



## PEACE-BUILDING AND CONFLICT MANAGEMENT IN COMMUNITIES THROUGH LAW: A PANACEA FOR NATIONAL DEVELOPMENT

By

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### 1.0 Introduction

The centrality of peace in the socio-economic development of any society can hardly be over-emphasised. Genuine development can take place in a society with some modicum of peace. This makes it imperative for indigenes of communities that have been torn apart through several years of conflict or crisis to be concerned about the promotion of peace, justice and development in their areas. On this score, societies emerging from civil wars, authoritarian regimes and other conflict situations must accordingly give primacy to issues concerning the restoration of peace and justice in their territories. Not only do such prolonged conflicts and crises destroy the physical infrastructure in organized societies, but they also often have far-reaching adverse effects on the perception and relevance of peace and justice in the new environment. One avenue through which this can be achieved is the recognition of the role of non-governmental organizations in promoting the values of peace-building and conflict management in communities.

Although this paper deals with peace-building as a panacea for national development, its central focus will be the Niger Delta region of Nigeria. This approach is adopted because the peculiar position and significance of the Niger Delta region to the economic and political stability of Nigeria is well-documented. As the region with the largest deposit of crude oil and gas, which is the mainstay of the economy,<sup>1</sup> the Niger Delta necessarily occupies a central place in the economic destiny of Nigeria. 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.<sup>2</sup>

However, despite this natural endowment, 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.<sup>3</sup> The level of unemployment and under-employment

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<sup>1</sup> BU Omojimiti, 'The Economic Dimensions of the Niger Delta Ethnic Conflicts' *African Research Review* (2011) 5 (5) 46-55.

<sup>2</sup> GO Aigbe, LC Stringer and M Cotton, 'Gas Flaring in Nigeria: A Multi-level Governance and Policy Coherence Analysis' *Anthropocene Science* (2023) 2 (1) 31-47; CA Osuoha and MA Fakutiju, 'Gas flaring in Niger Delta Region of Nigeria: Cost, Ecological and Human Health Implications. *Environmental Management and Sustainable Development* (2017) 6 (2) 390-410; SO Giwa, OO Adama and OO Akinyemi, 'Baseline Black Carbon Emissions for Gas-flaring in the Niger Delta Region of Nigeria *Journal of natural gas science and engineering* (2014) 20 373-379.

<sup>3</sup> C Okoye, and CD Umejiaku, 'Environmental Issues and the Human Society in the Niger Delta Landscape: An interrogation of Inno Ejike's Oil at My Backyard and Helon Habila's Oil On Water' *Nigerian Journal Of African Studies* (NJAS) (2023) 5



of the youths rank among the highest in the country.<sup>4</sup> 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 an affectation of vegetation arising from incessant oil spillages and gas flares at the various oil locations.<sup>5</sup> These incidents not only have adverse effects on the health of the indigenes but also greatly impede the developmental efforts of state governments in the region.<sup>6</sup> It is a combination of these instances of deprivation and the objective conditions imposed on the indigenes as a consequence thereof that has recently, 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 and Nigeria in general, and negatively impacting the national economy, but 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.<sup>7</sup> 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 how peace-building and conflict management mechanisms in the Niger Delta can be deployed to promote national development. The paper is divided into four 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 examines the interaction between peace-building, conflict management and law and argues that it is only an appreciation of this contextual perspective that can provide the key to curbing conflicts in the Niger Delta. The paper ends with recommendation on achieving sustainable peace in the Niger Delta.

## 2.0 Conceptual Perspectives

For a proper appreciation of the purport of the terms used in this paper, it is appropriate to examine their nature and significance as a basis for further discussion.

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(3) 115; TB Michael and O Rufus, 'Historicizing the Phenomena of Militancy and the Re-Emergence of Economic Crimes in the Post-Amnesty Niger Delta. *Central Asian Journal of Social Sciences and History*, (2023) 4 (6) 173; IL Worika, 'Deprivation, Despoilation and Destitution: Whither Environment and Human Rights in Nigeria's Niger Delta?' *ILSA Journal of International and Comparative Law* (2001) 8 (1) 1.

