



**The Niger Delta Conflict: the application of International Law and the Normative System  
of International Organizations as a Panacea to peace in the Region**

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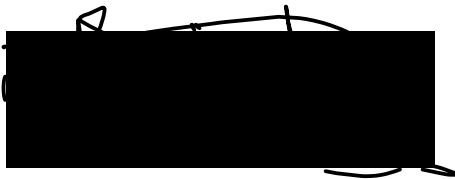
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## DECLARATION

I, Henry Chiedu IRABOR (Student Number: 213574077), hereby declare that this dissertation entitled: “The Niger Delta Conflict, the application of International Law and the Normative System of International Organizations as a Panacea to peace in the Region” was written by me and that it is the correct record of my research work. It has not been presented for a degree in another institution. I will not present it or cause it to be presented, for a degree in another institution. All sources of information have been appropriately acknowledged using references and other acceptable methods.

Signed



**Henry Chiedu IRABOR**

26/07/2021

Date.....

## **DEDICATION**

I dedicate this work to the loving memories of late Deacon Denis Irabor, Very Rev Fr. Dr Cyril Ikechukwu Ofoegbu, Chief Dennis Opone and Most Rev Dr Joseph Egarega, Emeritus Catholic Bishop of Bomadi Diocese.

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## **ABSTRACT**

The Niger Delta region of Nigeria has been under the spotlight for a long time over the issue of agitation for equitable distribution of the oil resources for the improvement of the living conditions of the people. Claims of exploitation, marginalization, and oppression by the Nigerian government and the various multinational oil companies operating in the region have been rife. This development has generated armed conflicts between militants and the Nigerian security forces. The high-handedness of the government in response to the conflicts and the activities of the oil companies have attracted the international community. Environmental degradation, pollution, and the health hazards of continuous gas flaring have characterized the activities of the oil companies in the region. Constant human rights violations in the region and the violent reaction of the people have led to the militarization of the region. a situation that the people are militarized by the Nigerian armed forces, especially when they call for redress of their horrendous situations by ways of protest and demonstration. Using a mixed method to research, this study interrogates the feasibility of the application of international laws and norms for the resolution of the constant conflicts in the region occasioned by environmental degradation. In the absence of the government commitment to ameliorating the plights of citizens, this study proposes the intervention of the international system in the protection of the fundamental rights and human dignity of citizens who have been victims of the consequences of the hazards associated with oil exploration in the region. The participants of this study ranged from academics, environmental rights activists, legal practitioners and the civil society. The data generated were sorted and analysed using multiple correspondence analyses (MCA) which was carried out following the study's objectives and research questions. Considering the imperativeness of the applications of international law and the normative system of International Organizations as a panacea to the long-time conflict, the findings of this study revealed that the Nigerian state and the multinational corporations have treated the region with a high sense of injustice. This has brought about agitations for development, resource control, environmental protection, and militancy in the region as a way of displaying the injustice meted against them for the world to know. This study recommends that the government should embark on a complete arms clean-up in the region and create an environment where the need to keep weapons will no longer be necessary. The security of lives and properties should be the government's priority.

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## **LIST OF ACRONYMS**

AU: Africa Union

ECOWAS: Economic Community of West Africa States

EU: European Union

FCT: Federal Capital Territory (Abuja)

IDI: In-depth Interviews

KII: Key Informant Interview

LGA: Local Government Area

MEND: Movement for the Emancipation of the Niger Delta

MOSOP: Movement for the Survival of Ogoni People

NDBDA: Niger Delta Basin Development Authority

NDDB: Niger Delta Development Board

NDDC: Niger Delta Development Commission

NDHS: National Demographic and Health Survey

NDPCRC: Niger Delta Peace and Conflict Resolution Committee

OMPADEC: Oil Minerals Producing Areas Development Commission

OTC: Over- the- Counter Drugs

PAP: Post Amnesty Peace building

PHC: Primary Health Care

PMV: Patent Medicine Vendor

RA: Research Assistants

TBA: Traditional Birth Attendant

TPB: Theory of Planned Behavior

TRA: Theory of Reasoned Action

UN: United Nations

WHO: World Health Organization

## **CHAPTER ONE**

### **INTRODUCTION AND BACKGROUND OF THE STUDY**

#### **1.1 Background to the Study**

The shift from Agriculture to the oil and gas sector in Nigeria has complicated the country's economy (Okolo, 2014). In the past, Nigeria, as a nation was prominent in Agricultural products, which made the practice of federalism accurate as every region was focused on what they could do to develop their economy within the agricultural economy (Ayodele, 2010). Nigeria was a major exporter of cocoa, corn, rice, groundnut cotton, palm oil, rubber, and millet. The economic interest at that time did not come with conflicting interest among the nationalities that made up the area as it is today in the petroleum economy. The economy back then attracted investors from Europe, Asia, and the United States, who placed high demands for the various agricultural produce. Although there was a high demand for agricultural produce, there was enough for consumption by the local population. Each of the regional governments encouraged and attracted more investments into the agricultural economy and at the time, the Niger Delta area was focused on palm oil which attracted foreign buyers (Feeley, 2004). All the regions depended on agriculture as the main source of their resources.

While the palm oil economy in the Niger Delta area attracted foreign investors and traders, the product was still made available to the local people to buy at a cheaper rate (Aghalino, 2000; Agbiboa and Maiangwa, 2012). There was a high demand for it both locally and internationally especially in Europe, as this product was used to manufacture soap, pharmaceutical products, and candles (Dike, 1956, Helleiner, 1966; Courson, 2016). All these were put aside with the sudden shift from the agriculture-based economy to the crude oil and gas economy. This shift then came with complications especially for the people of the Niger Delta. Resistance against the activities of the multinational oil firms and the Nigerian state has embroiled the Niger Delta Region. With insurgent activities and armed revolt, the region has been characterized as generally restive (Fagbadebo 2010; Fagbadebo and Akinola 2010). After over five decades of oil extraction, environmental destruction, and seemingly state indifference to the plights of citizens affected by oil exploration activities, engendered widespread violent

resistance and protestation championed by the youth and other environmental activists, such as Late ken Saro-Wiwa (Okolo, 2014).

Thus, the discovery of crude oil in the Niger Delta changed the phase of the country's socio-economic path, and politics, therefore, became the struggle for the control of petrodollars (Apter, 1998 Agbibo, and Maiangwa, 2012). The shift left the Nigerian state with some unresolved issues, particularly in the areas of unjust laws and the use of repressive forces when addressing the recurring Niger Delta conflict. The Niger Delta region is rich in natural resources, especially in crude oil as well as its geographical location. Its proximity to the waters of the Atlantic Ocean has remained an added advantage enjoyed by the region. Even though this region is endowed with natural resources, it is ironic, however, that the discovery of oil in the region since 1958 has not contributed significantly to the much-anticipated reliefs at the grassroots level, whose livelihoods depend on farming and fishing activities that were adversely affected by the environmental degradation generated by the oil exploration activities (Fagbadebo, 2010).

Curiously, the discovery of petroleum in commercial quantity in 1958 (in Oloibiri, Bayelsa State) seemed to hold out the prospect of rapid economic growth and development for ethnic minorities in whose domain the resources are domiciled. Instead, the involvement of transnational oil companies (TNCs) in joint ventures with the Nigerian State (the Nigerian National Petroleum Company (NNPC) culminated into immense environmental disorder which interrupted the means of traditional livelihoods. Oil has turned the Niger Delta area into what the European Union described as "an ecological nightmare" with the world's highest gas flaring rates, colossal deltaic waterway pollution, and over 4640 oil spills between 1976 and 1996 (Peterside and Ogon, 2016). The delta's environmental crisis is combined with a worsening political-economic crisis.

Nigeria's Niger Delta is one of the world's most diverse and fragile habitats, as well as a source of immense wealth. Unfortunately, the future of the Niger Delta environment depends, in part, on the immense strategic importance and vast resources of a single product that is, hydrocarbon capitalism, which happens to be the fuel of modernity. The increasingly franchised and militant oil-producing ethnic minorities confront the state and the oil companies, making demands on the need to rehabilitate their environment and to control their resource base, which has come into open conflict. Citizens of the Niger Delta region have explored both violent and diplomatic means to protest environmental degradation and agitation for the control

of their resources. The violence means manifested in the form of conflicts, whereby people of the region were crying for a better life considering the wealth that foreign investors are getting by harvesting the natural resources of the region, and in the process failing to uplift the lives of the Niger Delta people. In the same way, this political movement around oil and the environment created powerful forms of ethnic identity and conflict that are threatened to turn the region into an insecure and volatile “organic nationalism” zone (Peterside and Ogon, 2016).

The Niger Delta conflict is a significant conflict to study as it serves as a prototype of intra-state conflicts, originating from the exploration of natural resources and the allocation of revenues (Gimah and Bodo, 2019). This conflict can be compared to the Angola Civil War in the Cabinda region, which was also centered on the exploitation of oil resources in the region (Ojakorotu, 2011). Angola’s largest oil-producing area, the province of Cabinda, has been the center of intense conflict between citizens of the region, on the one side, in their pursuit of self-determination, and on the other, the central government, which defends the region's economic and geostrategic value. The Liberation Front of the Cabinda Enclave (FLEC), which was at the forefront of secessionist calls, and the Luanda government through the Angolan Armed Forces, were the parties in the conflict at a practical level. The actions of FLEC toward Luanda (Angola) in the area of Cabinda have launched a debate on the dynamics of oil conflict in the region. It also illustrates the level of compliance of states with international norms. Instead of the natural resources becomes a blessing for the Niger Delta people, they have become a source of humanitarian injustice. Hence, criminal activities have become popular; lawlessness, unlawful appropriations, and instability have been created by a system of state repression and corporate violence.

Over the years, the consequence of oil production in the region has caused environmental emissions and environmental degradation. There is a significant rate of aquatic and farmland destruction, on which the people of Niger Delta rely as means of sustaining their livelihoods. The income generated from the region's mineral wealth contributes around two-thirds of the country's revenue due to the activities of multinational oil companies in the area, for instance, the Central Bank of Nigeria (CBN) estimated that the revenue generated by the Federal Government in 2001 amounted to just over two trillion naira with oil revenue accounting for 1.7 trillion naira (CBN, 2016). This accounted for 85% of the revenue produced, but the area of the Niger Delta is characterized by underdevelopment, with good roads and basic infrastructure absent. Water and the use of local canoes and vessels are the key means of

transport in this area, and this has acted as a barrier to the economic growth of the region and has created an investment barrier for foreign and local investors alike. According to the United Nations Environment Program (UNEP), the Niger Delta region is experiencing marginal economic growth due to environmental degradation and pollution that have plagued the region since the 1970s (UNEP, 2011).

**Figure 1.1:** Oil Spillage site in the Niger Delta area



**Source:**This Photo by Unknown Author is licensed under CC BY-NC-ND

Figure 1.1 above shows the nature of pollution in the study area, which has impacted aquatic and agricultural life negatively. The pollution in the Niger Delta region takes the form of oil spillages together with gas flaring, leading to environmental degradation that has robbed the local people of their means of livelihood. Poor human and economic capacity, unemployment, and poverty characterize the region thus causing the Niger Delta region to suffer serious environmental debasement and contamination, which includes the pollution of the farmland and rivers. Despite the acid rainfall, that has been experienced as an after-effect of the constant gas flaring in the region (Eragha and Irughe, 2009; Gimah and Bodo, 2019), the oil industry in the area continues to be a source of economic ills while economic fortune continues to retrogress by the day as there is no fruitful land to farm and clean rivers for meaningful fish



harvesting. Thus, poverty is a constant phenomenon in the region, the education, healthcare, and housing infrastructure records are one of the worst globally (Ojakorotu, 2010; 2011).

The oil wealth in the Niger Delta is like a resource curse, bringing both internal and external disadvantages in matters of sustainable development (Allen, 2012; Asuni, 2009; Courson, 2016). The developmental conundrum in the Niger Delta was highlighted by UgohandUkpere (2010) and Agbiboa and Maiangwa (2012) when they declared that oil politics in the Niger Delta is a resultant effect of perpetual underdevelopment. This experience has further brought about militancy to the region to make their agitation known to the Nigerian government and the world through the kidnapping of foreigners, sabotage of pipelines, vandalization, and stealing of crude oil, to draw attention to their grievances and call for a solution (Ikelegbe, 2010; Agbiboa, 2010 and Courson, 2016).

On the other hand, Olszewska-van der Merwe (2013) focused on the role of good corporate social responsibility of the multinational corporations who have failed to appreciate the depth of the crisis. The author alluded to the idea that the transition from a military regime to democracy brought with it more favorable and intentional responses from the Nigerian government, which now attempts to address the needs of the oil-producing communities and improve the policies of the Multinational Corporations or Companies (MNCs) and their stakeholders. The policies adopted, and agencies created, in turn, helped facilitate some of the Corporate Social Responsibility (CSR) practices which Shell Petroleum Development Company (SPDC)<sup>1</sup> was trying to implement, such as greater cooperation with government agencies on issues of sustainable development. Aside from Ikelegbe and Olszewska-van der Merwe (2013), other scholars (Ojakorotu, 2008a; 2008b; 2009; Ogundiya, 2009; Okolo, 2014; Courson, 2016) also focus on how the Delta oil exploration has escalated security concerns in response to the violation of human rights in the region despite being in contrast with international norms.

Over the years, the youth restiveness in the area has often culminated in violence and conflict by some communities in the area against the Nigerian government and the MNCs for not doing enough to ameliorate the situation, which is characterized by consistent environmental degradation and despoliation coupled with political marginalization

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<sup>1</sup>SPDC operates over 8 natural gas plants, more than 1,000 producing oil wells, 6,000 kilometres (3,700 mi) of pipelines and flowlines and 87 flow stations which makes it the largest fossil fuel company in Nigeria.

(Fagbadebo and Akinola 2010; Fagbadebo 2010). A consequence of the people's dissatisfaction with the neglect by the state and MNCs in the area is that it has led to an upsurge in militants' activities against the Nigerian government by attacking oil pipelines, leading to a major reduction in the revenues accruing to the Nigerian government. Notable among the militant organizations are the Niger Delta Avengers, the Movement for the Survival of the Ogoni People (MOSOP), and the Movement for the Emancipation of the Niger Delta (MEND). Conflicts in the Niger Delta area were a great concern as these militant groups kept changing their demands from resource control to secession (Courson, 2016).

Even though the region possesses an abundance of natural resources, it still lacks fundamental development, which in turn has led to youth restiveness. The demands of the Niger Delta population to take greater advantage of the oil produced in their area have remained unanswered. Successive government policies toward redressing these problems have not materialized as public officials charged with the policy responsibilities often mismanaged the resources. Thus, citizens in the Niger Delta continue to complain that their water has been made undrinkable by oil-spill contamination, gas flaring has made the environment unfit for breathing, while oil revenues were diverted to develop other parts of the country.

While the attacks by the armed militias have been reduced since the introduction of the amnesty programme by the Umaru Musa Yar'Adua's administration, they continue to threaten a resumption of full-scale operation. Therefore, it is against this background that this study sought to investigate the continuous threat of conflict in the Niger Delta conflict. The study sought to explore the application of international law and the normative system of international organizations as a panacea to peace in the Region. Given the consequences of the oil exploration on the livelihoods of citizens of the region, it could be argued that the Nigerian state has trampled upon the human rights of the people. Environmental degradation and its consequences have denied citizens of access to basic amenities of life, thereby endangering their lives. Thus, the heightened human security challenge in the region continues to attract the attention of the domestic and international environments. Even though there is a respite in terms of militants' attacks in the region, nevertheless, the fundamental problem of environmental degradation and its consequences remain. Intermittent protests by few militants still pervade the region.

The need to redress the challenge of human rights violation in the area in the face of the seemingly helpless situation of the people requires further scrutiny and investigation, the

need to explore the applicable international law and the normative system of international organizations. The application of international law and the normative international organizations covers some legal instruments in the global system. The statutes of the International Court of Justice, the Charter of the United Nations, International Human and environmental rights laws, the Hague Convention of (1907), The European Union and Human Rights practice, the African Union Charter on Human Rights and the Economic Community of West Africa States (ECOWAS) Covenant on Human Rights are relevant laws and conventions that apply to the resolution of the human rights violation and environmental pollution in the Niger Delta region. The Universal Declaration of Human Rights Convention and the Right of Local indigenous people to control natural resources in their lands are also relevant. In the absence of effective government action to resolve the problem, the international community could apply the principle and norms of Responsibility to Protect (R2P) to safeguard citizens of the region against the violation of their rights.

## **1.2 Area of the Study: Nigeria**

Nigeria is situated in West Africa, between longitudes 3° and 14° East and latitudes 4° and 14° North, in the Gulf of Guinea. In the West, it lies between Benin and Cameroon in the East. To its North are Niger (North West) and Chad (North East) respectively (see Map 1.1). The lower course of the Niger River flows south into the Gulf of Guinea through the eastern portion of the country. The South's lowlands are marked by swamps and mangrove forests on the southern coast. In the Southeast and plains in the North, these lowlands are mountainous. The inland region is home to hardwood forests (Douglas, 2004 cited in Mbara, 2018). Nigeria is arid in the North, tropical in the Middle, and equatorial in the South in terms of climate. These differences are responsible for the relationship between the wet southwest monsoon and dry North West winds. Temperatures range from 30 to 32 degrees Celsius in the north; elevated humidity is recorded from June to September. High humidity is also present in the South from February to November. The South sees higher precipitation than the North. Annual rainfall above 3,500 millimeters is experienced in the Niger Delta region. In the southern coastal region, rainfall ranges from 2000 mm to 500-750 mm in the north (Douglas, 2004 cited in Mbara, 2018; Udo, 2020).

According to the Central Intelligence Agency (CIA) World Factbook on Nigeria, the country has an area of 923,768 square km, 13,000 square km which have been enveloped by water bodies, making it the world's 32nd largest nation (World Factbook, 2020). The country

has five main geographical zones: i. the coastal zone lies along the Gulf of Guinea, ii. There are hills and plateaus north of the coastal region, iii. The Niger-Benue Valley of the River, iv. There is a broad steep plateau to the northern border, with elevation beyond 1,200 meters, v, the mountainous region along the eastern border, which includes Chappal Waddi<sup>2</sup>, the highest point in the world, which is 2,419 meters high (Douglas, 2004 cited in Mbara, 2018).

In broad east-west belts, parallel to the Equator, the principal vegetation patterns run. Along the coast and throughout the Niger Delta, mangroves and freshwater swamps are present. The swamps give way to thick tropical rainforests a short way inland (Wali, Nwankwoala, Ocheje, and Onyishi, 2019). Economically valuable oil palm grows wild and is normally protected as the forests are cleared for agriculture. The initial forest vegetation has been replaced by open palm bushes in the more heavily populated portions of the Southeast. Huge areas of woodland in the Southwest have been replaced by cacao and rubber plantations. The area north of the forest belt is dominated by tropical grassland and is studded with baobab, tamarind, and locust bean trees. In the far north, the savanna becomes more open and is marked by sparse stunted trees and short grass (Udo, 2020). In the Lake Chad region, where different species of acacia and the doum palm species are common, Semidesert conditions exist. The open savanna in the north is also characteristic of Gallery forests (narrow forest areas along rivers). The vegetation has been removed by continuous cropping, overgrazing, and forest burning in densely populated areas of the savanna, such as those around the towns of Sokoto, Kano, and Katsina. The almost complete extinction of plant life in the far northern areas has enabled the gradual southward advance of the Sahara.

Nigeria is a Federal Republic with 36 federating units, including Abuja, the Federal Capital Territory (FCT), and 774 Local Government Areas, accounting for the third tier of government. Politically, the nation has moved from the colonial era to the time of decolonization, democratization, civil to long military rule, witnessing the government's unitary, federal, parliamentary, and presidential regimes. The size of its population is one of the most distinctive and significant characteristics of Nigeria. The population of the country was set at 206,139,589 as of November (Worldometers, 2020). It consists of more than 250 classifications of racial and tribal people. From 186 million registered in 2016 and 195, 521,

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<sup>2</sup>Among the indigenous people of the present-day Taraba State where the mountain is located, this means "the Mountain of Death".

112 in June 2018, Nigeria's population is expected to hit 392 million in 2050, making it the fourth most populous nation in the world. This prediction accounts for its demographic momentum and fast growth rate.

In addition, with most of its population belonging to Christianity, Islam, or African Traditional Religion (ATR), the nation is a religiously plural society. Statistics on the nation's religious system are notoriously imprecise (Pew Forum, 2011; Global Christianity Report, 2015; CIA Factbook, 2020). Nevertheless, recent surveys from the Pew Forum (2011) and the Global Christianity Report (2015) indicate that 50.5 percent of the populations in Nigeria are Christians thereby making the religion the most practiced in the country. Out of these figures, 8.2% practice Catholicism, 10.1% Anglicanism, 12.3% Christian Churches, and 19.9% Protestantism. Islam is the second most practiced religion in Nigeria, with 43.5% of the total population of the nation practicing it. The breakdown is as follows: Sunni Islam at 95% and Shia Islam at 5%. The African Traditional Religion is practiced by about 6% of the population of the country. The northern Hausa and Fulanis are mainly Muslims, the Southwest Yorubas are predominantly Christians and Muslims and partially ATR; while the Southeast Igbos are predominantly Christians with many Roman Catholics, Anglicans, and Protestants. Many Christians and ATR adherents are found in the South-South (Niger Delta) area where you have some minority tribes like the Ijaws, Itshekiris, Ibibios, Binis Urhobos, among others. There are mainly Christians, with pockets of Muslims, across the country's Middle-Belt region, where you have many minority groups scattered along the area (Nigeria Factbook, 2020). Figure 1.1 below shows the map of Nigeria and the three main regions that make up the country.

**Figure 1.2:** Map showing Nigeria and its immediate neighbours.

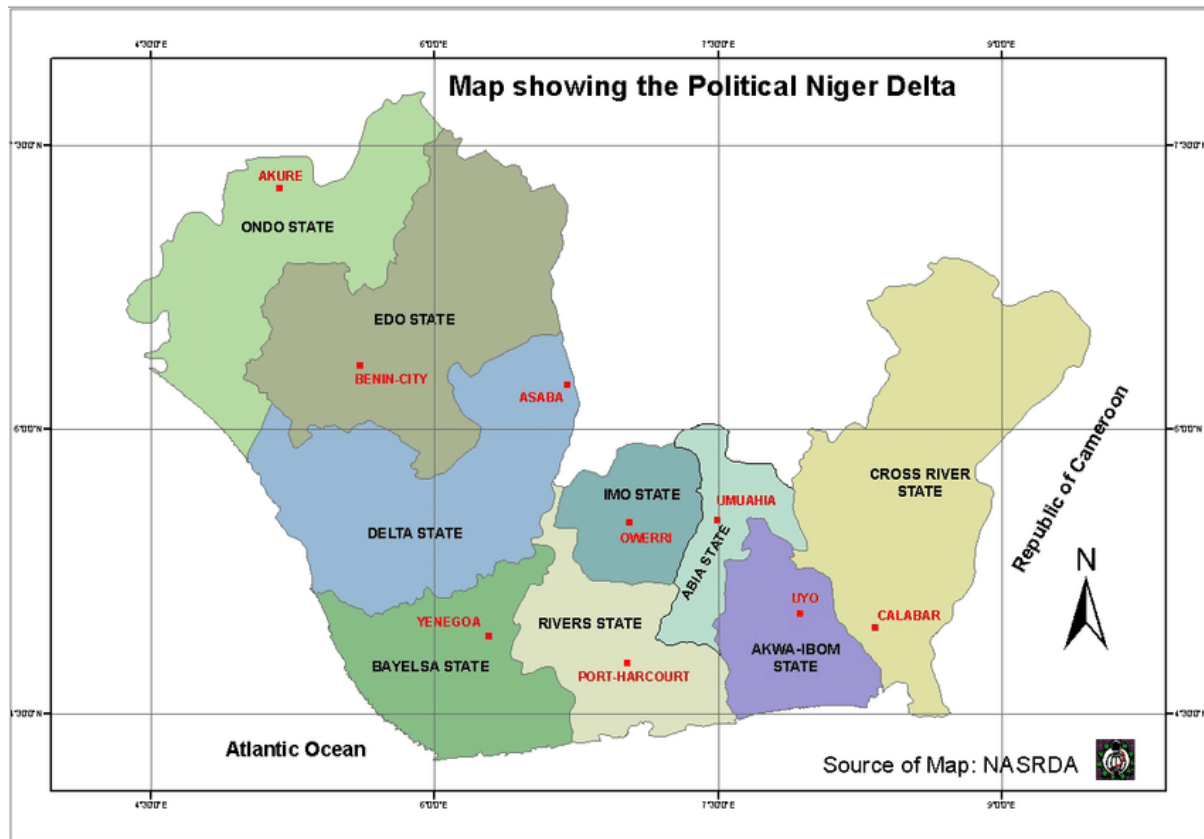


**Source:** Central Intelligence Agency, World Factbook (2020).

### 1.3 Location of the Study: Nigeria's Niger Delta Region

The Niger Delta region of Nigeria is a vast low-lying area from which the waters of the Niger River flow into the Gulf of Guinea. In this area, characteristic land types include oxbow lakes, river meander belts, and prominent levees. Along the seacoast, large freshwater swamps give way to brackish mangrove thickets (Udo, 2020). The immense coastal plain, one of the world's largest deltas, occupies almost 70,000 square kilometres. For a variety of political, ecological, and geological purposes, the Niger Delta has been established, but the traditional geographical perimeter stretches from the Benue River in the west to the Imo River in the east, and from the southernmost tip at Palm Point near Akassa to Aboh in the north, where the two major tributaries of the Niger River bifurcate. This region accounts for about 25,900 square kilometres, around 2.8 percent of the land area of Nigeria. It is a classic arcuate delta, usually below the whole extent of the 15-meter contour (Asanebi, 2016; Peterside and Ogon, 2016).

**Figure 1.3:** Map of Niger Delta region of Nigeria showing the study-area [comprising of the nine states (Abia, Akwa-Ibom, Bayelsa, Cross-River, Delta, Edo, Imo, Ondo, and Rivers) and their metropolitan capital cities]:



**Source:** This figure was uploaded by Osagie Ibhاده cited in Osagie *et al.*, (2016).

The Niger Delta region consists of rivers, creeks, estuaries, and stagnant swamps covering approximately 8600sq/km, with the Delta mangrove swamp spanning approximately 1900sq/km as Africa's largest mangrove swamp (Awosika, 1995 cited in Wali, *et al.*, 2019). The Niger Delta is known as a tropical rainforest with habitats consisting of different species of aquatic and terrestrial flora and fauna. The area can be categorized into four ecological zones: inland coastal zone, freshwater zone, lowland rainforest zone, mangrove swamp zone, and is one of the world's 10 most important wetlands and marine habitats (Asanebi, 2016; Wali, *et al.*, 2019). The delta is rich in very large deposits of hydrocarbons. Almost 2 million barrels of crude oil are produced in the delta each day which accounts for approximately 90% of Nigerian export revenue. Nigeria is the largest petroleum producer in Africa and is (and is an OPEC member) among the world's top ten oil producers. In addition to its large non-renewable resource base, the Niger Delta is home to the world's third-largest mangrove forest, West and

Central Africa's largest freshwater swamp forests, and the location of the remaining primary forest of Nigeria, including a high concentration of biodiversity and many endemic centres (Asanebi, 2016; Peterside and Ogon, 2016). Seven distinct river systems that lie firmly in the wet equatorial climate belt are the main drainage systems of the delta. Except for a brief dry spell in January and February, cloud cover is high, relative humidity is still above 80 percent, and rain falls year-round. Soils are hydromorphic and drain poorly. Lowland rainforest, freshwater swamps, marine mangroves, saltmarsh, and tidal mudflats, and coastal forest on the barrier sand ridges compose the remaining natural vegetation.

As of 2005, the Niger Delta region had a steadily increasing population of about 30 million people, accounting for more than 23 percent of the total population of Nigeria (Twumasi and Merem, 2006; Uyigue and Agho, 2007; Waliet *al.*, 2019). The total population is difficult to estimate, but the population has increased at around 2.7 percent per annum since the 1960s, and the population of the Delta, Rivers, and Bayelsa States (the administrative heart of the Niger Delta) exceeds 7 million (Peterside and Ogon, 2016). The settlement pattern is predominantly nucleated and agricultural, usually within the deltaic swamps occupying isolated dry sites. Cities like Warri and Port Harcourt, situated at the heads of navigable estuaries, are found inland where better drainage exits are found. Farming systems are mainly peasant, with small parcels of land, short-fallow farming systems, and diversified types of rural subsistence, including hunting.

The Delta is an area of immense linguistic and ethnic intricacy. Although there are five major linguistic categories (Ijoid, Yoruboid, Edoid, Igboid, and Delta Cross), each involves a wealth of ethnolinguistic groups (over one hundred throughout the greater delta. In some ways, the history of the Delta is captured in this linguistic and cultural complexity since pre-colonial trade in the region was tied to a social division of labour embedded in micro-ecology and occupation. The trans-deltaic trading networks were commented on by early European explorers, but these transactions were fundamentally compromised in the fifteenth century by the Portuguese and subsequently by the French, Dutch and British slaves. In the nineteenth century, the growth of so-called legal trade under British auspices, the rise of rubber and cocoa that replaced slavery after abolition, helped establish a protectorate of the Oil Rivers in which vital commerce flourished. However, the formation of the colony of Nigeria and the imposition of Indirect Rule, have to a large extent marginalised the multi-ethnic groups of the Delta. Indeed, the so-called ethnic minorities articulated their complaints to the departing British



during the transition to Independence in the 1950s that they were essentially peripheral in a Nigerian federation controlled by three ethnic majorities (the Hausa, the Yoruba, and the Ibo) (Asuni, 2009; Peterside and Ogon, 2016).

#### **1.4 Statement of Research Problem**

Despite the decades of oil exploration in the region, the Niger Delta remains grossly underdeveloped. In the face of frequent complaints and/or agitations by the people even before the discovery of crude oil and gas in Otagi (Oloibiri) in the present Bayelsa State on June 4, 1956, the Niger Delta was intentionally ignored, under-developed and what can be referred to as ‘exclusion’ by the Colonial and post-Colonial Governments. The Niger Delta region is plunged into environmental pollution and degradation (Chokor, 2004; Ana *et al.*, 2009; Akpakan, 2015). The primary source of the conflict in the region is derived from the Land Use Act of 1978 enacted by the military government. The law denies an individual or the federating units and the local communities the right to control natural resources found in their lands or offshore.

The oil revenue decree of 1971 and the Petroleum Act of 1969 are the foundations upon which the ugly feuds and conflicts of the over-exploitation of the natural resources in the Niger Delta Region by the Nigerian government are predicated (Ako, 2009; Okolo, 2014; Courson, 2016). The European Union (EU) noted the extent of environmental degradation in the region in its report, “The effects of oil companies’ activities on the Environment, health, and development in Sub-Saharan Africa” (Baumüller, Donnelly, Vines and Weimer, 2011). The study discovered that in sub-Saharan Africa (SSA), the negative effects of the oil industry are a major concern, threatening, not only the health of local communities but also their livelihoods.

Furthermore, the study by the EU examined a range of impacts including the environmental, health, and other social consequences of oil spills and gas flares. It also compares the job prospects that the sector provides to the wider economic repercussions of the Niger Delta Region, being very prominent in this discourse and the application of international law in the Niger Delta conflict. It also raised concerns about the size and effects of oil theft. However, it failed to consider the fact that there are regulations in place, and that implementation of these regulations has been a major concern. Moreso, the study also failed to emphasise that the domestic laws in Nigeria are at odds with international laws that guide global practice in the MNCs. The poverty in the region manifests in the lack of infrastructural

development, the almost absence of potable water, electricity, road networks, especially those connecting the hinterlands to the capital cities, dilapidated school buildings, no model telecommunication connection, and the total absence of employment for the youths.

This study is, partly, an attempt to explain the basic causes of conflicts as the prevalence of poverty which has led to the disillusionment of the citizens and the growing restlessness and revolt among the youths especially those of the third world nations as can be brought forward in accounting for the militancy and criminality in the Niger Delta area. The region has remained underdeveloped which in turn has led to growing discord and resistance. This has resulted in violent conflict by some communities against the Nigerian government and the MNCs for not doing enough to address locals' grievances and to ameliorate their situation, which has been characterised not only by consistent environmental degradation and despoliation but also by political marginalization (Ogundiya, 2009; Akpakan, Bariledum and Lucky, 2015). Thus, the Niger Delta region is characterized by environmental pollution and degradation as the land has been contaminated with the consequent impact of its fertility and productivity for farming.

It is a cause for concern that oil is exported from the region, especially from the hinterland communities' which is then used to develop other parts of Nigeria, especially Abuja the Federal capital of Nigeria (Mmon and Igbuku, 2015; Onuoha, 2016; Bodo, 2019). The injustice meted on the Niger Delta people has brought about agitations for a better life for the people where they express their agitations in vices manifesting in viciousness by the youths to get the attention of government at all levels including the international community, breaking of pipelines, to make some financial gains due to the poverty in the land (Afinotan and Ojakorotu, 2009; Mmon and Igbuku, 2015; Onuoha, 2016).

The normative system of international organizations is built upon liberation, justice, respect for human rights and peacebuilding in trouble spots the world over (Bbardo, 2007; Barnabas, 2019). The normative system of the international organizations, like UN, EU, AU, and ECOWAS are defined based on the principle and philosophy of respect for international law and treaties that are signed by member states (Karl, 2011). The normative system of international organizations tries to limit a situation wherein member states renege on their obligations due to contradictions to their respective local laws which is connected to international laws and norms (Doak, 2011, Kleinlein, 2012).

