

An Exegetical Analysis Of Numbers 31: 27 As A Panacea For Resource Control Agitation In Niger Delta

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doi: 10.19044/esj.2016.v12n11p170 [URL:http://dx.doi.org/10.19044/esj.2016.v12n11p170](http://dx.doi.org/10.19044/esj.2016.v12n11p170)

Abstract

This paper is a critical discourse on the Biblical panacea for the unending agitations for resource control in Nigeria Niger Delta. It aimed at finding out if the Biblical concept of Justice (Hebrew, צְדָקָה) and equity (Hebrew, מִישָׁר), which are the hall marks of every society that operates under the rule of Law, have been duly applied in the Niger Delta crisis. The analyses employed Critical Discourse Analysis (CDA) framework. Data gathered both from the primary and secondary sources were analyzed through the hermeneutical, descriptive and analytical methods. The findings of the paper are that Niger Delta peoples have a right to far better living condition than is on offer presently, and available data justify this claim. The paper is of the view that the Biblical concept of Justice (Hebrew, צְדָקָה) and equity (Hebrew, מִישָׁר), as prescribed in Numbers 31: 27, can be applied in the Niger Delta agitation issue. In the light of the above findings, the paper concludes that to achieve the desired peace, anchored on the Old Testament idea there is the need to engage every oil bearing community as a stake holder in the entire process of oil exploitation in their community.

Keywords: Justice, Equity, struggle, Resource control

Introduction

Justice (Hebrew, צְדָקָה) and equity (Hebrew, מִישָׁר) are the hall mark of every society that operates under the rule of Law, both in the Old Testament era and now. Justice entails rendering to everyone that which is his due. The “Justice of the LORD” (Hebrew, צְדָקַת יְהוָה) or God’s justice (Deuteronomy 33:21) as revealed in the Old Testament is not only the perfection of his nature, whereby he is infinitely righteous in himself and all that he does, but an important requirement of all his rational creatures. His word declares:

Is not this the fast that I choose: to loose the bonds of injustice, to undo the thongs of the yoke, to let the oppressed go free, and to break every yoke? Is it not to share your bread with the hungry, and bring the homeless poor into your house... If you offer your food to the hungry and satisfy the needs of the afflicted, then your light shall rise in the darkness and your gloom be like the noonday. (Isaiah 58: 6-10 [NRSV])

In recent years, we are witnessing what seems to be relative peace, especially since the advent of the amnesty program that was aimed at settling the Niger Delta militants. Before then, oil production in the area had been characterized by heightened restiveness resulting in loss of man hours and in many cases, lives and property (Amaize, E. 2006). The people of the Niger Delta had claimed that they have suffered from environmental degradation of their land and the displacement of their communities and have received no benefits from over 40 years of oil extraction (Adenikinju, 2002).

The Niger Delta and the Resource Control Debate

The Niger Delta, no doubt, is important to the Nigerian economy (Abe, F. & Ayodele, S. 1986). The oil and gas that sustain the nation are produced in the region and its contiguous continental shelf (Turshen, 2004). But this economic importance has never really translated into benefits to the people of the Niger Delta region. According to Dara (2001), They have a long-held view that various governments in Nigeria treat the Niger Delta region's issues with levity. They view each government with suspicion, perhaps, due to the high level of corruption and poor governance that has resulted in the people of the region not reaping from the oil wealth (Akpan, 2005). A significant portion of these funds have either found their way into private bank accounts in western countries or used to pay for military and paramilitary operations to deal with the unrest in the region (Eghagha, 2002). As a result, thousands of lives and millions of dollars in oil revenue which would have accrued to the nation have been lost due to violent confrontation and conflict, oil pipelines vandalization, oil company staff kidnapping and other disruptive acts (Adenikinju, 2002). A new catch phrase that has opened up a hot debate out of these struggles, especially among the elites, had been and is still "*Resource Control.*" (Itebiye, 2006: 1).