<sup>4</sup> EL Wifa, 'The Paradox of Plenty: An Analysis of The Environmental and Socio-Economic Symptoms of the Resource Curse in the Niger Delta Region of Nigeria' in IL Worika and SS Popnen (eds), *The Challenge of Justice: Contemporary Legal Essays in Honour of B. M. Wifa, OFR, SAN, DSSRS, KJW* (2107)576 – 601.

<sup>5</sup> S Bamidele and NI Erome, Environmental Degradation and Sustainable Peace Dialogue in the Niger Delta Region of Nigeria Resource Policy (2023) 80, 2.

<sup>6</sup> KE Ukhurebor and others, 'Environmental Implications of Petroleum Spillages in the Niger Delta Region of Nigeria: A review' *Journal of Environmental Management* 293 (2021) 2; J Adekola, M Fischbacher-Smith, D Fischbacher-Smith and O Adekola, 'Health Risks from Environmental Degradation in the Niger Delta, Nigeria' *Environment and Planning C: Politics and Space* (2017) 35 (2) 334-354.

<sup>7</sup> TB Michael and O Rufus, 'Historicizing the Phenomena of Militancy and the Re-Emergence of Economic Crimes in the Post-Amnesty Niger Delta. *Central Asian Journal of Social Sciences and History*, (2023) 4 (6) 173



## 2.1 Peace

From a functional point of view, peace can be said to be a major catalyst of social order and integration.<sup>8</sup> This means that for a society to function properly there is a need for peace, as there would otherwise be enormous stress on the social and political systems which could lead to their breakdown. Due to its ubiquitous, but inscrutable nature, there are different conceptions of peace depending on the angle from which one is looking at the concept.<sup>9</sup> For instance, for the philosopher, peace is a natural, original, God-given state of human existence.<sup>10</sup> It is seen as a state of perfection, an earthly expression of God's kingdom that is yet uncorrupted. It was this conception of peace that the French theorist, Rousseau, deployed in conceptualizing a peaceful original state of existence of man in which there were no desires. In that state, man existed as a free, gentle savage. According to him, in this 'state of nature', men were naturally good, born free and had few desires. This tranquil state subsequently became corrupted by human desires, such as the desire to acquire private property.<sup>11</sup>

To be sure, this philosophical perspective is normative and does not express the social context of peace beyond the state of nature. This brings us to an analysis of the concept from a sociological perspective. Sociologists view peace as a condition of social harmony in which there are no social antagonisms. This implies a condition in which there is no social conflict, and individuals and groups can meet their social and economic needs and expectations. They contend that when state institutions and structures perform their functions properly, there will be order and stability in society.<sup>12</sup> This means that peace is achieved where the existing social structures perform their functions adequately, supported by the requisite culture, societal norms and values.

Closely related to this conception is the political perspective where peace is seen as a product of the institutionalization of political structures. It is a political condition that makes justice possible in any society. The purpose of the political and institutional structures, therefore, is to ensure that there is peace and order so that the various interests in society can actualize their needs and aspirations.<sup>13</sup> From a legal perspective, peace has been defined as 'the tranquillity enjoyed by a political society internally, by the good order which reigns among its members, and externally by the good understanding it has with all other nations'.<sup>14</sup> Moreover, applied to the internal regulations of a nation, peace also denotes, not merely a state of repose and security as opposed to one of violence or warfare, but a state of public order and decorum.<sup>15</sup> From this perspective, the overriding concern is for order and stability in society and the resolution of conflict by non-violent means. Attention is thus focused on measures and mechanisms that

<sup>8</sup> R Anderson, 'A Definition of Peace' *Peace and Conflict: Journal of Peace Psychology* (2004) 10 (2) 101.

<sup>9</sup> NP Gleditsch, J Nordkvelle and H Strand, 'Peace research—Just the study of war?' *Journal of Peace Research* (2014) 51(2) 145-158.

<sup>10</sup> This is the position espoused by St Augustine in his writings. GH Sabine and TL Thorson, *A History of Political Theory* (New York: The Dryden Press 1973) 183-190; DB Burrell and E Malits, *Original Peace: Restoring God's Creation* (Paulist Press (1997) 103.

