

The concept of indigeneity: The Niger Delta host communities perspective

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Abstract

This article examines who indigenous peoples are and how that question plays out in Nigeria, particularly within the Niger Delta region. The term indigenous has no single universal definition, yet certain features, namely continuity with pre-colonial society, attachment to ancestral land, and a culture set apart from the dominant society, recur across instruments such as ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples. In Nigeria, indigeneity carries an added political weight because it has long been tied to access to land, employment, and political office, producing the familiar indigene and settler divide that has fuelled conflict in places like Warri. The article also draws a line between indigenous communities generally and host communities as defined under the Petroleum Industry Act, the settlements that live directly alongside oil operations and bear the brunt of spills, gas flaring, and habitat loss in places such as Ogoniland and Bodo City. The article closes by considering how corruption, in the award of oil contracts and in the disbursement of community development funds, has worsened the position of these communities and frustrated the constitutional promise that natural resources should serve the people on whose land they are found.

Keywords: Indigenous peoples, indigeneity, host community, Niger Delta, land

Introduction

There is something almost paradoxical about a term as widely used as "indigenous" having no settled definition. Estimates put the global population of indigenous peoples at over 370 million people spread across more than 70 countries, yet no United Nations body has adopted an official definition of the word. What exists instead is a working understanding built around self-identification, historical continuity with pre-colonial society, a strong attachment to land, and a culture distinct from whatever society surrounds it. This article begins from that uncertainty and tries to work out what it means to call a people or a community indigenous, before narrowing the focus to Nigeria and, more specifically, to the Niger Delta.

In Nigeria, the question is far from a purely academic one. Indigeneity determines who gets a scholarship, who gets appointed to public office, and who is treated as belonging to a place.

The indigene and settler divide that runs through much of the country's post-independence history grew out of this, and few places illustrate it as clearly as Warri, where the Ijaw, Urhobo, and Itsekiri have contested who truly owns the city since long before oil was discovered there. The discovery of crude oil in the Niger Delta in the early 1960s did not create these tensions, but it gave them a new and far more valuable prize to fight over.

This is also where the idea of a host community comes in. A host community, as defined under the Petroleum Industry Act, is simply a settlement that sits in or near the operational area of an oil licence or lease. It is not quite the same thing as an indigenous community in the strict international sense, but the two overlap heavily in the Niger Delta, where communities like Ogoniland, Gbaramatu, and Bodo City trace their ancestry to the land long before any oil company arrived. These communities live with the consequences of extraction in a way few others do. Pipelines run through their farmland, flow stations sit near their water sources, and when something goes wrong, as it has repeatedly in

Ogoniland, it is their environment and their livelihood that suffers first.

The discussion that follows traces the concept of indigeneity from its etymological roots through its adoption as a political and legal category at the international level, looks at the characteristics that the United Nations and the African Commission use to identify indigenous communities, and considers why land sits at the centre of all of it. It then turns to the practical reality facing host communities in the Niger Delta, including the corruption that has long stood

Who are Indigenous Peoples?

The term "indigenous peoples" "describe the social groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged in the development process."^[1]

What is Indigeneity?

Indigeneity refers to the fact, state or experience of being indigenous.^[2]

What is a Host Community?

The term "host community" has been very controversial in Nigeria, especially in relation to host communities in the oil and gas sector. A host community refers to a community where oil is extracted from and houses facilities for the exploration and extraction of oil.^[3]

Niger Delta

The Niger Delta is the major oil producing region in Nigeria and is located at the apex of the Gulf of Guinea on the West Coast of Africa. It is the richest part of Nigeria considering the large quantity of petroleum resources and the ecosystems in the area.^[4]

Land

Land simply refers to the solid, dry surface of the earth not covered by water. According to Section 18 of the

Interpretation Act, Land can be seen as anything attached to the earth except minerals.^[5]

Definition and Concept of Indigenous People

According to the 2003 Report of the African Commission's Working Group of Experts on Indigenous Population/Communities expression "indigenous people" refers to those communities in Africa:

1. Whose cultures and ways of life differ considerably from the dominant society and whose cultures are under threat, in some cases to the point of extinction?
2. The survival of their particular way of life depends on access and rights to their traditional lands and natural resources thereon.
3. Who suffer from discrimination as they are regarded as less developed and less advanced than other, more dominant sectors of society;
4. Who live in inaccessible regions, often geographically isolated, and suffer from various forms of marginalization, both politically and socially;
5. Who are subject to domination and exploitation within national political and economic structures that are commonly designed to reflect the interests and activities of the national majority; and,
6. Who identify themselves as indigenous

