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Degenerative Policy Making System and Exploitation: A Case Study of Politics of Oil Exploration in Nigeria

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Abstract

This paper is an examination of the fact that persons in the oil rich region of Nigeria take unfair advantage of their default prior appropriation of land due to degenerative policy making systems inherent in our crude oil management. The study argue that as a result of these degenerative policy making principles Nigeria's revenue allocation remains unfair, because it breeds inequalities and injustices by default through these degenerative policy-making principles, and the co relational interplay between territoriality and appropriation of natural resources ought to be philosophically reviewed to ensure equity and justice in wealth distribution in a multinational polity such as Nigeria. Using the reconstructive method, the paper examines John Lock's principle of self-ownership, as been efficient but defective since it allows for an *a priori* procedural determination of distributive justice. And Rawlsian difference principle, this exposes its negative characterization of risk minimization. Using the same method it examines the policy making system of Nigeria. This showed strong indications towards degenerating the political economy of Nigeria to an exploitative proportion. The study concludes that the Dworkin's equality of resources theory will serve as the propensity of generating a platform of equality of opportunity for all and at the same time ensures a personal sense of responsibility serve as panacea to the Nigerian political economy.

Keywords: Oil Exploration; Nigeria; Niger Delta; Rawls' Difference Principle.

1. INTRODUCTION

Non-human natural resources are materials that may either be utilized in their pristine state, for example, unprocessed gems and gold for monetary circulation, or that require further processing. They are trapped in the labyrinths of different geographical locations and they require exploration in order to be discovered, tapped and utilized. Due to their valuable nature and their limited supply, they have served as an incentive to the migration and distribution of human populations through the history of civilization. This factor, among other key reasons, has led to the distribution of peoples, races and nations into territorial jurisdictions.

This need for territorial recognition in relation to the presence of natural resources has been made legal and universal among the comity of Nations. For example, in resolution 1,803 XVII the United Nation General Assembly ascribed permanent sovereign authority over natural resources to its member nations. However, this ascription, endorsed at a global level, has raised difficult questions upon closer examination (Kuflik 1989). One of the key issues pertains to resolving the conflict between different groups situated within the same nation. This conflict results from opposing groups demanding either a significant participatory role or a separate self-governing status as far as access to natural resources are concerned. Therefore, one of the paramount questions that economists and moral philosophers have been grappling with in our time is whether appropriation of natural resources could be used as a tool to bring about this self-governing status for agitating groups? What compounds this issue even further is that from whatever angle we choose to look at it, no original distribution could plausible predict the discovery of these latent non-human natural resources. That is to say, no ideal jurisdictional process could justly resolve the international distribution of this historically developing common wealth, except one which provides for the resolution of the tension between self-ownership and collective ownership of major resources (Gilbert 1989).

This paper particularizes and examines one of such issues as it concerns the Federal character of Nigeria. This will help to proffer a normative position regarding its resolution.

2. POLITICS OF OIL PROBLEM IN NIGERIA

In 1956, crude oil was first discovered in commercial quantities at Oloibiri in Niger Delta Region of Nigeria (Ebegbulem *et al.,* 2013). This was before Nigeria was declared an independent nation in 1960, and subsequently a federal republic in 1963. Since this status of autonomy was ascribed to it, the federal government has relied heavily on appropriation of the oil laden Niger Delta region. In compensation for this appropriation it currently and exclusively gives the people of Niger Delta 13% of its proceeds of crude oil exports (Omeje 2006; Ering et al., 2016). The Scenario in terms of the economic relationship can conceptually be captured by Van Donselaar's adaptation of Gauthiers anecdote in *Morals by Agreement* (Gauthier 1986). In the anecdote, Gauthier considers whether or not Eve, being the original appropriator of a plot of land for agricultural use, will also be the owner of the oil that might be discovered underneath? What if oil drillers are introduced to local authorities and they negotiate with them to explore with competent technology on its behalf? Will the local authorities be morally offending Eve, and to a considerable extent making her position as the original appropriator, worse off? So the contention is that all will be better off, or at least equally well off if we switch the ownership rights of the oil not yet pumped from Eve to Mrs. Exxon or Mr. Shell. Gauthiers answer to this is affirmative, but most importantly, he insists that such a switch is not due to the fact that all would actually profit from disowning Eve, but that Eve would be a parasite if we allow her to regard the exploration rights of the oil as merchandise (Van Donselaar 2009). This brings me to my main problem. Applying Gauthiers anecdote to the Nigeria context can be conceived thus: Are people of the Niger Delta region of Nigeria justly entitled to more profit by virtue of the fact that the oil is beneath their farmland?