<sup>11</sup> According to Rousseau, the desire to acquire property was what disrupted the peaceful and pristine state of nature resulting in the present depravity in society. GH Sabine and TL Thorson, *A History of Political Theory* (New York: The Dryden Press 1973) 422-434.

<sup>12</sup> M Weber, 'Economy and Society' *Democracy: A Reader* (Columbia University Press 2016) 247-251; SP Huntington, *Political Order in Changing Societies* (Yale university press 2006) 9

<sup>13</sup> D Easton, 'The Political System: An Inquiry into the State of Political Science' *Ethics* (1955) 65 (3)

<sup>14</sup> RJ Rummel, *Understanding Conflict and War: Vol. 5: The Just Peace* (Beverly Hills, California: Sage Publications 1981); I Kant, *Perpetual Peace and other Essays* (Hackett Publishing 1983) 162.

<sup>15</sup> H Grotius, *The Law of War and Peace* (Electronic edition, Cambridge University Press 2005) 19.



will ensure the creation and maintenance of a just order. On this score, it is easy to understand the role of law enforcement agencies whose task is usually to maintain law and order.<sup>16</sup>

It must be pointed out, however, that portraying peace as ‘order’ could be largely deceptive, since in certain circumstances, it would mean legitimizing the perpetration of oppression of the underprivileged by the ruling class.<sup>17</sup> This is because privileged groups very often perceive their privileges, comfort, and dominance as ‘order’, and any challenge to that *status quo* is seen as an attempt to undermine peace. For instance, under the then apartheid regime in South Africa, the white minority were comfortable with the political order that caused much deprivation and marginalization of the black majority. The challenge to that order by the freedom fighters was seen as a disruption of the peaceful order.<sup>18</sup>

It is also pertinent to mention here that the particular historical and political context of a country or community equally determines largely, the country’s perception of peace. Thus, a society fragmented and polarized by perpetual war and armed conflicts will interpret peace simply as the absence of war. Similarly, a political community driven by unjust structures and policies will equate peace with justice and freedom, while people suffering material deprivation and poverty will inevitably perceive peace in terms of ‘equity, development and access to existential necessities of life’.<sup>19</sup>

From the above analysis, it is apparent that none of these perspectives of peace presents a complete picture of the concept and its role and relevance in contemporary society. Apart from the fact that no human society corresponds to the romanticized state of tranquil existence, envisioned by the early philosophers, the normative description of peace creates the impression that it can be found as an absolute condition.<sup>20</sup> This is a hugely false assumption, as conflict is an inherent feature of any society, and peace also exists in every society to a certain extent.<sup>21</sup> This underscores the need to recognize the relativity of the concept. It can therefore be said that peace is not a condition, but a process, indeed, a relative, dynamic socio-economic process involving activities that are directly or indirectly linked to increasing development and reducing conflict, both within specific societies and in the wider international community.<sup>22</sup> This understanding of peace as a process takes me to an examination of the concept of peace-building.

## 2.2 Peace-building

Peace-building is an intervention technique or method that is designed to prevent the start or resumption of violent conflict by creating sustainable peace. Peace-building activities address the root causes or

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<sup>16</sup> E Bittner, *The Functions of the Police in Modern Society: A Review of Background Factors, Current Practices, and Possible Role Models* (National Institute of Mental Health, Center for Studies of Crime and Delinquency 1970) 122.

<sup>17</sup> KW Crenshaw, Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law *Harvard Law Review* (1988) 101 (7) 1331.

<sup>18</sup> It was the dogged struggle of icons such as Nelson Mandela, Walter Sisulu etc. that eventually led to the dismantling of that ‘order’ and its replacement with the present all-embracing political order.

<sup>19</sup> N Mandela, *Long Walk to Freedom* (Back Bay Books 1995) 656.

<sup>20</sup> Rummel (n 14) 162.

<sup>21</sup> J Lederach, *Little Book of Conflict Transformation: Clear Articulation of the Guiding Principles by a Pioneer in the Field* (Simon and Schuster 2015) 64; J Galtung, ‘Violence, Peace and Peace Research’ *Journal of Peace Research* (1969) 6 (3) 167-191.

