

INDIGENOUS PEOPLES QUESTION IN NIGERIA: A STITCH IN TIME

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Abstract:

The objective of this article is to develop a broader world consciousness concerning the problems created due to the intellectual lethargy that has surrounded the Indigenous Peoples Question. This is evident by the non-availability of an official definition of this group of people and the dearth of scholarship in the area. The people have resorted to self-help indicating that the lingering problem might escalate if nothing concrete is done to find a lasting solution to the Indigenous Peoples Question. This article emphasizes that the issue is no longer a local, regional or third world affair, but a global affair which requires the attention of all peace lovers. The author has relied on scholarly literature, a variety of current news sources, and international organizations documents as well as firsthand knowledge from the many years spent living in Nigeria during the author's youth and early years practicing law.

Introduction

As a Nigerian barrister and an international human rights lawyer, this author has seen firsthand the tragedies and desperate plight of the indigenous peoples of his homeland, Nigeria. The purpose of this article is to sensitize the world about the need for legal protection of human rights of Indigenous peoples of Africa and particularly to address the Indigenous Peoples question in Africa and most especially in Nigeria. So many lives have been lost in the pursuit of their rights by the groups of people who strongly believe that they are indigenous and should be entitled to certain rights.

This article will examine the various "working definitions," stating the criteria that must be fulfilled before any group can qualify as an indigenous people, and determine the reasonableness of the underlying criteria. Further, the attitudes of the African governments to the indigenous peoples' plight and the various ways by which the people have been agitating for their rights will be studied. The influence of the transnational companies will also be discussed. Last, the consequences of the insensitivity to this lingering problem will be addressed in connection with this author's plea that the scholarly world take up the standard.

Indigenous Peoples Definition

The issue of the indigenous peoples definition has generated much confusion because no single definition has been accepted as official. There are several arguments as to who are "indigenous peoples." "Indigenous" means born or produced in a

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particular land or region; it also means native or belonging naturally to a region, a soil, and so forth.¹ The designation applies generally to peoples that have been invaded and their land was possessed by the invaders. The situations with the American Indians and the aboriginals of Australia provide insight into this point. One argument is that to be considered “indigenous,” the peoples must have been under imperialistic rule by another dominant society. This criterion cannot be strictly applied to the African indigenous peoples because it may be difficult for them to qualify for this status. Second, these peoples must have been adversely affected by the imperialistic dominant society. The situation in Africa, however, is different because the majority of peoples claiming to be “indigenous” have not been put in this position. They have suffered discrimination from the dominant group in their own society, not from invaders. This dominant society discriminating against the minority ethnic groups has made them vulnerable. The discrimination/ vulnerability criterion cannot solely qualify any group for indigenous status, but it complements other factors.²

Stressing the need for a definition, Professor Wiessner has pointed out that the holders of those rights and the persons entitled to the rights need to be defined with specificity.³ Also, in situations where rights may involve claims made in the political sphere, the definition will be determined by the groups concerned which may lead to chaos; and, since some of these rights have been recognized as part of international law, treaty or the customary variety, the need for a definition has become necessary.⁴ The International Law Association (ILA) interim report of 2010 reiterates the need for a common understanding of the meaning of the term “indigenous peoples” so as to assess the proper scope of application of the United Nations Declaration of Rights of Indigenous Peoples (UNDRIP) and to prevent nation states from being the sole determinant of who are and who are not indigenous peoples.⁵ If nation states are empowered to determine indigenous peoples’ status, groups desirous of indigenous peoples’ status will be at the mercy of nation states which may very well result in unfairness and exclusion of justified claims.

Several attempts have been made to solve this “riddle” including efforts by the Independent Commission on International Humanitarian Issues which listed four elements to be met before any group can claim to be an indigenous people. The elements are as follows: pre-existence, non- dominance, cultural difference, and self-

¹ THE OXFORD ENGLISH DICTIONARY (2nd ed. 1989), s.v. “indigenous;” see also JAMES R. FOX, DICTIONARY OF INTERNATIONAL AND COMPARATIVE LAW (Oceana 2003).