The aim of this paper is primarily to state that persons in the oil rich region of Nigeria take unfair advantage of their default prior appropriation of land due to degenerative policy making systems inherent in our crude oil management. The study argues that as a result of these degenerative policy making principles (a) Nigeria's revenue allocation remains unfair, for it breeds inequalities and injustices by default through these degenerative policy-making principles, and (b) the co-relational interplay between territoriality and appropriation of natural resources ought to be philosophically reviewed to ensure equity and justice in wealth distribution in a multinational polity such as Nigeria. In other to achieve this set goal of presenting the argument the study will first and foremost try to build an understanding of the conceptual relationship between appropriation of natural resources and property rights as they pertain to the just distribution of wealth. As a grounding principle the study shall expound John Locke's principle of self-ownership, most especially the implication of the Lockean proviso to this argument. The Lockean proviso bifurcates into two approaches: the equality and the inequality dimension. We shall show how John Rawls' difference principle has been its chief exponent. Over the years, by commission or omission, policy makers have adapted the risk minimization components of the difference principle to simulate a degenerative policy-making system in Nigeria. Therefore, the study would attempt to highlight how this system has brought the oil management of Nigeria to the 13% derivation allocation formula. This has not only created a lopsided parameter for wealth distribution but has generated a lot of political disquiet in the unity of purpose for a polity such as Nigeria.

This argument will lead us to a disavowal of a purely procedural determination of distributive justice. This implies that rejecting the standpoint that the suitability of a distribution of resources hinges basically on our arrival at the intrinsic character of the underlying processes of acquisition and transfer (Kuflik 1989). Since this position cannot be validly advanced it has to be replaced by another theory. This should logically lead us to new consideration of allocating resources in relation to just wealth distribution, such as arguments why location is not a sufficient variable for the allocation formula. The proximity argument will hopefully indicate that it cannot be the case that an allocation formula applies to contingent physical location. This is because if you push this far enough (that is on a macro level) should the closest be entitled to more? Where do you draw the line? This could lead to absurd consequences such as whether migration to such proximate places will be more profitable and will deepen the indigene/settler tussle already seething underneath.

The paper will look at what current revenue allocation formula for Nigeria looks like. What is fair formula for determining how to distribute profit from oil wealth: basic needs, location, etc.? What must the formula consider beyond physical location? May be there is the need for improved technology or infrastructure? It is to this effect that we shall turn to Ronald Dworkin's equality of resources principle. Here we shall use his equality approach to carve out a valuable alternative.

3. THE CONCEPTUAL CONNECTION BETWEEN APPROPRIATION AND PROPERTY RIGHTS: LOCKEAN PRINCIPLE ON SELF-OWNERSHIP

In dealing with the relationship between acquisition and ownership, John Locke was one of the foremost political philosophers to specify a principle of justice in acquisition. In his 2nd letter of Treaties of Government he posits that property rights are an unowned object originates through a person's freedom to mix his or her labour with natural resources (Nozick 1974). Locke's view is that they are a requirement for people to secure the resources that guarantee their means of livelihood, and they are entitled to this as a natural right (Locke 2008; Haaga & Pilla 2021). Nozick used this idea to form a principle which governs the initial acquisition of property in a society (Wündisch 2013). But in order for his ideas of ownership of property to take firm rooting as a theory, he devised the criterion to determine what makes property acquisition just. This is because a resource coming under a person's appropriation implies changing the situation for others. Therefore, the crucial point for Nozick became whether the acquisition of common wealth worsens the situation of others, and this leads us to the Lockean Proviso. The Proviso states that although every appropriation of property is a lessening of another's rights to it, it is acceptable as long as it does not make the parties concerned worse off than they would have been in a state of common wealth (Wündisch 2013).

