individuals marking them as despised, dispossessed, or bare (Sylvester 2007, 67-8). The State relegates these individuals to an existence outside of the law. This sovereign exception or state of exception, is a "technique of government that produces a topographical juridical-territorial order by determining the inside and the outside of law…" (Belcher, Martin et al. 2008, 500). As is often the case with states of exception, the boundaries of the accepted are based on ethnic or geographical terms. In Nigeria, one author explains how this state of exception operates through legal definitions, "[t]he dichotomy between 'settlers' and 'natives' and 'indigenes' and 'non-indigenes' or local citizenship became the rule for distributing position, power, and resources in Nigeria" (Adejumobi 2011, 12-3). In other manifestations, the state of exception can subsume entire regions, such as the Niger Delta mentioned later in this paper.

The application of pre and postcolonial legal techniques continues to legitimize the practice of the powerful subjugating others as they were subjugated themselves. An inherent

internal colonialism exists whereby the State exploits and dispossesses those marked for exception. As one author notes, the "[l]ocal populations experiencing a creeping collapse of recognizable politics can eventually take the increasing exceptions as either inescapable or nearly normal" (Sylvester 2007, 69-70). The normalization of such processes is the most destructive moment for democracy and representational politics. Branded bare by the State, those experiencing the state of exception are at the mercy of State power unless contestation of this status is generated from within and without through social and legal mobilization. By defining the inside and outside, the State materializes the empowered and disempowered. The inside and the outside have been drawn on maps, upon space, and on bodies. This process of creating spaces of exception allows for the distribution of power to acceptable bearers of power. The empowered are thus nodes in the State network of governance.

The normative discourse of state power is often imagined as a central authority decreeing laws and regulations to its citizens. In other words, a top down approach. James Ferguson argued that we should look to hierarchical relations when considering the exercise of power – "by always foregrounding the spatial distribution of hierarchical power relations, we can better understand the process whereby a space achieves a distinctive identity as a place" (Ferguson and Gupta 1992, 8). The attention upon a hierarchy of power, whether it is a child to a father, a family to a chieftain, or a governor to the central government, indeed provides a lens through which to view the creation of spatial identity. However, enforcing power through a top down approach simplifies the networks of power sustaining government structure, governance, and the identities of spaces. Nikolas Rose argues for a more nuanced approach in analyzing manifestations and networks of power –

> Political power is exercised today through a profusion of shifting alliances between diverse authorities in projects to govern a multitude of facets of economic activity, social

> life and individual conduct. Power is not so much a matter of imposing constraints upon citizens as of 'making up' citizens capable of bearing a kind of regulated freedom (Rose and Miller 2008, 53).

Instead of seeing power as something imposed, we can view the exercise of power as productive and based in networks of institutionally sanctioned power centers whereby each encounter is negotiated between these centers at the local level thereby producing new knowledge, power, and spaces (Mills 2007, 49). These empowered centers generate, distribute, and continue the processes of government within their governable spaces. This process reveals the central power "utilizing and instrumentalizing forms of authority other than those of 'the State' in order to govern spatially and constitutionally 'at a distance'" (Rose 1996, 46). These cross-boundary institutional mechanisms of governance produce nodes of power “through which it becomes possible to link calculations at one place with action at another” (rose and Miller cited in) (Agnew and Coleman 2007, 325). The centralized power can form regulations, rules, and policies and have them acted out through these networks. Rose puts it another way, “[t]o the extent that the modern state 'rules', it does so on the basis of an elaborate network of relations formed amongst the complex of institutions, organizations and apparatuses that make it up, and between state and non-state institutions” (Rose and Miller 2008, 55). Power is distributed through these mechanisms to maintain dominance and ensure enforcement.

Limiting our analysis to a top down hierarchical approach or dominant/subordinate positionality, between individuals or agencies, removes the complexity derived from recognizing the power producing capabilities of individuals and agencies. This theory applies to more than a central authority enforcing regulations to states, but also applies to the smallest centers of power enforcing regulations upon bodies in the remotest areas of Nigeria.