The term "Indigenous" relates specifically to land and place.^[6] One is Indigenous to a place and Land that he/she deems to be a place of long term occupancy. Being Indigenous is also about unbroken residences in the sense that local people's still claim territorial space and belonging to the Land. We Indigenous knowledge refers to knowledge developed on the basis of long-term occupancy (unbroken residence) of a place, that is, Land and accumulated on the basis of experiencing the social and natural (physical and metaphysical) worlds.^[7]

Etymologically, the term "indigenous" derives from the Latin word "indigena" made up of two words, namely indi, meaning "within" and gen or genere meaning "root". In other words, the term "indigenous" refers to "born in", "something that comes from the country in which it is found", "native of", or "aborigine", in contrast to "foreign" or "brought in".^[8]

The word 'indigenous', used in a purely adjectival sense, has the common meaning of "from" or "of the original origin" or group or culture regarded as coming from a given place. Anthropology defines the term 'indigenous' as referring to someone or something that is native or originating from a given place or the original inhabitants of a specific geographical area.

The word Indigenous was adopted by aboriginal leaders in the 1970s after the emergence of indigenous rights movements around the world as a way to identify and unite their communities and represent them in political arenas, such as the United Nations.

Indigenous was chosen over other terms that leaders felt reflected particular histories and power dynamics, or had been imposed by the colonizers. The word "peoples" is used instead of the word "population" because this term recognizes the existence of organized societies with an identity of their own rather than mere groupings sharing some racial or cultural characteristics.

Indigenous peoples are peoples, communities and nations who claim a historical continuity and cultural affinity with societies endemic to their original territories that developed

prior to exposure to the larger connected civilization associated with the Western culture.

The term "indigenous peoples" has been the subject of considerable discussion and study and there is no universal, standard definition thereof.^[9] It is estimated that there are more than 370 million indigenous people spread across 70 countries worldwide. Practicing unique traditions, they retain social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live.

Considering the diversity of indigenous peoples, an official definition of "indigenous" has not been adopted by any UN-system body. Instead the system has developed a modern understanding of this term based on the following:^[10]

1. Self-identification as indigenous peoples at the individual level and accepted by the community as their member.
2. Historical continuity with pre-colonial and/or pre-settler societies
3. Strong link to territories and surrounding natural resources
4. Distinct social, economic or political systems
5. Distinct language, culture and beliefs
6. Form non-dominant groups of society
7. Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

Being indigenous means that a group of people can trace their lineage back to a specific area of land or territory before other groups often referred to as "settlers" or "late comers" ascended to power.^[11] Indigenous peoples are groups that descend from the original inhabitants of a particular land, distinct from later arrivals. Many indigenous groups advocate for representation, self-determination, and the protection of their ancestral rights amid challenges such as poverty and discrimination.^[12] Moreover, their ties to environmental stewardship and activism are increasingly acknowledged, emphasizing the crucial relationship between cultural diversity and biodiversity conservation. Overall, the fight for recognition and rights among indigenous peoples continues to evolve globally.

Indigeneity in Nigeria is a complex socio-political construct that intertwines ethnic identity, ancestry, and territorial belonging. Historically, it emerged as a colonial administrative classification that grouped people by "native authority" areas, which later evolved into the notion of "indigenes" and "settlers" in post-colonial Nigeria.

Indigeneity refers to an individual's ancestral or genealogical connection to a particular locality, which often determines access to privileges such as political appointments, scholarships, and employment within that area.^[13] The concept of indigeneity in Nigeria has been repeatedly manipulated as a political tool, serving as both an instrument of inclusion and exclusion in the distribution of power and resources. Political actors have often weaponized the indigene-settler dichotomy to consolidate electoral advantage, reward loyal ethnic constituencies, or marginalize perceived outsiders. Historically, the politicization of indigeneity can be traced to the post-independence period when the federal character principle was introduced to ensure equitable representation across Nigeria's diverse ethnic groups.^[14]

The politicization of indigeneity in Nigeria has profoundly undermined the ideal of national unity envisioned at

independence in 1960. The constitutional dichotomy between "indigenes" and "non-indigenes," often reflected in access to social services, political representation, and employment opportunities, has fostered a sense of exclusion among many Nigerian citizens.^[15]

Despite their diversity, indigenous peoples worldwide face remarkably similar challenges resulting from colonization, resource extraction, and globalization:^[16]

1. Land dispossession: loss of ancestral territories to settler populations, extractive industries, or conservation projects.
2. Cultural erasure: historical policies of forced assimilation, residential schools, and prohibitions on traditional practices.
3. Economic marginalization: limited access to education, healthcare, and economic opportunities within dominant society structures.
4. Environmental degradation: destruction of traditional resource bases through deforestation, mining, and climate change impacts.
5. Political underrepresentation: Exclusion from decision-making processes affecting their territories and rights.

