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An Appraisal of the Social- Legal Dynamics of Conflicts in the Niger Delta Region of Nigeria

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Abstract

The peculiar position and significance of the Niger Delta region to the economic and political stability of Nigeria is self-evident. As the region with the largest deposit of crude oil and gas which is the mainstay of the economy, the Niger Delta necessarily occupies a central place in the economic destiny of the country. It is pedestrian that the exploration and exploitation of crude oil is now a common phenomenon in the area and the presence of numerous oil locations and

gas flare points all over the region is a clear confirmation of the prevalence of oil related activities in the Niger Delta. This paper examines the various types and causes of conflicts pervading the Niger Delta Region till date and notes that unless there is equitable distribution of the proceeds of the petroleum sector and a buy-in of the relevant stakeholders, the drivers of the conflict ravaging the region will continue to thrive.

Keywords: Social-Legal Dynamics, Economy, Nigeria

1. Introduction

In spite of its natural endowment,¹ the Niger Delta of Nigeria remains an epic study of manifest neglect and deprivation as the component communities lack the basic amenities of life such as pipe-borne water, health facilities, roads and electricity. The level of unemployment and under-employment of the youths' rank among the highest in the country.² This is worse even in the only industry that relies on the product of their soil, 'oil', largely because most of the decision makers in the multinational oil companies are, ironically, not indigenes of the Niger Delta. In contrast, there is the manifest opulence of staff of the oil companies who work and reside in these communities and enjoy the use of such basic facilities in their locations. These stark realities are ever-present scenarios in the oil-bearing communities of the Niger Delta.

As if the aforementioned indices of neglect and marginalization are insufficient, the region continues to groan under the debilitating weight of environmental hazards such as water and air pollution, corrosion of roofing sheets as well as affectation of vegetation arising from incessant oil spillages and gas flares at the various oil locations.³ These incidents not only have adverse effects on the health of the indigenes but greatly impede the developmental efforts of state governments in the region.⁴ It is a combination of these instances of deprivation and the objective conditions imposed on the indigenes in consequence

¹ T Bodo and BG Gimah, 'The Pollution and Destruction of The Niger Delta Ecosystem in Nigeria: Who Is to Be Blamed' *The European Scientific Journal* (2020) 16 (5) 161; E Akpotor, 'Crude Oil Exploration and Exploitation in Niger Delta: A Christian Concern' *International Journal of Innovative Development and Policy Studies* (2019) 7 (2) 38-49.

² OE Olubusoye, AA Salisu and SO Olofin, 'Youth Unemployment in Nigeria: Nature, Causes and Solutions' *Quality & Quantity* (2023) 57 (2) 1125-1157; AA Adebayo, 'Youths' Unemployment and Crime in Nigeria: A Nexus and Implications for National Development' *International Journal of Sociology and Anthropology* (2013) 5 (8) 350-357.

³ PO Idialu, 'An Eco-Theological Appraisal of Toxic Smog, Toxic Waste and Other Pollutants with Catastrophic Health and Environmental Implications in the Niger-Delta Region of Nigeria' *Journal of African Studies and Sustainable Development* (2019) 2 (2) 71.

⁴ CT Brown, 'Will Remediation Ever Be Enough? The Overdue Compliance Conversation for Nigeria' *International Journal of Advanced Multidisciplinary Research and Studies* (2021) 1 (3) 20-28.

There of that has of recent, led to a spate of recurring conflicts in the component communities of the Niger Delta. Not only are these conflicts affecting the output of crude oil from these communities in particular and Nigeria in general, and negatively impacting on the national economy, the safety of such oil workers, Nigerian and foreigners, alike are constantly being threatened, a continuation of which could raise serious questions as to the international responsibility of the Nigerian state. It is from this perspective that genuine efforts must be made to address the situation in the overall interest of the country.

The purpose of this paper therefore is to examine the sociolegal dynamics of these conflicts and propose modalities and mechanisms for their reduction or elimination to enhance the development of the Niger Delta Region. The paper is divided into three parts. The first part examines the conceptual perspectives as a foundation for a discussion of the nature and typology of conflicts in the Niger Delta which are discussed in the second part. The third part of the paper situates these conflicts in their socio-legal context and suggests that it is only an appreciation of this contextual perspective that can provide the key to curbing conflicts in the Niger Delta and move the country forward on the path of economic development.