In this regard, the United Nations Charter is the primary yardstick for the implementation of human rights and environmental protection in the application of international law and the normative system of international organizations in the Niger Delta

conflict. Central to this is the R2P doctrine, which could compel the international system to intervene in the domestic affairs of a sovereign state to safeguard their fundamental rights and prevent a humanitarian crisis (The Responsibility to Protect Report 2001). Hence, the establishment of the nexus between international law and domestic laws provides a unique avenue for this study to contribute to knowledge by filling the gap in existing literature and practice.

International laws and norms guide the exercise of the power and political authority of states. Understanding and application of international norms and laws help in the actualization of order even in independent and sovereign societies. The enforcement of international law against the Nigerian domestic law may look like a struggle of effectiveness thereby causing tension within the dualist legal system. However, the scope of International law and doctrine, coverage, and definitions is wider than municipal laws. International laws are derived from treaties, conventions, the Charter of the United Nations, and diplomatic agreements between states. Its application, especially in disputes concerning human rights violation, environmental pollution, and gas flaring takes precedence over any domestic law inconsistent with it. Its definition is complex since it does not have to go through the three arms of government before it becomes law as in the case of municipal law or domestic law (Daci, 2015; Barnabas, 2019).

The Nigerian constitution is written alongside the tenets of international law and the 1999 constitution stipulates that all the UN's declaration of human rights is guaranteed in the constitution. Nonetheless, Nigeria's legal system has not been solidly able to dispense justice of human rights within the interpretations of the 1999 constitution as amended because of many factors such as corruption, tribalism, nepotism, and religious cum ethnic connections. The pitfall of the Nigerian legal system is largely the consequence of the structure of federalism being practiced in the country which was exacerbated by the 1978 Land Use Act. This has compounded the humanitarian crisis occasioned by the violation of the rights Niger Delta region, a development that would require the application of a measure of internal laws and norms. This is the thrust of this study.

### **1.5 Research Objectives**

The study aims to explore the feasibility of the application of international law and norms in the resolution of the Niger Delta conflict

The Objectives of the Study are to:

1. Examine the consequences of the exploration activities of the oil companies on the rights of citizens of the Niger Delta area
2. Examine the various intervention policies of the Nigerian government to address the challenges associated with the Niger Delta crisis.
3. Examine the level of compliance of the Nigerian state with the norms and rules of international laws in the protection of human and environmental rights of Niger Delta citizens.
4. Explore the feasibility of the application of international law and the norms to redress the violation of human rights occasioned by environmental degradation in the Niger Delta.

### **1.6 Research Questions**

The questions this study seeks to answer include the following:

1. What are the consequences of the exploration activities of the oil companies on the violation of the rights of citizens of the Niger Delta area?
2. What are the various intervention policies of the Nigerian government in addressing the challenges associated with the Niger Delta crisis?
3. To what extent has the Nigerian state complied with the norms and rules of international laws in the protection of human and environmental rights of Niger Delta citizens?
4. Can the application of international laws and the norms of international organizations redress the violation of human rights occasioned by environmental degradation in the Niger Delta?

### **1.7 Motivation for the Study**

The population in any society determines the direction of planning for the present and uses such population to project planning for the future, to avoid a situation of limited opportunities for the people, which are always the foundation and source of crime, conflict, ethnic misunderstanding, and unemployment. In the case of the Niger Delta, the government failed to harness the available resources in the execution of its policies for the sustainable development of the region. At independence in 1960, Nigeria as a country focused on Agriculture produce as the main source of her economic sustenance and things were fine and conflicts were limited because every region planned and focussed on their natural endowment

to boost their economy. The discovery of oil in commercial quantity changed this trajectory. The Arab-Israeli Yom Kippur war of 1973 and the political crisis that engulfed the Middle East were the springboards that propelled this development. The crisis resulted in an embargo on Arab crude, and this came as a blessing to Nigeria. Therefore, through increased production and oil prices, so much foreign income had accrued to the nation (Dibua, 2013).

The available record indicates that the Ijaw Nation established the Rivers Chiefs and Peoples Conference in 1956 to send Harold Dappa-Biriye to present the 'grievances' of the people at the pre-Independence Constitutional Conferences in London in 1957 and 1958, and "demand for a separate Oil Rivers State". The presentation was so brilliant that the Colonial Government set up the Commission of Enquiry of Henry Willink to investigate whether "grievances and demands" were "true or ill-founded" or not. Messrs Gordon Hadow, Philip Mason and J.B. Shearer, and Henry Willink arrived in Nigeria and arranged public meetings in each of the defunct regions and had private meetings and discussions. On July 30, 1958, the Commission delivered its findings to the British Parliament.

The Willink Commission described the region as "weak, backward and neglected" and proposed the creation of an economic development agency in line with the other five deltas in the world, namely the Mississippi River Delta (USA), the Mekong Delta (China), the Nile Delta (Egypt), the Okavango Delta (Angola) and the Pearl River Delta (Macau/Hong Kong). Dappa-Biriye argued against the "approach to economic development" and proposed a "political development approach" in the form of establishing separate states for individuals. Such States shall then become growth platforms or centers. He was, however, mistaken, and the Niger Delta Development Board (NDDB) was established in April 1961 by an Act of Parliament. NDDB did not contribute anything substantial to the growth and development of the region after 9 years of its establishment, (Etekpe, 2007; Etekpe and Okolo, 2009; Okolo, 2014).

In 1978 the military government at the time led by General Olusegun Obasanjo formulated a policy called "The 1978 Land Use Act" which clearly stated that any natural resource discovered in Nigeria in the air, land, and waters belongs to the federal government and must be controlled by the federal government while some percentage will be offered to the owners of such natural resource. This policy was enacted and still retained in the Nigeria 1999 constitution as amended because of the resources in the Niger Delta area. This law legally made the Nigerian government has sovereignty over the crude in the Niger Delta region (Ilorah 2009; Babalola and Hull, 2019). The 1987 Land Use act law began the unfair transitioning of the oil

benefits firstly to the northern part of Nigeria, leading to years calling for the restructuring of Nigeria and the abrogation of the 1978 Land Use Act Law (Obi, 2003; Otubu, 2015).

Instead of revamping the NDDB, by promulgating Decree 87 of 1979, the Head of State, Gen. Olusegun Obasanjo created ten (10) additional river basin development authorities (RBDAs) in all parts of the country, even where there were no rivers. The government has advanced much more than the Niger Delta Basin Development Authority to finance the additional ten RBDAs. This was in contradiction to the Willink Commission's Report (1958:21), so the strategy failed. By 1993, clearly, as a result of the politicization, insincerity of intention on the part of successive administrations, and the lack of funding, all eleven (11) RBDAs collapsed, etc. Thus, the derivation theory was dramatically reduced to nothing. Therefore, given the fact that the Niger Delta has metamorphosed to become the country's economic life wire, this sparked a new stage of protests and confrontation.

President Shehu Shagari's government agreed to re-establish the principle of derivation, with the introduction of 1.5 percent (percent) derivation to the oil-producing areas, to pacify the young people who have become apprehensive and restive. To manage the Fund, a Presidential Task Force was then created. The sums accruing to this fund have been largely considered insufficient, thereby raising the degree of resilience in the area to a different/dramatic dimension. These were therefore instigated by the then military president, Ibrahim Badamasi Babangida, who led the government to increase the derivation principle from 1.5% (percent) to 3% (percent) and to set up the Oil Mineral Producing Areas Development Commission (OMPADEC) in 1993 to handle the funds accruing to it. While in terms of results, OMPADEC performed relatively better than NDDB, it also suffered from the lack of a 'master plan' that properly identified and articulated development goals and strategies, insufficient funding, official profligacy, an unfavorable political environment, and the lack of political will to improve the region (Okolo, 2014).

The failure of these economic interventionist agencies has exacerbated people's socio-economic/political conditions and has led to unprecedented conflicts in the region, especially since the early 1990s. Therefore, citizens aggressively protested incessant oil spills-pollution, under-development, exclusion, and the more than 50 years of gas flaring that have had a detrimental effect on the region's people and the biodiversity of their environment. The Niger Delta has become highly volatile since 1998, marked by mass youth protests, and perennial conflicts (incidentally, it has remained so to date) without good water; no infrastructure; no

good educational facilities; no good economic/livelihood coping systems, and endemic devastating conflicts in the area, safe for the ongoing amnesty program.

Underdevelopment of infrastructure, untold and demeaning poverty in the lives of the people, and total neglect and lack of respect for international norms that cover activities of multi-nationals in the oil exploration sector in the Niger Delta find relevance for research as this. Therefore, this research is a contribution to knowledge on the sources of the agitations in the Niger Delta and against the backdrop of ignored international normative systems for conflicts such as this.

Resolution of the conflict, therefore, may be achieved through the application of international law and the normative systems to supersede the Land Use and Petroleum Acts. Specifically, the problem here lies in the understanding that the conflict in the Niger Delta emanates from the application of national law, especially the Land Use Act of 1978, which has not benefited the local people (Ojakorotu, 2008b; Okolo, 2014; Akpakan, *et al.*, 2015). The lack of oversight on the activities of the oil industry is a cause for concern as they continue to cause environmental pollution, degradation, and oil spillage in the area. Nigeria's dualist legal system means that although she is a party to international laws and treaties, international legislation must first be harmonized with domestic legislation before it can be applied. However, international law takes precedence over national law if domestic law is in sharp aberration to international law (Eyal, 1993; Daci, 2015; Barnabas, 2019).

To this end, this study aims to define the justifiability of the human rights violations that have remained unchecked since the promulgation of the Land Use Act of 1978. Nigeria's dualist legal system has one of her sources of national laws from international laws. This means that where national law is in contravention of International law in the application of legal disputes concerning human rights abuses and environmental legal battle, international law and the charter/convention of the United National takes precedence especially when the Nigerian government has already ratified that law. To this end, therefore, this study investigates the extent to which the applicability of those international laws in addressing the conflict in the Niger Delta area against the backdrop that the Nigerian legal system has been unable to effect environmental and human rights changes in the region.

## **1.8 Scope of the Study**

Although there are other conflicts in Nigeria, this research focused on the Niger Delta conflict. Specifically, it focuses on the Niger Delta conflict, which results from the

multinational corporation activities in oil exploration in the region. Therefore, conflicts in the Niger Delta area that do not have this as its source are not considered.

## **1.9 Conceptual Clarifications**

Key concepts used in the study are explained in this section to establish their operational meanings. These concepts include the Niger Delta conflict, Actors in the Niger Delta conflict, Agitators of the Niger Delta conflicts, and legal frameworks. These concepts will be defined operationally and will be clarified in line with the theme of the investigation.

### **1.10 The Niger Delta Conflict**

Conflict is as old as humanity itself. It is a significant aspect of humans. Men must fight even if they do not have weapons or if instruments of violence are not within reach; and as Morgenthau (1948) posits, men can fight even with their bare hands when there are no arms to fight. By crying at birth, a baby has begun the journey of conflict, which is a flash of conflict. As he grows up, when he is angry, he scratches with the nails on his tiny fingers or bites with his teeth. This means that if humans have emotions, they also can love or hate; to be pleased or angry; to be happy or sad; men will continue to fight. There will be issues of conflict if humans have other people around them because interests vary and interests clash, which may culminate in disagreement and confrontation. In this way, a group or society of men provides space for explosive relationships and behaviors.

The word "conflict" is derived from the Latin "to fight or participate in a battle" and implies a conflict between one or more parties who seek incompatible or competitive means or ends. Conflicts do not lead to violence if controlled or managed constructively. Some disagreements are 'mutually satisfying, whereas others end up frustrating one or more of the parties' (Mbara, 2018). The conflict between two or more persons is an established state of discord or animosity (Nicholson, 1992 cited in Folarin, 2015). This implies that two or more parties do not have an agreement and as such have two distinct parallels on the same topic. Thus, it implies the pursuit of contradictory purposes. Conflict, put differently, means a direction of collision; it also refers to opposition to the current view, position, or stand. Conflict is more clearly described in politics. Conflict is said to occur when two or more parties participate in a battle over principles and claims to status, power, and wealth in which the opponents' objectives are to neutralize, harm, or remove the rivals (Jeong, 2000).



Incompatibility of interest means intentions or pursuits that are opposed or diametrically opposing. For example, between 1945 and 1990, the United States of America and the Union of Soviet Socialist Republics adopted contradictory ideologies (capitalism/democracy and socialism, respectively), a period traditionally referred to as the Cold War. The 'war' implies the conflict of philosophies and foreign policy irreconcilability. Similarly, from 1967 and 1970 Nigeria witnessed a complete breakdown of relations and agreement. Due to irreconcilable differences with the rest of Nigeria, the East seceded from the federation. This led to the Civil War, which escalated the conflict further because the Eastern part of the country pursued the cause of autonomy and nationhood, which ran counter to the Nigerian government's cause of 'peace.'

Moreover, hostility or physical confrontation can also be associated with conflict (Jeong, 2000). A manifestation of real animosity or conflicts is likely when target incompatibility or perception/value discrepancies reach a crescendo. Conflict is interchangeably utilized with other words in general literature. This is where mentioning words or phrases that represent synonyms of conflict becomes important. Contrast, disharmony, discord, struggle, competition, strife, antagonism, controversy, clash, rivalry, contest, contention, brawl, fisticuff, combat, battle, feud, battle, and war are all included (Folarin, 2015). It's not that different in politics; however, conflict theoretically implies a current state of disconnection on a dominant topic between two or more parties.

However, it is important to realize that conflict does not necessarily mean war. Although all wars are a state of conflict, all circumstances of conflict may not be a state of war. Why is it that way? War is a state of mutually proclaimed aggression between two or more parties with the awareness and observation of a third (neutral) party, prosecuted by traditional (uniformed and armed) soldiers who see to it that actions are within the rules of engagement (Waltz, 2007).

The oil-producing states in Nigeria, which are all located in the Niger Delta, account for 90 percent of oil revenues in the country, but they only receive 19 percent of the federal government's statutory revenues from petroleum sales (Peterside and Ogon, 2016). Expectedly, some ethnic groups started mobilizing against the so-called "slick alliance" of oil firms and the Nigerian military in the 1970s and 1980s. Ken Saro-Wiwa and the Ogoni people, a small ethnic group of 400,000, who set up a political wing (Movement for the Survival of the Ogoni People – MOSOP) to challenge Shell for environmental compensation and the Nigerian state for direct

control of their oil, played a fundamental role (Gimah and Bodo, 2019). Although in 1995 the Nigerian military hanged Saro-Wiwa and the MOSOP leadership, since that time the Niger Delta has become a conflict zone and increased struggles as more minorities (the Adoni, the Itsekiri, the Ijaw) organize revolts. In reality, "capital management" is currently the core political problem in Nigeria, relating directly to who controls the oil resources and how ethnic minorities in the delta can "self-determine" their future in a reformed federation.

Studies on the Niger delta area are often synonymous with the concept of conflict because of the peculiar situation and experiences of the people of this area who have the natural endowment of oil and gas but ironically are very poor and the region is still under-developed. Conflict is caused by the differences in interest among people, which can be socio-political, economic, and religious. This definition situates the causes of conflicts in Nigeria in general and the Niger Delta conflict. Within the scholarship of International Relations, the concept of conflict is understood as the circumstances that involve more than two actors on the premise of interest (Eynikel and Ziaka, 2011).

In the Niger Delta area, the conflict is caused mainly by economic and political differences amongst various actors, which amongst others include the Federal Government of Nigeria, Militant/Agitators groups, Multinational companies, and civil society groups. On a general note, conflicts in Nigeria are either ethnically or religiously oriented, and in recent times with President Buhari's administration, conflict results from the political power to oppress and terrorize other ethnic nations in Nigeria by the Fulani militia (Adichie, 2016). Nigeria has witnessed various conflicts especially due to the religious differences of Northern and Southern Nigeria and the dominance of the Hausa/Fulani in federal institutions without considerations for federal character sharing and equal representations as conspicuously clear to be the case in the current President Buhari's led Federal Government.

### **1.11 Actors in the Niger Delta Conflict**

The Multinational Corporations in today's international system are global actors as they enter contracts with host states. Although MNCs are international legal entities, their capacity is limited in that they can only invoke the rights which are from their contracts (Dixon and McCorquodale, 2003; Eluka, Uzoamaka and Ifeoma, 2016). MNCs are economically stronger than most developing states; therefore, most developing states are unable to efficiently control

the activities of these corporations. Consequently, MNCs play a major role in the Niger Delta conflict as they are at the core of the crisis since the environmental degradation and pollution experienced in the area are caused by the activities of these companies. Since multinational corporations that make enormous profits from the oil industry effectively dominate this sector of the economy, one assumes that they can spearhead Nigeria's development process, but unfortunately, the reverse is the case. Most of these companies have been fingered in Nigeria's underdevelopment on many occasions playing active roles. Based on their orientations, these MNCs can be differentiated in terms of their being "ethnocentric" (home-country oriented), "polycentric" (host-country oriented), or "geocentric" (world-oriented), Bernadine (2003, cited in Eluka, *et al.*, and 2016).

Nigeria is one of the world's largest oil producers, accounting for over 80 percent of its Gross national Products (GDP). Despite various laws that have been put in place to minimize gas flaring, there have been shortcomings in the implementation of such laws as gas flaring is still at its peak and Nigeria has some of the highest spillage and flaring levels globally (Watt *et al.*, 2016). Gas flaring involves emissions that increase the concentration of greenhouse gases (GHG) in the atmosphere, which in turn depletes the ozone layer and results in global warming.

The Multinational Corporations also employ the use of the bribing system amongst the selected members of the community to achieve the divide and rule tactics to prevent the people from having a united voice and these tactics are meant to cause enmity and distrust amongst the Niger Delta people (Faleti, 2016). An example is the \$240 million bribery scam in which Shell Petroleum Development Company admitted its involvement and paid \$60 million as fines. Exxon Mobil, Chevron, and Shell also contribute to the militancy that is prevalent in the region, by indirectly sponsoring the purchase of weapons. This has led to the flooding of arms amongst the youth and is currently backfiring at the companies as lots of their staff is being kidnapped by these same youths. Also, the Multinational Corporations with the support of the Federal Government of Nigeria are guilty of violating human rights. For example, the suite that was filed by one of the wives of the Ogoni Nine against the Royal Dutch Petroleum Company for aiding and abetting the Nigerian dictatorship's violent suppression of protests and protesters against oil exploration and underdevelopment activities in the Ogoni region of the Niger Delta (Keltner 2010; Bodo, 2019).

Recognizing their role in the conflict, the management of Shell apologized for the human rights violations in a public statement. Shell has taken the responsibility for large-scale

oil leaks, gas flaring, and waste dumps which were proof of the corporation's wrongdoings in the Niger Delta area. Civil Society, as a concept, has gained recognition worldwide and has been adequately recognized and described by the United Nations as one of the landmark phenomena of our times and as a prime mover of some of the most innovative initiatives in dealing with emerging global threats (UN, 2017). Examples of civil society include Non-Governmental Organisations (NGOs) like Amnesty International, Human Rights Watch, and other notable organizations that ensure the upholding of the rights of the citizens of a state. Civil society forms part of the mechanisms that bring the grievances of the people and communities to the attention of the government and the international community.

### **1.12 Agitators of the Niger Delta Conflict**

The Civil society began to gather in the Niger Delta in the 1990s with the emergence of the Movement for the Survival of the Ogoni People (MOSOP). Before then, the efforts of the Niger Delta were uncoordinated. The numbers of groups that form a part of civil society have multiplied over the years with their actions being more assertive and more recognition being given to them. The actions that have been carried out by civil society include protests struggle for resource control, environmental neglect, and degradation, pressures on the oil companies to develop the concerned areas, and calls for self-determination (Okolo, 2014). One of civil society's only achievements can be seen in the situation where the MOSOP threatened and successfully prevented oil operations in Ogoniland in 1993 by non-violent mass action, but this feat has not been accomplished in the last few years.

The instruments used by civil society to gain recognition for their cause include agitation against the state and MNCs policies through press statements, interviews, conference communiqués, advertorials, and publicized meetings. The methods applied by civil society have, however, generally failed to generate adequate results as the government has adopted a lukewarm attitude and attempts and agreements with oil companies have proved futile (Okolo, 2014). This group of actors in the conflict is composed of different groups who utilize different means from those of the civil society to make their grievances known to the government.

The emergence of militant groups in the Niger Delta is only a recent phenomenon in the new millennium, and it has changed the face of the conflict, in the eye of international law, as these groups possess advanced weapons and fight a guerrilla war against the government. Their actions be a form of extreme civil society and it is mainly composed of the youths of the region. Examples of the insurgents in the region include the Niger Delta Vigilante Force, the

Niger Delta People's Volunteer Force, the Movement for the Emancipation of the Niger Delta (MEND), and Niger Delta Avengers (NDA) to name just a few (Isaac, 2003). Most notable among these groups is the MEND that was established in early 2006 in response to the MNC's activities in the region. Countless attacks on oil pipelines have followed since (Amaraegbu, 2011; Connors, 2016).

Amongst other means that have been employed by the opposition groups is the kidnapping of expatriate workers which is progressively increasing the insecurity of the region (Okolo, 2014). According to the spokesman for the MEND, his group's goal is to achieve resource control concessions and the means used in pursuance of the goal is the creation of insecurity in the region. The Federal and state governments have reacted by trying to increase security through the deployment of the army and the navy (Mmon and Igbuku, 2015). This has not been overly successful as the militants tend to live in the multitude of scattered creeks and islands that are not easily accessible by conventional transportation means.

The surge of attacks on oil facilities has limited production as Nigeria's capacity to export crude oil has decreased drastically with the nation failing to fulfill the quota allotted by OPEC. The methods by which these attacks are carried out and the targets being the MNCs have internationalized the conflict. The kidnapping of foreign workers also calls for concern of the international community. The demands of MEND include the Government removing its military forces from the area, freeing incarcerated ethnic leaders, and giving oil revenue concessions to Delta communities (Amaraegbu, 2011; Bodo, 2019). Other demands include the return of lands to the people, resource control, and international mediation. Attempts have been made by the federal government in negotiating with the militants to stop the sabotaging of the oil pipelines though this has proved a relatively futile effort as there is such a multiplicity of the groups and their hierarchy and organizations are difficult to infiltrate by the government of the day in Nigeria.

Recall that Nigeria consists of countless ethnic groups with three recognized as the major ethnic groups, i.e., Yoruba, Hausa, and Ibo. The Niger Delta is home to many minority ethnic groups, e.g., the Ibibio, Urhobo, Ijaw, Ogoni, Efik, Edo, Ilajes, and Itsekiri (Okechukwu, 2006; World Factbook, 2020). The multiplicity of tribes in the region has led to marginalization by the government as due to the ethnic diversity in the area, the people of the region have been unable to speak as such in one voice possibly due to the heterogeneous nature of the Niger Delta people. The government and MNCs have tried to use divide and rule tactics,

favouring one ethnic group over the other. One of the grievances the minority groups have against the government is the recognition of the three major ethnic groups' languages as the national languages of Nigeria and the lack of recognition of their native languages. The demands of the minority ethnic group include the right to self-determination and a clamour for revisiting the federal constitution (Oronto and Okonta, 2004; Onuoha, 2016).

Other demands include therefore the creation of additional local governments and self-governing areas to accelerate grass root development with calls for secession in some areas of the region (Bodo, 2019). These demands have not been met as the various attempts to have a sovereign national conference have been unsuccessful due to several factors such as the agenda of issues to be discussed and the formula for the representation of all the ethnic groups of Nigeria. Repression by the government has mostly taken the form of human rights violations and the lack of freedom of speech in the region. State violence towards the Niger Delta people includes persistent harassment of community leaders, and inter-communal disputes instigation, particularly along religious-cultural lines, as rampant in the 1990s when there were several inter-communal conflicts (Mmon and Igbuku, 2015).

There have been notable individuals who in one form or the other have impacted the crises, although some of them dead and some of them still alive today. They include Ken Saro-Wiwa, Wole Soyinka, Chief Marshall Harry, and others. The government reaction to these individuals' actions mostly includes arrests and organized assassination. Prominent among these was that of Ken Saro-Wiwa who was the leader of the civil society known as MOSOP, a society that called for the fair treatment of the Ogoni people whose community is the host of the Multinational Shell Corporation (Bodo, 2019).

### **1.13 Legal Framework**

The Federal Government, through the Land Repeal Act of 1978, made all lands in Nigeria belong to the state, therefore not only has the Nigerian government started to dictate how much rent the MNCs are charged for the land used, but she also collects the rent (Ugo and Ukpere, 2010; Ekanade, 2012). Another law that was put in place by the Nigerian government was the Petroleum Act of 1969, in which it was stated that the federal government controls all the natural resources found in the waters or land in Nigeria. All these laws were made to ensure that the Federal government had the final say on how resources were managed and exploited in the Niger Delta area. With the Land Repeal Act, the MNCs are therefore answerable legally and only to the federal government (Ugo and Ukpere, 2010).

On the other side of the narrative, the Federal Government had also shown some sympathy to the plight of the people not being able to control their resources and introduced the derivation principle into the revenue allocation formula. The derivation principle has increased from 3% during General Babangida's Administration to currently 13% derivation to the oil states (Imosemi and Abangwu, 2013; Odje, 2016). The Nigerian crude oil and gas is governed by sundry legal frameworks, acts, decrees as enacted by the previous military regimes in Nigeria. Away from the domestic laws of the land, Nigeria is a part of some legal framework internationally. She has entered treaties, conventions, agreements, and part of a normative system of international organizations today. However, these laws and treaties within the concept of the fragmentation of international law cover determine and interpret different areas of the oil and gas activities of Nigeria, which includes environmental pollution and degradation.

The oil conflict of the Niger Delta emanating from environmental pollution and degradation, the absence of resource control by the state governments, and obvious lack of development in the region may be occurring because those laws both domestically and internationally are not proactively interpreted and implemented by the legal institutions of the Nigeria State, in the direction of checkmating the activities of MNCs in the region (Onuoha, 2016). On top of the problems that have already been mentioned, there are other problems encountered, which amongst others include, lack of access to justice for the oil host communities, corruption within the Nigeria judicial institutions and systems, the federal and the state governments in general.

The oil companies have capitalized on these weaknesses of the Nigerian legal system to continue their malevolent exploitation of the region and its people while the Nigerian government ignores the cries of the Niger Delta, pretending not to be aware of the evil carried out by this multi-national cooperation in the Niger Delta area, who continues to oppress the people of the region, use the Nigeria security apparatus, the Nigeria Army, Navy, and the Nigeria Police Force to violently attack them when they speak out or protest against the obvious evil of exploitation in the area (Elukaet *al.*, 2016).

Nevertheless, the concept of international law, in general, has its connectivity with domestic laws of sovereign states; to a large extent has one of the very cardinal focus points of this research work. This research brings to bear, Nigerian legal system and interpretations to the Niger Delta people and their agitation for a better life, the cries of environmental degradation and pollution cum resource control before its courts of law. On the other hand, a

consideration of international law and some of the normative systems of international organizations and their applicability in bringing about a resolution to the Niger Delta aged conflict is aimed at understanding within the framework of law the distinction of “what is and what ought to be” (Hume, 2007; Ezeudu, 2011). Fragmentation of international law is again connected to the concept of “international organizations normative system” as they both involved to address matters of law within its jurisdiction for a better and precise, concise, and distinct interpretation (Klabber *et al.*, 2007; Ezeudu, 2011).

The Nigeria state cum the federal government is bound by decisions of international organizations like the UN and must statutorily consider their charter and testaments when dealing with people’s rights and conflict resolutions as it is in the Niger Delta case today. Apart from the United Nations, Nigeria is also a part of many other international governmental organizations with charters, testaments, and norms that protect the environment from environmental pollution and degradation, some of these international governmental organizations include are prominent are ECOWAS and AU.

Finally, the Niger Delta conflict has attracted the attention of several human rights organizations due to the violations in the region and the lack of active actions by government institutions. Amnesty International states that no action has been taken to bring to justice security members of forces accused of significant abuses of human rights in Odioma in February 2005 that left about 17 people including children dead (Amnesty Report, 2010). Even amid government solutions such as the payment of stipends to some repentant militants, scholarships, settlement of militant leaders, awarding contracts for road construction to indigenous contractors, etc the problems surrounding the discovery of petroleum in the Niger Delta region are becoming more expansive. One might argue that the more solutions the government seeks, the greater the next problem (Bodo, 2019). The questions that one can ask here are: what are the main causative factors in the area for these unending crises? Is the government giving the right solutions? Several reports on the environmental degradation of the Niger Delta communities have been released, with the main issue being the effect of pollution on the defenseless people living in these regions.

#### **1.14 Structure of the Dissertation**

**Chapter One:** This chapter provides the background to the study and outlines the research problem, objectives, key questions, and some concept definitions and analysis.



**Chapter Two:** The second chapter reviews existing literature related to the themes on causes of conflict in Africa. The chapter touches on Paul Collier's narrow view of states which declares that conflicts are more likely to occur in countries that depend heavily on natural resources for their export earnings. The chapter strengthened this view by citing examples of similar conflicts experienced in countries such as Rwanda, Nigeria, and Sudan. The reviews end by identifying gaps in the existing literature on the subject matter, thereby justifying the relevance of this study.

**Chapter Three:** This chapter explains the concept of militancy and the causes of conflict in oil-rich regions concerning the Niger Delta area. The chapter reviews issues of restiveness in the Niger Delta as not being farfetched from the fact that the Niger Delta region and her people feel marginalized as their resources are used to develop other areas especially the Northern part of Nigeria and with little or no developmental strides in their region. Worse still, the people benefit very little from the oil exploration in their communities and this leaves them with many environmental problems in their area resulting from the activities of the oil industry. This chapter explains the lack of goodwill for the Niger Delta by the Nigerian Government; poverty; environmental degradation and pollution; corruption; and resource control as the major cause of conflict in the region.

**Chapter Four:** This chapter presents the research gap and theoretical framework of the study. The Humanitarian International Laws of the United Nations, European Nations, and African Union are discussed as they are relevant to the Niger Delta conflict. The various interventions of the Nigerian government in applying both its local and the Humanitarian International Laws in the Niger Delta conflict are discussed. This led to identifying the research gap on how the Niger Delta has been handled and paved the way for the recommendations of the study. Consequently, the normative and revolutionary theories are discussed as the theoretical framework for the study.

**Chapter Five:** This chapter explains the research design, the methodology, and methods that were adopted in this study. The research design, data collection strategy, data analysis, ethical considerations, and challenges encountered during the fieldwork are also presented and discussed.

**Chapters Six:** These chapters evaluate the findings against the research questions, objectives, conceptual and theoretical frameworks underpinning this study. The discussion was also triangulated to corroborate existing literature related to conflicts and to learn best practices

from other African states ensured and testing their applicability in the Niger Delta area. This chapter further provides a holistic view of the link between oil exploration, humanitarian injustice, and the Niger Delta conflict.

**Chapter Seven:** This deals with the conclusions from chapter six data presentation and analysis, which indicate that there is a huge similarity between some of the major conflicts in Africa and the Niger Delta conflict. Some African nations' governments continue to violate the human rights of their citizens hiding under the principles of the treaty of Westphalia, which no external force can intervene in their domestic affairs regardless of how they treat their citizens. The doctrine of "Responsibility to Protect", Human rights protection is sacrosanct in the charter of the UN, EU, AU, and international law. The findings of this study corroborate the widespread and obvious claim that the activities of multinational oil corporation (MNCs) are at the heart of the Niger Delta conflict.

**Chapter Eight:** The chapter provides a summary of the entire research draws conclusions based on the findings and makes recommendations on how to ameliorate the pains of the Niger delta people as well as recommendations for future studies.

## **1.15 Conclusion**

A thematic guide to the thesis was given in this chapter. It focused on the study's general context. The purpose of the chapter was to give the analysis a general sense. The chapter discussed the context of the project, the description of the research issue of the study, the research goals, and priorities as well as the motivation for the research. The chapter also included a brief overview of the accepted research approach for analysis, reach, and analysis constraint, as well as a chapter outline. The next chapter is a matrix to the Niger Delta conflict, which covers some literature reviews of conflicts on the continent of Africa, with efforts on those conflicts emanating from natural resources, human rights violations, and religion.

## **CHAPTER TWO**

### **RESOURCE CONFLICTS IN AFRICA**

#### **2.1 Introduction**

The Africa continent is rich in various natural resources, from crude oil, gas, limestone, iron, rubber, timber, cocoa plants just to mention a few. Despite these rich natural resources, Africa is characterized by several ethnic conflicts that have led to genocides, extrajudicial killings, and a near-human catastrophe (Fagbadebo 2019b). Colonialism is seen as the basic source of conflicts in Africa as ethnic groups that should never have been united as a state were amalgamated into one entity for the sole purpose of reaping the benefits of Africa's rich natural resource reservoirs (Ocheni and Nwankwo, 2012). Because of the critical role of oil products in the Nigerian economy, the actions of the federal government and the MNCs in relation to the welfare of the indigenous communities of the Niger delta continue to receive criticisms from analysts, academics, and the entire global community, giving rise to a plethora of research literature.

Nevertheless, it can be argued from the outset, after going through so many materials on the field of analysis, that the issues outlined in our statement of research problems and research questions were not addressed; and if dealt with, not convincingly or exhaustively dealt with, leaving space for further inquiry. Hence, the literature reviewed in this chapter has been split into two sections: the first section discusses the major conflicts associated with the exploitation of oil and other natural resources in various African states, and the second section discusses this matter and associated conflicts in the Niger Delta region. This study adopted this approach since the conflict echoes a pattern that is noticeable across the whole of Africa and not just in Nigeria.