<sup>22</sup> O Ibeanu, ‘Conceptualising Peace’ in SG Best, *Introduction to Peace and Conflict Studies in West Africa: A Reader*, (Ibadan: Spectrum Books Limited 2006) 476.



potential causes of violence, create a societal expectation for peaceful conflict resolution and stabilize society politically and socio-economically.<sup>23</sup>

The activities included in peace-building vary depending on the situation and the agent of peace-building. Successful peace-building activities create an environment supportive of self-sustaining, durable peace; reconcile opponents; prevent conflict from restarting; integrate civil society; create rule of law mechanisms; and address underlying structural and societal issues; Researchers and practitioners also increasingly find that peace-building is most effective and durable when it relied upon local conceptions of peace and the underlying dynamics which foster or enable conflict.<sup>24</sup>

The exact definition varies depending on the actor, with some definitions specifying what activities fall within the scope of peace-building or restricting peace-building to post-conflict interventions.

Even if peace-building has remained a largely amorphous concept without clear guidelines or goals, common to all definitions is the agreement that improving human security is the central task of peace-building. In this sense, peace-building includes a wide range of efforts by diverse actors in government and civil society at the community, national and international levels to address the root causes of violence and ensure civilians have freedom from fear (negative peace), freedom from want (positive peace) and freedom from humiliation before, during and after violent conflict.<sup>25</sup>

Although many of peace-building's aims overlap with those of peace-making, peace-heaping and conflict resolution, it is a distinct idea. Peacemaking involves stopping an ongoing conflict, whereas peace-building happens before a conflict starts or once it ends. Peacekeeping prevents the resumption of fighting following a conflict; it does not address the underlying causes of violence or work to create societal change as peace-building does.

Peace-keeping also differs from peace-building in that it only occurs after a conflict ends, not before it begins. Conflict resolution does not include some components of peace-building, such as state-building and socio-economic development.<sup>26</sup>

In 2007, the UN Secretary-General's policy committee defined peace-building as follows: 'Peace-building involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and sustainable development'.<sup>27</sup> Peace-building strategies must be coherent and tailored to the specific needs of the country concerned, based on national ownership and should

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<sup>23</sup> JP Lederach, and FO Hampson, 'Building Peace: Sustainable Reconciliation in Divided Societies' *International Journal* (1998) 53 (4) 799.

<sup>24</sup> NC Funk and AA Said 'Localizing Peace: An Agenda for Sustainable Peacebuilding' *Peace and Conflict Studies* (2010) 17 (1) 101-143.

<sup>25</sup> OP Richmond, *Peace in International Relations* (2nd ed, Routledge 2020) 330.

<sup>26</sup> See generally, Lederach and Hampson (n 23); J Bercovitch, *Studies in International Mediation* (Palgrave Macmillan London 2002) 277; T Sandler, 'International Peace-keeping Operations: Burden-sharing and Effectiveness' *Journal of Conflict Resolution* (2017) 61 (9) 1875 – 1897; EF Dukes, *Resolving Public Conflict: Transforming Community and Governance* (Manchester University Press 1996) 240.

<sup>27</sup> UN Peacebuilding: An Orientation, 2010

[https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/peacebuilding\\_orientation.pdf](https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/peacebuilding_orientation.pdf) accessed 26 November 2023.



comprise a carefully prioritized, sequenced, and therefore relatively narrow set of activities aimed at achieving the above objectives.

### 2.3 Conflict Management

It is axiomatic that every society is in a constant state of flux as reflected in the confusion, conflicts, disagreements and crises inherent therein. This is because of the constancy of socio-economic changes in societies. Indeed, it has been argued 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”.<sup>28</sup> It is also significant that humans have an enormous capacity for “cooperativeness” which when properly deployed can be used 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’.<sup>29</sup>

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.’<sup>30</sup>

From the above definitions, one can fathom that the accumulation of crises left unattended could lead to conflict in any community, with possibly disastrous consequences for society. The conflict we experience in the Niger Delta can be said to be violent expressions of dissatisfaction against prevailing situations among communities in the country.