These shared challenges have fostered transnational indigenous solidarity movements that transcend national boundaries and cultural differences. Given the current marginalized status that many indigenous populations/communities in Africa endure, some have asked whether it might not be more useful for them to frame their claims for equal treatment in terms of 'human rights' instead of 'indigenous rights', in terms of their being 'marginalized minorities' instead of 'indigenous peoples'.

It has been argued that African governments may well respond more favourably to these terms, since they may feel that if they accept such peoples' right to indigenous status then this might put them in the uncomfortable position of being seen as colonizers in relation to these minorities. For such governments, the difference between the two ways of framing these peoples' rights could signify a difference between divisiveness and something "more in tune with the rhetoric of nation building."^[17]

One of the misconceptions regarding indigenous peoples is that to advocate for the protection of the rights of indigenous peoples would be to give special rights to some ethnic groups over and above the rights of all other groups within a state. This is not the case. The issue is not special rights...the issue is that certain marginalized groups are discriminated in particular ways because of their particular culture, mode of production and marginalized position within the state. This is a form of discrimination which other groups within the state do not suffer from. It is legitimate for these marginalized groups to call for protection of their rights in order to alleviate this particular form of discrimination.^[18]

Historical Evolution of the Idea of Indigeneity

The emergence of the concept of "indigenous peoples" was a long process. From the year 1920 indigenous peoples have tried to raise the issue of their marginalization and discrimination. The first international organization to deal seriously with matters pertaining to the rights of indigenous peoples was the International Labour Organization (ILO). The ILO adopted Convention No. 107, concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, in

1957. It was the first binding document in the field of indigenous peoples' rights protection.^[19]

For centuries, since the time of their colonization, conquest or occupation, indigenous peoples have documented histories of resistance, interface or cooperation with States, thus demonstrating their conviction and determination to survive with their distinct sovereign identities. Indeed, indigenous peoples were often recognized as sovereign peoples by States, as witnessed by the hundreds of treaties concluded between indigenous peoples and the governments of the United States, Canada, New Zealand and others.^[20] Despite this, indigenous populations dwindled, and the settler populations grew ever more dominant, States became less and less inclined to recognize the sovereignty of indigenous peoples. Indigenous peoples themselves, at the same time, continued to adapt to changing circumstances while maintaining their distinct identity as sovereign peoples.

Between 1984 and 1993, indigenous issues gained increased momentum, as witnessed by the establishment of the UN Voluntary Fund for Indigenous Populations (1985), the adoption of ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries (1989)^[25], the proclamation of the International Year of the World's Indigenous People (1993) and, subsequently, the proclamation of two separate International Decades of the World's Indigenous People.^[21]

The principal institutional home of international is within the UN system.^[22] In the global expansion of indigenist activity, it has become evident that a variety of claims and a diversity of situations are now being related to emergent international conceptualizations of it. There have been acceptances, rejections, and strategic uses of the concept of indigeneity. Indigenous peoples represent some of humanity's oldest continuous cultures, maintaining distinctive traditions, languages, and ways of life despite centuries of colonization and globalization. These communities, characterized by their deep connection to ancestral territories, *etcetera* offer profound insights into alternative ways of relating to the environment and organizing society. While academic definitions vary, indigenous peoples are generally recognized by their historical continuity with pre-colonial societies, strong links to territories and natural resources, and determination to preserve their cultural distinctiveness. The latter half of the 20th century saw significant developments in recognizing and protecting indigenous rights at the international level. These frameworks acknowledge the historical injustices suffered by indigenous peoples and establish standards for their treatment by nation-states.