Conflicts in Africa at the end of the day are fuelled by political interest in the state, cultural and socio-economic desires by some actors. The continent of Africa has been held back from progressing technologically, economically and growth in respect for human rights because of the sundry conflicts that have been experienced on the continent. This chapter, therefore, discusses the causes of these conflicts in Africa.

## **2.2 Conflicts in Africa**

Africa is a unique continent because of the various natural resources found in it; from crude oil, limestone, iron, rubber, timber, cocoa to mention just a few. Indeed, the history of human civilization can be traced to Egypt (Bernal, 1991; Ocheniand Nwankwo, 2012). However, the history of post-independence Africa has been characterized by several ethnic and religious conflicts that have led to genocides and large-scale economic ills. Africa continues to be bedeviled by sundry conflicts. As a result of these conflicts, the West perceived Africa as a dark and hopeless continent (Thomas and Falola, 2020). This perception of Africa by mainstream scholars in the West seems myopic, biased, and scholarly inaccurate as many countries in Africa still experience a relatively peaceful situation today.

This unfortunate situation has made Africa the cardinal point of conflict and peace studies in academia. Although the Middle East has a remarkable level of conflicts from one state to another, the causes of conflicts there are not far from religious extremism and territorial redefinition (irredentism), where a particular state tries to get back its lost territory from another state (Alaaldin, 2019). Whereas conflicts in Africa are a result of economic development and not so much as a result of territorial redefinition (Bassey, 2007; Besley and Reynal-Querol, 2013). According to Lujala *et al.* (2019), the abundance and availability of natural resources have emerged as an important element in understanding civil conflicts in Africa. Following their cue, Mbagwu (2002) summarizes the causes of conflicts in Africa under three major headings, military dominance, political instability, and economic decline. Identifying the causes of conflict in Africa is a very complicated and technical issue. Looking at the scholarly writings (Ocheniand Nwankwo, 2012; Alaaldin, 2019) argued that the major causes of conflicts in Africa can be summarized into colonialism, corruption, religious diversity, marginalization of some ethnic groups.

### **2.2.1 Colonialism as a Source of Conflict in Africa**

Since most countries gained independence in the 1960s, poor governance, historical animosities, exclusionary politics, disputed legitimacy, resource rivalry, external influences, globalized conflicts, and radical ideologies have combined to generate numerous episodes of violent conflict across the African continent (Stedman, 1996; Gilpin, 2016). Among these, colonialism is seen as the basic source of conflict in Africa as ethnic groups who should never

have been united as a state were amalgamated into one entity by the colonial masters. According to Ocheni and Nwankwo (2012):

Colonialism is the direct and overall domination of one country by another on the basis of state power being in the hands of a foreign power (For example, the direct and overall domination of Nigeria by Britain between 1900-1960). The first objective of colonialism is political domination. Its second objective is to make possible the exploitation of the colonized country

In some cases, like the case of Nigeria, the imperial masters made ethnic groups of the country more powerful politically without considering the future of other ethnic groups in the country (Fonken, 2012). This is so because the coming of the imperial government in the 19th century in Africa was simply motivated by the fact that the African continent is endowed with a lot of natural resources, and not for the wellbeing of the continent (Lagwaila, 2006; Gilpin, 2016). The colonial rule left a legacy of negative dimension on the continent of Africa and this has made a better percentage of Africans live below the poverty lines. The resultant effect is corruption among government officials and in the private sectors, ethnic and religious conflicts, rebellion against the government by militant groups because of mismanagement of natural resources as it reflects (Kofi-Annan, 2004; Muggah, 2012). Likewise, Kieh (2002:7) complements this view by stating that conflicts in Africa consist “of two clusters of interrelated basic factors: colonialism and its legacy and the post-colonial crises-the authoritarian multiplex, the crises of economic underdevelopment, social malaise, and the ethno cultural conundrum.” This view is all-encompassing as it highlights both the colonial and other causes after the independence of African countries.

Africa’s high levels of ethnic diversity or its artificial states are the secret to explaining the continent’s high rates of civil conflicts. This multi-ethnicity presence in African societies makes it highly probable for ethnic tensions that invariably lead to conflicts. These conflicts in Africa at the end of the day are fuelled not just by political interests, but also cultural and socio-economic desires. Africa has been held back from progressing technologically, economically, and with respect for human rights because of the sundry conflicts that have become synonymous with its history (Leonard and Scott, 2003).

It is worthy of note here that the endowment of Africa with salubrious vegetation, best weather, and rainfall, which historically and ironically developed Europe and America through the instrumentality of slave trade in the 17th and 18th centuries and after the abolishment of slave trade those natural resources were forcefully taking away from time to time to Europe

and America through the instrumentality of colonialism which came to an end in the early 1960s except for South Africa that got decolonized in the 90s (Mundy, 2011). One can submit here unequivocally that the continent of Africa is still contributing to the development of Europe and America through the instrumentality of neo-colonialism aided by the World Bank and the International Monetary Fund (IMF) and the United Nations (UN). In this sense African countries and their leaders continue to borrow money from IMF or the individual European countries and the United States of America for their infrastructural development and technological assistance, painfully these offers are granted to these African countries with some conditions that give an open door to the neo-colonial master to control the political and economic institutions of their countries. The big disadvantage of poor technological advancement in Africa gives room to their leaders to run to the Western world for help in technology to explore the natural resource in their states and often agree to the conditions of determining the political and economic institutions to get the technological help from them (Ocheni and Nwankwo, 2012).

This is the experience of the African continent and the 54 member states of the African Union and has remained one of the factors the continent is still underdeveloped with all its natural and human resources. These colonial and post-colonial factors are the major factors challenging the development of the African continent and the sense of repositioning the continent today. Another factor the colonial masters and the colonialism left behind militating against the development of the continent is the amalgamation of the various nations who are far apart in language, religion, ethnicity, and history/ideology into one big country, a factor responsible for the continuous conflict on the continent of Africa prominent in Rwanda, Sudan, Southern Sudan and currently challenging in Nigeria between the Northern part predominantly Muslims and in the Southern Part of Nigeria predominantly Christians (Richard, 2002). The instability of the Nigeria state since the civil war in the late 1960s and into the early 1970s is a result of the incompatibility of the Northerners who speak, Hausa/ Fulu, and are Muslims with the southerners who are Christians speak Igbo, Yoruba, Ijaw, and Ika.

### **2.2.2 Corruption as a Source of Conflict in Africa**

Corruption is one of the major sources of underdevelopment and conflicts in Africa. According to the United Kingdom Department for International Development (UKDFID, 2015), corruption involves the mismanagement of natural resource and the Commonwealth of the people and it denies the citizens of their rights to have basic infrastructures, like good road

network, electricity, health care, clean pipe-born water, schools, and security. Mbara, 2019) attempts a comprehensive definition of corruption:

...the abuse of public office through the instrumentality of private agents, who actively offer bribes to circumvent public policies and processes for competitive advantage and profit. Beyond bribery, the public office can also be abused for personal benefit through patronage and nepotism, for example, the theft of state assets or the diversion of state revenues.

Corruption, no doubt, is ripe in Africa as African leaders continue to loot public funds, transfer the looted funds to banks in Europe, America, Canada, and some parts of the Middle East, like Dubai.

With the return of many Africa countries to democratic government, the challenge holding, or militating development is corrupt elected civilian leaders who foolishly acquire state's money and resources, banking them in millions of dollars, British Pounds and Euros in America, Europe, and Dubai leading to under-development in Africa (Mills, 2011). This reflects the challenges facing Nigeria State today, underdevelopment even though this country is rich in crude oil and other natural resources. For countries like Rwanda and South Africa which experience infrastructural development, this is the outcome of the leadership structure; a leadership that is generally corruption-free brings about human and infrastructural development (Abrahamsen, 2000; Mbara, 2019a).

### **2.2.3 Religion as a Source of Conflict in Africa: Nigeria in Focus**

According to Mbiti (1969), African people are notoriously religious (and) religion permeates into all the departments of life so that it is not easy or possible to isolate it. The people of Africa had their religious identity before the arrival of the European missionaries who came and occupied the African continent in the name of bringing Christianity to the people, using all forms of psychological strategy to erode their Africa traditional religion from them (Shivji, 2005; Salawu, 2010). Some scholars have argued that the idea, perpetuated by the colonizers, that their religion is supreme and civilised as against the religions of Africans that are uncivilized, is another factor that aided the underdevelopment of the African continent (Olutayo, 1991; Ushe, 2015). To this end, one can say that the introduction of Christianity as a religion in Africa, developed negative perceptions amongst Africans that anything African is uncivilized and backward, thus making them desire more of the western world and their religion. The Europeans were strategic in the occupation of the African continent using the tool of religion which Karl Marx perceives as the opium of exploitation and the expressway to a

class difference in the society. The western missionaries supported their evangelization with free education for the people of Africa, to get access and to be easily accepted by the African people who were already doing well with their religion; this aided the erosion of the African foundation of values and orientation of the younger generations paving way for the western values system (Pool, 2019).

Christianity as a religion in Africa is experiencing an astronomical growth, except in the sub-region of North Africa. Today there is a high rate of the proliferation of churches more than industries driven by the economic hardship on the continent and lack of jobs for the growing population. These churches and their founders continue to use the psychological approach which the European missionaries used on the psyche of their members that the socio-economic backwardness experienced by Africans is caused by the devil and that it can only be solved with constant prayers and payments of tithes (Ushe, 2015). This situation already limits their way of thinking in solving the large socio-economic problems before them. It should be noted that socio-economic problems are solved economically with the political will of the government and the determination of the members of society.

In Nigeria today, church business is the easiest way to riches if one can work on the congregation's psyche, display magic before their very eyes, shout to the top of your voice by commanding the divine then be rest assured to have a blossoming empire. In major cities across Nigeria, churches are located everywhere with the main goal of collecting money from members to build primary, secondary schools, and universities which the common man in the church, who contributed to the building cannot send their children to. All these factors have made Africa a continent that cannot be developed or repositioned. This is not how Christianity is practiced in Europe and America which for them in recent times is charitable and not the other way around as is the case in Africa. In Africa, big church owners fix prices for blessings by the selling of olive oil and other sacramental have skyrocketed to about \$10,000 as evident in a viral video of Pastor Ayo Orisejafo and Rev Funke Adejumo asking their church members to "sow-seeds" with God for that cost (Salawu, 2010).

African countries (Nigeria, Egypt, and Sudan) have experienced conflicts emanating from a disparity in religion. The conflicts experienced in different parts of Nigeria, the Niger Delta conflict included, have some religious undertone (Ushe, 2015). Nigeria continues to experience religious conflicts between Christians and muslims, and these conflicts often are painted with ethnic differences and this has pushed Nigerians to the point of identifying



themselves based on their religion or ethnicity (Eghosa, 2003; Paden, 2015). Nevertheless, the source of religious conflict in Africa and particularly in Nigeria is not far from the point made by Dike and Ogbeyi (2012), where they proposed that corruption is the bedrock of religious conflict. This is confirmed in Nwankwo (2015) where they argue that religious conflict is possible when there is corruption in the system, oppression from the upper class, hateful religious sentiments, poverty, and injustice in the land.

#### **2.2.4 Incompatibility of Amalgamation and Human Rights Violation as Causes of Conflict**

The Northern and Southern parts of Nigeria are incompatible in some respects, both in religious understanding, language, culture, and ideologies (Mbara, Uzodike and Mtshali, 2019). This incompatibility has led to sundry conflicts in Nigeria between the Northern and Southern parts of the country. This situation can be likened to the situation in Cyprus caused by the British imperial rules in the 1960s, where the Southern and Northern parts of the country (the Greek and Turkish Cypriots, respectively) were amalgamated without considering their differences in ideologies, thereby causing a big separation of government and governance and partitioning of the country today which the United Nations since the 1970s till date has been trying to do by making frantic efforts in the actualization of the unification of both ethnic group of the Island but have not been able to achieve any positive results (Gilpin, 2016). Thus, according to Ifeonu (2009; Mundy, 2011), it is highly unlikely that there are conflicts in Africa that are without colonial components, and this has led to relatively homogenous ethnic societies that have become quintessential to Africa's ethnically plural societies. This is a common feature in most African states as most of the citizens identify first with their ethnic group rather than with the state. This goes on to show that those inherently different ethnic groups should perhaps never have been amalgamated into one entity (Lagwaila, 2006; Gilpin, 2016).

The major agitations and cries of the Niger Delta people are those that infringed upon their fundamental rights, violated by the federal government especially in a democratic dispensation where their fundamental rights to live in a healthy environment and get the direct benefits of hosting one of the biggest crude oil and gas wells and plants in Africa (Okonta, 2006; Bodo, 2019). They are supposed to be protected and guaranteed by the laws of the land and those of the international system, for them, their situation as of today in Nigeria is characterized by marginalization and the lack of appropriate infrastructure, this unpalatable situation sharply contradicts the experiences of oil and gas host communities/ states in a

country like Libya located in North Africa where the benefits of the crude manifest in social amenities and infrastructure of the citizens especially the host communities.

The causes of conflicts can also be seen in the works of Nzomo (2002) and Paden (2015) who opined that most of the violent conflicts and civil wars that have occurred in Africa in the latter half of the 20th and now the 21st centuries have their roots in the undemocratic systems and processes of government, unequal control, and resource distribution that are politized and articulated in socio-cultural terms. It is crystal clear to note today that many African countries cannot provide enough stability and security for their citizens. Azam (2004) and Salawu (2010) submit that conflicts arising in Africa because of a failure of the state to perform some of its fundamental tasks are the major weakness that the continent faces especially in recent times. The African continent has been recognized to be one of the poorest continents in the world, with most citizens living in extreme poverty; the people have certain expectations that the government has intermittently failed to live up to its task of good governance of which due to factors such as corruption and being at the disadvantaged end of the international political economy makes it hard for a palpable hope for the future.

The multiplicity of ethnic groups in Africa is not a cause of the conflict, but several actions such as the marginalization of groups, which may just situate the Niger Delta conflicts again in the same connection, colonial legacy as indicated in an earlier discussion. Nigeria's Niger Delta region has undergone numerous shades and degrees of conflict in the last two decades. These conflicts range from clusters of intransigent disputes over environmental justice problems between local communities and oil firms to 'wars' between armed groups and soldiers sent by the Nigerian federal government to protect critical oil facilities and employees of multinational companies operating in the region (Ibeanu, 2000; Simbine and Neji, 2018). The distribution of natural resources and ethnic group differences or rivalry and the colonial rules has led to several conflicts and wars especially in Africa, a case in retrospect is the Rwanda Civil War which was attributed to the colonial legacy in the country and multiplicity of the ethnic group and dominance by an ethnic group over the other.

### **2.2.5 Bad Leadership as a Cause of Conflict in Africa**

Corruption is intrinsically linked to leadership incompetence in Nigeria and other parts of Africa. The corruption and mismanagement discussed earlier are essentially responsible for the let-down of leadership. Corruption, put differently, is a direct result of Nigeria's bad

management, low value, and reward scheme (Mbara, 2019b). It is obvious that after many years of colonization of many African nations, aspects of basic development like road, electricity, clean water, housing for their poor population, and security of lives and properties remains a challenge. Commenting on the state on the Nigerian state, for instance, Chinua Achebe, in his masterpiece, *The Trouble with Nigeria* (1984:1) maintained that leadership remains the most fundamental problem with Nigeria when he affirmed:

The trouble with Nigeria is simply and squarely a failure of leadership. There is nothing wrong with the Nigerian character. There is nothing wrong with the Nigerian land or climate or water or air or anything else. The Nigerian problem is the unwillingness or inability of its leaders to rise to the responsibility, to the challenge of personal examples which are the hallmarks of true leadership.

Ironically, this is a continent with so many natural resources but still, it remains the capital of poverty and underdevelopment in the world (Animashaun, 2009; Yiew, Habibullah, Law and Azman-Saini, 2016). The backward factor this time is not the colonial factor but the factor of greedy and selfish African leaders, who continually desire to remain in power to loot, amass and steal the resource of state needed for development meant for basic amenities (Yiew *et al.*, 2016). The underdevelopment of the African continent can, therefore, be seen not to be far from leadership failure. Having, the right leaders to drive development that can reposition the continent in the way and manner European leaders have made Europe as a continent today remains elusive for most African countries (Meredith, 2005; Mbara, 2019).

The slow development and repositioning of the Africa continent can be ascribed to the various military coup d'état experienced after independence by some countries on the continent. For many years military governments piloted the affairs of the state without systems in place to check the excesses of these governments. This era in Africa brought about the institutionalization of corruption, human right violation and the projecting of poverty on the continent as many military leaders never cared about their masses, theirs was only the accumulation of state resource for themselves and family, a major factor still holding the development of Africa backward (Tripp, 2010; Ocheni and Nwankwo, 2012). To this end, many African scholars trace the continent's underdevelopment to the relationship between African countries with those of the western world or their erstwhile colonial masters which were and remain exploitative aided by her selfish leaders. This has helped in advancing the development of Europe and America to the detriment of the development of Africa (Amin, 2011; Ocheni and Nwankwo, 2012). A counter position in the same connection is the view of Morris and Fessehaie (2014), who sees and understands the underdevelopment of the continent of Africa

from the absence of industrialization. Nevertheless, one of the core challenges of development in Africa is the low level of scientific and technological advancements and the total technological support from the Western world. Africa needs technological assistance in the area of converting those natural resources/raw materials on the continent to finished goods. Often these western countries using the corrupt African leaders give tight conditions and that can aid their access easily to the political and economic manipulations of those African nations (Dimkpa, 2015). The panacea to this situation is for African leaders to encourage technical education for African students both at the secondary and post-secondary levels of education the just the Chinese breakthrough.

This sharp practice by functionaries of government at all levels makes politics attractive, the easier way to get rich quick, and those who find themselves in power continue to do everything to remain there forever, as it is today in Zimbabwe and Cameroon whose leaders Robert Mugabe and Paul Biya have spent over thirty years leading their countries (Dimkpa, (2015). The case of Nigeria is chronic, corruption characterizes everything in government especially the administration of former Nigerian President, Dr Goodluck Ebele Jonathan, under his watch, billions of dollars were stolen by his ministers and aids, the most astonishing one was the level of corruption in the petroleum sector, this obi sees as a factor that causes conflicts in Africa (Obi, 2001; Mbara, 2019a). The continent of Africa is held back from progressing technologically, economically, and with respect for human rights because of the sundry conflicts that have been experienced on the continent. The next sections shall be looking at various conflicts with some African countries.

### **2.3 The Rwandan War**

The Rwanda genocide, one of the worst in human history, happened in 1994 and it remains a great lesson to the United Nations Security Council (UNSC) and the entire international community in general. It had its genesis from an escalated crisis with the dimension of ethnic rivalry between groups in Rwanda. The ethnic subgroups of Rwanda can be classified into three parts, (though two were more active in the events), they are Tutsi, the Hutu, and the Twa. The Hutu and Tutsi were a united people in the pre-colonial era, which spoke the same language and lived among each other. When the Belgian colonists arrived in 1916, they treated the Hutu and the Tutsi as separate classes. By classifying Rwandans into ethnic groups and making it compulsory for them to carry ethnic identification cards that classify individuals according to their ethnicity, the colonial power further divided the groups. The Belgians considered the Tutsi

to be superior to the Hutu, and so Tutsi were preferred in the modern administrative roles, education, and employment (Nikuze, 2014).

The two major groups that propagated the crisis are the Tutsi and the Hutu, and the Tutsi, though a small ratio of the population, dominated the Hutu and Twa (Magnarella, 2000; Nikuze, 2014). The domination of the Tutsi who were known practically as warriors, possessing large portions of herds and capable of protection, demonstrated decimation against the Hutu and the Twa, due to their capabilities, also, in discrimination, the government did not spare the Hutu and Twa. The Tutsi government's hard-line nature over the Hutu did not help matters; the problem got out of control and manifested in an ethnic crisis that escalated into the Rwanda genocide.

Resentment among the Hutu, however, gradually grew, culminating in a series of riots in 1959 that caused power to fall into the hands of the Hutu who won Rwanda's independence in 1962. The newly formed political regime vigorously engaged in anti-Tutsi propaganda after independence. Leaders based their political philosophy on the rule of the Hutu majority, which eventually led to the Tutsi being excluded from the political arena and significant human rights abuses. During a series of massacres that finally accompanied the 1994 Genocide against the Tutsi, hundreds of thousands of Tutsis were sporadically killed. More than a million Tutsi were killed in this genocide for the sole purpose of being Tutsi (Rogall, and Yanagizawa-Drott, 2013). This genocide weakened the social fabric and make-up of Rwandan society and destroyed it. It shattered the unity that for centuries had been established and depended upon by Rwandans.

It is very important to point out that the fundamental issue that brought about this disaster was "discrimination" and it became an experience not just for Rwanda or the Africa continent, but the international community at large (Nikuze, 2014). The issue of discrimination is deadly and triggers more reactions from the group or individual discriminated against. Suffice it to say that no one can tolerate discrimination for a long time. Discrimination often leads to the opposition, both physically and psychologically. If it persists, there are two ways to end it: fight for freedom or die while being oppressed. The Tutsi group took to fighting, and there was no restraint to their struggle to survive.

More so, the President, General Juvenal Habyarimana did not help matters, as he contributed to the decay of the society. Nevertheless, his plane crash on 6 April 1994, killing him and the then Burundian president Cyprian Ntariyamana, resulted in the immediate crisis

that led to genocide. Also, apart from the ethnic discrimination, and bad governance, the western world also made its contribution to ignore the dangers and early signals of human rights violation. The western world accepted the Tutsi rule over the Hutu, indirectly contributed to the discrimination within ethnic groups, (rather than resolving fair rulership of both groups in the society), for them they were promoting a notion of freedom, from colonial rule (Rogall, and Yanagizawa-Drott, 2013). In taking a critical view, this is being biased; you cannot offer freedom from colonization yet support the ethnically discriminated government to rule in a society without respect for each other.

In a nutshell, the causes of the Rwandan genocide can be said to be the results of internal factor (ethnic rivalry and dominance) the Rwanda ethnic dominance crisis is not farfetched from what the current federal administration of President Buhari of Nigeria is marking today, a country of multi-ethnicity, language and religion had a dominance of one ethnic group (the Fulani Hausas who are Muslims) in appointments at the federal level especially in the security agencies. The natural oil and gas resources of the Niger Delta region are managed in a way to develop the Fulani Hausa northern part of Nigeria while the owners of the resources continue to experience decay in infrastructure if there is any at all.

## **2.4 The Sudan Conflict/War**

Before the right to self-determination of Southern Sudan from the then Sudan sovereignty, geographically speaking, Sudan was the biggest African Nation in landmass, this country is located within the North-Eastern sub-region of the continent of Africa, both in the distant past and in contemporary times, Sudan has experienced conflicts especially with a religious undertone, between the adherers of Islam who predominate the Northern part of Sudan, and Christian faithful who are in the South of the country (Awolowich, 2015 and Lunn, 2016). With the fall of the Ottoman-Egyptian government in the 1890s, because of an Anti-Imperialist religious revolution led by Islamic Mahdist, Muhammad Ahmad, Britain and Egypt jointly re-conquered Sudan and ruled Khartoum in 1898. During the Anglo-Egyptian rule, the people of Sudan saw themselves as one united people with one mission, without discrimination based on religion, belief system, language, and history (Sharkey, 2008; Dessalegn, 2017). But over time, things started changing for the worst and this brought disunity in the land, ethnic identity recognition.

This division started during the nationalist movement in the 1930s and 1940s. This division brought about some limitations in the Northern part of Sudan especially the movement

of traders from the North into the South, and those who had to make their movement possible had to obtain a permit before they could enter the Southern part. Also, much political power was conferred on the Northern Arab leaders, largely Muslims with employment prospects in government and the control of state resources in comparative account with the South who never embraced the new Arab culture and ideologies (Dessalegn, 2017). The British encouraged the Northern side of Sudan in all aspects to buy them over in welcoming the colonial rules and government because any denouncement and rejection of the colonial occupation by the north with a high population would have caused the colonial efforts a setback, there was a high level of favoritism in the system in ensuring that the Northern side got the best opportunities in the bureaucracy of the state, they could get the white-collar jobs while the Southerners who are not adherents of the Islam ideology were considered and absorbed into the army, manual jobs, and other degrading jobs and opportunities.

The concept of Arabisation and its expansion was important among the Northern Sudanese, that is, one identifying himself or herself as an Arab and being able to speak the Arabic language, and practiced Islamic religion was understood to be one of the greatest achievements at the time, a crescendo, zenith and pinnacle of success (Awolowich, 2015 and Lunn, 2016). The Southern Non-Arabs or Non-Moslems were considered inferior by the Northern Society and were branded Slaves and second-class citizens in Sudan. The Southern part of Sudan refused to be assimilated into the Arab ways and culture, this led to the continued discrimination by the Sudanese Arabs against the Southern Sudanese who professed Christianity, and they were discriminated against by the majority side of the Northerners both in the political affairs and the socio-economic institution of Sudan. The branding of the Southern Sudanese “slaves,” had a damaging feeling among them which had not defined any equal power to be shared with them the Arab side of Sudan (Leopold 2003; De Waal, 2014).

The discovery of oil in Southern Sudan in 1977 at Bantiu, also led to the deployment of Northern troops in the region which caused further clashes. Though oil comes from this part of the country, development has been low as compared to the North (Lunn, 2016). This narrative and account are like the Niger Delta region of Nigeria situation today. In Nigeria, conflicts are considered from religious differences between the North and South, where Islam from the side of the North is predominantly professed and Christianity from the side of the South is predominantly professed and adhered to by its faithful. Sudan since her independence in 1956 had gone through the repressive rule with discrimination against Southern Sudan and

attempt to Islamize the country. Nimeri dissolved the South's constitutional guarantee as promised in the Addis Ababa Agreement and instituted Arabic as the main official language for Sudan which could also be used in the schools (Awolowich, 2015). He also declared the country into an Islamic state with the imposition of Sharia Legal system including non-Moslems and Southern Sudan as National Law, with centralized power in 1983. This marked the 1983 conflict between the North-South and the Second civil war in Sudan. The conflicts in Western Darfur have affected the long conflict in the country and the mid 1980s and late 1990s. This brought untold hardships to citizens, but government officials, troops, and militia continued blocking food and humanitarian aid to the displaced Darfur citizens deliberately and worsening their situation. In addition, there was racial discrimination against the local slaves who constitute the major tribes with unequal distribution of wealth, power between the regions and social groups (De Waal, 2014; Lunn, 2016).

In conclusion, just like the Northern part of Nigeria want the general legal system of Sharia both in the South and North, to Islamize Nigeria; this is a major line of conflict. Like one of the sources of conflicts in Sudan and all of that was the egregious mistake made by the colonial rules and power on the continent of Africa. Another issue similar so far from the foregoing to Sudan conflict with those of Nigeria, Niger Delta region conflict is the inability to benefit from the crude oil and gas in the land and to have control over those resources, a major source of conflict in the region, youth unrest, militancy, kidnapping and above it, avenging the Buhari's government by way of the continuous destruction of pipelines in the region. Those actions are ways of drawing the attention of the world especially the federal government to their plight and seeing for a better life and welfare of the region infrastructural development. The Sudan sources of conflict like a matrix to the Niger Delta Socio-Security oil conflict, of which the normative system of international governmental organizations and international law applicability could just be the panacea to the conflict.

## **2.5 Nigerian Conflicts/War**

Nigeria has a large population – 206,139,589 as of November 2020 – (Worldometers, 2020) with over 250 ethnic groups and approximately 500 languages. She has three major ethnic groups (Igbo, Yoruba, and Hausa) while other ethnic groups though independent, tend to be subsumed into these three main groups geographically (CIA World factbook, 2020). Nigerians are very religious people, and some Nigerians hold and follow their religious creed and indoctrination sometimes to the extreme. There are three prominent religions in Nigeria:



Christianity, Islam, and the African Traditional Religion (ATR), although, the 1999 constitution of the Federal Republic of Nigeria expressly recognize the activities of Christianity and Islam religions. No doubt about it, with the above characteristics, pointed out, Nigeria is a nation-state heterogeneous in composition but tries to be harmonized by the central Government of the day (Falola, 2001).

Nigeria is designed to be economically strong with all the natural resources it is blessed with. From crude oil in the Niger Delta Area to the Middle Belts iron and steel. Paradoxically, in the face of all these endowments, the Nigerian masses remain one of the poorest groups of people in the world today. An average of 67.1% (112million) of Nigerians is said to live below the poverty line. Fighting poverty has thus remained one of the daunting challenges facing most administrations in Nigeria (Nigeria, CIF 2014-2016). The political class steal billions of dollars annually and stockpile this money into foreign accounts overseas. These clear facts give a picture of the general causes of conflicts in Nigeria, which not significantly different from other African countries sampled thus far in this research work. Tracing various conflicts in Nigeria even before independence has their source and cause from religious and ethnic dominations. As history has clearly shown that between 1757-1809 Uthman Dan Fodio started a Jihad (Holy War) against pagan tribes in the North with the primary intention of converting the Hausas to Islam and to have an Islamic territory (Haynes, 2007; Amujiri, Agu and Onodugo, 2015).

Since this Islamic jihad in Nigeria, religion has been a major source of conflict in Nigeria as the Islamic domination continues to be implemented in the Northern part of Nigeria against Christians in that Area (Amujiri *et al.*, 2015). Without mincing words, the jihad movement of Islamic domination and the establishment of an Islamic state with a full sharia system has become a great challenge to the entire international community as this implementation cut across many parts of Africa and the Middle East and attempts to force it into Europe. Nigeria as a nation experiences the outcomes of jihadic struggles, which was started by Uthman Dan Fodio, in the Boko Haram insurgency especially in the North East of Nigeria. This situation has been worsened since the assumption of office by President Muhammadu Buhari as the ethnic Fulani militia has laid siege on the entire country with fears of Fulani hegemony pervading the entire country.

One ethnic group in Nigeria whose people are always the main victims of the jihad movement are the Igbos who settle in different parts of Nigeria because of their industrious and business drive (Mbara *et al.*, 2019). Those of them in the Northern part of Nigeria, the base of

this jihad struggle, have always been attacked, dispossessed of their belongings, and even killed by the Hausas/Fulani ethnic group because the Igbos are predominantly Christians. In this connection after Nigeria was colonized by the British government in 1960, three years later in 1963, Nigeria became a republic and in 1967, a civil war broke out. The immediate causes of the war can be traced to the killings of the Igbos by the Hausa/Fulani ethnic group in the North which led to the agitation by the Easterners to have their country called “Biafra.” The Igbos were conquered by Nigeria and got reunited in 1970 which brought the civil war to an end (Achebe, 2012). This religious hit to Islamize Nigeria continues to come and go in different ways by the constant killings of Southerners and Christians in particular. The activities of Boko Haram members are to see that the entire Nigeria legal system is replaced with a Sharia legal system and the elimination of western education for the Islamic/Arabic educational system.

Finally, Nigeria continues to experience conflicts premised on religion especially in the North. In 1980 there was a conflict in Kano and later went all the way to Maiduguri, a prophecy was made by an Islamic leader that all Muslims were not righteous as such needed some purifications rites by drinking male blood and this they extended to both Christians in Kano. This caused some resistance from the Christian communities and it became a serious conflict until the government of the day intervened in the situation and brought calmness into Kano (Kubai and Adebo, 2008; Mbaraet *al.*, 2019). Apart from the ongoing conflict in the Niger Delta, other conflicts experienced in Nigeria are always the dominance attempt by the Muslim community over Christians in the North and never experience such from Christians over Muslims in the south. The 1999 conflict in Kaduna state and Zamfara State under General Olusegun Obasanjo’s watch as the President of Nigeria emanating from the imposition of the sharia legal system in the entire country. This became another cardinal point of religious conflict in Nigeria as Christians vehemently rejected such legal system in Christian-dominated states and Kaduna state which has like 50 percent Christians in Southern Kaduna.

## **2.6 The Federal System of Nigeria**

Federalism refers to the mixed or compound form of government, incorporating in a single political structure a general government (the central or federal government) with sub-regional governments. Its distinctive characteristic, exemplified under the Constitution of 1789 in the United States of America, is a founding example of modern federalism. Federalism is a relationship of parity between the two existing levels of government (central/federal and states). It can therefore be characterized as a form of government in which there is a separation

of powers between two equal-status levels of government (Aliyu and Isah, 2018; Lanre, 2018). The recognition of the presence of central as well as other equally autonomous units of government is a common element of all meanings of federalism. Federalism is differentiated from co-federalism, which is subordinated to the regional level by the general level of government, and from devolution within the unitary state, which is subordinated to the regional level of government (Lanre, 2018). In the direction of regional integration or separation, it reflects the central form bounded on the less integrated side by co-federalism and the more integrated side by devolution within a unitary state. The division of power between federal and sub-national governments in a federation is commonly outlined in the constitution. Almost every nation allows some degree of sub-national self-government, and the right to self-government of the component states is constitutionally enshrined in federations.