As the resource-control debate continued, its advocates argued that the age-long neglect and deprivation which the oil-producing communities in the Niger Delta area of the country had suffered in the hands of successive governments, makes the demand for resource control not only justifiable but non-negotiable (Amaize, 2006). This is what Ibeanu (2004: 15) refers to as "*The second dimension of the rhetoric of rights*". He posits thus:

Niger Delta peoples have a right to far better living condition than is on offer presently, and available data seem to justify this claim. The population of the (political) Niger Delta is between 15 and 20 million, which is more than 16% of the national population. Petroleum derived from the Niger Delta accounts for about 50% of Nigeria's GDP, 95% of foreign exchange earnings, and 80% of all budgetary revenues. These amounts to nearly \$20 billion annually or about \$54 million daily. Compared to this enormous wealth, the social situation in the Niger Delta presents a mammoth discrepancy, and is generally worse than the situation in most parts of the country. (Ibeanu, 2004: 15-16)

The question is; has the amnesty program addressed this and other issues in the Niger Delta?

The advocates of the resource control hold the view that the huge resources now going to the coffers of the federal government be allowed to be kept by the oil-producing areas and that such funds should be applied to the crucial task of taking the people of that area out of their present wreckage. As corroboration to their argument, they stress that before the advent of oil, other areas of the country exercise such a proprietary right over their resources - like cocoa in the then Western region; groundnut, cattle, etc, in the North; and palm oil in the East. The Niger Delta too, they had advocated and are still advocating (albeit silently), should be allowed such a right over their God-given oil resources.

The opposing side in this controversy, consisting mainly of leaders from the Northern zone of the Country, had argued that allowing the oil-producing areas of the country to take full and exclusive control of the vital oil resources, as demanded by the Niger Delta people, would be a step against “*the principle, essence and goal of true federalism*” (Dangora, 2005: 18). The subsequent agreement that eventually produced the 13% derivation in 1995 appear to have reduced the tension at the States Government level, but certainly not at the local community level. Suffice to say that Oil revenue allocation has been the subject of much contention well before Nigeria gained its independence. Allocations, as earlier stated, have varied from as much as 50%, owing to the First Republic's high degree of regional autonomy, and as low as 10% during the military dictatorships. This is the table below.

Oil revenue sharing formula					
Year	Federal	State*	Local	Special Projects	Derivation Formula**
1958	40%	60%	0%	0%	50%
1968	80%	20%	0%	0%	10%
1977	75%	22%	3%	0%	10%
1982	55%	32.5%	10%	2.5%	10%
1989	50%	24%	15%	11%	10%
1995	48.5%	24%	20%	7.5%	13%
2001	48.5%	24%	20%	7.5%	13%

* State allocations are based on 5 criteria: equality (equal shares per state), population, social development, land mass, and revenue generation.

Exegetical analysis of Numbers 31: 27:

הַמִּלְחָמָה תְּפִישׁוּ בֵּין אֶת־הַמִּלְקוֹחַ וְהַצִּיֹּת
 הַיְצָאִים לְצָבָא וּבֵין כָּל־הָעֵדָה:

The Lord said to Moses, "Take the count of the booty that was taken, both of man and of beast, you and Eleazar the priest and the heads of the fathers' houses of the congregation; and divide the booty into two parts, between the warriors who went out to battle and all the congregation. (Numbers 31: 25-27 [RSV]).

1. The first Hebrew word (וְהַצִּיֹּת), translated here as “and divide” is different from the common Hebrew verb (בָּדַל) meaning “to divide”, “separate”, “distinguish”, “make a difference”, etc. (Exo. 19:12; Lev. 20: 25; 25: 34; 27: 21; Jos. 16:9; Isa. 52:11; Prov. 8:27; Mal. 2:3). The New Jerusalem Bible translates it as “and you will then share out”. It is, therefore, an imperative, “you must divide”.
2. The second word (אֶת־הַמִּלְקוֹחַ) is actually a combination of two words (תֶּאֱ and הַמִּלְקוֹחַ). The word תֶּאֱ is “unrepresented in English” language and generally used to “point out more definitely the object of a verb or preposition” (New Strong, Hebrew, 1995: 15). It is therefore, used here, as in many cases, to point out the definite object of the statement. The other word הַמִּלְקוֹחַ (the object of the statement), translated by RSV as “the booty” actually refers to “the prey” (KJV) or “the spoil” (NJB). It can therefore be properly translated as the proceeds
3. The third word בֵּין is a preposition meaning “between” or “among”.
4. The next is a phrase (הַמִּלְחָמָה תְּפִישׁוּ) translated by RSV as “warriors”. There are actually two words here: הַמִּלְחָמָה, meaning “the

battle” and תְּפִישֵׁי, meaning “*ability to manipulate*” or “*skilled in*”. The two words are rendered by the New American Version as, “*those who took active part in the war*”. In other words, those who bear the risk; the hazard bearers; those who exposed themselves to danger, peril, death, etc.