2. Conceptual Perspectives

It is axiomatic that every society is in a constant state of flux as reflected in the confusion, conflicts, disagreements and crisis inherent therein. This is because of the constancy of socio-economic changes in societies. Indeed, it has been said that there is no society without some form of conflict and 'perpetual peace and stability is merely a dream, and it is not even a beautiful dream'. 6 It is also significant that man has developed enormous capacity for 'cooperativeness' not yet attained by any other species, which makes him able to manage such conflicts when they do arise.

Over the years, there has been a tendency to confuse 'conflict' with 'crises' in contemporary discourse, but they are not the same. Crisis is defined as 'a decisive moment, a time of danger or great difficulty, burning point, disaster, emergency, calamity, catastrophe, danger'⁷.

Conflict on the other hand, means "state of opposition, hostilities, fight or struggle, clashing of opposed principles, opposition of incompatible wishes or needs, combat, war, controversy etc.'8

From the above definitions, one can fathom that accumulation of crisis left unattended could lead to conflict in any community, with possible disastrous consequences for the society. Professor Adedeji not only examines the

⁵ K Sam, S Pegg and AO Oladejo, 'Mining from The Pipeline: Artisanal Oil Refining as A Consequence of Failed CSR Policies in the Niger Delta' *Journal of Environmental Management* (2024) 352,120038.

nature of conflict but locates its prominence within the colonial context. According to him:

Violent expressions of dissatisfaction against prevailing situations among communities within a country or region. Conflicts in most African countries are an outgrowth of the legacy bequeathed to them by colonial rule because, the colonial powers that created them had little regard for cultural affinity and the political practices that existed. Large nationalities and/or ethnic groups were split between states while others, which had little in common, were drawn into new states boundaries.⁹

The history of the evolution of the Nigerian state and the role of the colonial powers in planting the seed of discord and conflict through the advancement of their economic interests buttresses the above statement. This position is informed by the peculiarities of African states, even though conflicts are also generated in other parts of the world that never witnessed any form of colonial rule. In the words of Alhaji Maitama Sule;¹⁰

"There is just no human institution that is completely free from one contradiction or another; and since it is the cumulative effect of such contradictions that lead to instability, it does not require stretching one's imagination to recognize the recurring presence of this factor in affairs of men. However, whereas in certain places this factor is present only to a small and manageable extent, in others it is manifested in a high and alarming proportion: One can therefore say that conflict is the existence of disagreement as a result of principled position taken by the parties involved in any issue.

It can hardly be over-emphasized that the major sources of conflict within the Nigerian polity today are economic, religious and political disagreements, 12 and the inability of successive Nigerian governments to properly handle these disagreements have been the albatross of the Nigerian state and resulted in conflicts of various dimensions in the country. 13

A common thread discernible from the above formulations is that conflict is a normal human phenomenon to which any society must have mechanism in place to absorb, manage or at best accommodate. It is a process that cannot be wished away, obliterated or exterminated. It must be tackled frontally by way of identification and checked to limit the extent to which it can create more dangerous problems of armed attack with the attendant implications of loss of lives and property.¹⁴ It is against this background that we can

⁶ JM Winter, *Dreams of Peace and Freedom: Utopian Moments in The Twentieth Century* (Yale University Press 2006)

⁷ AK Mukhopadhyay, *Crisis and Disaster Management Turbulence and Aftermath* (New Age International 2005).

⁸ NS Okogbule and CT Brown, 'Peace-Building and Conflict Management in Communities through Law: A Panacea for National Development' *Journal of Jurisprudence, International Law & Contemporary Legal Studies* (2023) 17 (3) 87.

⁹ A Wimmer, 'Elementary Strategies of Ethnic Boundary Making' *Ethnic and Racial Studies* (2008) 31 (6) 1025-1055.

¹⁰ NS Okogbule and CT Brown, 'Peace-Building and Conflict Management in Communities through Law: A Panacea for National Development' *Journal of Jurisprudence, International Law & Contemporary Legal Studies* (2023) 17 (3) 92.

¹¹ ibid.

¹² B Salawu, 'Ethno-Religious Conflicts in Nigeria: Causal Analysis and Proposals for New Management Strategies' *European Journal of Social Sciences* (2010) 13 (3) 345-353.