Richard Arnerson captures this explanation by adopting the biblical imagery of Adam and eve being expelled from the Garden of Eden. They, along with all humans to come, have to appropriate unacquired land resources for their private ownership. However, the moral limit of such acquisition is that all persons have equal rights in this same unacquired land resource. This implies that in a world of scarce resources each person is allowed to engross in only his /her per capita share, thus leaving all the other persons their propositional share of unhampered resources or their equivalent (Arneson 1989). However, if there is an encroachment into another person's allotted resources then full compensation for their share is required. The assumption behind the requirement of redress or compensation is, of course, that in the absence of the prior appropriations by the presently wealthy those who are now wretched would have been willing and able to create wealth from their own share of the common wealth. This in turn would have improved their lot. Therefore, this makes the first appropriators, in a way, the generative force behind impoverishment of others. This informs the need for a redress (Van Donselaar 2009). And so even if this argument is solidarity with people who need support, nevertheless this help should not grant every person an *a priori* and unconditional right to a share of the earth, which opens the avenue for it to be exploited. To put it more succinctly, this would inordinately mix together the genuinely impoverished and the indolent or unproductive as equally deserving of the benefits of a tax transfer system (Van Donselaar 2009). In other words, Locke's distinction between productivity and appropriation does not attain what it was set to do: to restrict the right of original acquisition in such a manner that it cannot serve to exploit the other person's apportioned resources or heritage, thereby serving the parasite (Van Donselaar 2009).

4. RAWLS' DIFFERENCE PRINCIPLE

Having marshaled out the reason for the refutation of the idea that property rights in natural resources can be justified by historical privilege, by birth rights or by the arbitrary fact that one was the first to take possession, how then should resources be divided and distributed among individuals? John Rawls' takes us a step further with his inequality approach in the difference principle. Rawls believes that this principle would be a rational choice for the active participants in the original position for the following reason:

> Each member of the society has an equal claim on their society's goods. Natural attributes should not affect this claim, so the basic right of any individual, before further considerations are taken into account, must be an equal share in material wealth. What, then, could justify unequal distribution? Rawls argues that inequality is acceptable only if it is to the advantage of those who are worse-off (Rawls 2001, p. 88).

A further motivation for the difference principle in this: Risk-minimization is a part of Rawls' strategy in setting up the original position. All representatives are supposed to consider worst case scenarios, where on the lifting of the veil of ignorance they discover that they are at the button of the society. Rawls argues that if this possibility is considered, then all representatives will be concerned with ensuring the best possible circumstances for the worst-off members of society (Rawls 2001). From the foregoing, can we say that Rawls' formulation is rational? Rawls' answer to this is affirmative, that is, in so far as we accept the difference principle then we must prefer a situation where all suffer to a small extent to one where all except one person experiences extreme pleasure, the unlucky individual undergoing slightly more hardship than the people in the first example. The difference principle implies that risk-minimization is the focal point in securing the rights of the worst-off in a wealth distribution scheme (Rawls 2001). However, there are instances where the difference principle becomes oblivious of the third party. For example, if two people are told that, if they both consent, one will be given a large sum of money and the other will be pinched on the back of the hand, otherwise nothing will be done to either of them, and then it is rational for each of them to risk the pinch. This is not to the advantage of the worse-off of the two, so it is not endorsed by the difference principle.

This last illustration leads me to re-examine the state of nature where there is a relationship between appropriation, ownership and redistribution or compensation. We shall here consider two states of nature. In the first case, Richard Arneson says,

> Supposing that in a three-person state of nature, A and B want to roam the land. However, C's appropriation of one third of the land as his private property frustrates their desire. Must C compensate A and B, according to the Lockean principle? No, because the desire of A and b to roam freely can only be fulfilled if C exercises his right over the land in a manner that they prefer C has no obligation to succumb to this wish. So C's act of appropriation does not count as harming A and B of course, A and B are at liberty to acquire and use up to their per

capita share and establish a free use or other common ownership system on that land (Arneson 1989, p. 174).