5. The next is again a phrase (הַיְצְאִים לְצָבָא) translated as “*who went out to battle*” can be properly translated as “*by going out to combat*” (NAV), because of the presence of the word יָצְאָה, which means “*to arise*” or “*get up*”.
6. The last words, וּבֵין כָּל־הָעֵדָה, (“*and all the congregation*”) can also be translated as “*and the rest of the community*” (NJV).

In other words, the verse can be properly translated as the New American Bible puts it, “*then divide them evenly, giving half to those who took active part in the war by going out to combat, and half to the rest of the community.*” Or as the Living Bible renders it, “*then divide it into two parts. Half of it is for the men who were in the battle, and the other half is to be given to the people of Israel.*” That is, and you must divide the prey (proceed) into two (equal) parts; between those that took the war upon themselves (by bearing the risk of the war) and went out to do the battle, and (the rest of) the congregation.

Many have asked why God gave such an imperative order. We are told that the warriors who went to the battle were only 12 thousand, 1 thousand from each tribe (Numbers 31: 4) out of a possible population of 603,550 men of 20 years and above who are able to go to war (Numbers 1: 20-43). The recommended sharing formula appears arbitrary. But Pett (2003: 45) observes that “*the fact that the skilled men of war were specifically distinguished here confirms that they each received the larger portion as a reward for risking their lives in battle*”.

Obitts (2003) suggests this to be the biblical example of casuistry. He defines casuistry as, “*the art of applying moral laws, which tend to be general, to specific cases.*” He argues that ever since Aristotle called attention to what he termed the need for equity, a method for deciding what is the right or wrong act in concrete situations has been an important part of the study of ethics” (Obitts, 2003: 67). He posits that God’s system of justice, which adheres strictly to moral values, involves casuistry and even argues that it is indeed the goal of ethics.

In his “*The Harmony of the Law*”, Bingham (2005) appears to agree with this but sees this and other moral instructions as part of the follow ups of the “*Seventh Commandment*” – in the Roman Catholic order - or “*Eight*” in the protestants (Walker and Shankar, 2005), which says, לֹא תִגְנוֹב (or “*YOU MUST NOT STEAL*”) (Exod. 20: 15). In his words, “*since charity is the end*

of the Law, we must seek the definition of theft from...the rule of charity, that every one's rights should be safely preserved, and that none should do to another what he would not have done to himself" (Bingham, 2005: 112). In other words, anything done without love and genuine concern for the other is stealing. Any arrangement that refuses to take into consideration the need of the most effected of any situation is a theft.

It follows, therefore, that thieves are not only those who secretly steal the property of others, but those also who seek for gain from the loss of others, accumulate wealth by unlawful practices, and are more devoted to their private advantage than to equity. Thus, in order that God may keep away His people from all fraudulent injustice, He uses the word theft, which all naturally abhor as disgraceful.

We must bear in mind also that in living justly, abstaining from all wrong-doing, we are not only satisfying God, but ourselves. This is, perhaps, God's main purpose of placing mankind under mutual obligation to each other that they may seek to benefit, care for, and succor their neighbours. In Leviticus 19:11, 13 God's word declares, "*You shall not steal, nor deal falsely, nor lie to one another... You shall not oppress your neighbour or rob him. The wages of a hired servant shall not remain with you all night until the morning*" (RSV).

God's mind and design is explained more clearly here. He enumerates as thefts, cases in which either deceit or violence is employed. The two words (תִּשְׁקֹרֶה and תִּכְזֹב), translated here as "deal falsely" and "lie to", signify to *deceive*; as also to *frustrate hope*. There is no question, then, that God would restrain His people from all craft, or deceit, that they may deal sincerely and honestly with each other.

He points out an example of unjust oppression, when a person, who has hired himself as a labourer, is defrauded of his wages, and not only if he is sent away without payment, his wages being denied him, but if payment be deferred to the following day. Since we know that hirelings generally live from hand to mouth, any delay would mean their being without food for a period. Consequently, if a rich man keeps a poor and wretched individual, whose labour he has abused, in suspense, he deprives him as it were of life, in depriving him of his daily food. The aim here, is that humanity is so to be cultivated that none should be oppressed, or suffer loss from default of payment.