² Gunnvor Berge, *Reflections on the Concept of Indigenous Peoples in Africa*, in HANNE VEBER, JENS DAHL, FIONA WILSON, ESPEN WAHLE: “... NEVER DRINK FROM THE SAME CUP.” Proceedings of the conference on Indigenous Peoples in Africa. Tune, Denmark, 235,237-38 (1993) (IWGIA Doc. No.74, Copenhagen, 1993).

³ Siegfried Wiessner, *The United Nations Declaration on the Rights of Indigenous Peoples: Essays in Honor of Professor Koufa*, in THE DIVERSITY OF INTERNATIONAL LAW: ESSAYS IN HONOUR OF PROFESSOR KALLIOPI K. KOUFA 350 (Martinus Nijhoff Publishers, 2010).

⁴ *Ibid.*

⁵ International Law Association, “Rights of Indigenous Peoples,” The Hague Conference, Interim Report (2010) 7.

identification as indigenous.⁶ The term “indigenous person” is usually used in reference to those individuals and groups who are descendants of the original populations residing in a country.⁷ In the majority of cases they are numerical minorities, and as a group they do not control the governments of the countries where they live. Most, but not all, indigenous groups are ethnic minorities who tend to lack power, to feel they are marginalized from the political process, and to be disenfranchised.

The International Labor Organization and Survival International⁸ have also tried to formulate a definition. They have used the term “tribal and indigenous peoples” and in the past “semi-tribal peoples,” while the World Bank’s 1991 Operational Directive on Indigenous Peoples notes that no single definition is appropriate to address the diversity among indigenous peoples. Additionally, the Directive indicates that these peoples may be identified by the following characteristics: a close attachment to ancestral territories and natural resources, self-identification by others as members of a distinct cultural group, possession of an indigenous language that is often distinct from the national language, the presence of customary social or political institutions, and subsistence-oriented production systems.⁹

The working definition proffered by Special Rapporteur Jose R. Martinez Cobo has received the widest approval. He states that “indigenous communities, peoples and nations are those which, having a historical continuity with the pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.”¹⁰

The historical continuity referred to in the working definition has been categorized into the following:

- (a) Occupation of ancestral lands, or at least of part of them;
- (b) Common ancestry with the original occupants of these lands;
- (c) Culture in general, or in specific, manifestations such as religion, living under a tribal system, membership in an indigenous community, dress, means of livelihood, life-style, and such;

⁶ Ainu Law and Changes of Status, Indigenous Question Remains, *Japan Economic Newswire*, May 29, 1997, at 1.

⁷ Ichihi, A.K. Sadruddin, B.T. Hassan, *Indigenous Peoples: A Global Quest for Justice: A Report for the Independent Commission on International Humanitarian Issues*. (London: Zed Press, 1987), 6.

⁸ Survival is an international organisation supporting tribal peoples worldwide. It was founded in 1969 after an article by Norman Lewis in the UK’s Sunday Times highlighted the massacres, land thefts and genocide taking place in Brazilian Amazonia.

⁹ World Bank, ‘Indigenous Peoples,’ Operational Directive 4.20, ‘The World Bank Operational Manual (Washington DC: World Bank 1991) 1.

¹⁰ United Nations. Workshop on Data Collection and Disaggregation for Indigenous Peoples (New York, January 19-21 2004) PFII/2004/WS.1/3.

(d) Language whether used as the only language, the mother-tongue, the habitual means of communication at home or in the family or the main, preferred, habitual, general or normal language;

(e) Residence in certain parts of the country or in certain regions of the world;

(f) Other relevant factors.¹¹

The World Bank's 1991 Operational Directive contains a definition which states that the terms "indigenous peoples," "indigenous ethnic minorities," "tribal groups," and "scheduled tribes" describe social groups with a social and cultural identity, distinct from the dominant society, that make them vulnerable to being disadvantaged in the development process, and they should be referred to as indigenous peoples.¹²

A critical examination of the definitions propounded glaringly shows that the "historical continuity" condition or requirement is the only objective element. All of the other elements such as "consider themselves distinct from other factions of the societies" or "they form at present non-dominant sectors of society" are subjective and debatable.