OO Adewuyi, AA Salami and WF Dogara, 'Conflict Management Mechanism in Contemporary Nigeria; Problems and Prospects' *International Journal of Multidisciplinary Studies* (2021) 8 (3) 88-100.

¹⁴ Okogbule and Brown (n 10).

examine the nature of the conflicts in the Niger Delta Region of Nigeria, and the response of the Nigerian State to such conflicts.

3. Nature and Typology of Conflicts in the Niger Delta

There are different kinds of conflicts that take place in the Niger Delta.

These conflicts can be categorized into three, namely; (1) Host Communities versus Oil Companies (2) Inter-Community Conflicts, and (3) Intra-Community Conflicts.

1.) Host Communities Versus Oil Companies

This is the most prevalent type of conflict in the Niger Delta today and it has been said to be potentially the most devastating. In this kind of conflict, the community is generally dissatisfied with the operations and activities of the oil company as it relates to the community.

In most cases, the disputes arise out of the demand for the provision of basic infrastructural facilities in the host communities, demand for the payment of compensation for oil spillages and pollution, land acquisition and even the award of contracts.¹⁵

It is obvious that oil bearing communities in the Niger Delta feel neglected by the Federal Government which is the main beneficiary of the enormous resources extracted from their land. Since they are unable to confront the Federal Government with its coercive state machinery, the oil companies become ready objects of their demand for these basic amenities. Unfortunately, because of the enormous benefits that oil provides to the national economy, ¹⁶ any attempt to disrupt the operations of the oil companies usually attracts the attention and immediate response of the federal government and the state apparatus. This response very often takes the form of the use of military or police personnel to counter the activities of the indigenes. The result of such scenarios is conflict, sometimes of immense proportions. ¹⁷

In the case of the Ogoni, their demand as enshrined in the Ogoni Bill of Rights¹⁸ *inter alia* was for Shell Petroleum Development Company of Nigeria Limited **discuss the Ogoni case in some detail** to compensate them for the environmental hazards caused by oil exploration and exploitation in the area spanning over 30 years. The outcome of this demand and the bloody consequence of the governments' response to this agitation is indicative of the intolerance of the Nigerian state to incidents affecting oil companies.¹⁹ In the *Umuechem* conflict, the major kernel of the dispute centered around the refusal of Shell to employ indigenes of the community. At the end of the day, a patently innocuous demonstration to protest these policies by the multinational oil company led to the deployment of

19 ibid.

police and military personnel and the eventual devastation of Umuechem community. 20

2.) Inter- Community Conflicts

These are disputes between neighbouring communities angling to be recognized as hosts of particular oil related facilities. A common source of such conflicts is dispute relating to ownership of land, especially where the land is composed of oil and gas deposits. Although, by virtue of the Land Use Act, 1978 all land in a state is vested in the Governor of the state as a trustee for all Nigerians²¹, the indigenes still have access and control over their customary lands.

Such conflicts could eventually disrupt the operations of the oil company and even lead to loss of lives on both sides.²² However, the importance of such conflicts stems from the benefits often given to host communities where oil facilities are located by way of public relations payments, scholarship and contract awards etc. The Warri Itsekiri crises, which took place in Delta State, Nigeria, between 1997 and 2003, were a sequence of confrontations that mostly involved the Itsekiri ethnic group and other nearby tribes including the Ijaw and Urhobo. This is a succinct synopsis of this intricate situation. A number of factors, including land conflicts, rivalry for political dominance, and historical grudges, contributed to the crises.²³ Perceptions of marginalisation, unequal resource distribution, and political representation contributed to the escalation of ethnic tensions between the Itsekiri, Ijaw, and Urhobo groups.²⁴ As different groups fought for recognition of their rights and interests in the profitable oil business, confrontations arose for control over the region's oil resources in the Niger Delta. The crises were made worse by the involvement of political players, who took advantage of ethnic tensions to win votes and sow further violence and instability.²⁵ The crises caused great suffering for the civilian population by resulting in a number of human rights violations, such as killings, community uprooting, and property destruction.²⁶ To address the underlying causes of the conflicts and encourage peace between the warring parties, a number of peace initiatives and interventions were carried out by governmental and non-governmental actors.²⁷ While the crises' intensity has

¹⁵ RO Enuoh, GJ Pepple, MJ Iheanacho, and EE Ugboaku, 'Communities' Perception and Expectations of CSR: Implication for Corporate-Community Relations' *Communities' European Journal of Business and Management* (2020) 12 (18) 29.