It can be argued that relations between indigenous peoples and colonial powers have always been international, since the signing of treaties included a tacit or explicit acknowledgment that the original inhabitants of a territory were "nations," to be dealt with through existing mechanisms of international negotiation, conquest, and secession of land and sovereignty through treaties.^[23] Thus, in one form or another, indigenous peoples came to be seen as minority groups inevitably to be assimilated. In the dominant society or marginalized by colonial strategies of displacement and "improvement" in the use of their territories.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is a significant achievement for the member-states of the United Nations since it acknowledges

and upholds the rights of Indigenous peoples worldwide. The Declaration asserts that Indigenous peoples possess the right to self-determination as distinct peoples.^[24] The ILO has been engaged with indigenous and tribal peoples' issues since the 1920s. It is responsible for the Indigenous and Tribal Peoples Convention,^[25] the only international treaty open for ratification that deals exclusively with the rights of these peoples. The ILO's Decent Work Agenda, with gender equality and non-discrimination as a cross-cutting concern, serves as a framework for indigenous and tribal peoples' empowerment. Access to decent work enables indigenous women and men to harness their potential as change agents in poverty reduction, sustainable development and climate change action.^[26]

There is no doubt that one of the major problems of modern nation States particularly Nigeria, is that of crisis of identity and consciousness which is often triggered by primordial loyalties, deeply ingrained ethnic cleavages, religious bigotry and forces of centrifugalism.^[27] The entrenchment or indirect institutionalization of indigene, non-indigene principle in the system produces and sustains a hierarchical, unequal and ranked system of citizenship that has provoked violent conflicts across the country, and goes to the very heart of the national question. In Nigeria, indigeneity is associated with land ownership and ethnic group. This implies that the individual belongs to Nigeria through belonging to an indigenous group which is different from simply saying a Nigerian citizen is one either of whose parents or grandparent is a Nigerian.

Instead of a consolidated expression, the notion of indigeneity is still evolving according to the growing awareness of the shared experience of vastly different societies broadly included under the general category of 'being indigenous'.^[28]

For example, in Delta State, the more pronounced indigeneity conflict is between the dominant tribes of Ijaw, Urhobo and Itsekiri; with part of the focal point of the conflict being the question of who came to Warri first/who owns Warri? Warri is the largest city in South Western Delta State and a major hub of the oil industry in Nigeria. There was violent conflict in 1999 between the Urhobos and Itsekiri as part of the simmering conflicts over Warri, amongst several other instances. It is a fact that the Ijaw and Itsekiri have lived together peacefully for centuries. However, besides the impact of colonialism, the discovery of oil in the early 60s in the Niger Delta region created a new era of conflict especially in relation to land because a successful claim to ownership of land has the prospect of yielding great benefits in terms of jobs and infrastructural benefits from the oil companies and the government.^[29]

Key Characteristics of Indigenous Communities

According to the United Nations, Indigenous Communities can be identified by seven characteristics to wit:^[30]

1. Indigenous people self-identify as indigenous, such as a native american self-identifying as a member of the lakota tribe.
2. The group can trace their society back to pre-colonial times.
3. The group has a strong connection to a defined geographic territory and natural resources, such as traditional hunting and fishing grounds.
4. The group maintains a culture, language, and belief system that is distinct from that of the dominant society's culture, language, and belief system.

5. The group maintains a political, social or economic system that is also distinct from the one maintained by the dominant society.
6. The group is a non-dominant group of a society.
7. The group desires to maintain its ancestral culture and environment as a distinct people. in other words, it does not wish to be assimilated into the dominant culture.

The African Charter of Human and People Rights 2003 Report lists the common characteristic features of indigenous populations /communities in Africa that identify themselves as such as follows:^[31]

1. Their cultures and ways of life differ considerably from the dominant society and their cultures are under threat, in some cases to the extent of extinction.
2. A key characteristic for most of them is that the survival of their particular way of life depends on access and rights to their traditional land and the natural resources thereon.
3. They suffer from discrimination as they are being regarded as less developed and less advanced than other more dominant sectors of society.
4. They often live in inaccessible regions, often geographically isolated and suffer from various forms of marginalization, both politically and socially.
5. They are subject to domination and exploitation within national political and economic structures that are commonly designed to reflect the interests and activities of the national majority. This discrimination, domination and marginalization violates their human rights as peoples/communities, threatens the continuation of their cultures and ways of life and prevents them from being able to genuinely participate in deciding on their own future and forms of development.