In proving continuity, the relationship to the ancestors of the community or the place in question has to be determined. This is necessary because it could be argued that a group of people living on a particular land does not automatically mean that they have any relationship with the ancestors of the place.

The author quite agrees with the various definitions proposed by eminent scholars and institutions which include but are not limited to those of Jose R. Martinez Cobo and the World Bank Operational Directive 1991; these institutions have similar elements or conditions. For the purpose of this article, it must be stated that the determination of "common ancestry with the original occupants of the land" in question is very vital to making any headway in classifying any group of people as indigenous.

Detemination of Ancestry

Since it will be difficult to ask a group of people to do a DNA test to confirm whether they have common ancestry with the original occupants of a land, a group's ancestry can simply be determined by asking what ancestry they most closely identify with. Therefore, the members of a group to which they are claiming ancestry must be able to identify them. Since there may be difficulty in getting the written history of such groups, oral history and circumstantial facts will have to be relied upon. The descendants of such a group will have to be verified through oral interviews with the oldest living persons in the community. These interviews will shed more light on the parentage or line of descent of such groups claiming to be indigenous of a place.

Circumstantial facts will also assist in the verification of the relationship and long connection with a region. These facts could include the following: age long shrines

¹¹ Note by the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes, on Criteria which might be Applied when Considering the Concept of Indigenous Peoples. U.N. Doc. E/CN.4/Sub.2/AC.4/1995/3 (1995).

¹² "Revised Draft Operational Policy/Bank Procedures (OP/BP 4.10) Indigenous Peoples," (World Bank Management, April 14, 2005) <http://siteresources.worldbank.org/INTINDPEOPLE/Publications/20571164/Issue%20Notes.pdf> (accessed on February 10, 2007).

such as that of Long Juju of Arochukwu in Nigeria¹³ where people worship according to their beliefs, burial grounds of their fore-fathers, and professions from time immemorial such as farming, hunting, cattle-rearing and so forth. John Alan Cohan has pointed out that many indigenous peoples do not meet all these criteria but they generally have ethnic, religious and linguistic traits that are different from the dominant groups in their countries.¹⁴

Still, there are some arguments against Jose Martinez Cobo's definition, and these are the condition of the "mandatory link to the phenomena of European colonization and invasion."¹⁵ It is believed this would limit the concept of indigenous communities largely to peoples in the Americas and Oceania. The definition is also seen to "exclude indigenous peoples that were removed from their land and who now find themselves residing in urban areas, but who maintain their indigenous identity."¹⁶

It has been stated that there are some interwoven strands in indigenous peoples. The first relates to the association of a people "with a particular place" which could be a locality, a region, a country or a state. Here, "place" was held to be the vital factor, because it suggests the link of a people with an ancestral territory, as compared with "persons that are native generally to the region."¹⁷

The second factor is the "synonymous with prior habitation" element. Thornberry has opined that it is this "priority claim that gives 'indigenous' groups their unique status."¹⁸ If priority cannot be established, their indigenosity is meaningless.

The third factor which could designate the status of some group as "indigenous" is "original or first inhabitants."¹⁹ According to Tsosie, not only are these groups "prior" in a historical sense, but they also assert that they are the "first human beings to inhabit a territory."²⁰ Under such a claim, "origin" refers to "a point in time from which we trace subsequent developments." A claim to first occupancy would enjoy heightened moral and legal relevance, according to Thornberry, as very few people could claim such originality in this sense. It is, however, a fact that the question of who is indigenous is mired in politics.²¹

It is further submitted that the "pre-invasion and pre-colonial" condition in the working definition by Cobo is too strict and most potential indigenous peoples might not be able to meet this condition. Objectively, it would be unfair to insist that unless a

¹³ T.A.Osae, S.N. Nwabara, and A.T.O. Odunsi, *A Short History of West Africa, AD. 1000 to the Present* (New York: Hill and Wang, 1975), 271.