¹⁶ MI Jega, 'Growth Prospects of Oil and Gas Abundant Economies: The Nigerian Experience (1970-2000) *Journal of Economic Studies* (2008) 35 (2) 170-190.

¹⁸ ID Senewo, 'The Ogoni Bill of Rights (OBR): Extent of Actualization 25 Years Later? *The Extractive Industries and Society* (2015) 2 (4) 664-670.

²⁰ Okogbule and Brown (n 10).

²¹ S. 1 Land Use Act 1978.

²² AA Aduloju and I Okwechime, 'Oil and Human Security Challenges in The Nigeria's Niger Delta' *Critique* (2016) 44 (4) 505-25.

²³ EN Avi, 'Warri Crises: Causes and Impact on the Oil Industry in the Niger Delta' *EBSU Journal of Social Sciences and Humanities* (2021) 11 (1) 41.

²⁴ KO Ulu and others, 'Leadership Struggle and Conflict in the Niger Delta, Nigeria: Focus on Warri South Local Government Area of Delta State 2011-2018' *South Florida Journal of Development* (2022) 3 (3) 3662-3680.

²⁵ T Falola, Violence in Nigeria: The Crisis of Religious Politics and Secular Ideologies (University Rochester Press 1998)

²⁶ E Hunt, 'Dispatches from Nigeria: The Actions of Royal Dutch Shell and Chevron Texaco in the Warri Crisis, 2003–2004' Canadian Journal of African Studies/Revue Canadienne Des Études Africaines (2022) 56 (2) 297-317.

²⁷ US Eze and others, 'Application Of 2-D and 3-D Geo-Electrical Resistivity Tomography and Geotechnical Soil Evaluation for Engineering Site Investigation: A Case Study

decreased recently, the region's ability to maintain long-term peace and prosperity is still threatened by the resentments and unsolved problems.

When it is realized that these communities could be neighbouring communities with a common ancestry, then the animosity created in the Niger Delta region by the operations of these oil companies becomes more obvious.

3.) Intra- Community Conflicts

This type of dispute has assumed prominence in recent times in the Niger Delta. It usually occurs between some sections, interest groups or individuals in a given community. One can categorize such conflicts up to four basic types, namely, (a) Conflict between families (b) Conflicts between Chiefs, Elders and Youths (c) Conflict between various youth groups and (d) Conflicts between particular individuals in the community.

- a) The common thread in relation to conflicts between families in a community relates to ownership of land where the facility of an oil company is located. There is no doubt that land is a very precious commodity, ²⁸ and apart from its natural and customary attachment, the benefits accruing from the presence of such oil related facilities has made it to assume special importance in these communities. The lingering conflict in *Rumuekpe* Community in Rivers State of Nigeria is largely traceable to the dispute concerning ownership of the land where the Shell Booster and Micro-Wave stations are located in the community, as well as the ownership of the land hosting the Metering Station belonging to Total Fina Elf Ltd between various families.
- Conflicts arising between the Chiefs, Elders and the Youths are also common in the Niger Delta. The Youth have become increasingly critical of the role of the Chiefs and Elders as intermediaries in their relationship with oil companies. This suspicion is predicated on solid grounds as some Chiefs are known to have compromised the interests of their communities for their own selfish interests, in their dealings with these oil companies. This is manifested in the exclusive benefits, contracts and other favours that are given to them even when the main objective is the demand for developmental projects for their communities. This submersion of communal interest for selfish reasons is often violently opposed by the youths resulting, sometimes, in conflicts of immeasurable dimension. The Umuechem crisis in Etche, River State is partly traceable to this factor as the youths felt that the Community's Chief was appropriating most of the benefits to the detriment of the youths and the entire community.²⁹ The result of some of these conflicts has been the abrupt deposition or removal of chiefs, sometimes even by the Youths, contrary to the

longstanding customs and traditions of such communities.