Land affiliation as a core identifying feature of Indigenous Communities

Land is fundamental to Indigenous people, both individually and collectively. Concepts of Indigenous land ownership were, and are, different from European legal systems. Each individual belonged to certain territories within the family group and had spiritual connections and obligations to a particular country, by implication land was not owned. Aboriginal people experience the land as a richly symbolic and spiritual landscape rather than merely a physical environment. Religion was based on a philosophy of oneness with the natural environment. Both men and women were involved in the spiritual life of the group.^[32]

Indigenous populations/communities' relationship with their lands and territories is profound; it constitutes a fundamental part of their identity and is deeply rooted in their culture and history, transcending the material to become a relationship that is spiritual and sacred in nature. For indigenous populations/ communities, land is the source of all life. This relationship extends to, *inter alia*, their natural resources, bodies of water and forests and biodiversity. In the mindset of indigenous populations/communities, land and territory are "the vital space" and guarantee the existence of present and future generations.^[33] Land for indigenous peoples has a meaning that goes far beyond economic value, because land is the main source of livelihood, cultural identity, and symbol of community sustainability.^[34]

As indigenous populations/communities are intimately dependent upon their territories or their sustenance, it is clear that one of their primary concerns is the defence of their lands from appropriation and exploitation. What is a greater worry is that this very denial of rights to land is being carried out by governments, and their private sector partners, in the name of national development. And yet those in most need of economic support are more often than not the very peoples whose lands and livelihoods are appropriated. This goes against international human rights standards, which have long stated that although development facilitates the enjoyment of all human rights, the lack of development cannot be used to justify the abridgment of internationally-recognized human rights.^[35]

Although some Indigenous peoples are self-governing, many still come under the ultimate authority of central governments who control their lands and resources.^[36] However, the centrality of land in the lives of indigenous peoples has been recognized by the Permanent Forum in the following words:

Land is the foundation of the lives and cultures of indigenous peoples all over the world. This is why the protection of their right to lands, territories and natural resources is a key demand of the international indigenous peoples' movement and of indigenous peoples and organizations everywhere. It is also clear that most local and national indigenous peoples' movements have emerged from struggles against policies and actions that have undermined and discriminated against their customary land tenure and resource management systems, expropriated their lands, extracted their resources without their consent and led to their displacement and dispossession from their territories. Without access to and respect for their rights over their lands, territories and natural resources, the survival of indigenous peoples' particular distinct cultures is threatened. Land rights, access to land and control over it and its resources are central to indigenous peoples throughout the world, and they depend on such rights and access for their material and cultural survival. In order to survive as distinct peoples, indigenous peoples and their communities need to be able to own, conserve and manage their territories, lands and resources.^[37]

Land is the basis for the lives, cultures and identities of indigenous peoples. Rights over lands, territories and natural resources are among the most important and also the most contentious issues that indigenous peoples, at both the national and international level, have debated with governments. There is a persistent implementation gap between the laws passed and daily reality for indigenous peoples. This implementation gap is observed both between national legislation and international standards^[38]

The United Nations Declaration on the Rights of Indigenous Peoples addresses lands, territories and natural resources thoroughly, including the right to maintain spiritual relationships with the land, the right not to be forcibly removed or dispossessed, the right for indigenous peoples to have their own land tenure systems, the right to redress for land that has been taken or damaged and the right to conservation and protection of the environment. Article 26^[39] contains some of the most important language on land:

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they

possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources.

Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Cultural and Social Identity

Development with culture and identity is characterized by a holistic approach that seeks to build on collective rights, security and greater control and self-governance of lands, territories and resources. It builds on tradition, with respect for ancestors, but is also forward-looking. It includes social, cultural, political and spiritual systems.^[40] Indigenous peoples' interpretations of well-being have a number of common elements, such as:

1. Importance of collective economic actors and community economic institutions
2. Integrity of indigenous governance
3. Purpose of production should not only be considered in terms of profit but rather in terms of improving quality of life
4. Enriching the notion of development where human beings are in harmony with Mother Earth
5. Self-determination
6. Interaction between people, resources and the spiritual aspects of life, as well as strengthening indigenous peoples' knowledge institutions.

The United Nations Declaration on the Rights of Indigenous Peoples provides a strong basis from which indigenous peoples can affirm their rights and define their aspirations in their relations with States and corporations around development with culture and identity. Article 3 is central to the Declaration as it refers to the right to self-determination. Article 32 is also a key provision that captures the essence of culture with development and identity. These articles are the result of advocacy and concerns raised by indigenous peoples at the United Nations.