¹⁴ John Alan Cohan, "Environmental Rights of Indigenous Peoples under the Alien Tort Claims Act, The Public Trust Doctrine and Corporate Ethics, and Environmental Dispute Resolution," *UCLA Journal of Environmental Law and Policy* 20 (2001/2002): 133.

¹⁵ John A. Mills, "Legal Construction of Cultural Identity in Latin America: An Argument Against Defining 'Indigenous Peoples,'" *Texas Hispanic Journal of Law and Policy* 8 (2002):49.

¹⁶ Siegfried Wiessner, "Rights and Status of Indigenous Peoples: A Global Comparative and International Legal Analysis," *Harvard Human Rights Journal* 12 (1999):57,110.

¹⁷ Rebecca Tsosie, "The New Challenge to Native Identity: An Essay to 'Indigeneity' and 'Whiteness,'" *Washington University Journal of Law and Policy* 18 (2005): 55.

¹⁸ Patrick Thornberry, *Indigenous Peoples and Human Rights* (Manchester: Manchester University Press, 2002), 37.

¹⁹ *Ibid.*

²⁰ *Ibid.*, 38.

²¹ *Ibid.*, 37.

group had experienced invasion and colonization, they would not be seen as indigenous. In the post-conquest indigenous society of Nahuas of Central Mexico, it was stated that “the majority of the indigenous population continued to live in their traditional units across the countryside,” and “their lives were nonetheless profoundly affected by the conquest and its aftermath.”²²

It could be deduced from the above phrase that the Nahuas of Central Mexico were seen as an indigenous society before the Spanish conquest. In view of this fact, the pre-invasion and pre-colonial condition preferred by Cobo cannot be a determinant factor in deciding who are indigenous peoples and who are not. At best, this condition will just be an additional element without much weight being attached.

Attitudes of African Governments

Some African nation states are in the habit of using routine and arbitrary definitions in their bid to shy away from their obligations to indigenous peoples in their domain. They tend to lump them together with others who have the similar characteristic of residing in remote areas and being marginal in a socioeconomic sense. A good example of this is Botswana, a nation state with diverse cultures where the government prefers not to differentiate specific populations that are targets of development programs. This is because the government does not wish to be seen as segregating its multiracial peoples on the basis of ethnic identification.²³

In Africa, it is difficult to differentiate people that are indigenous from those that are not because a variety of populations have moved in and out of local areas over time. The majority of Africans always identify themselves as belonging to specific tribal or ethnic groups. Even at that, there are internal subdivisions to which people pay heed, such as a clan affiliation.

The effect of the commercial world and of the western world has extremely influenced the African governments in their economic and developmental drives causing them to start displacing nomadic tribes off their lands without the peoples' consent. This was because the government needed their land for its developmental programs. The Tanzanian government is a good representative of this trend. The government dispossessed 30,000 Baribaigs from their grazing lands for the purpose of wheat production to be sold commercially.²⁴ The African governments have showed little regard for the indigenous peoples, their land and their cultures. This is evident by the conversion of the indigenous peoples' lands to parks and game reserves in their bid to preserve Africa's unique wildlife from extinction. The endangered African animals are mostly found on the indigenous peoples' lands. This is probably because of the lands' underdevelopment that the animals tend to use it for shelter.²⁵

²² Encyclopedia Britannica Online, “History of Latin America,” <http://search.eb.com/eb/article-60850> (accessed November 30, 2006).

²³ Robert K. Hitchcock & John D. Holm, *Bureaucratic Domination of Hunter-Gatherer Societies: A Study of the San in Botswana*, 24.2 *Development and Change* 305-38 (1993); Saugestad, *supra* note 70, at 60.

²⁴ Alexander Ewen, *Africa and Eurasia*, in *VOICE OF INDIGENOUS PEOPLES*, 145, 145-46 (Alexander Ewen, ed., Clear Light Publishers 1994).