The nature and practice of federalism in Nigeria is the type that is not favourable to the Niger Delta area of Nigeria because it is a manifestation of oppression and marginalization to the region and a clear aberration to true federalism and its practice. The very strength and major source of the economy of the Federal Republic of Nigeria are anchored on the exploration and exploitation of crude oil in the Niger Delta area. Nonetheless, the Niger Delta area is far from the needed development, both human and infrastructure developments but continue to provide the economic source and means for the development of the Northern part of Nigeria (Eluka, *et al.*, 2016). This oppressive nature of Nigeria federalism has failed to address the underlying issues that are premised on the socio-economic situations in the region which have opened doors for the region and her people to continue to agitate for true federalism as practiced today in the USA, where the component unit states participate in the sharing of powers and functions in an organized nature with the federal government in Washington DC.

Federalism and its essence of practice include dual government in which the constitution separates and distributes powers between a federal government and national or state government. True federalism is characterized by autonomy at the different levels to decentralize government and governance to bring it closer to the people (Babalawe, 1998; Aliyu and Isah, 2018). The United States of America continues to be the focus of true federalism to many nations in the World, as great autonomy and financial independence characterize the system with the federal government sharing powers. The Niger Delta conflict today is primarily caused by the nature and practice of the federal system in Nigeria, in that the Nigeria federal system lacks the autonomy to have state police and rights of the units to manage

and control its resource, better still referred to as “resource control”, this makes the federal system in Nigeria cosmetic but designed in its practice to favour the Northern part of the country (Ekpo and Enamidem, 2003; Abdulwali, 2017). But the reality here is that true federalism is that which goes with resource control, the very point upon which the Niger Delta agitations are built, and resource control helps any nation to discover alternative resources and help develop them as it was in Nigeria in the first republic. A true federal state like the United States of America resources controls functions vibrantly which is an indication of true federalism (Odje, 2002; Ali and Ahmed, 2019). Resource control no doubt about it has some economic connotations in the sense that unit states benefit from those natural and non-natural resources within its territorial definition and ultimately contribute some percentage to the centre like taxation of what was gotten either monthly, quarterly, or annually (Azaiki, 2003; Lanre, 2018).

### **2.6.1 The Nature and Practice of the Nigeria Federalism**

In international law, only the federal government is recognized as a subject except for states such as Germany. In Germany, constituent states can conclude treaties with surrounding states on border issues. The provisions of the Articles on State Responsibility declare:

the conduct of any state organ having that status under Internal Law of that state shall be considered as an act of the state concerned under International Law, provided that organ was acting in that capacity in the case in question, irrelevance of the position of the organ in the organization of the state; whether that organ belongs to the constituent, legislative, executive, judicial or other power (International Law Commission, 2001).

This means that any violations of international law carried out by the State Government in the process of fulfilling its obligations is seen as a wrong committed by the Nigerian State, therefore, the federal government is saddled with the responsibility to ensure that international norms are complied with by the constituent states of the nation.

This was further buttressed in the explanatory comments of James Crawford, the Special Rapporteur of the International Law Commission, stated: “the requirement that an organ should have acted in its capacity is retained, but it is no longer formulated as a proviso, thereby avoiding any inference that the claimant has any special burden of showing that the act of a state organ was not carried out in private capacity” (International Law Commission, 2001). The plans by the Rivers State government to rebuild the city of Port Harcourt be an example of Article 5 on State Responsibility. The acts led to the displacement of countless citizens with Amnesty International predicting that as many as 200,000 people could end up homeless if they

were not provided with alternative housing, thereby, creating international awareness of the actions of a constituent unit of the Nigerian State (Duffield, 2010). Likewise, the Niger Delta region has the protection of International Law and the normative systems of International Organizations each of which Nigeria is a member of or not.

The Niger Delta region is the victim of the kind of federal system the Nigerian State operates, federalism where the United States cannot have and control its natural resource but controlled by the central government in Abuja. This kind of federalism in Nigeria is an aberration to its practice globally. When the issue of true federalism and its practice is debated upon in public fora, the Northern part of Nigeria and its elites get infuriated as the current practice is for their advantage today. Crude oil is found predominantly in the Niger Delta area, which is the largest wetland in Africa, and third in the World with a coverage of 70,000km characterized by different ecological territories/zones (Azaiki, 2001; Imasogie, 2009; Bodo, 2019). A major characteristic of the Niger Delta states is that they are composed of ethnic minorities in the Nigerian state; prominent among these ethnic groups are the Edo, Ijaws, Itsekiris, Urhobos, Ogoni and the Ishan people. Nigeria being a federal state decentralizes authority and authority is given to the constituent states. The conflict in this region can be a great concern to the international community (Odje, 2002,). The big question here is, can Nigeria be operating true federalism? The above question is in line with the views of Akinyemi (1979) and Courson (2016) who suggest that the Niger Delta conflict emanates from the nature of the federal system practiced in Nigeria today. The practice of the federal system in Nigeria if not reformed or restructure will continue to be a source of disputes in different parts of the country with special reference to the Niger Delta region as it lacks provision for the unit to control and manage its affairs and resources.

For other scholars (Lanre, 2018; Ali and Ahmed, 2019), the practice of Nigerian federalism gives the major ethnic groups the power to oppress the minority groups in the Nigeria framework and this opens the doors of nepotism, corruption, and conflicts (Suberu, 2001; Abdulwali, 2017). As the practice of Nigeria's federalism is looked at from a different view, David-West (2002) sees it as “a shadow of federalism or better still federalism but in the practice unitary system dressed in an elegant façade of federalism.” In the same vein, Sagay (2008) see the practice of federalism in Nigeria as that which has legalized the evil of environmental degradation and pollution by the multi-cooperation companies in the Niger Delta area, making the said region suffers from environmental injustice as this continues to be

one of the major sources of the conflict in the area affecting socio-political stability in the system.

The current federal system operating in Nigeria from all indications cannot hold and resolve the numerous conflicts in the past, present, and in the future because of its nature. This includes the injustice meted out on minorities, especially to the Niger Delta people, but and it continues to benefit the Northern part of Nigeria for their development and political stability today, as it was manipulated for them by the successive military government on one hand and to continue to give the centre (federal government) unprecedented political power over the united states (Sagay, 2008; Amujiriet *al.*, 2015). From the foregoing, it is obvious that one of the main sources of the Niger Delta conflict is the nature and practice of federalism against the backdrop of its practice in a country like the USA where individual states have almost total control of their affairs and resources. In Nigeria, the practice of federalism is an aberration to the best practices it, the Niger Delta people continue to clamour for a restructuring in the entire system where they can determine their future by controlling their natural resources.

For the people of the Niger delta, “Fiscal federalism” will end the injustice and oppression in the region, where states control and manage their resources and pay some percentage of revenue to the central government. Ariyo (1999) sees Fiscal Federalism as that which all social and political institutions are established in a manner that upholds, or positively modifies, the indigenous culture of a given society. A true federal system practice in Nigeria is the panacea to the various social unrests in the land, militancy, security challenges, unemployment and address the plight of minority people within the framework (Bello-Imam, 1999; Lincoln and Lincoln, 2016). As she stands to be the standard of true federalism universally, the United States gives power and right to manage both human and natural resource to the sub-states while the federal government harmonize the system and receive some percentage from what the internal revenue of the states because the states government is closer to the people than the federal government in service provisions (Sharma, 2005; Lanre, 2018).

Fiscal Federalism gives the federating states, as explained above with the United States of America, the autonomy to determine its future, have a say on what happens to its economy against the practice in Nigeria which has made way for calls by the southern part of Nigeria, especially the Niger Delta area, for a restructuring of the entire system by the devaluation of authorities and power of the federal government to the state/regions (Adamolekun, 1983; Ali and Ahmed, 2019). The agitation of the Niger Delta people of Nigeria is for fiscal federalism

that can allow them to control their wealth and develop the area; this will help the total independence of the state and local governments from the control of the federal government (Oates, 1999; Lincoln and Lincoln, 2016). The practice of true federalism in Nigeria has been there even during the colonial era as far as 1946 Richard's constitution which made provision for the autonomy of the then established regional system and was adopted by the Littleton constitution of 1954 (Nwosu, 1980; Ali and Ahmed, 2019).

The clamour for the true practice of fiscal federalism in Nigeria is a phenomenon that brings about true liberation and democracy to the grass root of governance. Most democracies in the world today are on the part of true federalism, helping the government to reach the very people they govern in every respect (Tanzi, 1996; Suberu, 2001). There is no doubt that the closer the government and governance are to the masses the effectiveness will be felt and the needs of the people will be closely understood (Ozo-Eson, 2005; Ali and Ahmed, 2019). True Federalism, using the United States of America as a mirror, shows its efficiency especially providing those obligatory responsibilities of Government, like security, health care, education, and clean water for the citizens, federalism is a concept that preaches the sharing of power in government from the central to the regional or states down to the local or county levels (Ajayi, 1997; Ali and Ahmed, 2019).

The practice of federalism in federalism is somewhat paradoxical as the federal government continues to stick to power without sharing power as such with the States. This paradox is causing a denial to the states to determine their socio-political and economic future and control of their natural resources, and this is a fundamental cause of the Niger Delta conflict in Nigeria (Akindele, 2002; Tella *et al.*, 2014; Abdulwali, 2017). In the same connection, Sagay (2008) sees federalism as a system of government that allows power to be shared in a multi-national country, between a federal government and its component units, in a way and manner that each level or unit including the federal authority exists separately and independently from each other without major interference in piloting their affairs in the areas exclusively defined to each of the units. Federalism is all about autonomy for the unity government but not a separate government; often the central/federal government must harmonize the system without interference in the exclusive affairs of the units and must respect the territorial definitions of the units and will to pilot its affairs (Asobie, 1998; Suberu, 2001; Abdulwali, 2017).

From all accounted for above, one can say that True Federalism is a normative framework for the assignment of functions shared at different levels of the system with the

lucidity of authority and responsibility (Asobie, 1998; Lanre, 2018). It is worthy of note to say that fiscal federalism is all-encompassing; it goes beyond resource control by the state which is the major agitation of the Niger Delta region today, but other aspects as practiced in the United States of America (Adejare, 1997; Amujiriet *al.*, 2015). The practice of true federalism has the potential to relax the militarized agitation that has become characteristic of the Niger Delta region of Nigeria.

### **2.6.2 The Law that made the Nigeria Federalism**

Federalism is a constitutional system that enables states to unite under a central structure. It allows the local government to retain a degree of sovereignty and interdependence. The purpose behind this is centrally to establish supreme authority while maintaining a substantial amount of semi-autonomy in the component states (Tellaet *al.*, 2014). As a compromise, the Nigerian Constitution established a federal form of government (federalism). Here, power is shared and distributed between national and state governments under this arrangement. Both levels have departments and representatives of their own that directly influence the people. The Nigerian founding fathers carried out this arrangement; they had no better option than federalism at that time (Abdulwali, 2017). Federalism in Canada means opposition to movements of sovereignty, and in the United States, the same is traditionally true. Many who typically support confederate states are supporters of a smaller federal government and stronger state governments.

It is pertinent to note at this juncture, that the past military junta manipulated the practice with the discovery of oil and the oil industry in Nigeria to favor the Northern part that has no natural resource. This came with the enactment of the Land Repeal Act of 1978, which in every principle is to make all lands in Nigeria belong to the control and dictate of the federal government of Nigeria. By this law, the federal government continues to decide how much rent is paid by the oil companies for the land used in the Niger Delta and the collection of such rents (Samuel, 2010; Tellaet *al.*, 2014). Before this law was enacted by the military junta, the federal government had enacted another law with the discovery of crude oil in the Niger Delta region called the “Petroleum Act of 1969”, in which it was stated that the federal government controls all the minerals and gas in, under or upon the land and territorial waters of Nigeria (Samuel, 2010; Okolo, 2014). These laws pointed out above, were enacted by the then military government and continue to be upheld by the current federal government in Abuja to legalize its control and say in the crude oil and gas within the territory both water and land in the Niger



Delta area. Through the Land Repeal Act, the Multinational Corporations are therefore answerable legally to the Federal Government; the exception to this being when the fundamental human rights of the people in the region have been violated (Waliet *al.*, 2019). The Petroleum Act of 1969 is a law that makes the federal government the first and only owner of any natural resource discovered within the territorial integrity definitions of Nigeria both in the waters and land with precise reference to the Niger Delta Area of Nigeria.

The Land Use Act (1978) as the law has its core objectives to take away the customary rights of the indigenous Niger Delta over the control of crude oil found on their lands. Section 28 of this Act clearly states that any activity and land where crude is discovered falls within the powers of the federal government to take control. This Act makes it abundantly clear that in a situation where the original owner of the land observes or fully discovers crude oil within that land, he or she automatically paves way for the federal government to take ownership of the land regardless of the historical accounts of the land transferring from one generation to the next which is a cultural value of many parts of Nigeria. These Acts of oppression of the Niger Delta people continue to gain momentum by the day as subsequent constitutions (1979, 1989, and 1999 constitutions) as amended of the Nigerian state uphold and accommodate them. These laws which the Niger Delta people see as oppressive continue to benefit the federal government with more economic powers to oppress the Niger Delta Area with little or no interest to develop the area which conspicuously suffers from environmental degradation and pollution, as well as, excruciating, demining and untold poverty among most of the population. Without sentiments of any kind, those Acts which are part of the current constitutional provisions of the Federal Republic of Nigeria are negatively enacted on the Niger Delta Area of which the Northerners and the Northern part of Nigeria stand to be those enjoying the joy and benefit of the crude oil-endowed by the Almighty to the Niger Delta people, this is a major source of the conflict and agitations in the Area, agitations from economic liberation and environmental polluted zone liberation (Bassey, 1999; 2014).

The Land Use Act Decree was promulgated by the then president of Nigeria; General Olusegun Obasanjo on the 18<sup>th</sup> of March 1978, this decree has been rebranded in the 1999 Constitution as amended. Section 44, subsection 3 vested powers and principal owner of minerals and natural gas deposit in the Federal Government, just as with Section 315(d) of the 1999 constitution accommodates the Land Use Act (Babalola and Hull, 2019). The military governments in the past, especially General Obasanjo's junta, no doubt with the

pronouncement of the Land Use Act Decree, eroded the very foundation and principle of federalism practiced universally. It robbed the Niger Delta people of their rights to control and manage the crude oil and gas discovered in that region (Otubu, 2015). The military governments structured the system to have absolute control of the oil and gas industry with little or no say from and by the Niger Delta people, a minority ethnic region but economic strength of the Nigeria State.

In addition, this law has put the Niger Delta region on the disadvantageous end of the whole current practice of federalism which was structured for the very advantage of the major ethnic groups, especially the Hausa/Fulani in the Northern part of Nigeria. In the face of injustice, the Niger Delta region experiences structured injustice in the practice of federalism. The federal government has somehow come to the aid of the region as a way of listening to their agitation for a better life. The situation in the area had shown some sympathy by introducing the derivation principle into the revenue allocation formula called “currently 13% derivation” to the oil states (Samuel, 2010; Odje, 2002). The derivation principle serves as the basis for the allocation of monthly revenue to the individual states in the region (Ojo, 2010; Odje, 2002). The derivation formula has increased gradually over the years and the principle has ensured the region receives more revenue allocation than other regions, but, based on the thousands of barrels of oil and gas lifted from the region, this is a peanut and insufficient due to the peculiarities of the region such as environmental pollution and the absence of basic infrastructure when you consider what the Northern region gets too. Even with the 13% derivative principle, the agitations of the Niger Delta people continue to draw attention beyond the Nigerian state. Although the emergence of civil society was initially met with repression by the government and local villages like Okerenkoko, Odi, Ogoni, and Opia-Ikenyanwere which were destroyed by the Nigerian military in counter-insurgency measures to suppress the people (Akpobibibo, 2003; Ojakorotu, 2011).

Moreover, in 1992, many groups set up by the Niger Delta people to fight for their needs and rights were dissolved by General Babangida, the then military Head of State (Irobi, 2010). These associations were a nuisance rather than people fighting for their rights and the development of the region. With the emergence of more advanced militant groups in the 2000s especially the Movement for the Emancipation of the Niger Delta (MEND), the government deployed the military under the aegis of the Joint Military Task Force (JTF) to curb the growing insecurity of the region (Ejibunu, 2007; Courson, 2016 ). The JTF is composed of security

personnel of the Nigerian military and private police commonly referred to as the Shell Police. The Nigerian government tried at dialogue and negotiation with the militant groups as another means of communication for the settlement of the dispute after the use of military intervention failed to deter the militants. In 2007, a forum for discussion was established known as the Niger Delta Peace and Conflict Resolution Committee (NDPCR) (Courson, 2009; Agbiboa and Maiangwa, 2012).

Additionally, other subsequent attempts have been made with a near success achieved with the amnesty deal of 2009, in which the militants surrendered their weapons in exchange for jobs and the technical training for youths of the region to make them productive members of society. The amnesty agenda of the government was seen by the Niger Delta Civil Society Coalition (NDCSC) as a desperate measure of a government under pressure, to open the creeks, to secure the oil flow, rather than to deal holistically with the inequity in the Niger Delta (Nsirimovwu, 2009; Asanebi, 2016).

## **2.7 The Oil and Gas Industry Activities in Nigeria**

Africa as a continent was responsible for the development of Europe and the United States historically; the continent is blessed with both natural and human resources. However, in the face of all the natural endowments, the continent is still classified as one of the poorest in the World (Ocheni and Nwankwo, 2012). This is connected to the poor technological advancement needed to process those natural resources into finished goods. This led to the continued dependence on technologies from Europe and the United States of America. Painful enough, Nigeria one of the biggest oils and gas producers has none of her refineries working for many years (Shaxson, 2007; Peterside and Ogon, 2016). The political will to make those refineries work is predicated on a lot of sentiments ranging from ethnocentric, political power, and corruption. Shameful enough, for a big country like Nigeria, she exports her crude to Europe and the United States to be refined and the finished products are sent back to Nigeria where they are consumed. Multinational companies exploring and exploiting those crude oils in Nigeria, like Shell, Chevron, Mobile, Texaco, and Agip operations leave the environment with a lot of pollution (Clarke, 2008; Osagie *et al.*, 2016).

This is the situation with the Niger Delta area of Nigeria today. This situation may not be different in other parts of Africa that produce oil. The big questions here are is, are all those multi-national companies operating within the definitions of national laws of their host

countries? Would they allow anyone to operate their businesses in their homeland without following domestic laws on their operations? To what extent do they adhere to international law on the protection of the environment and social corporate responsibilities to their host communities? Are their operations in line with international best practices of the oil and gas industry? Those questions give a clue of the various conflicts in Africa especially the Niger delta conflict in Nigeria. Nevertheless, the Niger Delta Area of Nigeria challenged by environmental pollution, degradation, and oil spillage calls for concerns as these ugly experiences are the outcome of the activities of the oil and gas industry (Peterside and Ogon, 2016). Gas flaring is one of the major environmental pollution killing the Niger Delta area and its people who people in the area. Gas flaring is 24 hours and 365 days of the year, burning into the air. This is more dangerous in Warri, Delta State; Umutu, Delta State; and Imirigi in Bayelsa State.

The health effects on the people in these environments manifest in skin diseases, cancer, and respiratory ailments (Agbibo and Maiangwa, 2012). Painfully as it may be, oil-producing areas are supposed to have the best of benefits both in infrastructure, human development index, and domestic laws that improve the living condition of citizens, as it is experienced by the people of Saudi Arabia, Qatar, United Arab Emirates (UAE) and other oil-producing countries in the Middle East. Rather, in Nigeria, the Niger Delta continues to experience marginalization at its pick, oppressed with national laws and left more in a state of hardship (Soares, 2007; Osagie *et al.*, 2016). The experience with crude oil in Africa is painful as the indigenous people's basic livelihoods were destroyed, as noticeable in Angola and the Niger Delta of Nigeria (Reed, 2009; Waliet *et al.*, 2019). In addition, the oil industry in Africa has not brought an optimal enhancement of their economy when compared to the situation in the Middle East or some European countries. This is a fact that is connected to poor technology, dependency on the west for their technology, and close chaining with low economy Africa to the western exploitative capitalist economy (Clarke, 2008; Simbine and Neji, 2018).

Literature on the negative sides of the oil industry in Africa is focused on the Niger Delta area as the Niger Delta story is pathetic and has continued to be the primary source of the conflict in the area. It is unexplainable that an oil-producing area can be characterized by pure under development and environmental pollution with little or no funding to address the issues of pollution (Maass, 2009; Osagie *et al.*, 2016). The situation of the Niger Delta looks hopeless when you physically see the level of environmental degradation, pollution occasioned

by years of oil spillage which has messed up the waters/rivers in the community. Farming is almost impossible with the oil pollution in their farmlands. The most painful part is the constant gas flaring that because health challenges to the people of the area especially those in the hinterland (Ibaba, 2010; Simbine and Neji, 2018). The reactions to the horrible pollution and neglect by the Nigerian government have caused the conflict that is ongoing in the area, militancy, sabotage of pipelines, and kidnapping of a foreign oil worker (Idemudia, 2010).

## **2.8 Conclusion**

The Niger Delta region of Nigeria is confronted by numerous problems ranging from environmental pollution, the dirt of infrastructure, poverty, and insecurity. This work neither denies the fact that, indeed, the Nigerian government has made some 'lame' efforts to mitigate the ecological and humanitarian disasters in the oil-rich region. Rather, it stresses the need for Nigeria to adapt its laws to the provisions of international law and norms. This way, MNCs doing business in the area will desist from destroying the ecological equilibrium of the area with impunity. Little or nothing has been said on how efficacious the previous laws promulgated by the Nigerian state to ameliorate the sufferings of the Niger delta people. What were the reasons that led to the failure of these laws and how can these bottlenecks be avoided in future laws, to ensure that the people are carried along? What model of peace and conflict transformation can be used in the Niger delta to curb youth restiveness and criminality in the oil-producing region?

Hypothetically speaking, what strategies are being put in place by the government of Nigerian to redress the wrongs in the 1978 Land Use Act, the 1999 Constitution of the Federal Republic of Nigeria, the Derivative Principle, and the Federal Character Principles as enshrined in the laws of the country? By way of analogy, the domestic realities in the oil-producing areas of Nigeria are more critical when compared to those of other oil-producing areas across the world. That notwithstanding, scholars and experts have been unable to identify the critical reasons for the persistent crisis and restiveness in the country's delta region. The question then is, could a country's non-adherence to international protocols on environmental safety be the area of departure in finding true peace and development in the area? Alternatively, will true fiscal federalism and restructuring of the governance architecture of the country serve as a panacea to the recurrent unrest and endemic poverty in the Niger Delta as well as other parts of the country? These and other pertinent questions are being addressed in this study. The next chapter covers a literature review on the causes of the Niger Delta conflict, a dilemma of the

people in the region experiencing underdevelopment, poverty in the face of the endowments of crude oil and gas. The lack of goodwill on the part of the federal government of Nigeria to address the agitations of the people in the region has escalated the conflict. The experiences of environmental degradation and pollution as well as gas flaring in the region are pathetic. The Nigerian judiciary has not helped in to deliver justice for the people as corruption within the Nigerian judiciary has become a great challenge for justice and fairness in their numerous cries and Resource control.

## **CHAPTER THREE**

### **A REVIEW OF THE NIGER DELTA CONFLICT**

#### **3.1 Introduction**

Nigeria's Niger Delta region is one of the world's most blessed deltas, with both human and natural resources. Suffice it to say that the unfavorable way in which these tools have been used over time is now the bane of the predicament of the regions. Therefore, the people of the region are vulnerable to a range of health threats and socio-economic constraints that have made the population more volatile for a long time, resulting in resilience for young people, disputes between youth and community leaders, youth and government agencies, youth and multinational corporations (Imasogie and Osarentin, 2009; Simbine and Neji, 2018). The desired results have not been achieved by attempts from government and multinational companies (operating in the area) to resolve this ugly scenario of gross destruction of lives and property and impingement on the process of discovery of crude oil, refining, and distribution of petroleum products.

This chapter examines the reasons for the Niger Delta conflict, traces its historical background, and the dilemma of the people. The chapter also discusses the positions of the Nigerian government; poverty in the Niger Delta area; environmental degradation and pollution; corruption in the Nigeria judiciary against the Niger Delta region and the agitation for resource control. The chapter also addresses the persistence of the Niger Delta struggle, the control of the resources, and the impact of oil exploration on the people.

#### **3.2 Historical Background to the Niger Delta Conflict**

Historically, the agitations from the people have been on for decades as the appropriate authorities, the federal government, and the multinational oil companies, remain intransigent to their cries. For this reason, the people have considered expressing their agitations by way of obstructing the socio-economic and security situations of the region by taking to some social vices of militancy, kidnapping, and piracy (Amaraegbu, 2011; Akpakanet *al.*, 2015). When the environment is not healthy for the human person to inhabit, that is a situation that infringes on the human rights of the people, especially the right to life and good health of the Niger Delta people.

The struggle started much before the 1980s as the first indications of civil unrest in the Niger Delta started in 1966 when a secessionist movement declared independence and pronounced the establishment of the Niger Delta Peoples' Republic (Ogundiya, 2009; Okolo, 2014). This action was significant as it served as an expression of the dissatisfaction of the Niger Delta people about the control of the oil resources in their area, though the revolt was brought under control within twelve days by the federal government at the time. The 1970s and 1980s were characterized by civil protests by the inhabitants of the region but these received little or no attention from the government as the protests were not viewed as a threat. The 1990s were characterized by the internationalization of the conflict as notable leaders of the civil society were assassinated to curb or repress the uprising. Recent years have been characterized by the sabotaging of oil pipelines and the kidnapping of expatriate workers employed by the Multinational Corporations operating in the Region. The violent Niger Delta conflict can be explained as, "the convergence of interests between rebellious members of the elite like Ken SaroWiwa, the late Ogoni activist, and young fighters who envisioned a world where everyone would become a millionaire and own a Mercedes Benz car" (Reno, 2000: 34).

### **3.3 The Dilemma of the Niger Delta People**

The recognition of the people's needs and the involvement of people in the administration of the resources in their area is a critical synergy in the process of finding lasting peace in the area. Evaluating the records of a good number of multinational companies, donors, and government agencies, listing the number of development projects to host communities (where oil mineral is tapped); one might easily get fantasized, but a visit to such communities would show that what is on the ground is still a far cry from what is needed to boost the people's situation (Onuoha, 2016). Given the amount of deprivation and damage, the activities of multinational companies engaged in crude oil exploration have caused pollution, environmental degradation leading to low agricultural yield, destruction of aquatic life, home displacement, etc. for some communities in the area dating back to 1956. The multinational corporations operating in the country have not done enough to fulfill people's yearnings and expectations.

The failure of multinational companies to fulfill their previous commitments to their host communities is another factor noted to have further fuelled the conflict in the region. Some community members (such as community leaders and youth leaders) who strike agreements with corporations on behalf of their respective groups are not altruistic. To the detriment of



their respective communities, they are more involved in what will favour themselves and their immediate family members. Some of the issues faced by the different communities in the Niger-Delta region today include epileptic electricity supply where it exists, degradation of the environment, poor health facilities, lack of potable drinking water, inadequate and in some cases, lack of transport facilities, lack of access to credit facilities, land and poor housing, unemployment, infertile soil as a result of the extraction of crude oil, insecurity, poor educational facilities, corrupt practices (Imasogie and Osarentin, 2009).

According to Roberts and Schroeder (2014), the third world nations and their people have suffered greatly from injustice meted on the environment at the instance of the developed nation's advancement in science and technology. The environment of the third world nations is used for testing new advancement in science and technology where new equipment are tested and improved upon to improve the development in the developed nations and the rapacious exploitation of the resources of the third world countries. Most industries owned by capitalist developed nations have their plants in Africa and other developing nations in the world, which at a time in their history experienced colonialism and in some cases, continue to experience the indirect colonial rules manifesting as imperialism. The injustice meted by the west on the south is based on the deceit of bringing advancement to the third world nations, where they feel that the lives of the people in the third world nations are less precious than those of the citizens of the developed nations.

The activities in the Niger Delta area with regards to the oil industry reflect this above-stated fact. The activities of the multinational companies exploring crude oil in the Niger Delta area have continued to distribute toxic wastes of different kinds to the environment in the area and this has effects on the health of the human population in the environment, and this kind of situation can only be situated in Third World nations or developing countries (Race, 2005; Bodo, 2019). The Niger Delta region is a region where the environment has suffered a great deal of injustice from the activities of the western industries exploring and exploiting crude oil in the Area. Today the environment suffers from environmental pollution, degradation, and spillage, it is amazing to note here unambiguously that many of the companies operating in the Niger Delta Area within the gas and oil industries are owned by the west, Shell, Chevron, Agip, Texaco, Total and others, but just to mention a few. Environmental injustice for me is the resultant effect of western industrialization in an environment without putting first the protection of the environment in their capitalist mindset, leading to reactions from the people

in a way that they continue to agitate for a better environmental situation and quality of life for the members of the host communities (Race, 2005; Bodo, 2019).

Nigeria operates an obnoxious federal system of government where the sub-states cannot control the resources in their territories except the federal government (Abubabkar, 2001; Imosemi and Abangwu, 2013). Nigeria is one of the biggest OPEC members, she is ranked as the 6th oil-producing country in the world, of which the Niger Delta Area of Nigeria is the region where the oil and gas are located which is used for the development of the other parts of the country that do not have crude oil. The economic stability of the Federal Republic of Nigeria has been greatly determined by the Niger Delta area, given the continued activities of militant groups, freedom fighters in the area, especially since the execution of Ken Saro-Wiwa by General Sani Abacha in the 1990s (Courson, 2009; Mmon and Igbuku, 2015). The Niger Delta area is the economic power of Nigeria. Its population is about 30 million people (Ejibunu, 2007; Odje, 2002), and it is characterized by sundry languages and cultures but tenaciously hold the same identity as a minority group in the Nigeria framework of 1960. The marginalization that's characteristic of the way the Niger Delta region is being treated is the driving force for the quest for secession from the Nigeria State as their agitations for a better life for the people and the region have been considered with little or no response by the federal government of Nigeria. This dearth of response has not been mitigated even after institutions, like the Ministry of the Niger Delta Area and the Niger Delta Development Commission (NDDC), established to alleviate their suffering.

One can see from the above that the region has been in this precarious situation even before and shortly after the independence of Nigeria in 1960 (Dokubo, 2004; Okolo, 2014). It has not had major benefits as a crude oil-endowed Region. The region represents Nigeria in the international arena especially in the Organization of the Petroleum Exporting Countries (OPEC) as an oil-producing country and has continued to be the economic strength of Nigeria as Okonta and Douglas and Osaghea adumbrate and put it right (Okonta and Oronto, 2003; Courson, 2016). The oil in the Niger Delta Area is supposed to benefit the entire population of Nigeria, with a preference for the Niger Delta people in all aspect of life, but a few, especially those around the corridors of power, politicians corruptly take everything to themselves, causing untold hardship for the larger population of Nigeria the host region of the crude oil and gas in the Country (Falola and Heaton, 2008; Agbiboa and Maiangwa, 2012). This experience has further brought about militancy in which for them is a way of agitation and making their

grievances known to the federal government and the entire world at large. The resultant effect is the kidnapping of foreigners, sabotage of pipelines, vandalization, and bunkering to draw attention to their cries (Ikelegbe, 2010). Although the manner and ways the militant group carry out their operations became a call for some concerns since 2006 with a terrorist approach to their agitations and continue to pose a challenge to conflict resolution for dialogue (Ibaba, 2009; Asanebi, 2016). Again, the reaction of the militant groups is due to the dark experiences of the people in the region where the wealth got from their region as 95% of the economic strength of Nigeria is used in the development of Abuja the Federal Capital Territory located in North Central of the Northern part of Nigeria and yet no palpable infrastructural development in the Niger Delta area (Ojakorotu and Olawale, 2009; Peterside and Ogon, 2016).

The Niger Delta conflict thus so far needs some basic understanding as it is emanating from oppression, neglect on the part of the federal government and the multinational oil companies exploring crude oil in the Region, for some parties the agitation for a better situation for the Niger Delta Area is one that is on course especially those from the South-South region of Nigeria where the Niger Delta states are located mainly, but the Northern part of Nigeria see the agitation and conflict as senseless. I think over and above it the agitation and conflict should be appreciated as it connects to the call for social justice, equity, and fairness to the region (Agbonifo, 2007; Waliet *et al.*, 2019). Again, it must be understood here in the above connection, that the experiences of underdevelopment, marginalization, and neglect of the Niger Delta area gave birth to activism and militancy in the region today (Ibaba and Ikelegbe, 2010). The use of force and state security apparatus especially the Nigerian military to suppress the agitation of the Niger Delta people when there is a protest has further increased the size of the conflict in the area. The use of force by the government is always a synergy with the MNCs and some of the elites who enjoy the oil wealth of the people gotten from oppression and intimidation (Ikelegbe, 2010). The Niger Delta area conflict is connected to many factors and one of them is the continued conspiracy of the MNCs exploring crude oil and gas in the area with the federal government to oppress and intimate the people not to speak of their rights especially those activists in the region who clamor for fairness for the people. Sometimes, it happens that even when the people resort to litigation in the law court, these oil companies end up influencing judgments, and worse, they use military brutality to condition the agitators, this factor, further escalated the conflict as it is today because the militant groups try to match intimidation from the government and multinational companies with the gun for the gun (Courson, 2016; Tammy *et al.*, 2019).