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.

Alhaji Maitama Sule argued that 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 leads to instability, it does not require stretching one’s imagination to recognize the recurring presence of this factor in the affairs of men. But 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:<sup>31</sup>One can therefore state that conflict is the existence of disagreement as a result of principled position taken by the parties involved in any issue.

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<sup>28</sup> Hv Moltke, ‘Letter to Johann Kaspar Bluntschli’ December 11, 1880 <https://libquotes.com/helmuth-von-moltke-the-elder/quote/lbb6s3t> accessed 26 November 2023.

<sup>29</sup> S Milasinovic and Z Kesetovic, ‘Crisis and Crisis Management: A Contribution to a Conceptual Terminological Delimitation’ *Megatrend Review* (2008) 5 (1) 168.

<sup>30</sup> PT Coleman, ‘Characteristics of Protracted, Intractable Conflict: Toward the Development of a Metaframework – I’ *Peace and Conflict: Journal of Peace Psychology* (2003) 9 (1) 1 – 17.

<sup>31</sup> A Agbaje and J Adisa, ‘Political Education and Public Policy in Nigeria: The War Against Indiscipline (WAI)’ *Journal of Commonwealth & Comparative Politics* (1988) 26 (1) 22-37.



It can hardly be over-emphasized that the major sources of conflict within the Nigerian polity today are economic, religious and political disagreements,<sup>32</sup> and the inability of successive Nigerian governments to properly handle these disagreements has been the albatross of the Nigerian state and resulted in conflicts of various dimensions in the country.<sup>33</sup>

A common thread discernible from the above formulations is that conflict is a normal human phenomenon that any society must have mechanisms in place to absorb, manage or at best accommodate. A process 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.<sup>34</sup> It is against this background that we can examine the nature of the conflicts in the Niger Delta Region of Nigeria, and the response of the Nigerian State to such conflicts.

### 3.0 Nature and Typology of Conflicts in the Niger Delta

Different kinds of conflicts take place in the Niger Delta.<sup>35</sup>

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 arises 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.<sup>36</sup>

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,<sup>37</sup> attempts to disrupt the operations of oil companies usually attracts

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<sup>32</sup> AO Muzan, 'Typology of Disputes in the Nigerian Oil Industry' *Journal of Jurisprudence and Contemporary Issues* (1995) 4 (1) 1 – 12; U Idemudia and UE Ite, 'Demystifying the Niger Delta Conflict: Towards an Integrated Explanation' *Review of African Political Economy* (2006) 33 (109) 391 – 406.

<sup>33</sup> *ibid.*

<sup>34</sup> R Dahrendorf, 'Class and Class Conflict in Industrial Society' in *Social Stratification, Class, Race, and Gender in Sociological Perspective* (2<sup>nd</sup> edition Routledge 2019) 105-111.

<sup>35</sup> W Okpebenyo, CC Onoh, CO Cornell and A Igwe, 'Revisiting the Resource Curse in Nigeria: The Case of Niger Delta' *KIU Interdisciplinary Journal of Humanities Social Science* (2023) 4 (1) 263; LA Afinotan and V Ojatorotu, 'The Niger Delta Crisis: Issues, Challenges and Prospects' *African Journal of Political Science and International Relations* (2009) 3 (5)191.

<sup>36</sup> J Osagie, F Akinkpelu, F Adegoke and S Ezeani, 'Causes of Conflicts in the Niger Delta Region of Nigeria as Expressed by the Youth in Delta State' *Procedia-social and Behavioral Sciences* (2010) 1 (5) 83.