However, he gives a second case of two-person state of nature. In this scenario, A might appropriate all the land, but offer B employment opportunities that fully compensate B for the loss of opportunity to appropriate up to a per capita share. The appropriate measure here is utility. A might offer B an employment contract. Under which B would gain an income equal to the highest gain he could have realized from personal acquisition of a per capita share of resources. Yet this offer might not constitute full compensation if B finds the employment particularly tasking, or abhors the idea of laboring for A and would much prefer to be his own boss working his own resources. Full compensation here would have to include compensation for these aspects of frustration that are not monetary (Arneson 1989). Notice the difference in the appropriation-compensation behavior in the two-part state of nature; whereas there is a more egalitarian dispensation in the three party state of nature. What distinguishes the two cases is the fact that the state of nature in the second case is again oblivious of the third party's involvement.

In general, Rawls' theoretical formulation is of immense interest to us if we apply its concomitant features of the risk minimization and the third party oblivion to our problem. In order to understand how this is possible I will introduce some degenerative policy making systems and demonstrate how these two aforementioned features in Rawls' formulation play a negative role in shaping its consequences for wealth distribution in Nigeria. This I have already identified as the 13% derivation allocation formula to the people in Niger Delta region.

5. DEGENERATIVE POLICY MAKING SYSTEMS AS EMPIRICAL EXPLANATION FOR THE ALLOCATION OF 13% DERIVATION FORMULA IN NIGERIA

Nowadays, the interaction between political power and social constructions of social groups can create policy-making systems that are divisively dominated and systematically damaging to democracy. The aim of this construction is to stigmatize some potential target populations and extol the virtues of others. This can be termed a 'degenerative policy-making system' (Schneider & Ingram 1997, p. 106). Degenerative policy-making systems are focused on the calculation of political opportunities and risks (Oben & Egege 2018). By so doing, they choose targets for benefits and disregard targets perceived as burden rather than objective policy analysis, deconstruction of images, or discursive participation by affected groups (Schneider & Ingram 1997). This system interacts with the policy power to socially construct four different kinds of policy target populations, namely:

1. The Advantaged: this group is powerful and positively constructed.
2. The Contenders: powerful but negatively constructed as underserving or greedy.
3. The Dependents: positively constructed as good people but relatively needy or helpless who have little or no political power.
4. The Deviants: those who have virtually no political power and are negatively constructed as underserving, violent, mean, and so forth.

According to this policy theory under scrutiny, out of the four kinds mentioned, only two offer clear-cut political opportunities for the degenerative policy maker: that is, providing benefits to advantaged groups and burdens to target groups constructed as deviants. All other groups are politically risky (Schneider & Ingram 1997; Nzuanke 2018, p. 217). Upon a closer examination, the current oil management system in Nigeria has been using this unspoken philosophy of socially constructing its affairs with the people of the Niger Delta region into the following categories:

I. The Niger Delta community elders, top government officials and management of the Nigerian Oil Corporation as the advantaged group.

II The independent and indigenous oil markets and oil pirates are termed as the contenders.

III. The Fisherman who thrives on a poisoned aquatic habitat and the farmer whose arable land had been rendered a wasteland through frequent spills are the dependents, while

IV. the environmentalists, political activists and the Niger Delta militants are the deviants. By virtue of the benefit of the benefit dynamic;

a). It is risky to flood the dependents with benefits because they will use it solely as a means of survival and livelihood hence their rights for basic human needs (This can be likened to pouring water in a basket)

b). It is risky to throw benefits at the contender because it will only fuel his greed and heighten this ambition to take over the oil industry from multinationals.

c). it is however beneficial to sponsor the advantaged because they will protect the business arrangement of the federal government with the multinational oil companies and ensure that the 13% derivation formula is unopposed at the executive and legislative levels of government in the Niger Delta Region in exchange for affluence since they have nothing at stake. For the burden dynamic:

d). It is risky to impose sanctions on the dependents because one can lose their support.

e). It is risky to introduce tough measures against the contenders because they can sabotage the oil industry and it can transform them eventually into deviants.

f). However, it is profitable to punish the deviant because he already has a disgruntled disposition and his violent tendency can be used as an excuse to sanction him (Ikelegbe 2006).