The Movement for the emancipation of the Niger Delta (MEND), plays a major role in the Niger Delta conflict. It is predicated on justice and fairness for the Niger of the Delta area therefore it moves side by side with the Niger Delta conflict and has a goal, not within criminality but the actualization of a better life and infrastructure of the region (Asuni 2009; Simbine and Neji, 2018). The sharing formula of the monthly state allocation in Nigeria by the federal government is understood to be unjust to the Niger Delta region because this region gives more to the country but receives less almost receiving as those in the Northern States who do not produce oil and gas and that has continued to be another major source of the Niger Delta conflict today (UN Report, 2006; Amaraegbu, 2011). In the same vein, the economic powerhouse of Nigeria resides in the Niger Delta region as Nigeria depends primarily on the sales of crude oil found in the region for its economic survival and this has made the government concentrate a lot on this region thereby exploiting them and causing more damages to the region (Danjuma, 1994; Akpakanet *al.*, 2015). Another factor that can be pointed at here as one of the causes of the Niger Delta conflict and the consequent rise of militancy in the area, is the remover of ownership of resource the actual landlords in Nigeria, which the military junta of General Olusegun Obasanjo then military Head of State of Nigeria did when he enacted the Land Use Act of 1978 and another Military government enacted the Petroleum Act of 1969. These two Acts stand to be a contradiction and aberration to the practice of Federalism which Nigeria practices today. These laws were created by the federal government in other to have control over the crude oil in the Niger Delta and to also ensure that the oil companies were accountable directly to the seat of power. For the militants, these laws are oppressive to the people of the Niger Delta and must be abrogated in the Nigeria legal system (Collier, 2016).

### **3.4 Lack of Goodwill for the Niger Delta by the Nigerian Government**

Resistance against the Nigerian state and the multinational oil firms has embroiled the Niger Delta Region. With pockets of insurgency and armed revolt, it has been characterized as generally restive. After five decades of oil extraction, environmental destruction and state neglect have firmly situated an impoverished, oppressed, and exploited citizenry, resulting in extreme resistance in which the youth are the main vanguard. As Ikelegbe (2005) and Okolo (2014) put it, popular and criminal activity, lawlessness, unlawful appropriations, and insecurity have been further aggravated by a system of state repression and corporate violence. Thus, in the Niger Delta region, before the Amnesty Program, extreme hostilities, violent confrontations, and criminal activity took place. An intense proliferation of weapons and

institutions and/or agencies of violence, ranging from the Nigerian Armed Forces to the Community, Ethnic and Youth Militia have thus pervaded it.

Nigeria is a country that has experienced a lot of crisis, conflicts, religious and ethnocentric differences as well as a civil war in the past. In the face of every tragedy, the country continues to wax strong in lip and bounds even when many views doubted its survival (Fourchard, 2007; Ojakorotu, 2011). The Niger Delta region which hosts the greatest national resources of the Federal Republic of Nigeria has always been known to be a theatre of conflicts especially since 1999 with the return of a democratic system of government from the military in Nigeria. A situation where lots of wealth come from the region, and the people still experience a high level of excruciating and demeaning poverty, is a situation that can instigate agitation manifesting in armed conflicts, reactions, insurgency/rebellion (Aregbeyen, 2004; David, Bodo and Gimah, 2019), and other social unrest as their situation is understood to be the outcome of injustice and oppression, and the continued sharp practices of multinational companies in the region (Ikelegbe, 2005; Akpomuvie, 2011).

In another context, the Nigeria state within the sub-region of West Africa has the capacity and capability of a power broker and hegemonic status (Mbara, 2019b). Nigeria is blessed both with natural and human resources, and it is the most populated black nation in the world. Her citizens are scattered all over the world contributing to different areas of life globally, both in academia, medicine, science, and technology. Nigeria as a nation going by the level of crude oil, is blessed within the Niger Delta area, is capable of being an industrialized country. Ironically and paradoxically Nigeria as a country is far from industrialization and development. The Niger Delta region is an integral part of the Nigerian territory and it serves as the economic base of the nation due to the Nigerian reliance on the export of crude oil. After many years of crude oil exploitation in the region for the wellbeing of the country, the region remains very poor, backward in infrastructure, and polluted environmental-wise by the activities of the oil industry (Ambily, 2009; Tammy *et al.*, 2019).

Before the advent of the oil industry in Nigeria, the artisans, farmer, and fishermen had a great economy, they relied on the environment for a fruitful day, the rivers and land were productive for the fish and planting of their crops, a clear paradox of what the experiences are today in the region (Adeola, 2014). The crude oil in the region has, through the greed of the political class, become a source of anguish and pain for the people, especially as their environment continues to experience pollution, spillages, and degradation (Aghalino, 2012).

The Niger Delta region became of significant importance to the government as this region is the only oil region of Nigeria and it generates the major percentage of government revenue. This is the very reason many scholars and political analysts have continued to condemn the central government of Nigeria for the sharing formula or monthly allocations to states from sales of crude gotten from the Niger Delta area of which even the northern states that produce no barrel of crude oil get almost the same percentage with the oil-producing states. This is an egregious error in our practice of federalism, unjust to the Niger Delta region and this is another angle at which one can look at the conflict and unrest, militancy, and piracy in the area (Ojakorotu, 2009; David et. al., 2019).

The laws regulating land ownership and the exploration of crude oil in the Niger Delta area is another cause of the conflict that's predominant in the area, as agitators see these laws to be unjust, thereby agitating for a review or total abolition (Nna and Ibaba, 2011). The agitations from the Niger Delta pipeline continue in different directions but still have a meeting point, as the laws that define the ownership of natural resources in the land and the rightful owners of the resources are triggering more demands from the agitators or a legal framework that can justify resource control or to the extreme the right to self-determination. Consequently, the causes of the Niger Delta conflict can be attributed to several factors ranging from the underdevelopment of the region when compared to other regions in the country, to the environmental degradation of the region that arises due to the activities of Multinational Oil Corporations. The causes of the Niger Delta conflict are resource control which is still the *sine qua non* in the actualization of perpetual peace in the region.

### **3.5 Poverty in the Niger Delta Area**

There is the perception that nations that are blessed or endowed with natural resources like crude oil and gas are understood to be developed countries because of the high demand globally for petroleum products especially for the high growth industries in developed nations. Conversely, such perception may be wrong as the case and situation of Nigeria is not far from poverty especially within the Niger Delta area, an area that is responsible for over 90 percent of the Nigerian wealth as a nation today. Nigeria as a member of the Organization of Petroleum Exporting Countries (OPEC), is ranked as the sixth-largest nation in the world that produces oil but one of the poorest nations in terms of per human capital (Oviasuyi and Uwadiae, 2010).

According to Shackleman (2006:23), "the failure of economic development such that many of the world's poorest countries are locked in a tragic vicious cycle where poverty causes

conflict and conflict causes poverty” is one major cause of conflicts. This view attempts to explain the basic causes of conflicts as the prevalence of poverty which has led to the disillusionment of the citizens and the growing restlessness and revolt among the youths especially those of the third world nations as can be brought forward in accounting for the militancy that is predominant in the area. The poverty in the area manifests in the lack of infrastructural development, the almost absence of pipe bound water, electricity, road networks especially those connecting the hinterland to the capital cities, dilapidated schools, no model telecommunication connection, and the total absence of employment for the youths who may have the requisite academic/vocational qualifications to be gainfully employed. But painfully, thousands of “dollars” of crude oil and gas are exploited from the region especially the hinterland communities’ and funds got from the sales never get to the people through infrastructural development (ANEEJ, 2004; Tella *et al.*, 2014).

This unjust treatment meted on the Niger Delta people has brought about agitations for a better life for the people, they express their agitations in vices manifesting in viciousness by the youths in order to get the attention of government at all levels including the international community, breaking of pipelines to make some financial gains because of poverty in the land (Afinotan and Ojakorotu, 2009). The revenue gotten from the natural resources of the region serves about two-thirds of the country’s revenue. For example, the revenue generated by the federal government in 2001 amounted to over two trillion naira, with oil revenue accounting for 1.7 trillion naira (Central Bank of Nigeria Report, 2016). This crude oil accounted for 85% of the revenue generated yet the region is characterized by underdevelopment with the absence of good roads and basic infrastructure. The major means of transportation is through the water with the use of local canoes and boats and this has served as a hindrance to the economic development of the region and created an obstacle too for investment by foreign and local investors.

The pollution takes the form of oil spillages and gas flaring as such environmental degradation has robbed the people of their livelihood which is fishing and farming as the oil spills have changed the components of the habitat. Human and economic capacity, unemployment, and increased poverty characterize the region today, the Niger Delta area has suffered a great deal of environmental degradation and pollution which includes the pollution of the rivers and farmland (Eregha and Irughe, 2009; Baumüller, *et al.*, 2011). Amid all these, the oil industry has continued to benefit the economic situation of the Nigeria state while the

economic situation of the region that hosts the crude oil continues to retrogress as there is no fruitful land for farming and no clean water for fishing (Balouga, 2009; Onuoha 2016). The poverty in the Niger Delta area of Nigeria cut across. Meanwhile, going by the World Bank report of 1995, in the areas of education, health care, and housing infrastructure, it is on record today, that one of the lowest globally per capita income can be found in this region and it is below \$200 (World Bank Report, 1995).

### **3.6 Environmental Degradation and Pollution**

One of the greatest risks to global health is pollution. Environmental pollution can kill the soil and contaminate the atmosphere and water. Every year, 8.9 million people die from pollution-induced diseases, according to the World Health Organization (WHO, 2014) and 8.4 million (94 percent) of those in this group are from developing countries around the world. Research conducted by several (Agwu, 2013; Andrews, 2015; Bodo and David, 2018) has shown that the environment has been massively polluted by the exploitation of petroleum, especially in Nigeria's Niger Delta region, and several premature deaths are due to various types of pollution. When people are continually exposed to a polluted environment (which results from the exploitation of petroleum), it can affect their nervous system, blood, and kidneys; and in most cases may lead to coma and death (Bodo, 2018).

Some studies such as Nriagu, Udofia, Ekong and Ebuk, (2016) have indicated that there is still insufficient understanding of the pathological and psychological impact on the health of local populations. Pollution has also contributed to millions of dollars in financial losses for the health sector. It is noted, for instance, that the annual cost of childhood diseases caused by environmental contamination is estimated at US\$76.6 billion (Landrigan and Fuller, 2015). Pollution is a daily phenomenon in Nigeria, and it is very evident in the air we breathe, and the world is aware of this awareness. The word pollution is popular with the people of Ogoni in Nigeria. Most recently, black smooth (a result of illicit petroleum refining) contaminates the atmosphere there. The Ogoni people have undergone several crises and violence that have led to large protests and mass protests and Agitations on various fronts for their rights, due to the extraction of petroleum on their property.



**Figure 3.1:** Impact of oil spill on aquatic life in the Niger Delta.



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Figure 3.1 above shows the impact of environmental pollution on the aquatic/biodiversity in the Niger delta. In August 2011, an “Environmental Assessment of Ogoni land” (popularly referred to as the UNEP Report) was released by the United Nations Environment Programme (UNEP) – a study on oil pollution in Ogoniland in Rivers State, an area of the Niger Delta (Mmon and Igbuku, 2015). Unfortunately, following such UNEP studies and recommendations, Ogoni land has remained contaminated with people still living there and running its usual businesses. As a result, the Ogoni communities have encountered diseases and deaths regularly. People have felt that their views and feelings about their climate have not been considered (Akpabio and Subramanian, 2012), leading to traditional values and traditions being overlooked (David and Bodo, 2019); and many years of oil extraction have also contributed to an impoverished region. In certain countries, people assume that the “real truth” is whatever the government says; the media and legal institutions are their facilitators in selling to all this “so-called truth” about an economic interest.

Due to its various shortcomings (Bodo, 2018; Bodo and David, 2018), several scholars also regarded petroleum wealth as a curse. It would not be incorrect to say that the Ogoni people have lived in a contaminated environment for more than half a century (since 1957 when exploration began) (WHO, 2014). And this contaminated environment could be responsible for the many diseases and deaths found among them. In this connection, the Niger Delta area is

bedeviled by the challenges of gas flaring that constantly pollute the air, crude oil spillage into the waters and farmlands of the peasant farmers who survive by their farm produce (Bodo, 2019). This spillage and gas flaring have become a great source of environmental pollution in the land today. Technically it's appropriate to clarify here, that each phase of oil activities comes and goes with sundry kinds of chemical compositions, and that is a significant source of environmental pollution (Amnesty International Publications, 2009; Imosemi and Abangwu, 2013). These chemicals are deposited into the environment especially into the waters and farmland cum habited environment (Nagy, 2001; Odje, 2002).

Normally in nations around the World blessed with crude oil, like Saudi-Arabia and Libya, crude oil and gas are a source of economic blessings to the people and communities who host the oil wells with the benefit of a quality improved life for them manifesting in infrastructural development and healthy environment. But the situation is different in Nigeria where the Niger Delta area suffers precisely from the crude oil found therein. There is a lot of factors at play for not enjoying the benefits of crude oil from the region; from corruption to environmental pollution (Bullard, 2005; Waliet *et al.*, 2019). This injustice to the people need the interventions of a sound normative system and proactive national laws to save the people and their environment, this is not far to note promptly the militancy activities in the region is a means of putting their agitations across to the relevant authorities in Nigeria to come to their help for possible rehabilitation of the land and compensation of the people because of the injustice (Ibeanu, 2000; Akpomuvie, 2011).

The blessing of crude oil in any nation of the World comes with improved welfare for the people who have the oil, increase their economic fortunes because of the global value of the various products that are gotten from the crude, ironically has become a source of pain, the experience of untold hardship, poverty, health challenges and conflicts in the land (Ikporukpo, 2004; Tammy *et al.*, 2019). Thus, the activities of the multinational oil companies bring about the pollution of the Niger Delta area manifesting in oil spillage, environmental degradation, and pollution (Gbadegesin, 2001; Baumüller *et al.*, 2011). The side effects on the health of the people sometimes include brain damage, respiratory illness, birth defects, cancer, and premature birth cum death (Adeola, 2001; Bodo, 2019). The nonchalant attitudes of the Federal Government of Nigeria and the multinational oil companies in the Niger Delta area towards protecting the environment from degradation and pollution, continue to stand as a health challenge to the people of that region, the continuous release of gas into the air (gas flaring) in

communities and around them inhabited by human beings could be understood to be the zenith and crescendo of voraciousness to mankind, the most painful once I have in my mental picture are those situated in Imirigi, Ogbia Local Government Area of Bayelsa State and another one in Kwale land in Umutu in the Delta State of Nigeria, these gas flaring from the two plants cited above are for Shell Petroleum Developmental Company. The United Nations Development Program report in 2006 condemns this hazardous pollution of the air and went further to suggest that there were other sources of air pollution in the area, such as fertilizer plants, steel mills, motor vehicles burning of gasoline into the air, and plywood factories (UNDP, 2006).

Nevertheless, the Niger Delta region is not cursed; it has just been plugged into a capitalist system where profits are the focus not the side effects of crude oil exploration. In all these injustices meted on the Niger Delta people by the multinational companies, agents of the western world, the federal government has been veraciously unconcerned to the plight of the people and their environment. Although they may claim to have put down institutions to alleviate the sufferings in the land through the Niger Delta Development Commission (NDDC) and Ministry of Niger Delta, the big question is this: To what extent are the regulations of these agencies enforced to bring about 50 percent of these agencies are supposed to deliver to the people and infrastructural development in the land? Again, these institutions are just surreptitious surface ways of deceiving the people of the land and stopping them from making further agitations of their rights (Watts, 1991; Mmon and Igbuku, 2015).

The Niger Delta area continues to suffer the side effects of oil exploration. Scholars have noted that the activities of the oil industry no doubt pose health challenges to the people of the area (Adeola, 2000; UNEP, 2011). The very painful aspect of oil exploration activities in the region is the continuous gas flaring into the air, a big challenge to the health of the people because of the hazardous combination (Chokor, 2004; Gimah and Bodo, 2019). But the big question here will be: the multinational companies exploring crude oil in the area, is the federal government aware of the negative impacts on the health of the coastal area people of the Niger Delta? Studies have shown that some of the health challenges that come with environmental pollution and degradation are deadly, like miscarriages for pregnant women, cancers, deformities during conception and afterward, respiratory illnesses, and painful body outgrowths (Mynepalli, 2009; Waliet *et al.*, 2019).

Oil spillages in the region is another deadly source of environmental pollution in the Niger Delta area, as it pollutes the waters, streams, and rivers, the river waters are always the main source of drinking water for the people, especially those areas located along the coastal lines, not just for drinking but for other domestic activities like for cooking and their bath. This is because of the neglect of the area, as the government at all levels has failed to provide for the people clean pipe water for their activities. On the other hand, spillages come with militant activities, breaking of the crude oil pipelines a way of expressing their agitations for a better life in the region and oil theft without prompt repairs of those broking pipelines in the area (Ibeanu, 2000; David *et al.*, 2019). In the views of this, Asia and Ndubuisi (2007) submit that the greatest motivation for the Niger Delta agitation and expressions are ignited by the ugly experience of environmental degradation and pollution, injustice, and oppression.

Following the argument put forth by Asia and Ndubuisi (2007), it is crystal clear to know that it's only the healthy and those with life that can enjoy the basic amenities of life, like a good road network, schools, electricity, clean water, and housing. But when the means that bring all the above good things mentioned stand to be a means of death in the process of the outcomes, then there is nothing to hope for. This study submits that if the multinational companies and the federal government can show sincere commitment to protecting the environment from degradation and pollution, not a source of their health challenges for them as it is in their situation in recent time. Environment concerns should be the first topical issue to be addressed in the Niger Delta crisis by all stakeholders within the oil industry. Generally, health care institutions are not located in the hinterland where the oil explorations take place in the Niger Delta area, so the health challenges are not addressed. It is only the major capital cities, like Yenegoa, Asaba, Port Harcourt, Benin City, Uyo, Calabar, Akure, and the rest, are the few places where serious health challenge can be diagnosed and treated, but sometimes even these city hospitals do not have the facilities and available medical doctors around. This is the current situation with the health of the coastal dwellers of the Niger Delta area. This situation and the health experiences of the people make it look as if the oil in their land is a curse to them instead of a blessing as you can see and find in other oil-producing nations in the world. The lack of basic amenities in the region has made life difficult for the people (David and Bodo, 2019). Poverty posed a great health challenge to the people as many of them cannot afford good food and clean water because the environment has been polluted. This is a region that those living in the coastal zones live below the poverty lines of \$1 a day.

The Niger Delta region continues to experience unprecedented situations of pains and untold hardship, because of the laws of the land which has put the region in a disadvantageous situation so as not to be able to decide on what happens to the crude and gas in the land. This is the primary source of the conflict in the land and experience of the unpalatable environmental situation. One would have thought that the administration of President Muhammadu Buhari will change the situation of this region. Unfortunately, the situation has become worse under the administration, as it deliberately enshrined nepotism and sectionalism on a higher level in his government, doing things especially in favour of the Northern part of Nigeria where all developmental efforts are channelled and directed, including the resources of the Niger Delta area (Ako, 2009; David *et al.*, 2019). The experience of untold hardship in the region has become too clear in recent times as the area has been neglected by this current federal government of Nigeria.

### **3.7 Corruption in the Nigeria Judiciary against the Niger Delta Region**

Afiekhena (2005) cited in Agbiboa and Maiangwa (2012:109) estimates that “about 80 percent of Nigeria’s oil and natural gas revenues accrue to one percent of the country’s population. The other 99 percent of the population receive the remaining 20 percent of the oil and gas revenues, leaving Nigeria with the lowest per capita oil export earning put at \$212 per person in 2004.” Worse still, most of the wealth that comes from the one percent of the Nigerians (the elites) who looted the “national oil cake” ends up outside the nation. As Afiekhena (2005) cited in Agbiboa and Maiangwa (2012:109) declares again, "Nigeria had an estimated \$107 billion of its private wealth held abroad." As a result, not only are most Nigerians excluded from the oil wealth gains, but most of the wealth was also not spent in the country leading to most Nigerians living below the poverty line. Obi (2010) thus argues that in Nigeria, oil is more of a curse than a blessing.

The Niger Delta region should be a large economic reservoir of national and imports. In return for large revenues that promise rapid socio-economic transition, its rich endowments of crude oil and natural gas wealth feed methodically into the international economic system. The Niger Delta region, sadly, remains arguably Nigeria’s poorest and least developed area (Ibeanu, 2000; Odisu, 2015; Bodo and Gimah, 2018). The place is home to profound ironies. In a period of blockbuster oil prices, life expectancy is declining. In an area that supplies one-fifth of the United States’ energy needs, energy supply is epileptic. Despite producing over two million barrels of crude oil per day the Niger delta needs to import gasoline! In a region whose

wealth is financing tremendous infrastructural growth in other parts of Nigeria and costly peacekeeping operations in other parts of Africa, there is an almost complete absence of paved roads. For most Niger Delta people, hope and progress, much less prosperity, remains elusive.

Corruption is associated with government officials or public office holders (Mbara, 2019a). This is not to say that corruption is not prominent in the private sector, for both the public and private sectors make up the large economy of the states, and wherever corruption is endemic in the economy it adversely affects the entire system of the social and superstructure (Mbaku, 2008; David and Bodo, 2019). Corruption is associated with power. Those who hold public offices that come not often for them, try to acquire wealth for themselves which is typical in the public domain of Nigeria. In Nigeria, government personnel try to push for success with funds corruptly acquired, put nepotism and ethnicity in front of their minds before merit, and these manifest in the ineptitude of government (Friedrich, 1990; Akpabio and Subramanian, 2012). The practice of corruption in Nigeria in recent times has been normalized; it is becoming a culture at all levels of social life including the ecclesiastic community. This perception looks impossible to be corrected by the government even with the establishment of the Independent Corrupt Practice Commission (ICPC) and the Economic Financial Crimes Commission (EFCC). For these anti-graft commissions to succeed in the fight against corruption there must be a willingness by the government to bring justice to ethnic groups and regions that have been marginalized like the Niger Delta region, make politics less economically attractive and consider the welfare and minimum wages of civil servants at the bottom of government bureaucracy (Caiden 1988, Osaghae and Suberu, 2005; Mmon and Igbuku, 2015).

Africa is one of the blessed continents with natural resources which many of those resources cannot be found in Europe but continue to be characterized by backwardness, poverty, and conflicts of different kinds. It is because of corruption and greed the Niger Delta area is underdeveloped which in turn has necessitated the expressions of grievances by the people manifesting in conflict as a way of drawing the attention of the world to the horrendous situation of the Niger Delta people. Nigeria has earned approximately \$400 billion in oil revenues since the 1970s, yet the people of the Niger Delta still live in extreme poverty. The 2019 Human Development Report (includes recalculated HDIs from 1990 to 2018 using consistent series of data) puts Nigeria's HDI value for 2018 at 0.534 – which put the country in the low human development category – positioning it at 158 out of 189 countries and territories. Away from the treatment of the federal government of Nigeria, the States and local

governments system and the Governors of the region institutionalize corrupt practices have worsened the situation of the region today.

The Niger Delta region has many minority ethnic groups, and the government has continued to play on this to marginalize and under-develop the region. The governments have indirectly fuelled inter-ethnic clashes and even in situations where groups can successfully come together, the actions of such groups are met by repression by the government (Fagbadebo, 2007; Nriaguet *al.*, 2016). Actions such as the allocation of schools and government-limited institutions have further divided the ethnic groups in the Region. For example, the ethnic clashes in Port Harcourt are purely a distributional sectional struggle for the largesse of the oil industry distributed between the government and Multinational Corporations (Ugwu, 2010).

The shift from an agriculture-based economy of the Nigeria State to a petrol-based economy since oil was discovered in the Niger Delta area, marks the beginning of an era where corruption was accepted as part of the lifestyle of political holders (Apter, 1998; Landrigan and Fuller, 2015). The painful one in the practice of corruption in Nigeria is that those who have the political opportunity to loot from the petrol-dollar economy of Nigeria end up transferring those stolen money in the United States currency abroad storing this money in foreign banks without using the money to build institutions that will provide jobs for the jobless youths of Nigeria especially the Niger Delta youths (Afiekhena, 2005; Bodo, 2018). This practice has so far continued to cause poverty in the land for the common man who does not have the political opportunity of the petrol-dollar economy, making the blessings of crude oil look like that of a curse in the land and for the Niger Delta people (Obi, 2010).

Of life and a system that is corruption free, the Niger Delta area is supposed to be a well-developed region considering the amount of wealth it generates for the Nigeria state, but sadly the region stands to be one of the poorest ever and less developed in Nigeria (Omotola, 2006; Bodo and David, 2018). The region cannot boast of modern infrastructure, like road network especially in the hinterland where the crude oil is exploited by the Nigeria State, no electricity and clean water to drink not to talk of school and hospitals, yet this region is responsible for the funding of the development of the Northern part of Nigeria, especially the Federal Capital Territory Abuja one of the fastest developing national capitals in Africa today (UN Report, 2006; Andrews, 2015).

The federal government of Nigeria's reluctance to checkmate the monthly allocations to states in the Niger Delta area for the running of affairs is another factor in how the

government continues to fuel the Niger Delta conflict. In these states, a better percentage of those allocations go into the pockets of politicians against the intended purposes in which such allocations were made, which is mainly for the development of the people and the region (Suberu, 1996; Agwu, 2013). There should be no doubt that corruption has done great harm to the system of Nigeria in every aspect today. The endemic is wide spreading across the bureaucracy of the state, and we may point this out to be a result of a lack of disciplined and focus leadership, at the federal, state, and local government levels (Ikporukpo, 2002; David *et al.*, 2019). The truth is that if corruption is not controlled and brought to a total end in Nigeria, it may just cause the permanent death and total extinction of the Nigeria state from the face of the earth in years to come (Achebe, 1983; Akpomuvie, 2011). The outside World perceives Nigeria and Nigerians to be one of the most corrupt nations and people in the world; this is not farfetched from the records of corruption on Nigeria's past leaders. Even for those who are in the vanguard against corrupt practices for some views are doing so because they have not had the opportunities to corruptly accumulate wealth from the national cake, this is becoming an inherent problem today that will require both spiritual and re-orientation to correct (Amadi, 1982; Tammy *et al.*, 2019).

The mentality of many Nigerians especially those of the lower class has normalized the issues of corruption. That is why you will find lots of these common people celebrating those politicians who have stolen their money and persecuted by the courts of competence, as in the case of James Ibori, the former Governor of Delta State, on his arrival from the United Kingdom where he served his jail terms on corruption charges. He was celebrated with a kingly reception in Ogarah in Delta State (Ejibunu, 2007; Tella *et al.*, 2014). Also, the case of Diepreye Alamieyeseigha, the late former Governor of Bayelsa State, who after his jail terms in Nigeria, was celebrated with a kindly reception in Amassoma in Bayelsa State too (Guest, 2004; Bodo, 2019). These very examples are a great irony to an understanding of the singular facts of how corruption has damaged Nigerian society today. Even in our religious institutions, these corrupt politicians are celebrated especially when they bring out their stolen money as donations to the church, it is a pitiable situation and almost looks impossible to correct in Nigeria. This is a major internal factor affecting the development of the Niger Delta area.

The amount of money especially from the excess crude account and the monthly state's allocations to the South-South governors since 1999 till date could have addressed the challenging situation of underdevelopment of the Niger Delta area if they were used judiciously



and sincerely (Ogundiya, 2011). Sometimes, the practice of corruption among public office holders is aided by their family members, children, brothers, sisters, and even parents as it was discovered in the case of James Ibori, whose younger sister Christine Ibori-Ibie, was convicted by Southwark Crown Court in the United Kingdom for aiding his brother James Ibori in money laundering and mortgage fraud activity said to be at approximately \$101.5 million (Fagbadebo 2020). In all, about the case of James Ibori, the EFCC put it in a summary that the former Governor siphoned a whopping sum of \$292 million in Nine years, i.e., from May 31st, 1999 to May 31, 2007 (EFCC Report, 2007). The two governors just analysed above were governors from the Niger Delta area of Nigeria. This shows that the underdevelopment of the area is not just the only fault of the Federal government but also of the governors of states in the area.

The above governors are not the only ones found guilty of corruption; others are but possibly on a low scale. In his study on the failure of the state legislatures to sanctioned corrupt governors, Fagbadebo (2020) confirmed that most of the state governors were protected by their respective legislative bodies to stave off removal over allegations of corrupt practices. Nevertheless, their conviction after the expiration of their tenures indicated the burgeoning culture of corruption in the Nigerian state. And this was rampant among government leaders in the Niger Delta region. The pioneer chairman of the EFCC, Mallam Nuhu Ribadu, recounts that in the year 2013, 70 percent of the oil revenues approximately \$14billion, went into the pockets of individuals under the watch of President Olusegun Obasanjo as the President of Nigeria and the Minister of Petroleum Resources (Usman, 2007; Okolo, 2014).

There is a saying that the judiciary is the voice and hope of the voiceless and the hopeless, where the last hope of justice resides for the common man and the oppressed of society. The judiciary brings the hope of justice to the oppressed man no matter how influential and powerful his oppressors are. This can only work where the judicial system has not been anyway compromised for the rich and the mighty in society. In this connection, where can one place the Nigeria judicial system, do they work with the above principles which every judicial system globally must adhere to? Again, one can say that the very foundation of the Niger Delta conflict and underdevelopment resides within the ambiance of legal interpretations where the land and ownership of the Niger Delta people are expressly taking from them and justified by law, the Land Use Act of 1978 enacted by the successive military junta.

There is little doubt that universally the issues of land are of pivotal importance in every society, the land is a primary source of food products (agriculture), shelter and often inside

where natural resources are discovered and therefore, the quest for land by man is very high (Omotola, 1985; Odisu, 2015). The Land Use Act in the 1999 Constitution as amended, gives the federal government the legality to have control over any land in the country where there are natural resources therein if this land was owned by an individual upon the discovering of any natural resource in the land the individual gives way for the federal government to take possession and control of such land, this is where the Niger Delta people and region has it is the source of conflict from today (Omeje, 2006; David and Bodo, 2019). This law today is justified by even legal luminaries based on the federal government harmonizing the land tenure system (Nnamani, 1995; Akpabio and Subramanian, 2012). Although this land tenure system is in synergy with the state governors of each state who has the final say on the issuance of the certificate of occupancy of any land in the state, he informs the federal government to have direct control on any land discovered to have any natural resources inside the soil.

The Land Use Act as a law is viewed to be oppressive especially to the Niger Delta people, where the benefits of the natural resources are not felt by the people, it is an oppressive law altogether and needs to be re-amended or abrogated from the laws of the Federal Republic and the Nigeria judicial system as it takes off the right of ownership of land from family members who have a genealogical line of land inheritance from their fathers. This law excludes the local people and the actual owners of the land from deciding what happens to their land especially when those lands are allocated to multi-national companies to build their plants in such community (Obi, 2010; Mmon and Igbuku, 2015).

The Nigeria judicial system has not helped the Niger Delta region situation, it is a situation of a peasant farmer taking a multi-national company to court for damages of his farmland or waters for fishing and such judgments always end up in favour of the oil company as favours of oil lifting are presented to the judge before the commencement of such judicial hearing. Sometimes the government influences such judgment in favour of the oil company as the judge does the government bidden to attract promotion from one court to the highest (Emiri, 2009; Nriaguet *al.*, 2016). The Land Use Act is one of the obvious corruptions and oppressive law which takes away the land of the indigenous people from against the stand of the United Nations Charter and the African Union Covenant on the rights of the indigenous people have Lands and right to control of the natural resource (Obi, 1999; Landrigan and Fuller, 2015).

### **3.8 The Niger Delta Region Cry for Resource Control**

Different scholars have discussed the issue of resource control in Nigeria especially as it affects the Niger Delta area (Odje, 2002). Nonetheless, it must be unequivocally said here that the enactment of the Land Repeal Act of 1978 Law that was included as part of the 1999 constitution is a determining factor in the discourse of resource control in Nigeria. This Act as earlier pointed out in previous analysis in this research work empowers the federal government in Abuja to be the sole landlord of any natural resource discovered in any part of the country (Babalola and Hull, 2019). This law makes it very difficult and almost impossible to actualize the possibility of resource control in the area, a front-line clamour of the Niger Delta people which they see and understand to be a panacea to their experience of underdevelopment and marginalization by the federal government today.

Since 1999 with the return of democracy in Nigeria, the call and agitations for resource control by the Niger Delta region agitators have always been a fundamental issue in the light of the practice of true federalism in a comparative sense with the best practices of federalism. The agitation is continuing to be considered by many as the panacea to the Niger Delta conflict in a sense that the local people at worse the local/state governments have total control of whatever natural endowment within the region and some percentage is paid to the federal government from the transactions on those resources either monthly, bi-weekly or quarterly (Otubu, 2015). Ironically against the backdrop of the practice of true federalism which goes side by side resource control, the federal government has it differently in its practices from what is obtainable globally, where all-natural resources are controlled and managed by the federal government in Abuja, not the state government. This practice thus so far, has not brought the basic and needed development; rather it has brought some pains and hardship to the people, environmental degradation, pollution, and untold and excruciating poverty to the people. In the light of the foregoing, Nigeria stands to be one of the biggest oil exporters on the continent in Africa of which every drop of crude oil is exploited and exported from the Niger Delta area and, yet the region is characterized as one of the underdeveloped points you can refer to in Africa, has been projected that 2.45million barrels of crude oil are lifted from the area daily (Michael, 2008; Akpakanet *al.*, 2015). The Niger Delta area is characterized to be a coastal area cut across Edo, Ondo, Bayelsa, Delta, Akwa-Ibom, Cross River, Imo, and Abia states with a coverage area of the entire territorial integrity of the Nigeria nation-state put it at about 112,110sq.-1 percent of Nigeria (Okontaand, 2003; Elukaet *al.*, 2016).