- c) Between various Youth Groups:
 - It is also common to find conflicts between different youth groups in the communities of the Niger Delta. The question that necessarily arises is, why do we have so many youth groups, and so much disagreement among them in the Niger Delta? The answer is simple; the presence of oil companies and the benefits often given to the leadership of youth groups has given rise to such conflicts and proliferation. It is ironic that most of the vices often attributable to the Chiefs and Elders in these communities relating to usurpation of oil related benefits have also infested the youths. The result is that Youth leaders who are often recognized and patronized by these oil companies invariably embezzle funds given to them for the general youth body, just as they divert contracts and other benefits to themselves, to the utter neglect of the general membership. This has also led to the removal of youth executives, the formation of rival groups and in some cases, conflicts engulfing the entire community.30
- d) It is also common to find conflicts in the communities arising from the clash of two or more prominent individuals. This conflict can arise from several angles, some from chieftaincy tussles, and others from the quest for political leadership or control of communities in order to be in charge of all the benefits accruing to such communities either from governments or oil companies.

It is on this score that chieftaincy tussles have become common features in the communities. Although some commentators have described the chieftaincy institution as a decadent one that is not progressive, ³¹ the institution has over the years become a useful tool in the hands of both the government and the oil companies to reach out to the rural masses. The extent of destruction generated by some of these conflicts is difficult to fathom even when the affected chieftaincy stools are not officially recognized by the government.³²

4. Socio-Legal Dynamics of Niger Delta Conflicts

It is apparent from the above analysis that the conflicts in the Niger Delta region of Nigeria are precipitated by social and economic circumstances magnified by the peculiar environmental conditions of the area. The environmental conditions relate to the presence and activities of oil prospecting and exploration companies and the hazards and pressures generated thereby. The question then is, how does 'law' come into this picture? Law is acknowledged as a veritable instrument of social engineering. According to Ihering, as long as there is interaction in society, there will always be disagreements and conflicts and these can only be harmonized through the instrumentality of law.³³ Thus, the

of Okerenkoko Primary School, Warri-Southwest, Delta State, Nigeria' *Advances in Geological and Geotechnical Engineering Research* (2023) 5 (2) 1-23.

²⁸ F Pearce, the Land Grabbers: The New Fight over Who Owns the Earth (Beacon Press 2012).

²⁹ UM Ibe, IF Chinyere and N Eniya, 'Community Relations: A Catalyst for Development in Umuechem Oil Producing Community in Etche Local Government Area of Rivers State' *International Journal of Innovations in Arts and Humanities* (2023) 13 (1) 17.

³⁰ I Onwuzuruigbo, 'Horizontal Inequalities and Communal Conflicts: The Case of Aguleri and Umuleri Communities of South-Eastern Nigeria' *Africa: Journal of the International African Institute* (2011) 81 (4) 567–87.

³¹ O Agbu, Ethnic Militias and the Threat to Democracy in Post-Transition Nigeria (Nordic Africa Institute 2004).

³² Okogbule and Brown (n 10).

^{33 &#}x27;Ihering Social Interest Theory: A Critical Study'

interest of employers will always conflict with those of workers. Similarly, in the context of social relations, the interests and perspectives of the youths will invariably conflict with those of the Chiefs and Elders in a community. A typical scenario, as is common in the Niger Delta would be the demand for the construction of health centre in a community and the construction of an educational institution by an oil company. While the community Chiefs and Elders may have preference for the health centre, the Youths are more likely to prefer an educational institution. In some cases, these two establishments may not even come into the reckoning of the youths who would instead prefer that the oil companies provide them with employment. It is therefore the role of law to aggregate these interests and formulate an acceptable scheme that will not only accommodate these interests but minimize the possibility of conflicts arising therefrom.³⁴ To be sure, for law to perform this function of social engineering, it must take into account the surrounding social and economic realities.³⁵ The common parallel is that just as engineers bring together various parts of an engine to make them function and move the engine forward, so also law is expected to aggregate the various interests in society to have a functional and organized society³⁶ Laws should therefore always be enacted with this objective in mind.