²⁵ *Ibid.* at 147.

Turning to the matter of the attitudes of African governments, some African countries, such as the Republic of Botswana, use a bureaucratic definition to cover their indigenous peoples along with others who have a similar characteristic of residing in remote areas and being marginal in a socioeconomic sense. Multiracial states like Botswana prefer not to differentiate specific populations that are targets of development programs, in part because they do not wish to be seen as practicing a kind of apartheid or separation on the basis of ethnic identification.²⁶

In the case of Africa, this raises particular problems. Africa is the continent with the longest history of human occupation, and it contains the greatest range of human genetic and cultural diversity. In many cases, it is difficult to determine antecedence since a variety of populations have moved into and out of local areas over time. There have been complex interactions between “first peoples” and newcomers, often with the result that the former groups are marginalized.²⁷

The acknowledgement of Saami living in their countries as indigenous peoples by Finland, Norway and Sweden established a precedent for the recognition of a group as indigenous even where the majority population in the state as a whole was indigenous or very old.

It is, therefore, the submission of the author²⁸ that before any group of people may claim “indigenous status” the following conditions must be met:

(1) there must be proof that the group was “traditionally regarded” as the first inhabitants of the said territory, and they must have a special relationship or tie with the land.

(2) there must be proof of age-old subsistence economy by the group; and

(3) the group must be vulnerable; in other words they must be defenseless against the dominant group of society.

(4) The group must be seen to be culturally distinct from the dominant society.

It is the author’s view that the above four vital conditions should be the yardstick for determining whether any group qualifies for “indigenous peoples’ status.” As earlier stated, a group must be traditionally regarded as the first inhabitants of any territory in question and they must show that they have a special relationship or tie with the land or territory this could be substantiated by evidence of their age long land-based religion or worship centers, burial grounds or graves of their fore-fathers. The fact of being descendants of the first inhabitants has to be proven by the group of people claiming to be indigenous. This is where the World Bank characteristic stressing self-identification and identification by others as members of a distinct cultural group comes into play. Such a group must be self-identified and identified by others as members of a distinct cultural group. While it is easier for a group of indigenous peoples to be identified by others, it is always difficult for governments or nation states to identify indigenous people in their territory as indigenous peoples. This

²⁶ Robert K. Hitchcock and John D. Holm, “Bureaucratic Domination of Hunter-Gatherer Societies: A Study of the San in Botswana,” *Development and Change* 24, no. 2 (1993): 305-28.

²⁷ Robert K. Hitchcock and Diana Vinding, *Indigenous People’s Rights in Southern Africa* (Copenhagen, Denmark: International Work Group for Indigenous Affairs, 2004), 8.

²⁸ Olugbenga Ifedayo Ademodi, “*The Rights and Status of Indigenous Peoples in Nigeria*”. 34-36 (Winter Park, CO: Bauu Press 2012).

problem is rampant in Africa. It also came to the forefront during the adoption of the United Nations Declaration of Indigenous Peoples' Rights where most nations refused to vote because of their claim that they have no indigenous peoples in their territory. Further, the condition stated by Professor Erica-Irene Daes in her attempt at definition that indigenous peoples must be recognized by nation states will not work in Africa because many nation states there do not recognize any of their people as being indigenous or they recognize all of their people as indigenous.²⁹ In other words, the nation-states often recognize no separate group of indigenous peoples. If this condition is made one of the determinative factors for obtaining "indigenous peoples' status," potential indigenous peoples on the continent of Africa will be unjustly deprived of their proper status and associated rights.

The other important condition to be proven is that the people have a subsistence economy. This means that such people must prove that they have a reliable economy since time immemorial that provides them with a means of livelihood. Such ancient occupations could involve hunting and gathering, and cultivation and pastoralism. This condition is employed to demonstrate that they are not only first settlers in a territory, but that there is an age-old occupation that they have engaged in to provide for their needs in order for them to survive.

