

Peace Building and Conflict Resolution in the Niger Delta Region of Nigeria: A Challenge to the Process of Democratization and Good Governance in Nigeria

Christopher Uche Ugwuoke (Ph.D)

Senior Lecturer

Department of Sociology and Anthropology

University of Nigeria, Nsukka

Abstract:

The objective of this paper is to suggest a long lasting and an amicable non-violent conflict resolution methods (beyond mere granting of amnesty to the militant youths) that would be capable of ending the protracted Niger Delta crises and by so doing enhance the process of democratic governance in Nigeria. The paper has consequently highlighted the dangerous consequences of the protracted conflict in the region especially with respect to Nigeria"s nascent democracy. As a lasting solution to this socio-political log-jam, this paper has recommended four principal methods of Alternative Dispute Resolution (ADR) Strategies. These special conciliation techniques include;

negotiation, mediation, arbitration and restitution. In the opinion of this paper, a careful manipulation of these strategies is capable of unraveling the systematic and professional ways through which carefully designed policies can create fresh and long lasting opportunities that can promote a sustainable and creative joint problem solving culture as well as the necessary supervision and facilitation of neutral good agreement between conflicting interest groups in the Niger Delta region. These opportunities are expected to consider the needs of the various stake holders in the conflict with special reference to those of the restive militants.

Introduction:

The protracted Niger Delta crisis has no doubt posed a serious challenge to the process of democratization in Nigeria. This endemic crisis therefore raises serious doubt about the quality of political governance in the African continent. Conflict has been universally acknowledged as an inevitable social evil that can inspire and engender positive and negative social transformations. Since individuals and groups often possess different ideas and interests, social conflicts are bound to occur. It is in this respect that Diller (1997:6) has defined conflict as any form of confrontation between two or more parties resulting from a situation where the contending parties have incompatible goals.

Similarly, Maoz (1982) had defined social conflict as a state of incompatibility among values, where the achievement of one value can be realized only at the expense of some other values. He further observed that the complexity of conflict is predicated on the fact that it may arise between different single organisms pursuing multiple goals as well as between multiple organisms striving at incompatible goals (1982:12). Other definitions of conflict by Coser (1956), Deutsch (1973), Hocker and Wilmot (1985), Pruitt and Rubin (1986), Conrad (1991) and Folger, Poole and Stutman (1997) have all shown that social conflict involves communicative interactions among people that have divergent goals and interests which among other issues are often predicated on competition over scarce resources.

From the foregoing, it has become crystal clear that in order to resolve any social conflict, including that of the Niger Delta, an adequate peace environment must be established. Miller and King

(2003) have defined peace as a political condition that ensures justice and social stability through formal and informal institutions, practices and norms. In a broader perspective, Best (2006) has defined peace generally as the absence of war, fear, conflict, anxiety, suffering and violence and the presence of an environment that encourages mutual coexistence. These peaceful social conditions have for decades eluded the people of the Niger Delta region of Nigeria.

It is indeed sad to observe that the African continent which has already been devastated by poverty and diseases is further presently gasping painfully under the heavy yoke of internally generated social conflicts. Best (2006:16) has lamented that despite the efforts by the international community and African regional intergovernmental collective security organizations to maintain peace and security in Africa, and to manage/resolve conflicts and build the peace, the continent still lacks the ‘_depth of relevant knowledge’, sustained capacity and critical mass of expertise for conflict prevention, management, resolution and peace building. The above observation by Best suggests that appropriate methods of conflict resolution are not often applied in the resolution of most social conflicts in Africa.

For many decades now, the Niger Delta region of Nigeria has not known peace. The Niger Delta crisis has actually resulted in the perpetration of violence which has inevitably taken different forms. These include aggression and criminal attacks on oil companies and their staff, terrorism and kidnapping which has inevitably spread to other parts of the country. Some other fall outs of the crisis also include vicious forms of local gang warfare especially between the restive youths and federal government soldiers. The criminal exploitation of this region in the form of oil exploration by the federal government and multinational companies has also led to structural poverty and underdevelopment which in turn have deprived the people in this region of their basic human rights. This undesirable social situation has condemned thousands of people to hunger, diseases, illiteracy, unemployment, alienation and in deed National underdevelopment. These factors are potent breeding ground for conflict not only in the Niger Delta but in Nigeria as a whole. It is obvious that these conditions can undoubtedly derail the current democratic experiment in Nigeria if long lasting peace resolution measures beyond mere granting of amnesty to militants are not urgently adopted.