<sup>37</sup> ET Bristol-Alagbariya, 'Costs and Benefits of Energy and Major Natural Resources Extractive Industrial Operations on Communities: Spotlight on Host Communities Development Regime in Nigeria's Petroleum Industry Act, 2021' *International Journal of Development and Economic Sustainability* (2023) 11 (1) 17.



the attention and immediate response of the federal government and the state apparatus.<sup>38</sup> 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.<sup>39</sup>

In the case of the Ogoni, their demand as enshrined in the Ogoni Bill of Rights<sup>40</sup> *inter alia* was for Shell Petroleum Development Company of Nigeria Limited to compensate them for the environmental damage caused by oil exploration and exploitation in the area spanning over 30 years. The outcome of this demand and the bloody consequence of the government's response to this agitation is indicative of the intolerance of the Nigerian state to incidents affecting oil companies.<sup>41</sup> In the Umuechem conflict, the major kernel of the dispute centered on 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 police and military personnel and the eventual devastation of the Umuechem community.<sup>42</sup>

## 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 disputes relating to ownership of land especially where the land is composed of oil and gas deposits. Although, under the Land Use Act, 1978 all land in a state is vested in the Governor of the state as a trustee for all Nigerians,<sup>43</sup> 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.<sup>44</sup> 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.<sup>45</sup>

When it is realized that these communities could be neighbouring communities with a common ancestry, then the needless animosity created in the Niger Delta region by the operations of these oil companies becomes most unpalatable.<sup>46</sup>

## 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 into four basic types, namely; (a) Conflicts between families (b) Conflicts between Chiefs,

<sup>38</sup> CO Basse, 'Oil and Conflict in the Niger Delta: A Reflection on the Politics of State Responses to Armed Militancy in Nigeria' *Mediterranean Journal of Social Sciences* (2012) 3 (11) 77.

<sup>39</sup> *ibid*, at p. 80.

<sup>40</sup> Movement for the Survival of the Ogoni People (MOSOP), *Ogoni Bill of Rights* (Saros International Publishers 1990) 8.

<sup>41</sup> T Demirel-Pegg and Scott Pegg, 'Razed, Repressed, and Bought Off: The Demobilization of the Ogoni Protest Campaign in the Niger Delta' *Extractive Industries and Society* (2015) 2, 654-663.

<sup>42</sup> 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' *BW Academic Journal* (2023) 19 (9) 23.

<sup>43</sup> Land Use Act 1978, s 1.

<sup>44</sup> R Enuoh, 'Corporate Social Responsibility and Insecurity in the Host Communities of the Niger Delta, Nigeria' *Journal of Management and Sustainability* (2015) 5 (4) 96.

<sup>45</sup> *ibid*.

<sup>46</sup> I Ikporukpo, 'Inter-community Conflicts Management Strategies in the Niger Delta, Nigeria: The Politics, the Geography and the Prospects for Enduring Peace' *FU Lafía Journal of Social Sciences* (2019) 2 (2) 98-103.





Elders and Youths (c) Conflicts between various youth groups and (d) Conflicts between particular individuals in the community.

- a) The common thread concerning 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,<sup>47</sup> and apart from its natural and customary attachment, the benefits accruing from the presence of such oil-related facilities have made it 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.<sup>48</sup>

- b) 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 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.<sup>49</sup> 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.<sup>50</sup>

- c) Conflict between 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 have given rise to such conflicts and proliferation. Ironically, most of the vices often attributable to the Chiefs and Elders in these communities relating to the 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

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<sup>47</sup> SB Arokoyu and EN Ochulor, 'Spatial Patterns of Community Conflicts (1990-2015) and its Implication to Rural Development in Rivers State' *World Rural Observations* (2016) 8 (1) 31; O Durueke, 'Collectivising within the Maternal Framework: Prayer Warriors Forum of Rumuekpe' *Gender & Development* (2023) 31 (1) 217-30.

<sup>48</sup> GP Wabah and DR Ukpere, 'Social Crises in Rivers State and Conflict Resolution Strategies' *International Journal of Social Sciences and Management Research* (2018) 4 (8) 72.

<sup>49</sup> DI Hamilton, 'Oil and Gas Companies and Community Crises in the Niger Delta' *American Review of Political Economy* (2011) 9 (1) 3.

<sup>50</sup> Ikporukpo (n 46) 98-103.