The vulnerability condition is another important factor that must be proven by groups desiring "indigenous status." It must be clearly shown that the group is defenseless against the dominant society and as a result, they are suffering all forms of injustices. Professor Wiessner adds that the discrimination against the indigenous group could be "past or present", thus including now dominant groups such as the ethnic Fijians or for that matter, Bolivians whose majority is indigenous and who now are having a president of their own in the person of Evo Morales. It must be noted that groups discriminated against in the past still need protection just as those presently being discriminated against are in urgent need of human rights protection. While groups discriminated in the past may not be in "urgent need" of human rights protection, they are still entitled to certain specific rights because of their cultural specificity. They need these rights to preserve their cultural identity to be able to transmit it to the coming generations.

The "culturally distinct" condition is another vital factor which must be proven by a group desiring "indigenous peoples" status. It is, however, not enough for a group to claim to be culturally distinct; the distinctiveness must be objectively seen to be so. This is where the factor of "self-identification" that is corroborated with evidence comes in. Self-identification could be used to prove cultural distinctiveness of a group and the willingness to remain different.

Niger-Delta People of Nigeria

The Niger-Delta people of Nigeria comprise the people in the South-south part of Nigeria. There are several groups of people inhabiting this area, but the most popular

²⁹ Gumisai Mutume, "Indigenous' People Fight for Inclusion, 21.1 AFRICA RENEWAL 1, 2 (January 2007) (United Nations Department of Public Information) available at <http://www.unep.org/indigenous/pdfs/Newsletter-Africa-indigenous-struggle-Eng.pdf>.

of these groups is the Ogoni people. This was brought to light when one of its illustrious sons, Ken Saro-Wiwa, was killed by the Nigerian military government for agitating for his people's rights.

The Ogoni people are predominantly farmers and fishermen and women, making the land paramount to their existence. Central to the Ogoni issue, therefore, is the question of land use and ownership. This is a large problem that is not confined to Ogoniland alone. Various communities are forcibly made to relinquish their rights to their lands. In the Ogoni case, the manner of land acquisition by the Shell³⁰ Company and the government and other concerns is through absolute force. There is no consultation with the local people. Instead, by exploitation through the land use act, the peoples' lands are simply taken over. Causing unmitigated hardship to the Ogoni people, the refusal to pay adequate compensation for farmlands and crops destroyed for pipelines have continued to be a source of distress, frustration and anger.³¹

Part of the Ogoni people's claim is that their lands were devastated by the oil companies. Their atmosphere has been totally polluted. Their lands have been degraded, and their waters have been contaminated. Their trees have been poisoned, so much so that their flora and fauna have virtually disappeared. They are asking for the restoration of their environment. They are asking for the basic necessities of life such as water, electricity, roads, and education. They are also asking, above all, for the right to self-determination so that they can be responsible for their resources and their environment.³²

According to the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples have the right of self-determination. By virtue of this right, they may freely determine their political status and freely pursue their economic, social and cultural development.³³

Repercussions of Governmental Insensitivity

The insensitivity of the government has led to much unrest in the Niger-Delta area of Nigeria, and this has culminated in the killing of the workers of transnational companies. It has been primarily the oil workers which have been killed by the militants who have arisen to fight for their rights. The militants see the transnational companies (TNC) as their major enemy; it is believed by these helpless groups of people that the TNC induced the government to remain insensitive to their plight because of the high revenue coming into government coffers from the TNC operations.

³⁰ Shell is a global group of oil, gas and petrochemical companies with a broad portfolio of hydrogen, biofuels, wind and solar power interests, <http://www.shell.com/home/Framework?siteId=home> (accessed on January 10, 2007).

³¹ Civil Liberties Organization, Ogoni, Trials and Travails, (Lagos: Civil Liberties Organisation: 1996), 8.