Literally, community is a group of people living together in the same place with peculiar characteristics linked to their geographical location and cultural heritage. One of the major priorities of indigenous people is therefore to properly maintain their cultural heritage so as to sustain their different communities. That is to say, their heritage/customs must be well protected and secured, so that their customs and cultures would not automatically fade away.^[41] However, territories/lands are important sources of cultural legacies for social identities. This important connection between cultural rights and land was well acknowledged by the Human Rights Committee in the interpretation of Article 27 of International Civil Cultural Political Rights which concerns with the cultural rights of the minorities and states thus:

With regard to the exercise of the cultural rights protected under Article 27 of International Civil Cultural Political Rights the Committee observes that culture manifests itself in many forms, including a part with regard to the exercise of the cultural rights protected under article 27, the Committee observes that culture manifests itself in many forms, including a particular way of life and associated with

the use of land resources, especially in the case of Indigenous peoples. That right may include such traditional activities as fishing or hunting and the right to live in reserves protected by particular way of life associated with the use of land resources, especially in the case of Indigenous peoples. That right may include such traditional activities as fishing or hunting and the right to live in reserves protected by law.

Reference to cultural integrity was further re-echoed in the decision made concerning the case in Endorior Community in Kenya. This case bothers on forced displacement of the Endorior community from their ancestral land in the heart of Great Rift Valley preventing the building of a wildlife reserve area, thereby plunging the whole community of traditional cattle-herders into poverty and driving them to the brink of cultural extinction. In this case, the indigenous community claimed access to their ancestral territory in addition to securing subsistence and livelihood regarded as sacred and inextricably linked to cultural integrity of the community and its traditional way of life. The African Commission instantly supported the claim as deprivation of cultural integrity and agreed that the removal of the indigenous community from their ancestral land was a great violation of their right to cultural integrity based on freedom of religion (article 8), right to culture (article 17), and access to natural resources (article 21) of the African Charter of Humans and Peoples Rights.^[42]

Societal Position

Some of the guiding principles of indigenous peoples autonomy in society are:^[43]

1. The right to self-determination is a fundamental human right. Self-government is an expression of self-determination and indigenous autonomy- The right to self-determination allows indigenous peoples to freely determine their political, economic, social, and cultural development. It includes the right to govern their internal affairs, preserve their customs and traditions, and participate in decisions affecting their communities.
2. It is the State's duty to respect, protect, and fulfil human rights- States are obligated to respect indigenous rights by avoiding interference, protect them from violations by third parties, and fulfil them by enacting laws and policies that promote their welfare, participation, and access to justice.
3. The autonomy and self-government of indigenous peoples require State recognition through national legislation - Indigenous autonomy becomes effective when recognized in domestic laws. Legal recognition strengthens indigenous governance systems, protects customary rights, and provides a basis for enforcing these rights before national courts.
4. The concepts and scope of recognition are the result of mutual understanding and agreement between States and indigenous peoples - The recognition of indigenous autonomy should be based on consultation and cooperation between governments and indigenous communities. This ensures that laws and policies reflect the needs, traditions, and aspirations of indigenous peoples while promoting peaceful coexistence.

The Benefits of Indigeneity

Indigenous peoples, despite being integrated into a broader society, maintain their unique identity as a separate group with their own distinct culture, language and traditions.

These elements serve to safeguard both the well-being of the people and the environment.^[44] The United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, in June 1992, was an important development for indigenous peoples and their rights related to the environment. The Conference, or Earth Summit as it is called, recognized that indigenous peoples and their communities have a critical role to play in managing and developing the environment.^[45]

Since the international community has put the "indigenous peoples" on their agenda, a number of inter- and transnational organizations, such as the World Bank, and also state-funded development organizations and a large number of NGOs have put up special education and "capacity building" programmes and funds for indigenous peoples in all parts of the world.^[46]

Mining companies can gain a number of specific benefits through developing durable relationships with local Indigenous communities. They will vary from project to project, but can include:^[47]

1. Security of tenure through negotiated access for exploration and mining
2. Legal compliance through the protection of indigenous cultural heritage
3. A local labour force based in neighbouring indigenous communities that could reduce dependence on expensive fly-in, fly-out operations and reduce the need to establish mining towns
4. The benefits of work force diversity through increased indigenous employment
5. A supply chain of local indigenous-owned businesses
6. Additional input about various aspects of the mining operation, such as environmental management, risk management and the management of social impacts
7. Better outcomes in environmental management through access to local and traditional ecological knowledge
8. Enhancing the industry's sustainable development credentials by contributing to the development of prosperous and sustainable regional communities.