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.<sup>51</sup>

- 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 to be in charge of all the benefits accruing to such communities from either 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,<sup>52</sup> 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.<sup>53</sup>

#### 4.0 National Development

The Chambers Dictionary refers to it as “the act or process of developing; the state of being developed; a gradual unfolding or growth; evolution, while ‘develop’ is defined as “to bring out what is latent or potential in; to bring to a more advanced or more highly organized state”.

Development is a process of improving the conditions in which human beings live. According to Walter Rodney,<sup>54</sup> this involves first, improving man’s understanding of the laws of nature (science); second, applying this understanding to creations of tools and other implements that improve man’s working conditions and living environment (technology), and third, equitable organization of work and rewards (social relations of production).<sup>55</sup> In other words, development is a process of progressively eliminating conditions that alienate labour in society.

In relation to the phrase, ‘national development’ reference is made to the condition or state where a community is more highly organized or advanced in its use of the available human and material resources. This implies that the community can harness its available resources and opportunities to advance its progress, materially and otherwise. A community can only attain this state or condition if it has a substantial degree of sustainable peace. One can therefore say that for there to be any significant degree of community development, it is a *sine qua non* for such a community to have the requisite institutional structures to guarantee peace and stability. In the context of contemporary Nigeria, this

<sup>51</sup> C Ukeje, ‘Youths, Violence and the Collapse of Public Order in the Niger Delta of Nigeria’ *African Development* (2001) 6 (1/2) 337; C Ukeje, ‘Youth Movements and Youth Violence in Nigeria’s Oil Delta Region’, in C Daiute and Others (eds), *International Perspectives on Youth Conflict and Development* (Online edn, New York, 2006 Oxford Academic 2010).

<sup>52</sup> V Assanful, ‘Chieftaincy Act and Succession Dispute Resolution: A Panacea for Ensuring National Security?’ *E-Journal of Religious and Theological Studies (ERATS)* (2021) 7 (5) 69; See generally, AU Adamu, *Chieftaincy and Security in Nigeria* <https://nairametrics.com/wp-content/uploads/2013/01/chieftaincy-in-Nigeria.pdf> accessed 27 November 2023.

<sup>53</sup> See generally, TM Ebiede and K Nyiayaana, ‘How Violence Shapes Contentious Traditional Leadership in Nigeria’s Niger Delta’ *Violence: An International Journal* (2022) 3 (1) 65; DE Agwanwo and I Bello, ‘Governance, Violence and the Challenge of Internal Security in Rivers State, Nigeria’ *The Nigerian Journal of Sociology and Anthropology* (2019) 17 (1) 35.

<sup>54</sup> W Rodney, *How Europe Underdeveloped Africa* (Verso Books (Reprint) 2018) 416.

<sup>55</sup> *ibid.*



places enormous responsibility on the leadership of the community to take proactive measures that will release the latent potentials of the individuals which will then be aggregated to guarantee development. It is only in such an atmosphere that the citizens can be free to participate effectively and give the necessary support and cooperation to the leadership.

### **I. Interaction between Peace-building, Conflict Management and Law**

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 can peace-building and conflict management mechanisms be deployed to promote sustainable peace and development? This is where the role of law as an instrument of social engineering can be manifest.

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.<sup>56</sup> Thus, the interests 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 a health centre in a community and the construction of an educational institution by an oil company. While the community Chiefs and Elders may prefer the health center, 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.<sup>57</sup> To be sure, for the law to perform this function of social engineering, it must take into account the surrounding social and economic realities.<sup>58</sup> 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 the law is expected to aggregate the various interests in society to have a functional and organized society<sup>59</sup> 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.<sup>60</sup>

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<sup>56</sup> W Seagle, 'Rudolf von Jhering: Or Law as a Means to an End' *The University of Chicago Law Review* (1945) 13 (1) 71–89; Britannica, The Editors of Encyclopaedia 'Rudolf von Jhering' Encyclopedia Britannica, 13 Sep. 2023, <https://www.britannica.com/biography/Rudolf-von-Jhering> accessed 27 November 2023.

<sup>57</sup> Seagle (n 56) 71–89.