The same command appears again in Deuteronomy 24: 14,15 where Moses pronounces that he who has hired a poor person for wages oppresses him unless he gives him immediate recompense for his labour; since the two admonitions, "*thou shall not oppress,*" and "*thou shall give him his hire,*" are to be read in connection with each other. In other words, if a hireling suffers from want because we do not pay him what he has earned, we are by

our *very* delay alone convicted of unrighteousness. The reason is now more clearly expressed, because he sustains his life by his daily labours. Although, however, this provision only refers to the poor, lest they should suffer hunger from the negligence or pride of the rich, still humanity in general is enforced, lest, while the poor labour for our profit, we should arrogantly abuse them as if they were our slaves, or should be too illiberal and stingy towards them, since nothing can be more disgraceful than that, when they are in our service, they should, at least, have not enough to live upon. In other words the fifty-fifty (half and half) sharing ratio is God's immediate and adequate recompense for the "*warriors*" who in every respect are the labourers of the people here. Their action has brought relief, joy and victory to the entire nation. They therefore deserve a "*just*" (דָּיָקָה), adequate, favourable, righteous and generous reward.

Moreover, Deuteronomy 25:4 declares, "*You shall not muzzle an ox when it treads out the grain*" (RSV). This passage is said to be one of the best supplements of the Commandment, YOU SHALL NOT STEAL (Bingham, 2005). But, why is the ox so highly regarded here? Bingham declares that God had no other design in delivering it than that the labourer should not be defrauded of his just reward. God does not care for ox more than man, but we must bear in mind, that men are so instructed in equity, that they are even bound to exercise it towards the beast animals; "*A righteous man has regard for the life of his beast, but the mercy of the wicked is cruel.*" (Proverbs 12:10.). The essence is that we should freely and voluntarily pay what is right, and that everyone should be strict with himself as to the performance of his duty. In other words it would have amounted to unrighteousness (sin) for the "*warriors*" to have received less than God's recommended standard.

In fact Leviticus 19:35 states, "*Ye shall do no unrighteousness in judgment*" If we take the word judgment in its strict sense, this will be a special precept, that judges should faithfully do justice to all, and not subvert just causes for favour or ill-will. But since the word מִשְׁפָּט (mishpât) often means rectitude or equity, it will not be unsuitable to suppose that all iniquities contrary to integrity are generally condemned, and the most injurious of all is the gross violation of public justice.

The Need for Equity and Conscience

In all of this, equity and conscience appear to be the key words. Equity is justice administered according to fairness as contrasted with strictly formulated rules. This is where those who are of the view that, "*the campaign on Resource Control has been conducted more on the emotive, sentimental plane than on the factual, practicable and most importantly, realistic plane.*" seem to get it wrong (Dangora, 2005: 12). They are of the

view that the campaign has been for the most part conducted without taking the realities of the Nigerian situation into consideration and that those pushing the issue have not been able to provide us with political antecedents anywhere in the world of the type of Resource Control concept they are canvassing.

Dangora (2005) asked a number of questions on the justness or otherwise of the struggle for “*Resource Control*.” He opined that for the purpose of our argument on Resource Control it would be more appropriate rather to cast our gaze towards OPEC (Organization of Petroleum Exporting Countries) countries or other oil producing developing countries whose circumstances are more suited to us. He then asked, in which of the OPEC countries or oil producing developing countries is Resource control practised? What are the antecedents and lessons available to us on the relationship between the foreign multinational oil companies and the various oil producing developing countries? Is it also lost on the proponents of Resource Control that the control of any resource especially one that requires heavy capital investment as oil, is a function of who invests in the venture? Which of the states where oil is found in Nigeria has the capacity to make the massive capital investment either jointly or individually to prospect and extract the oil therein? As a concept, where and how can we fit Resource Control within the context of both our constitutional statutes and international law? As constituents of the Federal Republic of Nigeria who were created by that same entity, on what locus can the resource control states seek to control something which neither the constitutional statutes of the country, nor those of International law accords them? On what legal platform will they derive the power to enter into joint venture agreements with foreign multinational oil entities?