Since the international community has put the "indigenous peoples" on their agenda, a number of inter- and transnational organizations, such as the World Bank, and also state-funded development organizations and a large number of NGOs have put up special education and "capacity building" programmes and funds for indigenous peoples in all parts of the world. Among the special education programmes are also those which teach people about Human Rights and the Rights of Indigenous Peoples Here, "community training" processes with multiple translations (with continuous reinterpretations) in both directions between international and national organisations and the local people take place; they influence the way in which these rights are finally understood and adopted by local communities.^[48]

Indigenous Communities versus Host Communities

Indigenous communities refer to groups of people who are the original inhabitants of a particular geographic area, often tracing their ancestry back to the region for many generations. These communities have distinct cultures, languages, traditions, and ways of life that are often closely tied to the land they inhabit. They are also characterized by their historical continuity with pre-colonial and pre-settler societies, as well as by their unique social, economic, and

political systems.^[49] Host communities on the other hand are settlements located within or adjacent to areas where upstream oil and gas operations take place.^[50] Under the Petroleum Industry Act, they are defined as communities situated in or appurtenant to the operational territory of a licensee or lessee, including any area that physically hosts the operating facilities of these companies. These communities are typically found in the Niger Delta region of Nigeria where decades of oil extraction have shaped both the landscape and the livelihoods of their inhabitants. The active involvement of indigenous communities is instrumental in the achievement of all 17 Sustainable Development Goals (SDGs). Nonetheless, their exclusion and marginalization pose a direct threat to the fundamental objective of the 2030 Agenda, which aims to leave no one behind.^[51]

While the ILO Convention and the UN Declaration are not binding on states and the World Bank policy applies only to projects in which the organization is involved the emergence of the three indicates that the world is listening and responding to the just demand of Indigenous people.^[52] According to the International Working Group on Indigenous Affairs (IWGIA) of the United Nations peaking about the UN Declaration but equally true of the other two. While the Declaration is not binding to governments, it is a positive step which puts pressure on governments to live up to the objectives of the Declaration and would serve to reinforce such universal principles as justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

Indigenous people have been referred to as tribes, aborigines, first people, first nations, ethnic groups, *etcetera*.^[53]

Therefore “people” or indigenous peoples or tribal peoples under the UNDRIP, the ILO Conventions and other international legal instruments could rightly apply to indigenous or ancestral communities of the Niger-Delta of Nigeria who share common ancestral ties with their traditional lands.^[54]

The relationship between these communities and the petroleum industry is deeply complex. On one hand, oil operations take place on their land and on their water ways. On the other hand, they have historically borne the heaviest cost of extraction including land dispossession, environmental degradation from oil spills and the destruction of farming and fishing livelihoods that generation depended on. What makes host distinct from other community is this direct exposure to the consequence of petroleum operation. They live close to pipelines, flow stations and drilling sites. When spills occur, their sources are contaminated and when gas is flared their air quality deteriorates. Yet despite sitting atop one of Africa’s most productive oil - producing region many of these communities have remained among many of the most under developed in the country.

Petroleum resources are obtained from the host communities in the Niger Delta region and should also be used for their development and protection. This idea is based on the maxim “*nemo debet locupletari ex alterius incommodo*”, which translates to mean that ‘no one should be enriched at the expense of others.’^[55] In other words, the petroleum industry should not be managed and controlled in a way that benefits a few individuals and the national economy at the expense of the host communities that have been at the receiving end of the negative impacts of petroleum

operations. The petroleum industry has the potential to eradicate poverty from the oil-rich regions and boost the developmental needs of its people. This is reflected in the provision of the constitution which mandates the State to exploit the country's human and natural resources only for the development of the communities and that any other purpose other than this shall be prevented.^[56]

The host communities in the Niger Delta region have been confronted with a range of environmental issues since the discovery of crude oil in the country.^[57]

One of the major concerns is oil spills, which have had devastating effects on the ecosystem and the livelihoods of the people in the region. Many host communities have been greatly affected by these environmental issues. Some of them include Ogoniland, Gbaramatu, Bodo City, Acha Ogale and Bonny. Ogoniland, for instance, has faced long-term pollution and ecological degradation due to decades of oil spills. In *SERAC v. Nigeria*,^[58] the African Commission on Human and Peoples’ Rights acknowledged Nigeria’s failure to prevent the pollution of Ogoniland. The Commission unambiguously stated that Nigeria’s failure to monitor and protect the Ogoni environment from industrial development and notify affected communities of hazardous materials constituted a violation of the right to a clean environment.^[59]