From the foregoing analysis, we can see that two of the problems already disclosed with Rawls' difference principle has resurfaced in the policy analysis of oil management in Nigeria. There is a pressing engagement to ensure that there is risk minimization at all costs as pointed out above, and the issue of resolving the disparity between prior appropriation and wealth distribution is centered on a two party system in the federal government and the 9 states that constitute the oil-rich Niger Delta Region. This means that the negotiations, concessions and intrigues that go along with this are oblivious of the third party: categories III and IV aforestated. The federal government takes the lion's share of 87% and gives 13% to the Niger Delta states. It then shares this 87% among the tiers of executive government, consisting of a center with over 60 ministries and parastatals, 36 federating units (states) and 730 local government units. Already we can see a situation where the Niger Deltans are better off at the detriment of other federating units. Sadly, this jumbo package ends with the government officials and appeasement of the militias (Oben *et al*., 2011). Very little trickles down to provide basic amenities for the fisherman whose trade has been shortchanged as a result of oil spills or the farmer whose land has been rendered not arable for raising food crops and crisscrossed by huge trails of oil pipelines. So why is this derivation formula (which is based on the proximity and prior appropriation of the Niger Delta inhabitants) an unjust presupposition? I shall approach this from two considerations:

6. OBJECTIONS FROM MORAL ARBITRARINESS

Brian Barry opens up our understanding on moral arbitrariness with this analogy:

> suppose the Crusoe and Friday now on two desert islands, work equally hard and equally skillfully but there is a great difference in their production entirely due to the island being fertile while the other is barren; plainly if anything can be called morally arbitrary – not reflecting any credit or discredit on the people concerned – it is this difference in the bounty of nature….. Even if the differences in prosperity flow from differences in the quality of what economists call human capital, the greater prosperity of one than the other still derives from morally arbitrary advantage (Barry 1989, p. 239).

This beautifully captures the issue of contingency with regards to the location and discovery of natural resources. The people in the Niger Delta did not fundamentally opt to be endowed with oil. Neither did the non-oil producing regions of Nigeria bargain for a situation not to be endowed with crude oil. Therefore, no one can necessarily determine what he owns or controls. After all, before the discovery of crude oil in the Niger Delta region of Nigeria, its economy was sustained from the groundnut and cotton pyramids from the northern part of the country, the cocoa produce from the South Western Nigeria and Palm oil produce from the eastern region as well as the Niger Delta area itself. This implies that the people from the Niger Delta region were once beneficiaries of an agrarian driven economy. Why then should others as a result of contingent factors that have reversed the trend of things not be equally beneficiaries of a crude oil driven economy? That is why the lockean principle, in answer to the dilemma of moral arbitrariness, posits that all persons have equal initial rights to unimproved natural resources. This interpretation of self-ownership renders property rights unfavorably contingent when population changes over time. For example, A appropriates a per capita share of land. But then population rises. Does A's property right now contract to make room for the new comers? Must A cede to the new comers resources that she has improved by her labor? These are questions that claims to fixed rights on natural resources cannot readily give answers to (Arneson 1989). Moreover, the question of fixed rights based on location precipitates into a *reductio ad absurdum* argument. Supposing A is living right over an Oil well with a neighbor B 500 meters from him and another 1,500 meters away. Should oil proceeds be shared based on proximity, which amounts to a ratio 5:3:1 respectively? How far will the ratio based on proximity go in order to satisfy all the inhabitants of that area? Will this proximity argument not serve as an incentive for people to overpopulate oil endowed regions since benefits are given based on proximity? Will this proximity argument not have other multiplier effects such as population, inflation etc?

It is as a result of this moral arbitrariness dilemma that Rawls, in formulating the original position, emphasizes an active, non-arbitrary view of personality, focused on every individual two moral powers: the capacity to entertain and revise particular ideas of the good and form cooperative notions of the right (Gilbert 1989, p. 229). In other words, Rawls' subsequent argument for the different principle is founded on the idea that advantages arising from natural and social contingencies are morally arbitrary, and that, therefore, we should begin from an equal distribution and then search for Pareto improvements (Barry 1989).