In this connection, it is important to stress that the national revenue allocation formula must not only accommodate the interest of the major ethnic groups in the country who are not oil-bearing communities, but also the interest of the people of the Niger Delta who bear the brunt of the hazards associated with oil exploration and exploitation. This makes it imperative for an interventionist agency such as the Niger Delta Development Commission to serve as a veritable instrument for harnessing the aspirations and interests of the Niger Delta people and provide mechanisms for the resolution of any possible conflicts.³⁷

5. Curbing Conflicts in the Niger Delta: The Way Forward

The above analysis has shown the nature and complexion of conflicts in the Niger Delta region of Nigeria. Although conflicts are bound to occur in communities, the extent to which such conflicts can escalate and lead to communal disturbance or war largely depends on the kind of response or management mechanism put in place to deal with potential conflicts.

Perhaps, at the community level, the most effective way of dealing with such emergent conflict situations is the enthronement of transparency and accountability in the management of community affairs. This entails ensuring that community leaders are made to adequately serve the

https://legalguidancecenter.blogspot.com/2017/12/iherings-social-interest-theory.html accessed 29 February 2024.

interest of their people and communities and not their personal interests. While it may be difficult to fully achieve this, considering the inherently selfish nature of man, ³⁸ coupled with the pervasive poverty prevailing in the Niger Delta, ³⁹ sensitization and the adoption of transparent methods of selection or in appointment of leaders will go a long way in guaranteeing the emergence of men of integrity and commitment.

In relation to youth groups, the proper use of the electoral process will ensure not only that selfish youth leaders are not elected in the first place but when they do emerge, that they are voted out of office in a manner that minimizes acrimony and conflict.

More importantly, there is an overwhelming need for oil companies to de-emphasize monetary and other financial benefits to communities and individuals, but rather concentrate on sustainable measures and development strategies that impact more on the lives of the communities.⁴⁰ This brings into relevance the Chinese proverb on teaching a man how to fish rather than giving him fish. There is no doubt that the horde of unemployed youths in the Niger Delta will be better off if they are empowered either through direct employment or taught relevant skills that will make them not only employable by the numerous oil companies but self-reliant, rather than the occasional cash payments often given by the oil companies. In this connection, the Niger Delta Development Commission must act as the veritable vanguard of this developmental strategy to empower the youths of the Niger Delta and sway them away from relying on financial handouts from oil companies.

Appropriate mechanisms should also be put in place to enhance the enlightenment and sensitization of indigenes of the Niger Delta on the need for the internalization of those values that will greatly minimize conflicts in the communities. This is the only way to guarantee the development of the Niger Delta of Nigeria and re-position the region to reap the benefits of the endowments richly bestowed on the area by nature. Above all, the Federal Government of Nigeria must demonstrate transparent zeal and commitment to the plight of the Niger Delta people through the provision of basic amenities and sustainable socio- economic structures in the region as this is the only way to curb restiveness and guarantee the government continued access to the enormous oil and gas resources in the area for the benefit of the entire nation.

6. Conclusion

This paper highlights the glaring contrast between the Niger Delta region's enormous natural richness and the widespread neglect and hardship that its residents endure. The Niger Delta is the economic hub of Nigeria because of its vast oil and gas resources, but it also has significant unemployment rates, especially among young people, and a dearth of essential services. The prevalence of non-Native decision-makers in global oil corporations exacerbates this inequality and feeds the cycle of poverty and inequality. Accordingly,

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³⁴ DC North, 'The New Institutional Economics and Third World Development' the New Institutional Economics and Third World Development (1995) 21 31-40.

³⁵ J Law and J Urry, 'Enacting the Social' *Economy and Society* (2004) 33 (3) 390-410.

³⁶ P Selznick, *Law, Society, and Industrial Justice* (Quid Pro Books 2020).

³⁷ V Sokari, 'What Has Changed with Development in Nigeria's Niger Delta Region? The Challenging Trajectories of a Current Day Interventionist Institution' Wilberforce Journal of Social Sciences (WJSS) (2022) 7 (1) 67.

³⁸ CE Mbah, Is It Always the Economic Stupid? Movement for the Emancipation of Niger Delta (MEND) and Petroviolence in the Niger Delta of Nigeria (Master's thesis, Universitetet i Tromsø 2013).

³⁹ ibid.

⁴⁰ Okogbule and Brown (n 10).

even if the Niger Delta is important to Nigeria's economy, its potential won't be reached until inclusive policies deal with the structural injustice and neglect that the area faces.