From the foregoing, it is evident that the Niger Delta conflict has its roots in the increasing demands of the people of Niger Delta to control the mineral oil resources produced in their various

communities. This agitation has further been exacerbated by the apparent environmental decimation which the oil producing communities have been subjected to as a result of oil production. There is therefore among the people of Niger Delta a wide spread feeling of marginalization and indeed deprivation of a just share of the gains accruing from the export of crude oil. This apparent feeling of exclusion and neglect especially with respect to issues of development has strained the relationship between the various stake holders in oil production in Nigeria. It is evident that the relationship between oil producing communities, multinational oil companies and the federal government of Nigeria has not been cordial for some decades now.

Among the various methods of conflict resolution, management or prevention, it is the confidence building approach that recommends the propagation of the culture and techniques of the Alternative Dispute Resolution strategy (ADR) which holds the greatest promise. The strategy recommended by this paper therefore involves four principal and inter-related conciliation techniques of negotiation, mediation, arbitration and restitution. This strategy has advantage over other reactive and often violent and expensive methods which include the use of force through deployment of forces for peace keeping and protracted court adjudication processes. It is hoped that the Alternative Dispute Resolution strategy would be capable of amicably resolving the Niger Delta crisis which has so far constituted a thorn in the body polity of the Nigerian nation. The successful resolution of the Niger Delta crisis has therefore great implication for Democracy in Nigeria and indeed for good governance in Africa.

Theoretical Exploration:

Scholars interested in conflict and peace studies have explored a wide range of social conflict theories. Prominent among these are; economic, biological, realist, frustration-aggression, physiological, structural, psycho-cultural, human needs, systemic and relational theories. Each of these theories has attempted to provide a peculiar frame work for the necessary understanding of the causes and conditions that often engender social conflicts including some times the conditions that facilitate the resolution of such disagreements. Although at a glance, each of these theories would seem to be relevant for this study, their critical examination will however reveal that the structural conflict theory provides the best theoretical frame work for the Niger Delta crisis.

Although Ademola has argued that the structural conflict theory has two dimensions which include both the radical structural and the liberal structural perspectives, he had noted that the main argument of this theory is that conflict is built into the particular ways societies are structured and organized (Ademola, 2006:41). The perspective of structural conflict theory therefore acknowledges the contributions of social problems such as exploitation, injustice, inequality, poverty, diseases and a host of other societal problems in the creation and perpetration of social conflicts. Structural conflict theorists therefore emphasize the unjust nature of human societies especially as it concerns the exploitation of groups and individuals in the processes of interpersonal and inter-group relationships.

The relevance of the structural conflict theory to this study is therefore predicated on the notion of resource control which implies exploitation in the Nigerian context and which is perhaps one of the most contested national issues in Nigeria today. Although the definition of resource control has become controversial and almost elusive, Nkwachukwu (2004:14) has noted that the general notion is that the concept represents the feeling of some Nigerians, especially the people of Niger Delta, that without a restructuring of the Nigerian society, economy, and polity to allow people opportunity to control resources located in their communities, the Nigerian state has little chance of survival. Evidence in the Niger Delta has conspicuously demonstrated that there is high tendency for powerless young men without education, jobs and indeed other means of survival to constitute serious threat and menace to societal peace and development in the area in particular and in Nigeria as a whole. It is for instance an open secret that the present brand of kidnapping (for ransom) which has become a lucrative crime in Nigeria has its origin in the Niger Delta region.

The Relevance of Alternative Dispute Resolution (ADR) strategy in the Niger Delta crisis:

Bolarinwa (2006) has defined Alternative Dispute Resolution (ADR) strategy as the various dispute management techniques, which denounce the gamut of traditional adversarial processes and allows the introduction of a neutral third party intervention. Similarly, Best (2006) has noted that the idea of Alternative Dispute Resolution (ADR) is about the search for, and application of non-conventional peaceful methods of settling disputes and resolving conflict situations using the least expensive methods and ways that satisfy the parties as well as

ways that preserve relationships after a settlement might have been reached’.

As a viable mechanism for peace and conflict management, this approach has essential benefits which are most appropriate for the resolution of the Niger Delta crises. Specifically, Bolarinwa (2006:39-49) has outlined the forms and strategies of (ADR) as essentially constituting among others the processes of negotiation, mediation and arbitration. The significance of restitution as a conflict resolution technique in traditional Nigerian societies has also made it inevitable for us to recommend its use in the context of the Niger Delta crisis. For purposes of clear analysis especially with reference to the context of this study, we shall now examine in detail, these four principal methods of Alternative Dispute Resolution (ADR).