Manifestations of Spaces of Exception and Governmentality

The State often fashions these techniques of government through textual maneuvers codified in law. The disciplining and punishment mechanisms surrounding law make it one of the most effective ways to steer and enforce power. The sovereign state of exception is a function of law as well as sites of governmentality. The assignment of statuses through legal means provides a legitimizing facade to the injustice of the exception. Moreover, by codifying networks of power through regulatory and constitutional means provides the foundation for the State to govern "at a distance." The Petroleum and Land Use Acts mentioned below reveal how these theories manifest into practice in Nigerian politics.

Shortly after decolonization, global politics and transnational corporations infiltrated Nigeria and attempted to influence the nation's oil practice and policy. In response, the Nigerian government passed the Petroleum Act of 1969 to settle the issue of ownership. The preamble to Nigeria's 1969 Petroleum Act states its goal is –

> to provide for the exploration of petroleum from the territorial waters and the continental shelf of Nigeria and to vest the ownership of, and all on-shore and off-shore revenue from petroleum resources derivable therefrom in the Federal Government" (Nigeria 1969).

In other words, the government owns all manifestations of oil in all Nigerian spaces. The Section 2.2(b) of the Act requires that a license for oil exploration or mining leases or licenses can only be given to companies incorporated in Nigeria (Nigeria 1969). These two laws centralize power and vest control over the State's most important natural resource. The Act ensures predictability for investors and streamlines the process for exploration and exploitation, but at a steep price.

The Petroleum act essentially dispossesses the land rights of every individual who happens to own land sitting upon oil. The Act cleans the slate of any property ownership. If

there is oil or the possibility of oil, land ownership and capital control vests with the State. This effectively denies property ownership complaints that citizens may have against the government while depriving original landowners capital gain from oil exploration and exports. The Act provides for "fair and adequate" compensation if their is a surface disturbance, loss, or damage -- for those with recognizable land claims (mentioned in both Section 2.3(36) & Section 7.2(9))(Nigeria 1969). This Act altered the lives of many who lived in “familiar and ancestral places [who now] find the nature of their relation to place ineluctably changed, and the illusion of a natural and essential connection between the place and the culture broken” (Ferguson and Gupta 1992, 10). The decades and perhaps centuries of customary land ownership has forever changed. With this Act, the government vested itself with ultimate oil power. Subsequent regulatory and legal mechanisms designs and distributes this power along networks and nodes of power.

Most likely in response to the problems of governing a complex State, Nigeria delegated its power and control of land to the states. The Land Use Act of 1978 vested land ownership rights, excluding federal land, solely to the state Governor. The Act opens with “all land comprised in the territory of each State in the Federation are hereby vested in the Governor of that State and such land shall be held in trust and administered for the use and common benefit of all Nigerians” (Nigeria 1978). The Act reinscribed and increased to absurdity the textual injustice by dispossessing all landowners of property ownership. The act relegates civilian land title to "occupancy" status subject to the whims of the state governor. No one owns land in Nigeria anymore except the State and its agents. Moreover, the Act provides “It shall be lawful for the Governor to revoke a right of occupancy for overriding public interest” (Part V Section 28.1)(Nigeria 1978)…where the public interest includes ”the requirement of the land for mining

purposes or oil pipelines or for any purpose connected therewith" (Part V 28.2.(C))(Nigeria 1978). Therefore, The Governor evicts people depending on the definitional flexibility of "public interest" and holds the authority and ownership, in trust, of Nigerian land.