It is worthy of note that in all of the nine states that make up the Niger Delta area, the only place one can see anything close to development is the capital cities, the hinterlands where the crude oil and gas are gotten are still in the dark, not even habitable for animals not to talk of human beings, this is a painful irony to note, a sharp contradiction and a denial of the human rights of the people of the region in every respect. The zoning of this region is for economic purposes, not political zoning as some of the states are zoned politically into South-South, South-East, and South-West of Nigeria. There is no doubt about it that the Niger Delta area conflict arises from the obvious, environmental pollution and degradation caused by oil activities by multi-nationals and somehow the fear that the crude oil will get finished one day without making any impacts on the development of the region and the people who host the oil wells (Itse, 2001; Amaraegbu, 2011).

The issue of resource control is synonymous with the Niger Delta area of Nigeria, both the state governments within this region and civil society groups on the mission of liberation of the Niger Delta people from environmental degradation, pollution, and economic exploitation continue to make the issue of resource control as the very foundation of the Niger Delta conflict and the solution too to the conflict if peace and development must be achievable in the Region (Michael, 2001; Onuoha, 2016). The big questions here are: What is resource control? How come it is a determining factor to the conflict and peace cum development of the Niger Delta area today? The truth remains, that Nigeria is a country that supposedly practices true federalism like the United States of America where almost total autonomy is granted to the states and local government areas to pilot their affairs both politically and economically without the control of the central government.

In the structure of true federalism practices, the relationship that occurs among the federal, state, and local governments is mutual not superior and subordinate kind of relationship as it is practiced and understood in the case of Nigeria (Ejibowah, 2000; Bodo, 2019). However, the possibility of resource control in the Niger Delta area might look almost impossible base on the domestic laws and litigations to outlaw its possibility, but the shift from the Nigeria legal system to the normative system of international governmental organizations and international laws and their applications in resolving the Niger Delta conflict could guarantee a great outcome of the agitations in questions. The issue of resource control by the minority ethnic groups in Nigeria especially within the Niger Delta region has always been a challenging one

especially with the structure of the federal system operated by Nigeria different in its modus operandi from that of the United States of America (Dibua, 2005; Okonta, 2006).

Away from resource control issues and agitations to the current but other general agitations, this time not only the Niger Delta people are involved but the entire southerners of Nigeria calling for a restructuring of the entire system, decentralizing power and making the states have more control of their affairs than the federal government politically and economically in every respect, although this call has not had a sold movement like the movement for resource control in Nigeria as the current federal government led by President Buhari has dismissed every effort made by southerners and some politicians on the other side of the divide in the agitation and clamour for a restructuring of the federal system which includes the economy with all forms of threats you can think of making the agitation for resource control still the focus for a developmental Niger Delta region and the Southern part of Nigeria at large. The call for resource control is a call for a fair sharing of the natural resource of the Niger Delta people especially in the face of the after-effects the activities of crude oil exploration and exploitation by multi-national oil companies on the lives of the people in the region (Ekpo, 2018). Nevertheless, the whole agitations for resource control in the region to a very large extent has been politicized especially by the Governors of the Niger Delta area who continue to compromise the struggle and the possibility of actualizing resource control for their selfish political interest. The struggle for resource control in the region is a step in the direction of fairness to the region from injustice as the current wealth in the area is mainly used to develop the Northern part of Nigeria that has no crude oil at all.

The budgetary allocation for the year 2018, the federal government has made provision allocation from the excess crude fund the whopping sum of \$1billion to fight Boko Haram insurgency, a fight that they told Nigerians and the World that it has won while, the Niger Delta development fund for the year is not close to it, in my take and opinion, this is a great injustice to the Niger Delta people, the source of the Nigeria economy and wealth today (Imosemi and Abangwu, 2013; Mmon and Igbuku, 2015). The irony many cannot explain about the Niger Delta area developmental backwardness is how come the source of the wealth and development in infrastructure in Abuja and the Northern part of Nigeria is the worse region in Nigeria, no modern schools, hospitals, no roads especially from the mainland to the hinterland, no electricity and civilize shelter for the people. The very painful one is the obvious pollution of their waters and high level of environmental degradation the worse you can ever find in any

part of the World today. These ugly situations are the sources of the conflict in the area and the denial of resource control by the Federal Government.

Thus, the application of the normative system of International Organizations and International Law stands a chance of becoming a panacea to the resolution of the Niger Delta conflict. This is because it will foster the actualization of justice and fairness for the people of the Niger Delta area towards their wish for resource control, which continues to suffer a setback due to the inappropriate interpretation of the domestic laws of Nigeria by the Nigeria legal system, a system that upholds injustice against the Niger Delta people of Nigeria.

### **3.9 Legal Frameworks Governing Oil Production in Nigeria**

The legal intrusion of the federal government into the Niger Delta area was achieved through the Land Use Act, which makes the state governments hold all lands in Nigeria in trust for the Federal Government. The state governors by law give the C of O (Certificate of Occupancy), a license of the ownership of the land in their jurisdiction. This chapter sets out to x-ray how the federal laws of Nigeria concerning Niger Delta have fallen short of all the principles and properties of laws as defined by Aquinas (1989). Law is an ordinance of intention since it must be fair, is for the common good of the people it binds, not arbitrarily imposed, not there to promote the agenda of the lawmaker, established by a legitimate authority that cares for the people, and propagated.

With such an understanding of the law, we can have a better outlook of how the federal government of Nigeria has failed in its role of safeguarding the interest of the Niger Delta, and how other approaches like the humanitarian international law spearheaded by the United Nations can enable tailor-made theoretical framework that will foster the resolution of the Niger Delta conflict. Otherwise put, such an understanding will serve as a springboard for the theoretical framework for this study.

The first piece of petroleum legislation was the Petroleum Ordinance of 1889, which was followed by the 1907 Mineral (Oil) Ordinance, both of which laid down a fundamental framework for the development of petroleum and its natural resources. It was stipulated, among other things, by the law of 1907 that only British subjects or companies controlled by British subjects would be eligible for exploration of Nigerian oil resources. This provision is a paradox, as the German Bitumen Company was the first company ever to undertake exploration in Nigeria, in 1908 around what is now known as Ondo State (Otubu, 2015; Omorogbe, 1987;

2016). This exploration effort was unsuccessful and, following the outbreak of the First World War, the company terminated its operations.

The next concession was granted in 1938 to Shell D'Arcy Petroleum Development Company. It was an oil exploration license covering 357,000 square miles of the entire mainland of Nigeria. Without competition, Shell was able to explore and pick 15,000 square miles of the initial concession area acquired at its leisure until 1962. At that time, many developments had occurred in the oil industry. In 1958, at Oloibiri in today's Rivers State, Shell made a commercial discovery. In 1959, the exclusive rights of concessionaries were checked and expanded to other companies of various nationalities to offer concessions to Mobil, Gulf, AgipSafrap (later known as Elf), Tenneco and Amoseas (Texaco/Chevron) in Nigeria's offshore and onshore regions (Omorogbe, 1987; 2016). Shell was and still is the most important producer of Nigerian oil, exporting more than half of the oil produced daily due to its previous monopolistic status. A host of legislation governing the operations of the oil industry has been enacted since those first regulations.

The complete ownership and control of all petroleum in, under, or on any land is vested in the state under the 1969 Act. The Act further notes that the following privileges can be given to Nigerian citizens or companies incorporated in Nigeria:

1. a license for petroleum exploration, to be recognized as an oil exploration license;
2. a license to be referred to as a petroleum prospecting license and a license to prospect for petroleum and
3. a contract, known as an oil mining lease, to look for, win, operating, carrying, and disposing of petroleum.

Under the decree and the regulations, the length and maximum range of each licence or lease are specified. The lease for oil extraction, which is the largest of the rights available under this decree, can be given only to oil prospecting license holder who has the following:

1. met all the conditions imposed on or otherwise imposed on the license by the Decree, and a) fulfilled all the conditions imposed on the license by that Decree, and
2. Industrial amounts of exposed crude.

If oil is considered to have been discovered in commercial quantities, based on proof supplied by the licensee, the Director of Petroleum Resources had the power to confirm it. The licensee

had to prove that it can extract from the approved area at least 10,000 barrels of crude oil per day.

The emission and protection provisions are drawn up vaguely and imprecisely. The key rule on pollution is legislation requiring all licensees and leases to "take all practicable precautions to prevent pollution and to take prompt steps to control and if possible, stop it when any such pollution occurs. It is nowhere defined in specific terms what kind of legal obligation is placed on companies. Conservation is covered by provisions referring to good conservation" (Omorogbe, 2016: 42). Through the Declaration, the holders of oil prospecting licences and oil mining leases were granted broad rights and powers over the land. Nevertheless, licenses or leases are subject to certain restrictions set out in section 17, one of which is that the licensee or lessee cannot "enter upon or occupy or exercise any of the rights and powers conferred by his licence or lease over any private land until permission in writing has been given," and until "fair and adequate compensation has been paid to the persons" (Omorogbe, 2016: 23) in the lawful occupation of any private property. There is doubt as to who are the persons in lawful occupation for compensation after the enactment of the Land Use Act, which vests ownership of all property in the Government. Any effort to turn the oil sector for the good of Nigerian society appears to be a noble undertaking against the backdrop of these realities. The military government's subsequent actions, however, point in the opposite direction.

### **3.10 Politics of the Award of Oil Licenses in Nigeria**

Oil sector transformation seemed easy enough to accomplish, given the fact that the Petroleum Act of 1969 granted the petroleum minister unfettered power to use whatever approach was needed to award oil blocks. But maybe it was a little too easy, as it would soon become evident. Via an open bidding procedure, the 1990 indigenization policy did not opt to award oil blocks, which could have ensured transparency. Instead, the government invited those Nigerian entrepreneurs that it thought had the financial muscle and/or could leverage both financial and technical capital to apply for oil block licenses to conduct exploration and production activities. By exchanging a "signature bonus" of at least USD 1.5 million, any Nigerian company that has been given a license will have it (Otubu, 2015; Babalola and Hull, 2019).

Here is where the problems began. In any policy document, guidelines, or legislation, the federal government's goals to increase local involvement in the oil industry were not explicitly set out. No specifications were issued as to the percentage of licenses and leases



reserved for Nigerian firms, or as to the limitations on the granting of licenses and leases to multinational oil companies (Amaza, 2019). It is common practice for official government correspondence to be gazetted to produce prima facie evidence of any public fact that is supposed to be informed by the gazette. The 1990 indigenization policy, however, was not published in the official gazette, and its vagueness created the likelihood that the policy would be violated by those responsible for enforcing it.

In 1991, the first set of discretionary awards was made and then a second in 1993, with many of the winners being prominent Nigerians who had never been in the oil industry before, but were well-connected with the government and, General Babangida, the president. It was argued that the award winners still assumed the risk within the acres in prospecting for oil and some did not find "gold" until much later, or even never (Otubu, 2015; Amaza, 2019). OPL 226, awarded to Soglas Nigeria Limited, a company owned by the late Jerome Udoji family, a senior civil servant, only made its first oil discovery in 2001, halfway through the 20-year lease awarded to all the award winners.

The Petroleum (Amendment) Decree was passed in 1996 under the administration of military ruler Sani Abacha (1993-98) to provide the legal basis for the award of 'marginal oil fields,' which were fields that had been discovered by major international oil companies in the process of exploring their larger acres but had been left undeveloped for more than ten years. It did not remove the authority of the petroleum minister to discretionarily grant licenses and leases. The Babangida administration also did not end the tradition of arbitrary awards of major oil licenses. General Sani Abacha granted as many as eight licenses "as a reward" to the former Chief of the Army Staff and future Minister of Defence, General TY Danjuma, the most popular of which was given in 1998 (Amaza, 2019; Babalola and Hull, 2019). That oil block, OPL 264, later earned USD 2.3 billion for a 45 percent stake from CNOOC, China's offshore oil firm, which contributed heavily to the current USD 750 million worth of Danjuma.

Another prominent example is the award of OPL 245 in 1996, in a direct conflict of interest, to Malabu Oil, a company owned by Dan Etete, the then Minister of Petroleum (Otubu, 2015). The oil block is now the focus of at least four court cases in Nigeria, Italy, and the United Kingdom after the license was withdrawn by the administration of Olusegun Obasanjo in 2001. The government re-awarded the OPL 245 to Shell, which until 2006, had been challenged by Malabu Oil in court (Banda and Smith 2019). Shell and the Italian oil industry giant ENI transferred USD 1.1 billion through the Nigerian government to accounts managed

by Etete in 2011, under the administration of Goodluck Jonathan. While the two companies initially stated that they did not know that Etete and his cronies would end up with the capital, proof has shown otherwise (Otubu, 2015; Amaza, 2019; Babalola and Hull, 2019; Banda and Smith 2019). For their involvement in the scandal, Shell, Eni, Etete and many others are now being investigated, exposing the role of foreign oil firms in corruption.

In the Fourth Republic, this practice persisted. The list of oil awardees still consists of the well-connected who have taken advantage of the Petroleum Act to gain ownership of these commodities with every administration since Nigeria transitioned into democracy in 1999. There have been award winners, as before, who made it big and others who didn't until their licenses expired. The occupant of the office has always been seen as one of the most powerful cabinet members because of the latitude of powers granted to the minister of petroleum under the Petroleum Act, especially about the award of oil prospecting and mining leases (Babalola and Hull, 2019). The President has also doubled as the Petroleum Minister on two occasions (Olusegun Obasanjo, 1999-2007, and Muhammadu Buhari, since 2015). Although special advisors or ministers of state are appointed to the portfolio, they maintain the overall legal power to grant or cancel a pen-stroke lease.

### **3.11 Legislative Reforms in the Oil Sector**

By 2000, the political elite, oil companies, civil society, and the public had generally accepted that the petroleum industry's system did not allow for transparency, nor did it help to attract the best investments in the field. In response, by putting together 19 distinct pieces of legislation, the Petroleum Industry Bill (PIB) sought to establish an omnibus for the field. The bill, which was generally supported by the public, was drawn up to cover all aspects of the industry, including the properly established regulatory framework, the sector's fiscal regime, and the break-up of the NNPC. However, in relation to the award of oil blocks, it was criticized for not withdrawing the discretionary powers given to the minister. The provision was maintained despite the PIB stalling in the National Assembly and undergoing many revisions. The Bill's special parliamentary committee proposed that the President's discretionary power to award licenses and leases be eliminated and that a transparent competitive bidding mechanism be replaced.

The National Assembly split it into four bills to more quickly pass the PIB. The regulatory structure was the subject of the first, the Petroleum Industry Governance Bill (PIGB). The Bill establishes the National Petroleum Regulatory Commission (NPRC) to "conduct bid rounds or other processes for the grant of any license or lease required for the exploration or production of petroleum," among other functions (Amaza, 2019: para11). This removes the petroleum minister's power to grant licenses and leases using whatever mechanism he/she finds fit. Nigeria is a nation that is unfortunately associated with various forms of corruption, ranging from kickbacks to public contract awards to front companies that inflate contracts and divert public funds. There have also been cases where public policies and regulations have been developed for a group of people's sole benefit. Nonetheless, after its passage by both the Senate and the House of Representatives in August 2018, the president refused to support the Bill, raising questions about some aspects. It has not been re-submitted to him since then. The Bill will have to be introduced in both houses again with new members of parliament coming into both chambers as its slow crawl begins again. In the meantime, the petroleum minister continues to enjoy unfettered powers to assign whatever oil block he/she considers appropriate to everyone and to everyone, other than those who favour the vested interests that strategically put them there without checks or repairs.

### **3.12 The Nigerian Legal System: An Injustice to the Niger Delta Peoples**

The Niger Delta conflict is compounded by two national legal frameworks enacted by the Nigerian state to legitimize the oppression of the Niger Delta peoples and to be able to have total control over their resources. These laws, the 1969 Petroleum Decree as amended in the 1999 constitution and the 1978 Land Use Act as amended in the same constitution, put the Niger Delta agitation for resource control and management of their commonwealth in a situation that seems almost impossible or unrealistic in as far as the 1999 Constitution is still the legal focus and direction of the Nigeria state (Omorogbe, 2016). The Petroleum Decree of 1969 gives the federal government the total ownership and control of crude oil found anywhere in Nigeria.

Before the enactment of this Act and Decree, communities in the Niger Delta negotiated their land matter directly with oil companies (Kaniye, 2001; Omorogbe, 2016). Since the 1969 Petroleum Decree as amended in the 1999 constitution, however, the federal government has total power over all matters of land where crude oil is found in the Niger Delta area. The Act does not give even the governors of this region any space or provision to have a say in the

control of the natural resources in any land within their jurisdiction. However, they cunningly made the governors relevant when it comes to land control and distribution which is empowered by the 1978 Land Use Act (Allott, 1978; Amaza, 2019). These two laws were technically intended to rob off the Niger Delta people of their land, wealth, Development, and blessings, and this singular fact was especially reiterated in the 1998 Kaiama Declaration by the Ijaw youths in Bayelsa State (The Kaiama Declaration, 1998).

These Acts are products of the successive military administrations which shifted Nigeria from a regional base economy, where every region focused on what they are naturally endowed with for a robust economy. Also, the shift from an agricultural-based economy to the oil and gas sector became the beginning and the end of the Nigeria economy as we have it today, the crescendo of the nation's wealth with over 90 percent reliability on the oil and gas sector of the economy (Tewodaj, 2008; Otubu, 2015; Amaza, 2019; Babalola and Hull, 2019). The 90 percent reliability on the Niger Delta crude oil and gas by the Nigeria State, made other regions especially those of Northern Nigeria idle and became confrontational in protecting the only source of their economy, this they have done very well by manipulating the judicial system and the legislative arm of government to make laws that protect their interest and control of the Niger Delta Area oil.

In the above connection, the resultant conflict emanating from the total reliability of the oil in the Niger Delta area has continued to be a great challenge to the security and economic architectures of the Nigerian state, especially under Buhari's led Presidency. The fear of the unknown has always brought a great fear among the Northerners of Nigeria whenever there is a clamour for a restructuring of the Nigeria state by the Southerners. The hopelessness of not sharing from the petrodollar economy projected by the Niger Delta region cause them to do anything to retain the current economic structure of Nigeria, rather than going back to the economic arrangement before the shift from agriculture to the petrodollar economy (Onuoha, 2016).

It is worthy to note that nations who rely on the petroleum sector economy increase the level of poverty especially the common man that does not have access to the oil sector, as its today in Nigeria. During the agricultural years, the poverty rate was 36 percent and now it has greatly increased to 70 percent with the whole focus on the petrodollar economy in the face of much money from this sector (Luong and Weinthal, 2010). To this end of another continuum, one would think that the whole endowment of crude oil in the Niger Delta Area should bring

obvious development as its experienced in other parts of the World, rather this has brought a curse, unemployment, decay in infrastructure, insecurity, environmental backwardness and poverty in the land. The Niger Delta crude oil continues to service the economy of the Northern and other parts of Nigeria, providing them with the petrol-dollar economy, roads, schools, clean-bound water, security, electricity, and other infrastructural needs (Terry, 2007; Amaraegbu, 2011). The Niger Delta people use their crude oil to service the economy of other parts of Nigeria while ironically the people and the region are the poorest, underdeveloped area and stay on the corridor of power, never get into power like the northerners or Yoruba regions. Since the independence of Nigeria in 1960, a Niger Delta became the president, in the person of Dr Goodluck Jonathan, only because of the sudden death of President Yar'Adua and constitutionally, Goodluck Jonathan his vice president had to take overpower. One can at this juncture reiterate that the Niger Delta oil has become a curse, a source of pains and backwardness to the people and the region, as every region tries to grab everything and wealth from the region using political and a compromised judicial system as tools while the owners of the oil watch and cry helplessly (Richard, 1993; Bodo, 2019).

The increase in violence and internal conflicts in Nigeria under the watch of President Buhari are pointers to leadership failure and this speaks volumes to the fact which scholars have previously explained, that in any nation that depends on a natural resource like the case of Nigeria, there are the possibilities of experiencing conflicts in such a country. Before the advent of the petrol-dollar economy in Nigeria, there were fewer conflicts in the country (Le Billon, 2001; Okonta, 2006). The incessant killings, kidnappings, ethnic differences, and hate speeches are all the source of the injustice experienced by the Niger Delta people and region and it's still a continuous experience by the people, successive and current governments have not indicated the sincere goodwill to address the Niger Delta conflict, painfully as it may sound to point here, even their son as President of Nigeria, Dr Goodluck Jonathan did not show that forceful commitment to provide optimum results in addressing the Niger Delta conflict, however, the Goodluck Jonathan's presidency still has the best interventions comparatively with other presidents thus so far.

The over-concentration on natural resource as the mainstay of the national economy gives rooms for corruption among political office holders and top bureaucrats of government, it weakens other aspects of the economy like agriculture and import sectors, this is the narrative today in Nigeria, where the focus is on the oil and gas economy with a high level of corruption

among politicians, an experience that is killing Nigeria systematically as a Nation (Fearon and Laitin, 2003; Mmon and Igbuku, 2015). The continuous insistence of the Northern part of Nigeria to keep Nigeria as one country simply because of the crude oil in the Niger Delta, even if by other indicators both sides are not compatible, in culture, religion, ideology, language, and history, their elites, and political class continue to insist on retain one Nigeria regardless of the incompatibility noted above. These elites always insisted that Nigeria should not be separated, or rather should Nigeria be restructured to its original arrangement where the practice of true Federalism reflects in government, economy, appointments at the federal level, security where state police are constituted.

The agitation for the restructuring of Nigeria by the Southerners is still in connection with resource control, the hallmark of the Niger Delta agitation, a structure that gives states the rights to control and manage their resources and pay some percentage to the federal government at the end of every month. The political class in Nigeria regardless of region, tribe and religion continue to get enriched by the day within the corridor of power and this has become realizable through the Niger Delta oil and wealth which is the focus where free money come (Agbiboa and Maiangwa, 2012; Courson, 2016). The political class painfully used the wealth and resource of the region to oppress the lower-class citizens, sponsor legislation that will keep them and their children within the privileged class, their children study in the United States of America, Europe and even some of them send their children to private schools at all levels.

The Niger Delta resources are used to cater to the economic needs of other nations that make up the Nigeria state. Nigeria a country of diverse culture, languages, religion, and peoples are sustained by the Niger Delta area, the weak unity where one region gets the biggest national cake from the oil resources and not being sensitive to the environmental degradation and pollution suffered by the region hosting the crude and this can be regarded as injustice at its crescendo (Lewis, 2007; Okolo, 2014).

### **3.13 The Federal Government Intervention in the Niger Delta Conflict**

The conflict in the Niger Delta has paradoxical elements, in the sense that there are two sides the narrative, for the people of the region it is total neglect and exploitation of the crude oil in their land, economic strangulation, environmental degradation the palpable experiences of poverty amongst a larger number of the hinterland settlers, and also the unjust sharing formula of monthly allocations by the federal government where the Northern states that do

not have any drop of crude oil get allocations close to those of the Niger Delta states (Okoosi, 1995; Akinyemi, 2001; Dan-jumbo, 2006; Peterside and Ogon, 2016).

The other side of the narrative is from the federal government's claims that the Nigeria state is making sincere efforts in making the Niger Delta region developed infrastructural wise, especially through its various institutions founded to address the agitations of the Niger Delta people. Although since the British colonial rule in Nigeria there were sundry attempts to bring the needed desired development to the region. Nevertheless, the federal government has been making sincere efforts in the region in the actualization of a better Niger Delta region politically, economically, and infrastructurally (Isumonah, 2003; Wali et al., 2019). Historically, the British colonial government, through the indirect rule system, prioritized development, as informed by the Henry Willick Commission of 1958 (Obaro, 1999; Mmon and Igbuku, 2015).

This commission recommended the establishment of a viable economic development agency primarily to address the Niger Delta crisis of neglect and underdevelopment, this came to actualization in 1962 after independence through the Niger Delta Development Board (NDDDB), but this board could not stand the test of time as its impact was never felt in the region because of very poor funding by the Nigeria government at the time. In 1992 under the military government, another commission was established and was saddled with the responsibility of driving development in the region, namely, the Oil Minerals Producing Areas Development Commission (OMPADEC) (Osuntawa, Dennis and Peter, 2008; Nriaguet al., 2016). This commission remained inefficient and could not drive on its purpose of establishment, which was to attract development and mediate the oil-producing community in the region (Okonta, 2006; Agwu, 2013).

The Federal government of Nigeria starved it of adequate funding alongside institutional corruption among officials of the commission and was later replaced by the NDDC in 2000 during the Obasanjo's government (Etekpe, 2007; Akpomuvie, 2011). The big question here is this: How come a commission that needed adequate funding to drive its mission was intentionally starved of funding? Could it be that these commissions were camouflage without the intention to deliver development in the region? How effective are the current efforts and intervention of the federal government in the region through the NDDC, the Federal Amnesty program, and the Ministry of Niger Delta in addressing the underlining issues that emanate from the conflict? This chapter is focused on the other side of the narrative of the Niger Delta

conflict which emanates from crude oil exploitation and exploration by the federal government and multinational co-operations. In what follows, each of these institutions will be considered and how they have so far addressed the Niger Delta conflict will be weighed.

### **3.13.1 The Niger Delta Development Commission (NDDC)**

The Nigerian government established the NDDC to address the age-long crisis of underdevelopment in the rich oil-producing area. Its mandates go beyond the building of roads in the region but include addressing the socio-economic, environmental, and political problems bedeviling the region over the years, it is the biggest government institution designated primarily for the Niger Delta under the direct bureaucracy of the presidency. Its mandate area and coverage include Bayelsa, Abia, Imo, Akwa Ibom, Edo, Delta, Ondo, and Cross River states, which constitute the Niger Delta region of Nigeria covering the South-West, the South-South, and the South-East (Barrett, 2008; Tammy, 2019).

The NDDC was established by the federal government in the year 2000 with the primary task of bringing infrastructural development in the region (Dafinone, 2007; Simbine and Neji, 2018). No doubt that the federal government efforts of bringing the regional conflict to an end are manifested in the blueprint plans of NDDC (Emerhi, Nicolas and Wolf 2001; Elukaet *al.*, 2016). The commission apart from road building also awards educational scholarships to the youths of the area for different areas of studies, especially in engineering (Okereke, 2007; Akpakanet *al.*, 2015). In the actualization of its mandate, the Niger Delta Development Commission (NDDC) has built hostels/accommodation for students in eventually all the tertiary institutions in the region as a way of bringing development on the campus, the commission, on the other hand, faces a lot of challenges especially that of corruption among political office holders in the region who often try to influence the commission to carry out substandard projects to have the other parts of the fund shared into their pockets (Polygreen, 2008; Asanebi, 2016).

Another militating factor challenging NDDC efforts in the Niger Delta is the activities of the various militant groups as they sometimes attack workers constructing roads or buildings especially expatriates, who are kidnapped for ransom. The activities of the militant groups present the region in a bad light because of the uniqueness of the area in the economic development of Nigeria (Agbu, 2005; Odisu, 2015). Militant groups have blocked many contractors of NDDC off-site it was the case of the ongoing construction of the East-West



express road on the Bayelsa stretch of it. Ironically in the same connection, the militant groups continue to agitate for infrastructural development but at the same time send away contractors paid to bring this to the region by commission, they threaten the Nigeria state from time to time even in the distant past with secession if their agitation for resource control, development of the region is further neglected (Omowe, 2003; Andrews, 2015).

Nevertheless, the activities of the militants have not changed the mandate of the NDDC to bring the federal government's developmental efforts to the region. Apart from the NDDC efforts focused on infrastructural development in the area, the federal government is concerned with efforts aimed at reducing poverty in the land, the vision 2020, and the Millennium Development Goals MDGs. Aigbokhan (2007); Babalola (2008) and Amujiriet *al.* (2015) are of the view that the federal government has goodwill for the Niger Delta area in the sense that efforts to bringing militancy, unemployment, and violence to a total end are part of the master plan imbedded in the NDDC general mandate put together to improve on the socio-economic wellbeing of the people of the region. Nevertheless, it is important to say here that whatever way the various militant groups behave violently is a reaction of years of neglect by the federal government triggered by environmental pollution and degradation which characterize the entire region (Oyetusi, 2007; Baumüller *et al.*, 2011), including the ugly experience of gas flaring cum oil spillage (Ajugwo, 2013).

The mission and goals of NDDC do not stop the various states government in the region from their efforts of infrastructural development in their respective states, NDDC mandate is not to take responsibility for what those states governors are supposed to be doing since they still receive monthly allocations from Abuja for development of their states, rather the efforts of NDDC should be collaborative with the state governments (Agbo, 2007; Onuoha, 2016). In this connection, when you move from one area of the Niger Delta to another the major projects and constructions going on are those of the NDDC funny enough some of the governors of the region who collect monthly allocations in billions of naira and millions in dollars hide under these projects of NDDC while they corruptly put part of these allocation allotted to infrastructure development in their states. The effectiveness of NDDC is palpable on our campuses of higher education in the Niger Delta region; as the commission continues to award scholarships to students in the higher institution in the area, construct hostels, roads provision electricity generator plants, and lecture theatres for students (Okolo, 2014).

At this juncture, let us have a little shift from NDDC projects to what the state governors are doing to bring about the desired development of the region. Till this moment, the only governor in the history of the Niger Delta area to have brought about development infrastructural wise to his state is the former governor of Akwa Ibom State, Godswill Akpabio, who changed the face of that state with one of the best stadia in Africa, one of the best medical centres in Nigeria and good roads constructions that can be compared with those roads in Durban, South Africa and Miami, Florida in the USA. Agekameh is of the view, that the so much neglect, environmental pollution and degradation, oil spillage, and other forms of injustices in the region, perpetrated by the multi-national companies' activities in the area is what this interventionist commission NDDC has come to correct to put to an end to the sources of the violence and conflict in the region (Agekameh, 2010).

The NDDC mandate in the Niger Delta region goes beyond road construction but has moved in the direction of helping communities whom waters and land are polluted by oil spillage to clean up their waters and land so that members of such communities can have a fruitful fish catch for those who are fishermen and bountiful pants heaviest (Ayuba, 2012). The NDDC has been able to help in some communities to address the challenge of clean drinking water by the hinterland settlers, as the commission has duck boreholes across for clean water so that water does not continue to stand as a challenge to these settlers in the face of the polluted rivers (Adeoye, 2013). The task of the NDDC to bring justice to the region through its interventional projects and programs for the federal government is demanding because when you talk of the neglected Niger Delta area, it is not the capital cities of Port Harcourt, Uyo, Yenegoa, Benin-City, Asaba, Akure, Calabar, Umuahia and Owerri where you have the government houses and ministries, but the hinterland, cut off from the capital city, where you have no road, electricity, telecommunication, and educational institutions.

The improvement of basic amenities in the Niger Delta area especially the hinterlands will always positively affect the general economy of the people and give them a close engagement to the extent that there will be no time for anti-social activities, especially amongst the youths. This is one major direction that the desired and needed peace in the Niger Delta area can be actualized (Shenggen, 2008; Imosemi and Abangwu, 2013). The construction of roads to the hinterlands, provision of electricity (Khandker, 2009; Mmon and Igbuku, 2015), good water to drink, schools, hospitals, and the cleaning up of the oil spillages from their waters

and farmland for sure hope to change the narrative of the Niger Delta violent conflict and agitation story the other way around entirely (Orabounne, 2008).

The Niger Delta people are lovely peaceful people from history, but actions and reactions today are a result of the accumulated injustice and oppression experienced and orchestrated by the Nigerian state. It is the responsibility of states governors and the local government authorities of the Niger Delta region to draw up a blueprint plan for development in their respective states that will complement the NDDC interventionist efforts in the region suggesting that the states and local governments focus on their development plans around the capital cities and environs while the NDDC focuses its interventionist efforts on the hinterlands of the Niger Delta area (Bodo, 2019). By so doing, a comprehensive developmental approach and a faster one at that will be brought about, which will drive the desired development in those hinterlands and will help to justify the governors' monthly allocations received from the federal government for infrastructural development in their respective states.

The NDDC should focus primarily as part of its interventional efforts in the Niger Delta on electricity because that will help other developmental efforts easier for the federal government to achieve (Barros, Ibiwoye and Managi, 2011). It will also encourage private investors to invest in the Niger Delta area. No doubt about it that in general when you look at the most challenging indicators of development in Nigeria today it is the power sector, and when a nation faces this kind of challenge, the development will be very slow, wealth creation and opportunities are less or not available. This can drive the jobless youths who are idle, have no job after secondary/university education or even vocational skills acquisition not gainfully employed, it can be connected to the youths' restiveness and militancy cum oil bunkering activities in the region. The interventionist efforts of the federal government in the Niger area is not just only with the NDDC but also the Ministry of the Niger Delta established by the then President of Nigeria His Excellency Musa Umaru Yar'Adua who still initiated the amnesty programs for the Niger Delta youths which has resulted in a positive direction today. It was primarily and solely established for the Niger Delta Area different from other federal ministries headquartered in the federal capital territory Abuja (Taiwo, 2008; Okonta, 2006).

### **3.13.2 The Ministry of Niger Delta Affairs**

The economy of Nigeria relies significantly on what happens in the Niger Delta area. Since May 31st, 1999, with the formal embrace of a democratic system of government from

the military rule, successive governments especially at the central stage have come up with strategies that will bring about the enhancement of the development of the area (Omorogbe, 2016). This will involve both infrastructural and human capital development with the views to contain the lingering conflict in the region to a point where the justification of the demand for resource control will be perceived to be needless by the agitators and to secure a perpetual environment of peace to have a flow of crude oil exploration and exploitation by multinational companies (Agbiboa and Maiangwa, 2012). This will have economic implications that will enhance the strength of the Nigeria state and her economy to develop other parts of the country. The democratic era from President Obasanjo to President Jonathan and up to the current government of President Buhari has made some level of efforts in addressing the Niger Delta regional developmental agitations.