(i) Negotiation:

Negotiation involves the process of conflict analysis which requires a careful examination and understanding of the root causes, dynamics and issues that are fundamental in a particular conflict situation. Specifically, Pruitt (1981: xi-xii) as cited by Bolarinwa (2006) has defined negotiation as a form of decision making in which two or more parties talk with one another in an effort to resolve their opposing interest – a process by which a joint decision is made by two or more parties. Following from this perspective, negotiation implies the sharing of ideas, information and various options that are necessary for achieving an acceptable mutual agreement between conflicting parties. This method of conflict resolution is appropriate in the Niger Delta situation in which the conflicting parties constitute four different entities – the Federal government of Nigeria, the various states in the region and of course the multinational oil companies operating in the area. The views and feelings of the Niger Delta peoples and the various stake holders outlined above can best be explored in a conducive peace environment which can be provided by the process of negotiation. Miall, Ramsbotham and Woodhouse (1999:21) have also defined negotiation as a structured process of dialogue between conflicting parties about issues in which their opinions differ. Best (2006:106) has however identified two types of negotiation. These according to him include positional and collaborative negotiations. While the positional negotiation is based on the aggressive pursuit of interest by parties, and is typically adversarial and competitive, Best has noted that collaborative or constructive negotiation (which we advocate in this study) on the other hand is a process where parties try to educate each

other about their needs and concerns, and therefore involves a search by both parties for the ways to solve their problems in ways that the interests and fears of both or all parties are met.

As a universal principle of conflict resolution, constructive negotiation had provided a veritable avenue for social stability even in the African traditional context. In the context of this study therefore, the cultural values of the peoples of the Niger Delta region must be respected within the rubrics of constructive negotiation. A major advantage of collaborative negotiation especially in the Niger Delta context is that it can employ the strategy of integrative or problem solving bargaining which creates avenues for conflicting parties to explore possibilities through their collaborative efforts to achieve a win-win situation where both parties can agree to give premium on their respective interests without any unnecessary compromise (Bolarinwa, 2006:42). The goal of negotiation is therefore to reach joint agreement through joint decision making between parties in a conflict situation as is the case in Niger Delta region.

(ii) Mediation:

Miller (2002:23) has defined mediation as the voluntary, informal, non-binding process undertaken by an external party that fosters the settlement of differences or demands between directly contesting parties. Best (2006) has also described mediation as a voluntary process in which assistance is provided by a third party especially where the parties to a conflict admit that they have a problem which they are both committed to solving, but in which the mediator manages a negotiation process, but does not impose a solution on the parties. The role of mediation according to Best is therefore to create the enabling environment for the parties to carry out dialogue sessions leading to the resolution of pending conflicts. The mediator or facilitator thus uses effective communication process to draw the attention of conflicting parties to neglected points and consequently becomes a confidant and a reconciler to the various parties in the conflict. Essentially, the mediator according to Best, needs to be objective, neutral, balanced, supportive, non-judgmental, astute and above all tries to drive the parties towards win-win as opposed to win-lose outcome (Best 2006:108). Although mediation is not a popular method of conflict resolution in the African context and thus is generally less important than arbitration, its excessive reliance on the neutral role of the mediator can be effectively explored in the Niger Delta situation.

(iii) Arbitration:

Moore (1996:9) has defined Arbitration as a voluntary process in which people in conflict request the assistance of impartial and neutral third party to make decision for them regarding contested issues. In his own classic contribution, Albert has observed that as a process, Arbitration is resorted to when past efforts to reach a common ground by the disputants proved abortive though both of them want the conflict to be resolved quickly, under this process, the third party with formal mandate, and upon the invitation of the disputing parties, hears the issues in the conflict and discusses them with each side in a formal, legal setting. The arbitrator conducts himself, more or less, like a judge. His decisions have legal backing and must be respected by the parties once taken (Albert, 2001:34-35).

Arbitration has been and indeed is still a veritable instrument of conflict resolution in the African context. The significant role of arbitration in the African context is usually performed with special reference to the positions of power or authority which the arbitrators occupy. Thus, Best (2006:109) has noted that Arbitrators in the African context could be traditional leaders in the family, clan, village, community, ethnic group etc.

Uchendu (1965:43) had for instance observed that among the Igbo of south east Nigeria, whose constitution has no provision for specialized courts, the injured party takes the initiative of either appealing to the head of the compound of the offender or to a body of arbitrators. Although there may be different channels through which arbitration could be realized in the African context, the procedure is similar. Generally, Best (2006) has noted that the conflicting parties and their witnesses may be listened to, and then a decision is made about who is right and who is wrong, after which the next step on what to be done is taken. It is significant to observe that there is usually a strong desire to achieve justice and fair play through the process of arbitration in the African context. Since traditional institutions of authority are accorded great respect in Nigerian society, this paper is strongly advocating for the use of prominent traditional rulers as arbitrators in the resolution of the Niger Delta conflict.