We also have the requirement, mentioned above, that the land be protected for the "use and common benefit of all Nigerians." Of course, the Governor decides what this means. Additionally, depending on the evictee's land claim, the Governor has the responsibility to compensate the dispossessed (Part V Section 29.1-2)(Nigeria 1978). This takes the form through compensation schemes to the community or chief (if community owned) or through "some fund specified by the Governor for the purpose of being utilised or applied for the benefit of the community" (Part V Section 29.3(a-c)(Nigeria 1978). As you can imagine, the compensation schemes can be poorly managed and subject to corruption. As one author notes, "prior to the promulgation of the Act, the family and communities were legally recognized as land owners and therefore had to be consulted before oil exploration could legally be initiated" (Rhuks Ako 2009, 110). The Land Use Act of 1978 removed the requirement for landowner consolation and consent – two significant barriers to efficient oil exploration and exploitation. And the Act disrupts and reconfigures "customary forms of community authority, systems of ethnic identity, and the functioning of local state institutions" (Watts 2004, 106). More than any legislation or rule making in Nigeria, the Land Use Act has had such a transformative presence in history and in the present.

Within these two Acts, we see the governmental techniques of governmentality and sovereign exception – assignment of subjugated statuses (occupancy rights) and the creation of nodes of power along a network (Governor rights). From the central governmental authority, we see the creation of governable institutions based in states. The wholesale transfer of power to

states and Governors explains why "between 1966 and the present, the number of local governments has grown from 50 to almost 1000, and the number of states from 3 to 36" (Watts 2003, 5097). The central authority in Nigeria created self-sustaining nodes of power along a network spread across a network of states and ethnicities. As Mamood Mamdani stated, "[t]he effective elements of the federation are neither territorial units called states nor ethnic groups but ethnic groups with their own states" (quoted in Watts 2003, 5097). The significant increase reveals not only the complexity of governance, but also of the complexity of space and collective identities. This complex of legal and political mechanisms surrounding oil and capital accumulation clearly marks the inside and outside of power and law. The Niger Delta, the countries famously controversial site of violence and oil, provides real world examples of the consequences of Nigeria's politics.

Made Manifest in the Niger Delta

The Niger Delta, a diverse area in both ethnicity and environment, is exemplary of "a long and deeper geography of exclusion and marginalization by which the oil-producing delta came to suffer all of the social and environmental harms of the oil industry and yet receive in return very little of the oil revenues" (Watts 2008, 14). Where oil was first discovered, the area is still the nexus of capital accumulation, labor and natural resource exploitation, militarism, environmental degradation, and human rights abuses. Nigerian scholar Cyril Obi puts it bluntly, "[t]he roots of conflict in the Niger Delta do not lie in stagnant pools of oil; they lie in the inequitable power relations embedded in the production of oil and the highly skewed distribution of its benefits and pernicious liabilities' (Obi 2011, 89). This reveals the importance of analyzing and following the governmental mechanisms mentioned earlier in the paper. As Watts

argues, the Niger Delta is home to "[a] generation of militant 'restive' youth, deep political frustrations among oil-producing communities, and pre-electoral thuggery [that] all combine to prosper in the rich soil of political marginalisation" (Watts 2003, 5090). The Niger Delta is unique as an area of oil politics because it produces "the bulk of national revenues and export earnings, but surrenders control to a central government in which larger (non-oil producing) regions are dominant..." (Obi 2011, 93). Watts argues that an Ethno-nationalism provides the backdrop to the diverse area where more than sixty ethnic groups and strong institutions of customary rule take precedence (Watts 2008, 16). A complex place both in politics and natural resources.

The transformation of state power and the implementation of policies and laws distributing power through networks, while assigning subaltern statuses, not only recreated a country, but condensed these practices into a region – the Niger Delta. As mentioned above, the passage of the Land Use Act generated an increase of nearly twenty times the official local governmental institutions and a twelve times increase in the number of states. This unprecedented increase of actors, agents, and nodes of power, all derived from oil, illuminates the chaotic and transformative politics with the Niger Delta at the epicenter. The statement, "the legal framework regulating the oil industry has eroded the rights of the host communities to participate in the lucrative oil industry they host" (Rhuks Ako 2009, 110) was nowhere more cogent than in the Niger Delta. The presence of violence and overwhelming social movements are a consequence of the State's oppressive and unjust systems of government.