This ministry is saddled with the responsibilities of developmental pursuits, environmental protection, and youth empowerment. The new ministry of the Niger Delta Affairs was established to fast-track growth, oversee the federal government policies on security, formulate policies on youths' development, prompt private investments, supervise the developmental plans of the NDDC, ensure that multinational companies in the region are fully involved in infrastructural development, and to promote environmental protection developmental plans in the region.

### **3.13.3 The Niger Delta Amnesty Program**

The escalation of the Niger Delta conflict is the militant side of it. The involvement of various militant groups who are who became criminals drives the agitations of the region globally. This criminality involves the kidnapping of foreign workers of the various multinational oil companies in the region, destroying of oil installation line, and obvious disruption of oil lifting in the area. These activities kept on affecting the economy of the Nigerian state, as she focuses all the economic revenues on the oil and gas sectors based in the Niger Delta area (Amaza, 2019). The region was militarized by these militant boys from the Niger Delta region who concluded that the region had made civilize and frantic efforts over the years to draw the attention of the federal government to their cry, agitations, situation, underdevelopment, environmental degradation, and pollution, and the various oil spillage in the region experienced even up to date, for them the federal government continues to jettison all of the above presentations (Anugwom, 2015).

The activities of these militants were bringing Nigeria as a nation down economically, like the military approach to stop them from their activities could not stop them at this point, on the assumption of office, then Nigeria President Umaru Musa Yar'Adua precisely June 25, 2009, made an offer to the militants, an offer of amnesty for them to drop their guns and be pardoned with other benefits of rehabilitating them and monthly stipends for their upkeep (Ejovi and Ebie, 2013). This makes it internationally in perspective and calls for the government of the land to address the Niger Delta conflict sincerely by empowering the people to have control over their resources (Watts, 2004; Mamah and Amaize, 2012). The kidnapping of foreign oil workers in the region makes it troublesome for the federal government to take the amnesty program seriously especially the Buhari-led federal government to sustain the process started by his predecessors.

In the same connection with the amnesty program aim at de-escalating the violent and anti-social activities of the militant/agitators groups, the multi-National Oil Companies in the region must as a matter of morality be consistent with the cooperate social responsibilities wherever they are stationed in the oil exploration and exploitation business, they must provide some basic facilities for the host communities to cover up to a very large extent where the federal government has failed to act in its responsibilities in this regards (Amadi, Imoh-Ita, and Roger, 2015). The level of cooperate social responsibility of oil companies should be commensurate with the billions of dollars they make annually from the region especially Shell and Agip, in doing this the level of violent activities of the militant groups would have been de-escalated in the light of the amnesty program (Nwankwo, 2015).

The federal government should activate the various laws and acts meant to define the operational guidelines for the oil companies especially in cleaning up the polluted environment and the practical involvement of the qualified host community members in their workforce and properly placed with all the benefit as other nationals in the workforce (Frynas, 2005; Tella et al., 2014). The importance of the amnesty program is that all the factors causing the agitation resulting in militants' activities have been settled and an agreement reached by both parties or all the parties involve have agreed to do their part in the light of the agitation, grievances, and other clamor not captured here, the issue of the bastardized environment by these multi-national corporations triggers the activities of the militants' groups, as their lands are not productive again for farming, their waters are polluted, not healthy to drink, or cook, shower and reliable for fishing activities again (Adeola, 2001; Ejovi and Ebie, 2013).

Furthermore, the negligence of the oil companies to carry out their corporate social responsibility no doubt about it is in union with the federal government of Nigeria, as government year in and year out turn their face to the other side when the obvious is there, even when it is reported by the people, the host communities and the mass media, the laws do not apply in their breach of contract to the indigenes of Niger Delta (Annan, 2014). The amnesty program is designed for the militants in the region as a way of the federal government buying peace not making peace, it's more of a cosmetic peace restoration, although, before the amnesty program, the federal government had the habit of sending out delegations to meet with the boys in the creek aided by the then Vice President of Nigeria, Dr Goodluck Jonathan for peace talk and a cease-fire negotiations due to the falling economy of the country at the time, this was one of the agendas of the then presidency of Umaru Musa Yar'Adua (Watts, 2009; Amaza, 2019).

Moreover, Evoh (2009), as well as Lincoln and Lincoln (2016), maintain that the issue of environmental pollution and degradation of the Niger Delta area is due to the activities the multi-national companies would have been avoided if there were stronger laws enforcement and legislation on the part of the federal government through the judiciary. In this connection, the amnesty programme is not as effective as it was during the presidency of late President Yar'Adua and that of President Jonathan. Buhari's presidency sees the amnesty program as not important, thus funding of the program for the training of the repented militants is down, rather he president Buhari has come to choose the option of using military force to stop the Niger Delta agitations and the possibility of the resurgent of the militant group. Ironically the Buhari's government has turned attention to Fulani herdsmen and the fulanization/Islamization of the Nigerian state by his actions and body language on the incessant killings of innocent Nigerians by his kinsmen using the military to protect them cum covering them to face the full blow of the laws of the land.

### **3.14 Conclusion**

This chapter noted the numerous factors responsible for the Niger Delta conflict. The major factor that precipitated the problem in the region is the enactment of the Land Use Act, which gives total control of the resource to the Federal Government. Environmental degradation and pollution in the Niger area is another source of the conflict in the sense that the natural environment of the people is contaminated by the activities of the oil and gas industry, causing spillages, polluting the rivers, gas flaring, and constant pollution of the air and also the destruction of their farmland by both factors of pollutions. The Niger Delta area, though rich

in natural resources, ironically one of the poorest zones in Nigeria, with the absence of basic amenities. Citizens continue to experience untold hardship, especially those in the hinterlands, where the major oil exploration activities are concentrated. These areas are characterized by the lack of good road networks, inadequate health care facilities, unstable electricity supply, lack of potable water, inadequate primary and secondary educational structures, among other acute shortages of essential facilities.

The government of the day must wake up to its responsibilities by providing those basic amenities lacking in the Niger Delta area to reduce the causes of the conflict in the land and further agitations from the people who react to the injustice perceived to be meted on them by the Nigeria State as they see and know that their wealth is used to develop the other parts of the country especially in the Northern part that has no crude oil. "The Land Use Act" law must be revisited by the National Assembly in a way that it can be amended to allow control of the resources in the Niger Delta area to be under the control of the owners of the crude and gas where they originate from, this will foster peace and development in the area and strengthens the Nigeria Federal system of Government like the United States of America. The next chapter covers international laws, norms, and the Niger Delta how they interface in the conflict as a panacea.

## **CHAPTER FOUR**

### **INTERNATIONAL LAWS, NORMS AND THE NIGER DELTA CONFLICT**

#### **4.1 Introduction**

The Niger Delta conflict is fundamentally caused by national laws of Nigeria, a situation that the rights of the Natural Resources to be controlled and enjoyed by the indigenous people of the Niger Delta Area are denied them based on the Land Use Act, the Petroleum Act as enacted in the current constitution of the Nigeria State. The legal intrusion of the federal government in the Niger Delta area is the Land Use Act, which makes the state governments hold all lands in Nigeria in trust for the Federal Government, especially where those land are buried in the natural resources, like crude and gas. The state governors by law give the C of O (occupancy), a license of the ownership of the land in their jurisdiction. This chapter set out to x-ray how the federal laws of Nigeria concerning Niger Delta people have fallen short of all the principles and properties of laws as defined by Thomas Aquinas (1989). According to him, a law is “an ordinance of reason for the common good, made by him who has care of the community, and promulgated”. A Law is an ordinance of intention since it must be fair, be for the common good of the people it binds, not arbitrarily imposed, not there to promote the agenda of the lawmaker, established by a legitimate authority that cares for the people, and propagated.

With such an understanding of the law, we can have a better outlook of how the federal government of Nigeria has failed in its role of safeguarding the interest of the Niger Delta people. The Nigerian laws and judicial system have failed to guarantee the Niger Delta people of justice in the face of the plenty of wealth in their land, ironically the region is characterized



by underdevelopment, environmental degradation and pollution, and also human rights violations masterminded by the Nigerian State and the multinational oil companies operating in the region. The Nigerian domestic laws have failed in the sense that justice for the Niger Delta Area cannot be actualized in the face of their clamor for a better region with development and human capital development, hence the application of international laws become imperative for the actualization of justice, this is the focus of this chapter and the crescendo of the study.

## **4.2 International Law**

Public international law regulates relations among and between entities of international legal personality: sovereign states and other international actors, such as intergovernmental organizations and individual natural persons, generally referred to as 'international law'. The legal identity assigned to these bodies means that under international law, they have privileges, security, obligations, and liabilities. In Article 38 of the Statute of the International Court of Justice (ICJ), four major sources of international law are identified:

1. Written laws that are binding on States that have signed and ratified the Conventions are laid down in international conventions (treaties). Treaties are contractual and are regulated by international law, within and within states.
2. Based on general practice, international custom defines unwritten rules that are binding on all nations. Their binding authority is founded on implicit consent, illustrated over time by (a.) practically universal state practice and (b.) a conviction that such practice is a legitimate duty (*opinio juris*). Thus, states must obey them for rules to become part of international customary law, not out of necessity or habit, but because they feel that they are legally bound to do so.
3. Peremptory norms (*jus cogens*), from which no derogation is tolerated, include universal principles of law accepted by civilized nations, such as the principles found in the Charter of the United Nations that forbid the use of force except in self-defence. However, there is ongoing controversy regarding which unique laws have obtained the status of *jus cogens*.
4. Judicial rulings and the teachings of the various nations' most highly trained publicists are subsidiary ways of deciding the rules of law. While court judgments and scholarly legal work are not sources of international law, recognition of the law and the interpretation and creation of the rules derived from treaties, customs, and general

principles of law are significant. The first three of the above are known as international law's most significant and well-established sources. Some governments, scholars, and jurists, however, emphasize the court decisions, the ICJ's (GSDRC, 2013).

Advisory opinions and UN General Assembly resolutions are becoming highly prominent in the development of the law (often referred to as 'soft law'). It is argued that they have a role to play in developing customary international law.

### **4.3 International Humanitarian Law (IHL)**

The discipline of international law motivated by humanity's considerations and the prevention of human suffering is called International Humanitarian Law (IHL). It requires a set of laws, laid down by treaty or custom, which aim to protect persons and property/objects that are (or maybe) affected by armed conflict and restrict the rights of the parties to a conflict to use their chosen methods and means of warfare. Providing humanitarian assistance has informed the establishment of humanitarian values (GSDRC, 2013). According to the Inter-Parliamentary Union (IPU) and International Committee of the Red Cross (ICRC) (2016), a collection of laws, defined by treaty or tradition, applicable in armed conflict situations comprises international humanitarian law. It is as noted, inspired by humanity's considerations and the mitigation of human suffering. This law applies to the situation in the Niger Delta region of Nigeria.

Although it is possible to trace the roots of IHL to at least the nineteenth century, the concepts and traditions on which it is based are much older. International humanitarian law is designed to balance humanitarian concerns and military necessity also referred to as the law of armed conflict or the law of war. By controlling its destructive effects and minimizing human suffering, it subjects warfare to the rule of law. Two key areas cover IHL:

1. Protection and assistance for the hostilities affected
2. Regulation of the means of fighting and its techniques.

### **4.4 Sources of International Humanitarian Law**

Sources of IHL are the same as those relating to international laws in general.

#### **4.4.1 International Conventions**

The Hague Convention (1907), which defines limitations on the means and methods of warfare, and the four Geneva Conventions (GCs) (1949), which provide safeguards for certain groups of vulnerable individuals, are the two key origins of the IHL treaty. There are the injured and sick in the field armed forces (GCI); the wounded, sick and shipwrecked members of the naval armed forces (GCII); prisoners of war (GCIII); and covered civilians (GC IV). Particularly relevant to humanitarian protection and assistance is the Fourth Geneva Convention. It was established to prevent the scale of civilian suffering experienced during the two World Wars in future conflicts. The first two Supplementary Protocols to the Geneva Conventions on the Security of Civilians (1977) further expand the two branches of law covered in the Hague and Geneva Conventions. These are known as Additional Protocol I (AP I) on international armed conflicts and Additional Protocol II (AP II) on non-international armed conflicts (GSDRC, 2013). The four Geneva Conventions, since they have been unanimously ratified, have reached universal applicability. However, the additional Protocols have yet to attain near-universal acceptance. Currently, the United States and many other major military forces (such as Iran, Israel, India, and Pakistan) are not parties to the Protocols.

#### **4.4.2 International Customs**

A systematic report on IHL and customary law by the International Committee of the Red Cross (ICRC) suggests that most rules enshrined in treaty law have been generally accepted and have had a far-reaching influence on practice. They have the power of customary law, therefore. The Hague and Geneva Conventions, some of the provisions represented current customary law, while others have become customary law. Therefore, they are binding on all nations, irrespective of ratification, as well as in the case of non-international armed war, involving armed opposition groups (Henckaerts, 2005). For non-international wars and conflicts, the application of customary international law is especially relevant, as treaty law has remained limited in this area.

#### **4.5 Application of IHL**

International humanitarian law applies only to armed conflict situations but applies to all armed conflict actors. The IHL differentiates between international armed conflict and non-international armed conflict: the latter is subject to a much more restricted set of written laws. While state practice continues to support this distinction, given the nature of current conflicts, it has been criticized as arbitrary and impractical. Over the years, however, the legislation has evolved to provide greater protections for internal armed conflicts. Customary international

law has generally filled the vacuum in the control of the conduct of warfare in AP II governing non-international armed conflicts. In the aftermath of wars, holes exist in the security process (GSDRC, 2013). This can contribute to humanitarian security issues and the delivery of humanitarian aid to communities still in need.

Humanitarian Law is aimed at the protection of human beings from both national and international military misunderstanding that leads to molestation and violations (Roberts, 2000). Humanitarian law is based on the principle of ensuring that the two parties involved in warfare or conflicts must follow some humanitarian principles which state that civilians should not be molested. The combatants are not permitted to wage war against civilians within the scope of international law, but they must provide them with protection (Omorogbe, 2016). The stringency of this law is that such a person would be prosecuted with war crimes against humanity when any person orders his military to attack civilians (Roberts, 2000; Omorogbe, 2016). It is worthy of note that Humanitarian Law is enshrined in the covenants and charters of other international governmental organizations, especially United Nations peacekeeping missions.

#### **4.6 The United Nations and its Peacekeeping Missions**

The UN peacekeeping mission is an “operation involving military personnel, but with or without enforcement of power, established by the United Nations Security Council Resolution to help maintain or restore peace in areas of conflicts” (United Nations, 1985:4). The awareness of the UN peacekeeping mission came after World War II and was the strongest tool in the international community to mitigate conflicts. In the view of Ghali (1992: 5) “peacekeeping is ineffective without an essential position in cooperation between the two conflicting parties.” This way, cooperation between the conflicting parties and the UN peacekeeping force must be solely aimed at restoring peace, law, and order and at building mutual understanding between the two conflicting parties.

The UN peacekeeping force can use force like any other soldier when it finds itself in a precarious situation for self-defense. However, the government hosting the peacekeeping force must give its consent before that force can be used (James, 1969; Sarjoon and Yusoff, 2019). As part of the UN's mandate to maintain global peace, it has the right to take control of any region that poses a threat to international peace for some time to come when tension is lowered. This can be done formally or informally, to this end as part of the UN mandate to

maintain international peace and order, she involves too in what is generally understood to be a fact-finding mission which is often used to discredit a particular administration, so a summary of the UN peacekeeping force is a combination of the military wing and the observers which could be civilians (James, 1969; Sandler, 2017).

The issue of whether the UN peacekeeping mission has legal backing is not as clear as other issues that are well defined within the framework of the UN Charter for peacekeeping missions around the world and in the framework of international law (Cassese, 2005; Sarjoon and Yusoff, 2019). This is important since it might call into question the very question of the UN involvement in local conflicts whether the conflicts implicate international peace and order. For as we have seen, an intervention based on an unjust law becomes an unjust intervention (Aquinas, 1986; Sandler, 2017).

#### **4.6.1 The Legal Framework of UN Peacekeeping Missions**

The legal framework of the UN peacekeeping mission, though built on the philosophy of international institutions like the UN, and the North Atlantic Treaty Organization (NATO), is yet to be completed. But the international legal counsel has provisionally adopted the Draft Articles on state's responsibility in peacekeeping mission (International Legal Counsel, 2001; Sandler, 2017). With these Articles, the International Legal Counsel indicates in its commentary that provision should be made for the UN peacekeeping mission conduct. Article 5 of the Draft Article lays down the principle of the attribution by a State of conduct, including acts and omissions, of organs made available to an international organization.

Peacekeepers, as members of state security forces, are certainly components of state organs but are placed at the UN's disposal by their states. However, the unit of a state is put at the will of international institutions, which is recognized and considered in international law (International Legal Counsel, 2004). In February 2004, the UN Secretariat claimed (in response to an invitation from the International Legal Counsel to comment or contribute to the question of International Organizations' responsibility) that the UN peacekeeping force set up by the Security Council is a subsidiary organ of the UN (UN Secretariat, 2004; Agrawal, 2011). It should be clearly understood here that provisional adoption of Article 5 interprets considerations for the International Legal Counsel not discouraging legal icons and those in the academia within the legal framework from assuming that the UN is inherently authorized and has the unregulated ability to exercise effective control over its members.

Within the legal framework of the peacekeeping mission, the United Nations is saddled with the responsibility of providing the upkeeps for members of the peacekeeping force (UN, 1996; Ariye, 2014). This is in line with various occasions that were linked to the actions of the participating peacekeepers. Similarly, the UN Secretariat made it clear that the UN has the international responsibility which is predicated on the presumption that the operations of peacekeeping are carried out under its executive directive (UN, 1996; Sarjoon and Yusoff, 2019). However, the UN has rightly made it clear that it takes no responsibility for peacekeepers' off-duty behaviour, where off-duty means that the peacekeepers were operating in a 'non-operational/non-official capacity' (UN, 1986; Agrawal, 2011). It has been observed generally that many peacekeepers of the UN get themselves involved in acts that are understood from the point of immorality like, sexual exploitation and abuse, and human trafficking (UN, 2007; Sandler, 2017).

It has been pointed out the even though the control and command structure of the UN peacekeeping mission is clearly defined in theory, they are dicey in practice (Murphy, 1996; Goldring and Hendricks, 2018). The peacekeepers work under one authority of the Head of the peacekeeping Mission, who most often, is a representation of the Secretary-General of the UN if he or she is a civilian, but if he or she is a military officer he or she is a commander or better still chief military observer (UN, 2008; Agrawal, 2011). Accordingly, military personnel provided by member states for the UN peacekeeping mission are placed under the operational control of the UN force commander or head of the military component but not under the direct command of the UN. Thus, the UN Secretariat is cautious not to declare its command over peacekeepers, because the laws of several states forbid the transfer of command of their armed forces to a foreign commander (Murphy, 2007; Sarjoon and Yusoff, 2019). Another dimension to the peacekeeping mission of the UN in the light of the legal framework is that various documentations of the UN clearly explains that peacekeepers should not take orders from sources outside the UN and allow the peacekeepers to carry out their duties in preparation for the sole interest of the UN (Capstone Doctrine, 1995; Bove and Ruggeri, 2015). However, it has been noticed that peacekeepers persist in prioritizing national directions before carrying out the UN force commander's orders (Gray, 2002; Agrawal, 2011). This calls to question the UN's command and control of its peacekeeper. The multiple instances of peacekeepers who take orders from home countries over the instructions of the force commander indicate that the UN has no clear authority or means to monitor its peacekeepers.

#### **4.7 The European Union and Human Rights Practice**

After the United States of America, one can say that the best practice of human rights in the world would be in Europe especially among members state of the European Union (EU), although there is no major typology for its practices, in conformity with the UN layout of it stipulated in the Universal Declaration of human rights and in conformity with the rule of law cum democracy (Betten and Grief, 1998; United Nations, 2017). With the EU growing in human rights protection and practice, Europe is becoming one community of the practice of human rights with the various conventions and treaties on human rights entered by member states unifying its practice today as one in one community. The EU becoming a global projector of human right in the International community, it holds constant diplomatic talks with nations like Iraq, China, and Russia on ways to improve on human rights in their territories in line with the principles of the Universal Declaration of human rights and the Rule of law (Human Right Watch, 2013).

The EU as a normative power does not make use of threat and force for it to implement human rights regimes in nations that are practices are anti-human rights against citizens but uses diplomatic means, economic, diplomatic, and political sanctions, after long talks with the governments of those nations and failure to improve about human rights in their countries. In the above connection, human rights violations are numerous in the Niger Delta area of Nigeria, with conflicts arising from environmental abuses by multinational oil companies, military brutalization by the Nigerian military and police force on the local settlers of the hinterlands of the Niger Delta regions with the federal government doing nothing to restore justice and human rights to the people, acts of the government that are aberrations to the European Union human rights crusade and covenants (Obi and Rustad, 2011).

The Niger Delta situation of human rights violations by the Nigerian state and multinational oil companies require the applications of international law and the normative system of international governmental organizations like the United Nations and European Union responsible to put the standard of respect for human rights globally before members state to address those factors and causes of human rights and sometimes environmental rights violations (United Nations Global Compact, 2013). The European Union human rights policies are imperative to be applicable and subsequently enforced in the Niger Delta area, as the federal government indirectly with the aid of the constitution violates the peoples' rights to control the

natural resources in their land, and the multinational oil companies directly continuously violate the peoples' rights to a healthy environment.

Finally, the situation in the Niger Delta area needs the interventions of international efforts in urgently resolving the Niger Delta conflict. The Nigerian constitution remains the cardinal source of the conflict, denying the people of the region the right to control the crude oil and gas located in their land onto of environmental degradation and pollution. The question here is that: Can the multinational oil companies exploring and exploiting oil in the Niger Delta area pollute the environment where their corporate headquarters are situated in Europe and the United State of America? Sure, it will be a big no for an answer, because the domestic laws of those nations are human rights driven and oriented against the backdrop of what is happening in Nigeria. The Nigerian constitution has failed to uphold the human rights of the Niger Delta people, in resource control or the applicability of international law cum the normative system of international governmental organizations normative system like that of the EU shall be the panacea to the ongoing conflict.

#### **4.8 The African Union Charter and the Niger Delta Conflict**

The application of the African Union (AU) charter in the environmental injustice suffered by the Niger Delta region will help end environmental degradation, pollution, gas flaring, and oil spillages (Lee, 1994; Uzodike and Isike, 2009). Injustice cut across the pollution of the environment, denial of the Niger Delta peoples the control, management, and enjoyment of the crude oil inside their soil and water, exposing every form of inequality, oppression, and constitutional intimidation (Obiora, 1991; Isike and Uzodike, 2011). The paradox here is that in documentation and politicking the Nigeria 1999 constitution as amended, the current constitution in use in Nigeria expressly is the first constitution of the Nigerian state since 1960 that has protection for the environment (Fagbohun, 2002; Akinola, 2011). Environmental injustice in the Niger Delta can be best imagined or likened to the experiences of racism and color discrimination by blacks or African Americans in the United States and European countries in the distant past (Ako, 2009).

Nevertheless, environmental injustice can be understood and defined as “any undue imposition of environmental burdens on innocent bystanders or communities not parties to the activities generating such burden” (Adeola, 2000:34). The Niger Delta conflict emanating from environmental degradation, abuses by multinational oil exploring companies, and resource



control are gaining attention by the day and with the legal space both sub-regional, continental, and globally (Odigie, 2012). The 1999 Nigerian Constitution as amended in section 20 stipulates clear that “the state shall protect and safeguard the environment, which will include, water, the air and land/soil” (Fagbohun, 2002; Obi and Rustad, 2011). This section of the Nigerian constitution paradoxically, in its application in the Niger Delta region does not indicate hope in sight for that region, considering the nefariousness of the federal government and the multinational oil companies’ failure to protect the environment where they explore and exploit crude oil and gas Ako (2010). The Nigeria state operates a dualist type of legal system; this can be understood because of its nation-state nature, where different nations were amalgamated in 1914 by the British Imperialist Government and the quasi federalism that is practiced. These nations include the Ijaw, Igbo, Yoruba, Ika, Isoko, Iduma, and too numerous to mention but just to mention a few of them.

To this end, Nigeria as a sovereign nation still have international law, treaties, international/sub-regional-conventions outcomes as a part of the laws and jurisprudence of the legal system (Egede, 2007; Enabulele, 2009), and they remain enforceable and sometimes where they are not consistent with Nigerian national laws may take precedence over those domestic laws of Nigeria, especially in the areas of human rights, environmental rights and protection (Odinkalu, 2008; Odisu, 2015). Environmental justice often time is agitated for by Non-governmental organizations and civil rights groups against the horrendous damages caused by industrialization to the natural environment of man. In advanced nations, there are clear legal stipulations and enforcements of those laws concerning oil exploration by multinational oil companies, they adhere to and religiously follow the requirements stipulated by the law in their operations so that they do not violate environmental rights and therein the rights of the people peopling that environment of having a healthy and degraded free environment (Ikelegbe, 2001; Bodo and Gimah, 2018).

Nigeria has become a law-free ground for multinational oil companies to operate, with ineffective enforcement of national laws concerning environmental protection and human rights. Ironically, the federal government continues to aid these multinational oil companies to be lawless and go ahead expressly with their activities of polluting the Niger Delta region and its environment. The Non-governmental Organizations and Civil Rights/Environmental Rights activists in the Niger Delta agitations have drawn the attention of the Nigerian Federal Government to the worsening environmental damage in the Niger Delta (Oshionebo, 2007;

David and Bodo, 2019). They have also indicated the negligence of the government in enforcing the sundry laws available within the space of the constitution concerning the Niger Delta region and the environmental pollution by foreign oil companies. The magnitude of the lawlessness of the oil companies in Nigeria could not be tolerated in their various countries or where their cooperate headquarters are situated either in Europe, America, and Asia (Oshionebo, 2007; David and Bodo, 2019).

The applicability and reliability of the AU Charter in the Niger Delta conflict characterized by environmental injustice can be ascertained in the case of *Late Gain Fawehinmi vs. the later military dictator Sani Abacha* in the Court Room of the Supreme Court of Nigeria, the highest court in the land held that the AU Charter is part of Nigerian law and courts must enforce it, hence it was imperative and of pivotal importance for its enforcement and applicability where human rights cannot be preserved, upheld and protected by the domestic laws of the Nigeria state. The AU Charter article 24 is applicable in the Niger Delta conflict; it promotes socio-economic rights, rights to a safe, healthy, and clean environment (Akpabio and Subramanian, 2012). Again, to justify the strength and applicability of the AU Charter, the sub-regional Governmental Organization, the Economy Community of West Africa States (ECOWAS) patterns its human rights protocols and direction after that of the AU Charter.

Finally, the AU Charter considering the capacity and efficacy in addressing environmental injustice surely can drive the needed required panacea in its applicability in the Niger Delta conflict (Olowu, 2013). Article 24 of the AU Charter makes it clear that “All peoples shall have the right to a general satisfactory environment favorable to their development”. In the same connection, this article brings to bear the connection between the people of the Niger Delta people and the environment already degraded by oil exploration activities. However, a clean and free degraded environment enhances and sustains the development of the people, hence a violation of the environment is a violation of one of the human rights of the people which needs application of available laws to make a legal interpretation (Dennis and Stewart 2004, Boyle 2009; Mmon and Igbuku, 2015). Respect for the environment of man is becoming a global responsibility for governments, NGOs, and civil society groups, the AU Charter enforcement of the right of the environment applies to all member states of the AU.

Other nations have started coming to the reality of making laws that protect their environment from pollution and degradation, India is one nation making this assiduous effort.

The right to a good and polluted free environment is justifiable under sundry international conventions, treaties, and charters treated as part of the universal declaration of humans (Hayward, 2006; Landrigan and Fuller, 2015) because there are no human rights if there is no healthy and a peaceful environment Fitzmaurice (1988; Bodo, 2018). The Niger Delta people suffer from environmental rights violations and human rights violations since both are tied together by international law and even the United Nations is very clear on this right. With all the above said, the Niger Delta region and the ugly experiences of environmental pollution need justice and fairness (Dennis and Stewart, 2004; Nriagu *et al.*, 2016).

## **4.9 Theoretical Framework of Analysis**

Given the complexities of the Humanitarian International Law, as evident in how the UN, goes about its peacekeeping mission, and the shortcoming of the AU, we can expect that no single theory will sufficiently foster the resolution of the Niger Delta conflict. However, the consideration of the UN peacekeeping operations is enough to give us insights into what kind of theories will aid the resolution of the conflict in the Niger Delta area. This study has shown that the Nigerian legal system perpetuates an injustice to the people of Niger Delta in how its appropriate lands and the resources generated from the crude oil found on the land. The study has also shown that the intervention of the federal government of Nigeria to remedy this injustice has failed, although not abysmally. To address this failure, policies that are normative, socio-legal, and revolutionary need to be constructed against the backdrop of humanitarian international laws.

### **4.9.1 Normative Theory**

As an autonomous academic field, International Relations (IR) dates to the end of World War I. IR will always be cast as a divided discipline at a theoretical level: a discipline of theoretical disagreement and discontent. Moreover, its subject matter is vulnerable to transformation and change. It is particularly essential to know, looking back into the history of IR as an academic discipline, that IR organizes itself from a constant oscillation between great debates, “Between the 1920s and the current academic practice of IR, some ‘great debates’ could be identified in this regard” (Du Plessis, 2001:138-140). As far as these ‘great debates’ are concerned, they are most of these were concerned with competing views and macro-

theories to explain or understand key events in the international system. These views are not easily equivalent, since very differing opinions of the world are often predicted.

The simplest definition of a theory is probably that it is a mental picture of how things hang together or are connected in a segment of reality (Nel, 1999; Cochran, 2009; Dunne, Kurki and Smith, 2013). Theories are general explanations of some selected phenomena set out in a way that is acceptable to someone familiar with the characteristics of the studied reality. It may also be said that theories are cognitive tools that can help us to organize our understanding of research priorities and to select methods to research fruitfully. In addition, theories help us relate knowledge to our field and provide tools to apply scientific research methods in an orderly instead of a clumsy fashion.

In the social sciences, it is generally known that neo-Marxists began to claim that the idea of an objective and neutral science was suspect during the 1960s. Theorists such as Adorno, Horkheimer, and Habermas argued that social theory involves social criticism by definition and has succeeded in infiltrating the mindscape of many intellectuals (Strauss, 2003). It is enough to say that much has been written on normative theory, some explicit, many implicit, but the main concern for this section is to show how normative theory of political theory and IR can be applied to the Niger delta situation. In politics and IR, the source of normative theory is the need to know not simply what is done, but what should be done (Dyer, 1989). The challenge for normative theorists is to explain reality to assess it and even alter it (Nel, 1999; Dunne, et. al., 2013).

In contrast to the empirical IR theory, the normative theory addresses questions relating to behavioural standards, obligations, responsibilities, rights, and duties as they relate to individuals, states, and the international system of states. Essentially, normative-oriented studies focus on controversial issues such as the ethical value of counties and territories, the ethics of peace and war, the reality of human rights, the case for (military and political) interference, and international distributive justice demands. To this end, the normative theory applies in world politics to norms, rules, values, and standards and as such covers all aspects of the subject area, including international law, international political economy, and diplomacy (Evans and Newnham, 1998; Cochran, 2009).

Normative theory in International Relations, in simplified terms, refers to the moral or ethical dimension of international activities. Yet how normative analyses and reflections are deployed and practiced is not easy. There are thorny problems in the range of practical

questions, such as interference, nuclear issues, international legal issues, distributive justice, and many more (Lawson, 2003). In addition, the issue of who is accountable and for whom and how far accountability reaches and indeed to what degree both the global and the local, the universal and specific, are interdependent is one of the main concerns. Imagine a situation in which refugees are fleeing conflict where they cannot feed, clothe, house, and educate their families. The topic of normative IR theory, according to Lawson (2003), refers to issues such as what kind of ethics is most adequately applicable to problems such as these?

However, it may be argued that moral problems should be deemed a proper topic for philosophical reflection in the sense that there is still a natural curiosity about what is good and true for both individual and social existence. In addition, it may be argued that common sense is out of its depth in the IR report, and the immediate urgency to cope with the reality of everyday politics overwhelms value-related issues. In this regard, normative IR theorists will argue that some concern with normative issues is created by the scale of conflict and the vast inequalities of international political life (Dyer, 1989; Neethling, 2004).

The critical position of normative theorists, such as Robert W. Cox, against this context, is that theory only exists for anyone and some reason, and there is no such thing as theory, separated from a time and space point of view. In a vacuum, thus, the principle never exists (Burchill, 2001). These theorists, therefore, concentrate on the roots and conditions of the nature of perspectives and consider theory as irreducibly linked to social viewpoints (Du Plessis, 2001; Dunne et. al., 2013) and political life. It is difficult for normative theorists in IR not to opt-in favour of a collection of norms. They simply argue that scientists should do so freely and directly, arguing that even though you want to concentrate on studying the universe, you are already in a normative position. They argue that empirical theory is already a normative theory; its bias is simply not understood. It is therefore argued that scientists should instead be honest about their inevitable (normative) biases and that objectivity should not be (falsely) assumed as a result. This does not, however, alter anything about the point that IR academic analysis should be focused on reasoned reasoning with a healthy regard for facts that defines science theory choice, not just normative preferences (Nel, 1999; Cochran, 2009).