(iv) Restitution

Another important way of resolving the Niger Delta crisis is by considering the option of restitution. Ugwuoke (2005:11) has defined restitution as the restoration of lost property or financial compensation

for loss of property or for harm done to the victim of a crime. A proper understanding of the significance of restitution as a conflict resolution mechanism especially in the context of the Niger Delta crisis requires a radical theoretical shift from the traditional conceptualization of the nature of the crisis. In this context, the prolonged exploitation of the Niger Delta people through exploration of oil in the region with all its attendant and devastating consequences is in the context of this study considered as a criminal act which has been perpetrated by both the federal government of Nigeria and the various multinational oil companies operating in the area. Thus, from this perspective, the people of the Niger Delta region are considered as victims in the same way as any other crime victims. This alternative radical theoretical conceptualization of the Niger Delta crisis can best be explained with reference to the consequences of oil exploration in the area.

Nkwachukwu (2004:15-17) has summarized the enormous effects of the criminal exploitation emanating from oil exploration in the Niger Delta to include; pollution arising from oil spillage and problems of gas flaring, toxic waste and those of erosion as a result of badly constructed canals and causeways built to facilitate the activities of the oil companies. The damaging consequences of oil exploration in the Niger Delta have according to Nkwachukwu resulted in the destruction of wildlife, farmlands, forests, aquifers and human lives. These wanton deprivations and exploitations are indeed criminal and the people of Niger Delta deserve restitution since the socio-economic situation in the area has continued to degenerate beyond reasonable proportions. The kind of restitution that is advocated for in this paper is however different from the individualized and haphazard form of compensation which the federal government has so far administered in the Niger Delta area and which has failed to satisfy the needs of the people. Restitution in the context of this paper therefore seeks to achieve the primary purpose of reconciling the various conflicting parties in the Niger Delta region. This is in consonance with the idea of restitution in the traditional African context. Ugwuoke (2005) had observed that restitution was a significant method of dispute resolution in traditional Nigerian societies. Davidson (1992) had also noted that the principle of leveling compensation (restitution) was a norm of African judicial practice which applied to all situations of imbalance caused by infringements of a given community's rule of law. The advantage of restitution as a conflict resolution strategy therefore lies in the fact that it is socially constructive. In addition, restitution is implicitly reparative and restorative and as such can actually change the

situation in the Niger Delta by ensuring that both the offenders i.e the Federal government and the oil companies on one hand, and the victims i.e the people of Niger Delta on the other hand are relieved from their guilt and anxiety respectively. A comprehensive restitution package for the people of Niger Delta is therefore capable of ensuring a lasting peace in the area since this could provide relief for many years of bottled anger, grudges and misgivings predicated on a feeling of injustice and inequity.

Conclusion:

From the foregoing, it has become evident that traditional conciliation methods could be explored in the resolution of the Niger Delta crisis. A one time chairman of the defunct Organization of African Unity (OAU), president Muhammad Hosni Mubarak of Egypt had remarked that ‘_Africans possess both the will and the capacity to settle whatever disputes through conciliation; guided by the spirit of African unity and our real commitment to the oneness of our interests and destiny’ (United Nations, 1991). Evidence has shown that the artificial method recently adopted by the Yar‘Adua administration which involved granting of amnesty to the restive youths lacks the kind of sincere commitment that president Muarak was recommending for African leaders. It must be emphasized as we have noted earlier that these four methods of reconciliation discussed in this paper ie negotiation, mediation, arbitration and restitution are greatly interwoven and can therefore hardly be separated in real life situation. They have however been discussed separately here only for analytical purposes. Alternative dispute resolution strategies (ADR) as discussed in this paper are considered appropriate for the resolution of the problem of injustice which Obasanjo (1988) has described as a bane to security and development in Nigeria in general and particularly in the Niger Delta context. An effective resolution of this protracted crisis should not be predicated on artificial political measures but must address the problem of injustice which in the context of this paper has been acknowledged as the off -shoot of structural poverty, youth restiveness and crime not only in the crisis thorn Niger Delta region, but in Nigeria as a whole. This author therefore contends that unless the fundamental peace resolution initiatives discussed in this paper are taken seriously, the Niger Delta crisis will continue to pose serious challenges to the process of democratization and good governance in Nigeria.

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