Corruption represents another major obstacle to the equitable and sustainable development in Nigeria's oil sector. Whether perpetrated directly by public sector actors or facilitated through institutional weakness, corruption systematically undermines the industry's capacity to generate and retain wealth for national benefit.^[60] It operates through multiple channels such as the misallocation of funds and contracts, the rewarding of inefficiency over merit, and the outright theft of oil resources each of which erodes the economic foundations upon which meaningful national development depends.

Critically, the problem does not end at the point of revenue loss. Even where oil revenues are generated, corruption at the disbursement and governance stage ensures that those resources fail to translate into public goods, infrastructure or community welfare. This dual corruption at the point of extraction and at the point of distribution creates a cycle in which the vast wealth produced by Nigeria's oil endowment remains. Corruption, therefore, is not merely a financial or governance problem. It is an instrument through which environmental degradation is permitted, remediation is denied, and the rights and livelihoods of indigenous communities are systematically violated.

Understanding corruption in the Nigerian oil sector must therefore begin not with numbers and contracts alone, but with a recognition of the human and environmental costs borne by those with the least power to resist it.

Corruption is a pervasive and systemic issue in Nigeria and a clog to the development of host communities. In the Nigerian petroleum industry, it often manifests in the form of embezzlement, bribery and kickbacks. It often involves government officials, multinational corporations and community leaders. These corrupt practices undermine the development and protection of host communities as resources that should be used for community development are misappropriated or siphoned. One notable aspect of corruption is the mismanagement of funds meant for the development of the Niger Delta region. The NNDC was established to address the needs of oil-producing communities in Nigeria.

Conclusion

Working through the idea of indigeneity makes one thing fairly clear. It is never just about ancestry or culture in the abstract. It is about land, about whether a people can trace an unbroken connection to a particular territory, and about whether that connection is respected or pushed aside, whether by colonial classification, by national politics, or by the demands of resource extraction. Nigeria's experience shows how easily this concept can be turned into a tool of exclusion, used to decide who belongs and who does not in ways that have very little to do with culture and a great deal to do with power.

In the Niger Delta, the overlap between indigenous identity and host community status means that the people most likely to be the original inhabitants of their land are also the people most exposed to the costs of oil production. Communities such as Ogoniland and Bodo City did not choose to become synonymous with pollution and neglect. Their position is the direct result of decades of extraction carried out with little regard for the environment, a reality the African Commission itself acknowledged when it found Nigeria at fault for failing to protect the Ogoni environment. That position has been made worse by a culture of corruption that has diverted funds meant for community development, including resources channelled through bodies such as the NDDC, into hands that have nothing to do with the communities they were meant to serve.

International frameworks such as the ILO's Indigenous and Tribal Peoples Convention and the United Nations Declaration on the Rights of Indigenous Peoples set out, in fairly clear terms, the rights that ought to attach to communities in this position, rights to their land, to their resources, and to a say in decisions affecting their territory. The gap between what these instruments promise and what host communities in the Niger Delta actually experience remains wide. Closing that gap will require more than simply recognising who these communities are. It will require treating that recognition as the starting point for real accountability over how the resources beneath their land are managed and shared.

In the light of the findings of the study, this study makes the following recommendations:

1. Nigeria should adopt a clearer, less politically exploitable basis for determining indigeneity, so that access to land, jobs and political office no longer turns on the indigene-settler divide that has fuelled conflicts..
2. The definition of host community under the Petroleum Industry Act should be applied in a way that fully captures indigenous communities like Ogoniland, Gbaramatu and Bodo City, ensuring that their historic and ancestral claims to the land are not overshadowed by a narrower operational definition.
3. Government should close the gap between oil revenue generated from host communities and the development actually delivered to them, by ensuring resources meant for these communities, including funds channelled through bodies such as the NDDC, are not lost to corruption at the point of contract award or disbursement.
4. Nigeria should give practical effect to the constitutional principle that natural resources are to be exploited for the benefit of the people on whose land they are found, so that host and indigenous communities in the Niger Delta share meaningfully in the wealth extracted from their territory.

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