³² C. Bakwuye, "Ogonis Protest Over Oil Revenue," Daily Sunray, January 6, 1993, in Andrew Rowell and Stephen Kretzmann, *The Ogoni Struggle – A Project Underground Report*, Initial Research by Lowenstein Nigeria Project, (CT: Yale Law School, 1st ed. November 1, 1996) <http://www.moles.org/ProjectUnderground/motherlode/shell/timeline.html> (accessed on January 7, 2007).

³³ 1993 United Nations Declaration, U.N. Economic and Social Council, Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, 45th Sess., Agenda Item 14, U.N. Doc. E/CN.4/Sub.2/1993/29/Annex I (1993).

Oil companies doing business in Nigeria, amongst which are Shell, ChevronTexaco and ExxonMobil, operate in Nigeria in ways that would hardly be tolerated in the developed world.³⁴

Fagan in his article stated that in the rush to exploit untouched resources in remote regions of developing nations, multinational corporations and their local governmental partners often trample on indigenous land and culture, at times committing atrocities against the indigenous peoples.³⁵ Since indigenous people cannot get justice in their country because of the connivance of the government with these companies, they have turned to the domestic courts of the home countries of the multinational corporations.³⁶

On January 17th, 2007, four persons including a naval officer and a Dutch oil worker were killed in the volatile Niger-Delta when armed militants attacked a boat belonging to Hyundai Construction Company at the Bonny River.³⁷ This development has made many oil multinationals evacuate thousands of workers from the western side of the Delta region as nine foreign workers are still being held hostage by different armed groups there. Also the Philippine president, Gloria Arroyo, has barred Philippine workers from going to Nigeria until security of their nationals is guaranteed; this is in the aftermath of the kidnapping of six Filipino sailors from a cargo ship in the Niger-Delta area of Nigeria.³⁸

The Author's Plea

This essay has become necessary because the problem in the Niger-Delta in Nigeria, which has been seen prior to now as strictly a Nigerian problem, has extended beyond the borders of Nigeria. The militant youths of the aggrieved area have decided to take the law into their own hands. This has been manifested by the kidnapping of oil workers. These workers are mostly foreigners from countries such as Britain, America, and China, to name a few. The time has come when the international community can no longer afford to remain aloof but must participate in finding a permanent solution to the complaints of these indigenous peoples.

The indigenous peoples question has lingered for such a long time because this area has not received the scholarly attention that it deserves. It is time to fund and encourage research into the indigenous peoples question. The librarians also have a great role to play; there is a dearth of materials on indigenous peoples issues. Librarians should, therefore, make an extra effort and even a point of duty to ensure

³⁴ Onduku Akpobibibo, "How Globalization Works- and Doesn't Work in Africa," Knowledge@Wharton, <http://knowledge.wharton.upenn.edu/createpdf.cfm?articleid=1087> (accessed on January 10, 2007).

³⁵ David N. Fagan, "Achieving Restitution: The Potential Unjust Enrichment Claims of Indigenous Peoples Against Multinational Corporations," *New York University Law Review* 76 (2001): 626.

³⁶ *Wiwa v. Royal Dutch Petroleum Co.*, No.96 Civ. 8386, 2002 WL 319887(S.D.N.Y. Feb. 28, 2002).

³⁷ Okafor Ofiebor, "More Dies As Delta War Escalates: Army Sends More Troops," *PM News*, January 17, 2007, <http://www.thenewsng.com/modules/zmagazine/article.php?articleid=13202> (accessed on January 17th, 2007).

³⁸ Okafor Ofiebor, "Manila's Arroyo Stops Workers Traveling to Nigeria," *Reuters AlertNet*, January 22, 2007, <http://www.alertnet.org/thenews/newsdesk/MAN268771.htm> (accessed on January, 22, 2007).

that the limited materials on indigenous peoples are available and accessible. Otherwise, the world cannot know that the indigenous peoples question is not a local, regional or third world affair, but a global affair which concerns all peoples. There will be relative peace if this issue can be resolved once and for all. Peace is essential to any meaningful solution. It wounds the heart of this author to see the indigenous peoples of his homeland and other parts of the world languish in sorrow and devastation at the greed-driven hands of the powers that be.