For example, which multinational Oil Company will want to enter into concessionary agreements on oil issues with a state or group of states that do not have any iota of sovereign power over what is to be agreed upon? What guarantees can such an oil company have from such states for the protection of its operations and investments? Hypothetically, what will a Federal Government that is divested of its powers on such issues be expected to do when legal, security and other problems arise between the resource controlling states and the multinational company or companies?

What will happen to the legal status and structure of the Nigerian National Petroleum Company, (NNPC) as the sole entity recognized to enter into agreements with foreign oil concerns for the purpose of exploiting the nation’s oil and gas reserves? Will Resource Control oust the powers of NNPC in this respect? Will this lead to formation of state oil concerns and fresh joint venture (JV) agreements between the resource controlling states and multinational oil companies? If so what legal recognition will be

available to such agreements locally and internationally? How can we extricate ourselves from the tangle web of legal and constitutional issues that will result from this?

Most certainly, Dangora, appears to have forgotten something. He forgot to apply good conscience and equity. Conscience, according to Okwueze (2003: 23) must be understood in two senses, "*in a wide sense it is called syntheses, which is the knowledge we naturally have of the principles of the moral order. In the strict sense, it is the application of these principles to our actions*". In other words, equity should be seen as a system of doctrines supplementing common and statute law and how to figure out what to do when the law does not apply. The objective of equity is how to render the administration of justice more complete, by affording respite where the laws of the land are incompetent to give it (Dara, 2001). Therefore, the term "equity" denotes the spirit and habit of fairness, justness, and right dealing which would regulate the intercourse of men with men

Equity is universal and natural. And since it means fairness, we must know what constitutes fairness. If it merely means that one gets one's due out of market transactions, then an overly narrow (purely procedural) definition of equity is being used, which can lead to very inequitable outcomes in practice. It is long recognized that the outcomes of a strict adherence to the law or rules often produce results that are contrary to either the spirit of the laws or society's intent, thus causing a need for adjustments in the outcome. This adjustment is equity in the classical sense of the word.

In terms of the economy, this means that following the laws and rules that guide the economy will often produce outcomes that might be in accordance with the restrictions of justice in that everyone has followed the letter of the law, yet which are socially or morally unacceptable. To give an example: market wages might not be at levels that can support a family at a decent level and, in many cases, can be below the subsistence level. Thus it has been common for societies to intervene in such market outcomes to ensure that certain social minimums are met. Strict adherence to the logic of economic theory suggests that all market outcomes, as long as they are the result of free actions, are necessarily fair (equitable) and that it would be unfair (a violation of justice) to interfere with such outcomes. Yet this conception of equity not only ignores the second and older definition of equity, it is a mere tautology, for it assumes that all market outcomes are equitable, and the proof of this is that they are market outcomes. Market outcomes need to be evaluated using criteria other than the market, and all market economies have eventually adopted this approach, for markets often produce unacceptable outcomes. The Niger Delta issue could be seen in this light.

Summary/Conclusion

From the above discussion, we can establish that:

1. The present peace in the Niger Delta is, at best, palliative and needs to be sustained
2. The age long crisis in the Niger Delta region is still unresolved.
3. The crisis hinges more on morally concern than just political or economic issue.
4. The cry of injustice is still very relevant and true as the people and region that bears the burden of the main source of the Nation's wealth remains the poorest or least developed.
5. Ecologically, the region is a difficult terrain that actually requires more attention.
6. The required attention is not given and what is given does not get to the source.
7. The researcher believes that the problem can be solved if the Old Testament concept of Justice and Equity is rightly applied.

Suggested Recommendation

To achieve the desired peace, anchored on the Old Testament idea of justice in the Niger Delta, this researcher suggests that there is the need to engage every oil bearing community as a stake holder in the entire process of oil exploitation in the community.

Firstly, this Researcher believes that such arrangement will give guaranty to the security of lives, property and the huge investments in the Niger-Delta and restore peace to the area as the people will have a sense of belonging and appreciation for their contributions to national development.

Secondly, it will be seen as a just and appropriate compensation for the people who have suffered much in providing revenue base for the whole country and will create a normalization of the people's productive life, having been forced to shift from their primary means of livelihood.

Thirdly, this will be favourable to the Government as resource allocation formula in which derivative is a key component and an appropriate expenditure by the people themselves, thereby taking some pressures off the Central government who are required to bear exclusively the task of sustainable development in the Niger Delta area.

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