7. OBJECTIONS FROM EVANESCENCE OF RIGHTS

In summary, what does the proximity/moral arbitrariness argument amount to? This leads us to the reality and recognition of the evanescence of rights. This implies that the economically desirable level of stability, or evanescence of private control of productive opportunities, is exclusively regulated by efficiency considerations. In other words, in so far as we remain committed to the lockean proviso, there is no a priori argument for the fixity of property rights in external resources independent of economic outcomes (Van Donselaar 2009). This in turn, practically leads to the liberalization of the market, which implies that the management of natural resources can be naturally determined by the laws of competition in the market. This is seen in practical terms in nation states who legally own such resources (as in the case of Nigeria). They would give out oil drilling license to those agents who prove to be most competent in serving the best interest. These oil licenses are subject to review or even revocation if the multinational companies do not live up to expectations. Therefore, this system introduces competition where it would have been excluded by fixed rights. In addition, it maintains the readiness to invest in competitiveness itself since the oil drilling agents cannot afford to relax because there is no guarantee for a secured and monopolized position (Van Donselaar 2009).

8. HOW THEN DO WE ARRIVE AT A JUST FORMULA?

It would be pointless to simply advocate for the rejection of the 13% derivation formula without proposing a more viable theory that should replace it. So far I have tried to emphatically make the point that the distribution of resources in itself ought to be a secure guarantee against parasitic relations. The derivation formula based on *a priori* appropriation or proximity as we have seen with the case of the Niger Delta people does not serve this purpose. Rather, it has created an incentive for the Niger Delta people to be more aggressive and militant in their demand for more allocation or resource control, which the federal government sees as a propensity for outright secession. So my preoccupation here is to see whether there are arguments that go beyond the neutralization of moral arbitrariness/advantage arguments.

8.1 DWORKIN'S RESOURCE EGALITARIAN SCHEME (CLAM SHELL THOUGHT EXPERIENCE)

Dworkin primarily rejects equality of welfare as an interpretation of the ideal of distributive equality. One of the main objections he puts forward is the fact that equality of welfare has the propensity to compensate irresponsibility. His position is double pronged:

1. People are responsible and should be held responsible for the outcome of their own choices. However,
2. People are not responsible and should not be held responsible for the unchosen circumstances in which they make their choices.

So the paramount question in his formulation becomes how do we reconcile (1) and (2)?

Dworkin reasons that if we set up a framework for interaction (this basically consist of a market economy) and provide everyone a fair initial endowment of resources, people could then make choices and live their lives with no further redistribution during their lifetime. And so the market is needed to fix fair initial endowment of resources, because the true measure of the resources one holds is what others would be willing to pay for them (Dworkin 2002). The fair initial division is an equal division. Dworkin is of the opinion that this division is equal when brought about by trading when each agent has equal purchasing power. In order to provide this trading platform Dworkin introduces the ideal of a theoretical equal auction. In this platform all tradable resources are divided into homogenous pile and each of the N members of the society is given 1/n portion of the homogenous pile. This is followed by a trade to equilibrium. This is what Dworkin regards to as the clamshell thought experiment (Dworkin 2002). The outcome of this equal auction has the property of being envy free: No one prefers anyone else to her own. This outcome also has the property of efficiency in the Pareto sense: one could not alter the situation, improving the condition of any person, without making somebody else worse off. However, in general, there is no way to reach an envy-free distribution when the domain of resources includes internal as well as external resources, and so he introduces the hypothetical insurance for marketable talents and handicaps. Therefore, with all members participating, the veil of ignorance is lifted. In addition, the relevant pay in/pay outs are made, thereby enabling people to then live their lives as they choose in a fair framework for interaction with no further redistribution.