These conflicts occur between factions of the dominant elite, between the governing elite and the people over oil revenue and resource, and the ethnic minorities struggling against the government and transnational corporations (Obi 2011, 92). As with any State, the government

mobilizes "the security apparatuses…to ensure that costly investments are secured" (Watts 2003, 5092). The militant youth groups galvanized around the dire economic and political prospects began to challenge customary forms of power (chiefs for example) and the State (Watts 2008, 16). Militant groups in the region, "who were agitating for better environmental condition, improved social services and infrastructure, and greater access to the resources generated from the region, extreme force and violence had been used by the state" (Adejumobi 2011, 14). The Nigerian State marshaled the military and police force to combat the groundswell political incitements occurring in the Delta (Watts 2008, 16). Violence in the Delta stems from poorly conceived laws that dispossess its inhabitants from oil revenues along with state/corporate collusion and corruption (Rhuks Ako 2009, 116). Importantly, one government technique, which highlights both the state of exception and governmentality was –

> to strengthen the capacity of the elite faction from the Niger Delta to co-opt, or divide the opposition, and criminalize and demobilize the militias in the region…This way the state implicitly rejects and de-legitimizes the grievances and claims of the Niger Delta ethnic minority resistance, as a basis for their further police and military repression (Obi 2011, 108).

The sovereign exception and governmentality takes on a new forms as those with claims backed by force are disposed of their legitimacy through textual and legal mechanisms that frame their insurgency on "illegal" grounds.

Despite the countless human rights abuses and environmental disasters in the Niger Delta, due to the commitment of capital accumulation over human dignity, alternative forms of government thrive. Governance "at a distance" between the federal government and the myriad states and ethnic identities questions most notions of a unified nation. Despite the imagined and enforced state ideology, which plays a crucial part in "the popular politics of place making and in the creation of naturalized links between places and peoples" (Ferguson and Gupta 1992, 12), a

counter hegemonic notions of place making create politicized politics as well. Power structures take away and create new identities, but people will always imagine new and creative ways of being. We see this in the insurgencies, the political conflicts, and self-governing institutions emerging in the Niger Delta. As Ferguson notes, "[t]he ability of people to confound the established spatial orders, either through physical movement or through their own conceptual and political acts of re-imagination, means that space and place can never be 'given,' and that the process of their sociopolitical construction must always be considered" (Ferguson and Gupta 1992, 17). Thus, the State-making of space is never "given." People within their own territory are creating and re-imagining space themselves. Perhaps a space devoid of State intervention; at least a space where status is recognized and not relegated to marks of exception. These spaces, Nigerian scholar Shittu Akinola suggest –

> the politics of exclusion in the region does not enable most economic and political decisions in the region to reflect the aspirations of the people. There is an absence of appropriate institutional mechanisms to motivate the people (elite and non-elite) to work together as partners in development" (Akinola 2009, 80).

In many ways, there is a democratic deficit in the region. Obi has noted, "the incentives for the dominant political elites to open up the political space to a free and fair democratic contest has all but evaporated, replaced by the hard-headed calculations of retaining power at all cost" (Obi 2011, 95). A cost that cannot be borne forever.

In response to the politics of exclusion, a greater movement towards self-governing communities, a new sovereign power emerging from distinct places left outside of the law. Despite the presence of these communities, the government and oil companies decide important issues that directly affect these communities without engaging with them (Akinola 2009, 83). Akinola has seen in his research that rather than waiting for the State, the self-governing communities are executing development and community projects that have significant impact on

the ground (Akinola 2009, 90). The self-governing community creates another node of power distinct and separate from the State. However, as Watts argues, “the 'self-governing community' is one of the defining formulations of neoliberal rule…communities are as tightly bound up with capitalism and the operations of the marketplace as they are with rule and governance” (Watts 2004, 102). Thus, these communities are just another manifestation of governmentality and networked power. Their existence is predicated by the retreat of the state in community projects. Despite the independent nature of the self-governing community, they still remain an agent of capital accumulation and further allow the State to rule "at a distance." The Niger Delta is a site of violence, militarism, and human rights abuses, but new nodes of power are being introduced by community groups attempting to thrive in the region. Despite the contentious politics communities are acting together in their own development projects.