<sup>58</sup> *ibid.*

<sup>59</sup> *ibid.*

<sup>60</sup> EO Mediyanose and GO Nkogbu, 'Governance and Development in the Niger Delta Region: An Overview' *Dynamics of Public Administration* (2018) 35 (2) 213-226; BE Aigbokhan and K Wohlmuth, 'Reconstruction of Economic Governance in



## II. Curbing Conflicts in the Niger Delta: The Way Forward

The above analysis has shown the nature and complexity 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 leading 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 interests of their people and communities and not their interests. While it may be difficult to fully achieve this, considering the inherently selfish nature of man, coupled with the pervasive poverty prevailing in the Niger Delta,<sup>61</sup> sensitization and the adoption of transparent methods of selection or 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.<sup>62</sup> This brings into relevance the Chinese proverb about 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

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the Niger Delta Region in Nigeria: The Case of the Niger Delta Development Commission' *Reconstructing Economic Governance after Conflict in Resource-rich African Countries. Learning from Country Experiences* (2008) 241-280.

<sup>61</sup> CE Nwokike, CP Ukorah, IC Nwosu and IP Udegbonam, 'Social Injustice and the Threat of Insurgency in Nigeria: An Evaluation' *International Journal of Social Science and Management Studies* (2023) 2 (3) 1; CE Deinne 'Reflections on Income Inequality and Poverty Trends in Nigeria' in R Baikady, J Gal, V Nadesan, SM Sajid and G Jianguo (eds), *The Routledge Handbook of Poverty in the Global South* (Taylor & Francis 2023) 724.

<sup>62</sup> L Raimi and IA Adeleke, 'Using Entrepreneurship Development and Corporate Social Responsibility as Strategies for Conflict Resolution in the Niger-Delta Region in Nigeria' in SPE Nigeria Annual International Conference and Exhibition 2010 Jul 31 (SPE-140676). SPE.



guarantee the government continued access to the enormous oil and gas resources in the area for the benefit of the entire nation.

## 5.0 Conclusion

An attempt has been made in this paper to show that post-conflict societies face enormous challenges in the task of reconstructing not just the physical infrastructure usually damaged during conflict situations, but in re-establishing basic norms of justice in a peaceful environment. The challenges are even more critical when the traditional norms and values relating to respect for elders and societal organizational structures have been desecrated.

Dealing with such problems therefore requires a scrupulous adherence to basic rules of law and demonstration of sufficient transparency in the administration of the affairs of the post-conflict community. Part of the strategy to be followed under such circumstances is to adopt policy measures that enhance confidence-building among the various segments of society with the objective of making them understand that they have a stake in the development of the community. Where appropriate, this will entail a restructuring of the constitutional framework of the community by clarifying the respective roles of the various governance organs.

Implementing a programme of restoration of peace and order under such a transitional process invariably demands reliance on basic principles of transparency and accountability in a way that makes the citizenry not just the centre-piece of the policies, but vital participants in the scheme.

These approaches must be undertaken against the background that the failure to deal with a burdened past could lead to mistrust between societal groups and state institutions. "In many cases, actors "hijack" the process of dealing with a burdened past to establish a narrative that serves their interests. This hinders the reconstruction of the social fabric needed for a democratic and peaceful society and should be avoided to attain genuine reconciliation.

There is also the need to integrate gender perspective into such reconciliation processes. This will ensure gender awareness and avoid gender-blind mechanisms which exclude or even endanger women to be re-victimized.<sup>63</sup>

It must, however, be recognized that dealing with a burdened past is a genuine responsibility of the community concerned, which should not be completely delegated to external organisations or institutions, be it non-governmental pressure groups or other institutions of the state. In these circumstances, the need for local ownership and involvement cannot be over-emphasized. This is where organisations can play a crucial role in the peace-building process. They know the cultural norms, values and conveyances of the people and should be able to deploy that knowledge to advance the process and promote the development of their communities. We are convinced that such organisations will not shy away from playing a crucial role in ensuring sustainable peace and development in the foremost oil-bearing Local Government Area.

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<sup>63</sup> SO Ogege, 'Conflict Resolution and Peace Building: The Gender Question in the Niger Delta Crisis in Nigeria' *African Research Review* (2009) 3 (5) 403.