In summary, Dworkin's formulation propounds that in practice society should try to set its institutions, and especially its redistributive institutions, to simulate as far as it is feasible the resultant effects that actual individuals in society would have reached via a theoretical auction with hypothetical insurance market adjustments followed by letting people live as they choose. This implies looking out for an arrangement of institutions so that the distribution of benefits and burdens across people is ambitious and sensitive (Arneson, 1989). From the foregoing we can see that Dworkin brings us back in perspective as far as the Lockean principle is concerned, most especially with the connection he makes between equality and responsibility. Arneson confirms this when he posits that the individual owner is entitled to do whatever she pleases only with that share that she owns that exceeds what is owned to the common stock. In this sense he alludes to the fact that there is an element of stewardship in the Lockean theory of ownership (Arneson, 1989).

Having introduced Dworkin into the scene I would like to apply his theory of equality of resources, with an emphasis on personal responsibility, to the revenue allocation formula. In my opinion this is instructive towards providing both the oil-endowed and the non-oil endowed states with an equal form of investment of their share. Nevertheless this is done within the context of a Federal arrangement which Andrew Shorten captions as the background theory of Egalitarian Justice. In addition, Andreas Follesdal reminds us that the political autonomy principle precedes the equal share principle thereby justifying inequalities in the decisions about the use of naturally endowed resources at the disposal of its federating units. Therefore, Nigeria can remediate the 13 percent derivation formula by reverting back to the 50% derivation arrangement as enshrined in the fiscal federalism policy of the 1963 Constitution Every region then decides how best to judiciously utilize the outcome at its disposal. This ensures a kind of probity and responsibility towards what you are entrusted with to develop your region.

A critical resource of any society is its capacity to develop the right kind of technology for its own needs (Nzuanke & Chinaka 2018, pp. 64-65). The very purpose for a patent system is to encourage the inventiveness of one's own citizens. When technology is controlled from abroad, it means that funds for research and development go to the research firm to develop its technology further-technology that is designed for worldwide profit maximization, not for the development needs of the poor countries (Omofonmwan & Odia 2009). If these factors are taken into consideration, then I strongly believe they will translate the equality of resources into an equality of opportunity for all with a personal sense of responsibility tied to it.

9. CONCLUSION

This study attempted to demonstrate that there is a conceptual connection between the appropriation of natural resources and property rights as they pertain to the just distribution of wealth. This relationship brings about a tension between self-ownership and collective ownership of major resources. And so in the course of this study we attempted to particularize and examine one of such issues as it concerns a heterogeneous and multinational setting such as Nigeria. This will help to proffer a normative position regarding its resolution. My investigations tried to primarily expose the malaise in the oil-rich region of Nigeria namely the fact that degenerative policy making systems have tele guided the Niger Delta region into taking unfair advantage of their prior appropriation of land proximate to a profitable natural resources. We identified the problem as the 13% derivation formulation which is not commensurate with the justification of egalitarian use of resources within the purview of its political autonomy of the federating units of Nigeria. This portends instability and injustice between oil-endowed regions of Nigeria and non-oil-endowed regions alike. This has led me to reconstruct and examine oil management and wealth distribution in Nigeria in the light of current theories to X-ray the level of inequality and exploitation. Our starting point was the Lockean principle of self-ownership which we identify as efficient but defective since it allowed only for an *a priori* procedural determination of distributive justice. The study turned to the Rawlsian difference principle. Its negative characteristics of risk minimization and third party oblivion brought the policy making system of Nigeria into sharp focus. This showed strong indications towards degenerating the political economy of Nigeria to an exploitative proportion.

Therefore, in order to redress these two negative trends while at the same time going beyond the limitations of the intrinsic determinative principle of distributive justice, the study had recourse to employ Dworkin's equality of resources theory. In this theory we discovered a very viable theory remedying the shortcomings of the allocation formula as it stands in Nigeria. In Dworkin's theory we see the propensity of generating a platform of equality of opportunity for all which at the same time ensures a personal sense of responsibility. Having expounded this issue to a considerable extent it is pertinent to note that distributive justice can be might remain farfetched for the impoverished 200 million persons in Nigeria living below $1 a day if the political will by various stakeholders refuses to redress the allocation formula as a veritable tool for fair and equal wealth distribution. In other words, social justice should reflect both a strong commitment to policies that protect the vulnerable and an equally strong commitment to a reciprocity principle that precludes that people exploit their fellow citizens.

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