Conclusion

The geopolitical conditions of oil resources and the unending demand for the resource means that Nigeria will continue to be an important part of the global oil machine. The stakes of controlling this resource have never been higher as the BRIC countries and instability in the Middle East begin to shift the international currents of power. The US and other interests will demand more oil and if there is not a significant change in law or policy, Nigeria will continue on a path that degrades both the environment and human dignity. How the sovereign exception and governmentality manifest in the Niger Delta are unique to the geographic space in which they inhabit. Each case study involving governmentality or the sovereign exception will highlight different aspects of these two theoretical discourses. Yet, Nigeria and the Niger Delta in particular reveal these processes en masse, as applicable to every space and every person. The

uniform and comprehensive application of these governmental mechanisms strengthen the importance of analyzing sites of power through these theories so that a nuanced approach of State power can be considered and critiqued. While I provided no solution, the analysis of some issues surrounding hydrocarbon extraction may provide some insights on how transformative change can occur.

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Geopolitical concerns about so-called 'resource wars' have mostly focused on international resource competition, and the vulnerability of resource supply. This article presents an alternative view emphasizing the political and economic vulnerabilitites of resource-dependent states in relation to resource-linked armed conflicts. It then outlines how the geopolitics of resource competition, the history, identity formation, political economy, and characteristics of resource exploitation, as well as the financial opportunities afforded in part by businesses to belligerents can help to understand the geographies of 'resources wars'. Finally, the study suggests that curtailing resource access by belligerents can assist in the termination of conflicts, but that long-term solutions pass through fairer and more accountable political economy of internationally traded resources at both a domestic and global level.

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"The literature on governmentality has had a major impact across the social sciences over the past decade, and much of this has drawn upon the pioneering work by Peter Miller and Nikolas Rose. This volume will bring together key papers from their work for the first time, including those that set out the basic frameworks, concepts and ethos of this approach to the analysis of political power and the state, and others that analyse specific domains of the conduct of conduct, from marketing to accountancy, and from the psychological management of organizations to the government of economic life. Bringing together empirical papers on the government of economic, social and personal life, the volume demonstrates clearly the importance of analysing these as conjoint phenomena rather than separate domains, and questions some cherished boundaries between disciplines and topic areas. Linking programmes and strategies for the administration of these different domains with the formation of subjectivities and the transformation of ethics, the papers cast a new light on some of the leading issues in contemporary social science modernity, democracy, reflexivity and individualisation. This volume will be indispensable for all those, from whatever discipline in the social sciences, who have an interest in the concepts and methods necessary for critical empirical analysis of power relations in our present" -- from book cover.

Sylvester, C. (2007). "Bare life as a development/postcolonial problematic." SAGE Urban Studies Abstracts **35**(1).

Development studies and postcolonial studies conceptualize and examine the Third World in different ways, yet works associated with the two fields can usefully be combined to illuminate key issues in our time. This article focuses on postcolonial transitions in parts of Africa where the state actively injures or kills a local citizenry, sometimes in the name of development. Using Zimbabwe and Rwanda as very different examples of such transitions, and drawing on selected development and postcolonial writings-fact and 'fiction'-the author argues for framing such cases as examples of the 'bare life,' 'camp' biopolitics articulated by Georgio Agamben. These concepts enable us to see the widening spaces of exception to law that a postcolonial state can create in periods of crisis and defend on the grounds of postcoloniality, that is, as states always already injured by colonialism and its biopolitical development project. The terrain such states enter might be termed 'fascism'-a location of political economy that development studies has generally neglected in recent years but that novels depicting postcolonial contexts can make vivid.

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Petroleum in the Nigerian context has produced a combustible politics marked by violence. Rather than see oil-dependency as a source of predation or as a source of state military power, this paper explores how oil capitalism produces particular sorts of enclave economies and governable spaces characterised by violence and instability. While the biophysical qualities of oil matter in this analysis, so do the powers of transnational oil companies, the character of the 'the oil complex', and the ways in which oil as a territorially-based and nationalised commodity can become the basis for making claims.

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