#### **4.9.2 Socio-Legal Theory**

The socio-legal theory accounts for how the law is applied in the social situation and circumstance of man and his society in the actualization of order and appropriate behavior. This approach considers or takes cognizance of the fact that the laws of any human society

emanate from behaviors (Austin, 1970; McConville, 2017). The socio-legal theory provides a better presentation and understanding of how legal decisions and positions are made by luminaries and those who are settled with the responsibility of justice in it is the temple today (Robert, 1984). It is worthy of note that the interpretation of the law considers many factors surrounding it as they are not just permanently fixed: the law is contextually analyzed and interpreted in every legal system (Black, 1996). The importance of law and regulation cannot be overlooked down by any society since it allows the normative system of organization to take precedence over the subject matter as in the case of the Niger Delta conflict today (Galligan, 1986; McConville, 2017).

The socio-legal theory has a connection with other scholarship within social sciences, but it has its foundation, justification, and methodology in legal studies. The theory's point of view thus broadens to the observation of operational and everyday legal situations and various textual sources concerning legal studies. It is important to note here that socio-legal theory has no specific definition that one can hold onto especially in addressing social problems like that of the Niger Delta conflict (Harris, 1983). Rather, its approach is often based on the socio-political experiences of the people, which is different from country to country, and continent to continent (Ehrlich, 1936; Madeira and Engelmann, 2013). Nevertheless, my take here is not just to justify the differences in the application of this theory but to recall one fact that scholars of this approach at the developmental stage were likely informed of each other's dimensions and tried to see it differently with the same message in mind (Tamanaha, 2011). In the same vein, various methodologies among social sciences overshadowed the socio-legal theory especially in the United States of America causing the socio-legal theory approach to become unpopular except within the scholarships of law and sociology (Kennedy and Fisher, 2006).

The Niger Delta conflict emanates from what may be understood as injustice from the Nigerian state forcefully taking control of the management of the oil in the region without adequate considerations for the region. Considered from the perspective of the socio-legal theory, this is an aberration in every respect (Harris, 1996; McConville, 2017). The socio-legal theory is geared towards justice and fairness in society backed with legal interpretations and empirical findings (Banakar and Travers, 2002). The importance of law as a source of justice in society cannot be overlooked: it brings order and peace in society, guarantees the rights of properties ownership and control of wealth by the owner, frowns at injustice and oppression in any form by anybody (Sarat and Kearns 1993; Llewellyn, 1992; Madeira and Engelmann,

2013). The socio-legal theory timely applies to the conflicts in the Niger Delta are, since it will mandate the Nigerian government to respect the fact that the crude oil ownership belongs to the Niger Delta people whose land the crude oil is gotten from and as a matter of urgency respect them by making them have their rights to the control and management of their natural resource (Ward and de Souza, 2013).

The socio-legal theory is all about law driving justice to the doorsteps of those who have experienced injustice either caused by the upper class or government using and manipulating the same law to oppress the people at the lower class as notable in the Niger Delta. Scholars like Karl Max, Weber, and Durkheim, the founding fathers of sociology, had postulated the stratification of law using specific jurisprudence to address agitations ranging from environmental degradation, oil spillage, and resource control cries as in the case of the Niger Delta conflict (Roth and Wittich, 1968; Madeira and Engelmann, 2013). The socio-legal theory clarifies that the Niger Delta conflict emanates from the outright neglect by the federal government, who channeled all its focus to the exploration and exploitation of crude oil. The federal government must address the agitations put forward by the Niger Delta people with urgency otherwise the people would continue to perceive their situation as that resulting from injustice and oppression orchestrated by the Nigerian state. The Land Use Act must be urgently reviewed by the National Assembly so that Niger Delta can have what duly and fully belong to them by all reckoning.

#### **4.9.3 Revolutionary Theory**

In political science, 'revolution' (from Latin *revolution onis* = upheaval) is a phase of the historical evolution of nations that generates a rapid and radical change in society (social, economic, and political). In the presence of socio-economic and political problems, revolution is one of the most important stages of the historical evolution of nations. Revolution is: "change in government and/or regime and/or society, affected by the use of violence." The awareness and dynamics of social cohesion, which can be ethnic, peasant, family ties, national, etc., are meant by society; the constitutional structure is meant by regime-democracy, oligarchy, monarchy; and specific political and administrative institutions are meant by the government (Stone, 1966:159).

This description makes it possible to differentiate between the takeover of power that leads to a significant transformation of the government or society by replacing the old elite with a new one and the coup d'état involving no more than a new one. Change of governing

workers by violence or threats of violence. In the 1960s, the term "revolution" was modified by social scientists at Princeton University with the idea of "internal war" defined as any effort to alter state policy, rulers, and/or institutions using violence in society, where violent competition is not the norm and there are well-defined structural trends (Rosenau, 1964; Coccia, 2019).

To describe revolution, philosophy, history, and other social sciences have different approaches. In philosophy, Georg Wilhelm Friedrich Hegel suggests that in an unceasing search for its fulfilment, revolution is equated with irresistible transformation embodied by a representation of the world spirit. Karl Marx suggests, in this sense, that revolution is the result of unstoppable historical forces, resulting in a confrontation between the proletariat and the bourgeoisie. The revolutionary experience is interpreted by Arendt (1963) as a reconstruction, wherein insurgents strive to regain liberties and rights that were lost because of the transient lapse into tyranny by the government. Instead, a revolution has been described by de Tocqueville (1955) as the overthrow of the legally established elite that triggered a period of extreme social, economic, and political change.

The experience of the Niger Delta regarding how they are being treated when issues of crude oil surface, is the cause of revolt against the federal government by various militant groups when they call for justice in the distribution of wealth. This agitation has giving rise to other deviant manifestations among the people revolting against the various multinational companies exploring crude oil in the region by way of the kidnapping of expatriates working with the multi-national companies, crude oil theft, oil pipelines vandalization, and the rest. This agitation, though often manifesting in deviant and morally depraved manners, is a sign that only a revolution can remedy the Niger Delta conflict. This way, if the revolutionary spirit of this agitation can be retained without its deviant and morally depraved manifestations, then the Niger Delta conflict will be resolved. One way to shed the deviant manifestations but retain the agitation of the militant groups is through a revolutionary theory.

The revolutionary theory helps students of social change to understand the very drive for a revolution in societies today. Revolutions in the history of mankind have always come because of an imbalance kind of governance from those who govern the people or have a result of an oppressive government and policies that bring unbearable socio-economic pains to most of the masses. This is not far from what Karl Max had always postulated for every society, that class difference brings about inequality which the lower class continues to be oppressed by the



ruling class who has the means of production, the concept of revolution is always a reaction to a political situation of discontent (Gurr, 1970; Coccia, 2019). There are different definitions of revolution. It can be defined as, “a rapid change in values, institutions, mass action and violence” (Huntington, 1968:230). This definition captures the very socio-political and economic situations of the Niger Delta people of Nigeria, where the law on natural resource control is by nature oppressive, and, so, it has brought about reactions from the people in the manner of militancy.

Often, revolutions in human society give rise to other movements or political groups that would become the opposition to the ruling party, to bring about a change in the direction of liberation and fundamental human rights (Takey, 2006; Coccia, 2019). In my understanding, the outcomes of revolution can be positive as is the case in the “French revolution” in Europe, which gave way to the development of science and technology today. The outcomes can also be negative if the revolution is not well managed. Since revolutions emanate from the people, because of socio-economic injustice, there is a tendency for things to get out of hand. To this end, it is important to say here that revolutionary theoretical ideology has not come to be generally accepted yet as a scholarship side by side with international laws and domestic laws in addressing the issues of oppression and injustice (Godwin and Emirbayer, 1996; Coccia, 2019).

Revolution as an ideology helps to alleviate the unbearable situation of the masses in any society; it is an expression of their pains caused either by government policies. In Nigeria, as it concerns the Niger Delta region today, the 1978 Land Use Act and the 1969 Petroleum Act Degrees take away the rights of the people to have and control their natural resources in their land, giving such rights to the central government. This has led to a revolt against the Nigerian state in militancy, in a similar manner to what happened in Iran (Axworthy, 2008). Karl Marx, of course, is often credited as the founding father of this school of thought (Perry, 2002; Coccia, 2014). His view captures revolutions emanating from class differences in every society, where citizens are placed according to their economic strength and means of production, his works continue to stand the test of time as class margin gets clearer by the day in every society because of the capitalist and capitalism appreciation cum domination the world over.

Marxist teaching about a classless society comes in the light of a reaction from the lower class against the upper class who have the means of production and has the economic

strength more than the middle and lower classes in the society. This revolutionary reaction that may be violent, comes from the experience of oppression and subjugation that is often designed to keep the oppressed in check (Finlay, 2006; Coccia 2019b). This is the situation of the Niger Delta people of Nigeria, and as Karl Marx had aptly said many years ago, the revolutions making ways in the Niger Delta area manifests in a way that the international community attention may be drawn to the unjust condition of the people (Omene, 2001). For instance, when the Land Use Act Law was enacted, the federal government was dominated by northern capitalists, who only seem to have concern for how the oil revenue can be used to foster the development of the whole of Nigeria, such that that development trickles down to Northern Nigeria (Webb, 2006, Turner, 1976; Coccia, 2019b).

The unity of the lower class to speak in one voice against an oppressive regime brings about the efficacy of their revolution (Goldstone, 1982; Coccia, 2014). As such, the revolutionary theory is timing in its applicability in the Niger Delta situation today, a blessed region with oil and gas but lacks the very basic social amenities for her people to enjoy, the presence of good schools is almost not possible, health care centres almost not possible, shelter, especially in the hinterland where the crude oil and gas are exploited, is not possible for the lower class masses and no electricity again in the hinterland (Odeyemi and Ogunseitan, 1985; Ejovi and Ebie, 2013). This situation and experience brought about the systematic revolt against the federal government by the Niger Delta, in militancy, kidnapping of expatriates, and sabotaging of oil pipelines cum installations primarily carried out by (MEND) group, the Emancipation of the Niger Delta People and the newest of such group, the “Niger Vengeance”.

On the other hand, the federal government in some cases has matched the mentioned revolutionary groups in the Niger Delta with military force. But the big question is this: for how long will this militarization of the Niger Delta people be effective to keep and suppress their agitations for resource control and a better living situation for the people of this region? (Omorogbe, 2016). The agitations are transferred from one generation to another, and it will continue to give birth to more militant groups and civil society groups in the region until the struggle is actualized to give a fresh breath to the environmental situation of today.

It is important to link here some of the theories like the revolutionary theory, for example, the Grievance theory. Grievance theory points out the sources of violence and conflict in any society especially those emanating from a natural resource where there is a denial or unfair distributions among the people or population designed by law or nature to be recipients

of the wealth. This is a typical theory that is suitable and applicable in the Niger Delta conflict where the cardinal issues from the conflict range from, neglect, environmental pollution and degradation, poverty and the total absence of infrastructure in the hinterlands, and the continuous denial of resource control by the Nigerian government (Homer-Dixon, 1999; Odisu, 2015). The Niger Delta conflict is fuelled by the attitude of the federal government, especially President Buhari's led government who remains insensitive generally to the plights of the non-Hausa/Fulani ethnic groups. The Niger Delta crude oil funds 90% of the economy of Nigeria and yet the region is neglected by the central government which has continued to increase the dimensions to the conflict in the Niger Delta Area (Hoeffler and Collier, 2005, Silke, 2000; Akpabio and Subramanian, 2012).

#### **4.10 Application of the Normative Theory in the Niger Delta Crisis**

Normative theories are ethical or moral theories. Crudely, they are theories used to consider what is right and wrong. This kind of theory certainly will come in handy when drafting policies that concern society. We must note that right action and a right moral decision are distinct. An action is right when it yields positive results even though it was done for the wrong reasons. But we do not always know what action will produce good results we are often overly confident that we can do so (Gray, 2017). Normative theories apply to this research because it questions injustice in society and promotes justice and fairness. It is the theory of international relations that focuses on morality, human rights, and international organizations.

The normative theory is also important to this study because it is directly connected to international law. The Niger Delta conflict is born out of primarily a denial of human rights to control its natural resources and to use those resources to the advancement of human wellbeing significantly. Normative theory as it concerns international organizations expresses a value that takes cognizance of both external and internal factors in all which members state come from (Dimaggio, 1991). Normative theory can be defined "as the body of work which addresses the moral dimension of international relations and the wider questions of meanings and interpretation by the discipline" (Chris, 1992: 214). This definition is timely because it focuses on how things come to be, what ought to be within international politics, issues of legitimacy of conflict/war, and social justice. This aligns with the Niger Delta conflict, where the agitation for fairness and the right to manage natural resources is internal to the Niger Delta.

On a general note, this theory is appropriate to explain some of the dilemmas in international organizations like the UN and AU find themselves in when making decisions on

human rights and conflict resolutions. This is highly in the focus of what the Niger Delta situation is today as the UN and other international governmental organizations Nigeria is a member of, have never come out precisely to address the Niger Delta conflict in a manner that the federal government is reminded of the respect and human rights of the Niger Delta people. The normative theory will be applicable in accounting for the Niger Delta conflict in Nigeria, as this conflict is understood to be arising from injustice meted by the federal government in the region. In the same vein, the multinational oil companies exploiting and exploring crude oil in the region.

The questions are to what extent can the rightness and wrongness or morality be ascertained in the Niger Delta conflict and all the relevant laws especially the Land Use Act law enacted by the military junta in the past? To what extent can this theory be relevant and applicable in connection to the applicability of international law and the normative systems of international governmental organizations to bring solutions and resolve the Niger Delta conflict? To this end, it is assumed that the genesis of the Niger Delta conflict is all about a law enacted by the military government of Nigeria, the 1978 Land Use Act, and the Petroleum Act of 1969 (Okolo, 2014). These factors took away the right of the people to control the resources in their land, in the same connection has come with agitations by the owners of the crude oil and gas. This theory is relevant to this study since the ultimate panacea to the conflict is the applicability of the normative system of international organizations and international law.

The Niger Delta conflict has a connection with morality, as the issues of fairness and justice are missing in the control of the crude oil and gas in the area on the part of the federal government in a sense that debates connecting to natural resources property rights, considers the question of justice and equity that have been the crux of the Niger Delta oil crisis. The question of justice and morality the very foundation of normative theory sees the Niger Delta area of Nigeria natural resources from property rights, which means the federal government, must address the grievances and agitations of the people with an optimum plan and with a sense of promptitude (Landrigan and Fuller, 2015). Nevertheless, natural resources such as crude oil are often a major source of national income and are also a major genesis of conflicts especially on the continent of Africa due to corruption among leadership and state actors (Kane, 2009). Again, it is worthy of note to state that the African continent is blessed with all kinds of natural resources, but it is one of the poorest continents in the world.

This is an irony that could only be explained by the fact that poor management and corruption, ethnic city differences, nepotism, and religion play a lot in the outcomes and understanding of this irony today. Nigeria reflects this irony, and the victim of this irony is the Niger Delta area (Mazor, 2009; Andrews, 2015). The Niger Delta conflict needs some normative approach in bringing a lasting solution to the agitations and conflicts. The normative theory in international relations scholarship looks at ethics and the right place where they can be applicable, the various laws at the international arena that speaks of environmental protection and the right of people to determine and control their natural endowment becomes imperative to be applied in this conflict (Dyer, 1989; Cochran, 2009).

The normative theory focuses and addresses issues within the scholarship of international relations behaviour of states and non-state actors at the international community, responsibilities of member states of international governmental organizations, the issues of war/conflict and peace amongst states, the political economy, diplomatic relationship and the safeguarding of the sanctity of human rights cum respect for international law and signed treaties at the state level (Evans and Newnham, 1998; Dunne *et al.*, 2013). Normative concerns as with this study have always informed the study of International Relations and politics with a consistent thread running through the life of international organizations, both governmental and non-governmental (Finnemore and Sikkink, 1998; Cochran, 2009).

However, norm-based research is problematic, particularly in politics and international relations. It is critiqued as being an idealist, ambiguous, and aiming towards ideational and social ends. But according to Engelkamp and Glaab (2015), this sort of research implements a type of epistemological violence aimed at minimizing normative uncertainty, thus foreclosing alternate forms of research about norms, and this shows that norm-based research can make substantial progress. Engelkamp and Glaab's work also provides a viewpoint on writing principles that call for a culture of inclusion and hospitality ethics that recognizes normative uncertainty as a medium of dialogue. States have the obligations and responsibility to respect international laws and treaties they have signed (Bogdandy, 2008), however, some states and their governments constantly violate the fundamental rights of their citizens (Paulson 2018). Normative theory can aid the resolution of the Niger Delta conflict, precisely because by applying it to the Nigerian legal system, policies that regulate the resources and revenue of the Niger Delta will be appropriated justly.

#### **4.11 The Responsibility to Protect (R2P) as a normative tool**

One of the international norms that permit direct intervention in the activities of a sovereign state is the responsibility to protect (R2P). This was a fall out of the “right of humanitarian intervention” norm in the international system (The Responsibility to Protect 2001; Evans and Sahnoun 2002). One of the cardinal principles of international relations is the sovereignty of states. In other words, no state has the right to interfere in the domestic affairs of other sovereign states. However, a series of developments in some states, especially in developing countries, where domestic political and ethnic conflicts had degenerated to humanitarian crises, called for global attention. Ethnic conflicts, as the cases in Rwanda, Serbia, former Yugoslavia, and ethno religious conflicts as well as political turmoil had led to the violation of the basic human rights of citizens. In some countries, domestic political crises have led to the migration of citizens to refugee camps, while many had been killed.

The R2P was officially drafted in the year 2001, with its origin from the Canadian government appealing to the United Nations for considerations in reconciling sovereignty and human rights (Evans and Sahnoun (2002). However, the principal elements of this doctrine include that state sovereignty means responsibility; hence states have their duty to protect people within their geographical territorial definition. It means that states have the responsibility to protect their citizens from human rights abuses and other grievous situations of dangers (Evans and Sahnoun 2002).

The R2P norm was a response to “the question of when, if ever, it is appropriate for states to take coercive – and in the particular military – action, against another state to protect people at risk in that other state” (The Responsibility to Protect 2001). Thus, R2P is a norm that permits “intervention for human protection purposes”. The R2P originated from the concern over the spate of humanitarian crises across the globe in the 1990s. The Secretary-General of the United Nations Organization (UNO), Mr. Kofi Anan, had pleaded with member nations to arrive at a permanent solution to the escalating humanitarian crises arising from internal socio-economic and political conflicts. To him, it was expedient for the international community to permit intervention in such domestic squabbles on humanitarian grounds. According to him,

...if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity? (cf. The Responsibility to Protect 2001).

At the sitting of the General Assembly of the UN in September 2000, the Canadian government in conjunction with other stakeholders announced the establishment of the International Commission on Intervention and State Sovereignty (ICISS). The purpose of the Commission was to consider a framework of operation for intervention in domestic affairs of sovereign states, considering the various implications associated with it and the R2P on two basic principles.

State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself. Where a population is suffering serious harm, as a result of internal war, insurgency, repression, or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect (The Responsibility to Protect 2001).

However, the R2P as a mechanism to involve the international system in the resolution of domestic conflicts to safeguard human dignity and protection of fundamental human rights, has four precautionary principles, especially when it comes to military action.

First, such intervention should be based on right intention, second, it must be a last resort, third, the scale of intervention must “the minimum necessary to secure the defined human protection objective”, and fourth, it must be of reasonable prospects. The norm also has three elements.

**The responsibility to prevent:** to address both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk. B. **The responsibility to react:** to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention. C. **The responsibility to rebuild:** to provide, particularly after a military intervention, full assistance with recovery, reconstruction, and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert (The Responsibility to Protect 2001).

The major priorities of the R2P are prevention and the exercise of responsibility. Since the essence of the intervention is to protect, it is the responsibility of the intervention force and measures to ensure the prevention of humanitarian calamity with the application, at the first instance of “less intrusive and coercive measures”.

Thus, R2P is not a measure to escalate the conflict and the associated consequences on civilians, but to exercise cautious responsibility to achieve the desired result. The R2P has its foundations in the inherent responsibilities and obligations of a sovereign state to promote and protect the interests of citizens and the statutory frameworks and responsibilities of international organizations. In terms of authorization and operational principles for military

actions, the United Nations Security Council has the responsibility to direct the application of the R2P norm for intervention in the domestic affairs of sovereign states. The R2P has six operational principles. These are:

1. Clearly defined objectives, mandates, and resources
2. Involved partners must have a common military approach, with unity of command, communication, and chain of command
3. Application of force must aim at protecting population and preservation of state
4. Precise rules of engagement with a reflection of the principle of proportionality, including adherence to humanitarian legislative frameworks
5. Force protection not the principal objective of R2P.
6. There must be maximum coordination of the application of the R2P with humanitarian organizations.

There is no doubt that powerful nations could manipulate the application of this norm to advance the national interests of their respective countries given the primacy of power in the international system. For instance, Rusila (2011) noted the bias associated with the application of the R2P norm in global intervention in the conflicts in Bosnia, Kosovo, Afghanistan, Iraq, and Libya while the international community kept mum over similar conflict of greater humanitarian crises in Syria, Somalia, Burma, Sudan, among other fierce domestic conflicts. To Rusila, the driving forces in the application of the R2P norm hinged on the socio-economic and political interests of the implementing powers, desire to influence military and political activities in such nation, and the desire of domestic political elites to manipulate public opinion to advance their political agenda. This criticism of the application of the R2P norm has been associated with intervention in countries with armed conflicts.

#### **4.11.1 The Application of the R2P norm in the Resolution of the Niger Delta Crisis**

While the application of R2P has been on countries with armed conflicts, the international system has not applied the norm in dealing with issues arising from the second principle.

Where a population is suffering serious harm, as a result of internal war, insurgency, repression, or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the



international responsibility to protect (The Responsibility to Protect Report 2001).

This principle indicates compelling reasons that could attract the international community to intervene in the protection of the interest of the population who are suffering from the failure of the government to secure their fundamental human rights. Thus, the application of the R2P doctrine in the Niger Delta region of Nigeria is hinged on the failure of the government to redress the deteriorating environmental conditions, occasioned by years of oil exploration and gas flaring. The various intervention programs of the Nigerian government to resolve the ecological problem in the region have not been able to yield the desired results. This is attributable to the lack of commitment and dedication to the implementation of the policies of such intervention mechanisms (Fagbadebo and Akinola 2010; Fagbadebo 2010; Pike 2020). The various institutional infrastructures established to advance the sustainable transformation of the region had been networks of corruption (Afinotan and Ojakorotu 2009; Agbiboa and Maiangwa 2012; Fagbadebo 2019b).

The Oil Mineral Producing Areas Development Commission (OMPADEC) and the Niger Delta Development Commission (NDDC) are the two recent institutional infrastructures saddled with the responsibility of facilitating sustainable development in the region. In addition to this, the government has also created the Niger Delta Ministry as a department of government to oversee the development activities of the region. Nevertheless, corruption and mismanagement of resources have crippled the activities of these agencies. According to Omotola (2007), despite the enormous resources allocated to the defunct OMPADC and the NDDC, the burgeoning crisis of governance in the Niger Delta continued to deteriorate because of corruption. The Minister of the Ministry of the Niger Delta Affairs, Senator Godswill Akpabio confirmed this saying that the agencies failed because “their operations were marred by lack of focus, excessive corruption, political interference and high overhead cost” (cf. Ochayi 2020).

In May 2020, the National Assembly discovered how the management of the NDDC squandered N40 billion (Akeregha, Jimoh, and Abuh 2020). A member of the National Assembly who raised the issue reported that the management of the NDDC was involved in financial recklessness shrouded with massive corruption. “Within the last three months, the commission has spent over N40 billion of the commission’s fund without recourse to established processes of funds disbursements, which has opened up further suspicion among stakeholders of the Niger Delta region” (cf. Akeregha, Jimoh, and Abuh 2020).

It is ironic, however, that members of the National Assembly and other political elites in the government, whose oversight responsibility of government departments and establishments was to ensure effective public service delivery, were fingered in the corruption in the Niger Delta region. For instance, Senator Akpabio disclosed that members of the National Assembly were involved in the various contracts awarded by the NDDC in the various cases of mismanagement of funds in the agency (Nwachukwu 2020). The Minister had alleged that over 60% of the NDDC contract was awarded to members of the National Assembly, who most often did not execute the designated projects.

Aside from the institutional infrastructures to defray the ecological problem, the Constitution of the Federal Republic of Nigeria, 1999, as amended, prescribes a deduction of 13% of national income as derivation fund for eight oil-producing states. Section 162 (2) of the Constitution mandates the deduction of 13% “of the revenue accruing to the Federation account directly from any natural resources” (Constitution of the Federal Republic of Nigeria 1999 as amended). Since 1999 when the Constitution was promulgated, the Oil-producing states have received a total of over N9 trillion (Adebowale 2021). The Fund was designated for compensation of the loss of productive farmlands occasioned by oil exploration and production activities in the areas. It is meant to incentivize citizens and other stakeholders in the area to encourage them to allow the necessary conducive environment for continuous production of oil and gas. Nevertheless, the states have turned this fund into a haven of corruption, with the establishment of Commissions to manage the disbursement of the fund for certain projects. Despite the enormous fund released to the states, the oil-producing communities suffer greatly from insufficient facilities and continuous damage to their farmlands.

At the centre of the humanitarian crisis in the Niger Delta is the failure of the Nigerian state to manage the resources earmarked for the development of the region. In 2006, a report indicated that medical facilities in the region were inadequate to cater to the health needs of citizens that were suffering from the health hazards occasioned by oil exploration activities (Ibeanu 2006). In addition, a fractional part of the population (27%) had access to potable water while access to electricity was restricted to less than 30% of the population. Yet, resources allocated to the various government agencies for the provision of these facilities were squandered with impunity.

The implication of this for Niger Delta citizens is that they became powerless against the unbridled appetite of officials of government for the resources of the region. Thus, it is

evident that the deprivation of basic amenities and the continued degradation of the environment constitute a violation of the rights of citizens to basic amenities. In other words, in the absence of external intervention to enforce transparent commitment and dedication to the promotion of inclusive policy thrust in the Niger Delta, the escalating crisis of governance would continue to promote devastating humanitarian crises in the area.

This is where the application of the R2P doctrine is imperative. Previous conflicts in the Niger Delta had adverse effects not only on the Nigerian domestic system but also on international affairs (Newsom 2011; Babatunde 2012). Because of its proximity to the sea, the Niger Delta region is strategic to international waterways as well as domestic socio-economic activities. Thus, any armed conflict in the region would have its impact on both the domestic and international systems. The spillover of displacement of citizens would also become an added burden to neighbouring states within the country, as well as settlements that are proximate to the region in the neighbouring countries. This is not an advocacy of international military intervention but a determination to compel the Nigerian government to fix the corruption bug that has plagued the implementation of the series of policies designed to assuage the crisis in the region. Continued deterioration in the ecological challenges in the region is an invitation to another round of militant uprising that could compound the present insurgent attacks and insecurity in the country.

This doctrine, as part of the tools of the normative system, could be applied in the Niger Delta conflict from both the root and direct causes of conflicts that have caused the people to be in a dangerous situation<sup>3</sup>. International law must be invoked against the Nigerian state for the inhuman situations of the Niger Delta People, in the same connection, this doctrine implies coercive actions using sanctions, prosecution, and military actions against a wanting country like Nigeria<sup>4</sup>. International Organizations like the United Nations and the African Union have the status to champion the protection of people, especially in the time of great danger to the human life (Williams (2009). This aspect of the normative system became practicable in the Sudan war, the African Union keeping the peace by implication protecting vulnerable citizens<sup>5</sup>.

The UNO could also apply the R2P norm and other legislative instruments to intervene in the resolution of the conflicts in the Niger Delta, characterized by military brutality and

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<sup>3</sup>Report of the International Commission on Intervention and State Sovereignty, page XI and 19-27

<sup>4</sup> Report of the International Commission on Intervention and State Sovereignty, XI and 29-37

<sup>5</sup> Evans, "Responsibility to Protect: From Idea to International Norm," 23-24

environmental pollution which is a threat to lives in the region. The Security Council could act swiftly to protect the people of the region justifying actions on article VII of the charter to advert the eminent risk to lives<sup>6</sup>. In the consideration for the R2P, the nurture of the humanitarian normative ideology remains the cardinal point, in this sense to note amongst others, the United Nations involvement in Somalia was the next stride in the development of increasing and establishing a norm permitting for humanitarian intervention.

In the year 1992, the Security Council approved Resolution 733 which is about humanitarian and security situations where a threat to international peace and security like a situation in the Niger Delta Area of Nigeria would allow the application of this normative system<sup>7</sup>. International organizations, both governmental and nongovernmental, are increasing in numbers by the day, their efforts are reducing conflicts and wars globally and domestically, the reference point to the doctrine of the responsibility to protect is applicable within a normative system, the African Union a regional organization, according to Article 52(1) of the United Nations can be understood has a Charter (UN, 1941: Ch. 5), the AU is a prime example of how peace building and protection of peoples institutions. However, it is important to reflect on the institutionalized understanding amongst members of the global system to resolve the challenges of conflicts and protect the peoples under such situations of conflicts (Hanrieder, 1966:297). At the same time, international organizations allow the centralization of shared actions, competently dazzling member States' benefit and allowing them to be articulated and protected (Gabriela, 2013:310).

International Organizations like the African Union has a primary duty to protect and come to the aids of the peoples of Africa in situations that threaten lives especially when the local authorities or the domestic authorities are overwhelmed by the situation, this mandate is based upon the Constitutive Act, which specifies a sequence of values and objectives that are to be attained by the relevant institutions within the AU (Aneme 2018). Africa is a continent where you have a lot of countries where the authorities of state use the institutions to violet human rights and subject their citizens to conditions that pose a great threat to their lives, in this kind situation Amnesty International article reports of March, 2019 captures six schoolgirls and one boy who were arrested by the police for doodling on the former late President

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<sup>6</sup> United Nations, "2005 World Summit Outcome (24 October 2005)", UN General Assembly, <http://daccess-ddsny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>, paragraph 139.

<sup>7</sup>United Nations, "Resolution 733 (23 January 1992)," UN Security Council <http://daccessddsny.un.org/doc/RESOLUTION/GEN/NR0/010/92/IMG/NR001092.pdf?OpenElement>.

Nkurunziza's of Burundi picture in schoolbooks, (Nicholson, 2019). The Africa Union is perceived to have failed in its responsibility to protect Africans especially those in the Niger Delta situation today; however, the doctrine of the responsibility must be reactivated actively for actions according in the Niger Delta Region, (DW, 2018). One of the worsening aspects of the Niger Delta conflict is the continuous human rights abuses by the Nigerian state using the military and police to suppress the voices of the people in a cry for an improved situation. The application of this doctrine goes a long way in impacting positively in the current conditions.

The United Nations and the African Union are clear examples of a normative system of International Organizations, their respective charters are binding on members states and can address challenging situations that put the lives of human beings in danger, their systems are normative, and their norms become another aspect of International law. The UN normative capability is defined in Article 52(1) of the UN Charter (UN, 1941: Ch. 5). These articles stipulate the roles of international organizations in peace-making and peace building. The normative efforts of the African Union are made clear during the Civil war in Burundi, between 1993 and 2005 (Gabriela, 2013). It is important to note that part of the United Nations as a normative power is to keep the peace in countries that are embroiled with violence (Lawrence 2008). Today's international organizations are legitimized by States, hence becomes important to establish a global world of peace and mutual understanding, (Meiser, 2017). The case of the African Union and its normative nature which is built upon the "Constitutive Act", defines sundry of principles and objectives with synergy with states (Aneme 2018).

#### **4.12 The Rights of Niger Delta within International Laws and Norms**

The most vital fundamental means of the research areas that cover the United Nations Declaration on the Rights of Indigenous Peoples is soft law which is applicable in many national legal systems of the members of the United Nations general assembly, it speaks about and upholds the elementary ideologies of indigenous peoples rights especially on the issues of right to independence where it is required based on their experiences in an existing framework of colonialism or sovereignty, the right to non-discrimination, expression of the right concerning cultural integrity, the right to lands, territories, and right to the control of natural resources, this aspect of the law is normative and defined in international law, ILO Convention (No.169). Notwithstanding the deficiency of affixed thought of indigenous rights, there has been a flow in the research area of indigenous rights in international law that started after World

War II and has constantly flourished since the 1970s (Oliveira, 2009). The sub-field of International law has contributed to a more understanding of the challenges that indigenous people the world over is confronted with.

It is reasonable to position that in the past around the 1970s, the Western World indigenous peoples, occupied no significant place in the scholarship of international law. They were principally measured as just legal parts of local law (Wiessner, 2008). As a rejoinder to the consciousness-raising energies of the indigenous peoples in the global forum, the 1970sbegan the universal indigenous rebirth (Hannum, 1988). Gordon Bennett's revolutionary work towards this end in 1978 signaled an increasing concentration amongst Western legal academics in indigenous rights with the framework of international law (Bennett, 1978). The intellectual work of Douglas Sanders and Russell Lawrence Barsh aided and endure such interest in indigenous rights amongst the North American legal researchers in the 1980s (Barsh, 1983, 1986; Sanders, 1983). Nevertheless, the landmark 1990 work of Robert Williams paved the way for a historical investigation into the writings and speeches of foremost European intellectuals and religious facts and sued that these philosophies provided moral protection for the frequently vicious suppression of the indigenous peoples, (Anaya, 1996). Presently, various communities of indigenous and non-indigenous interdisciplinary intellectuals have an inclusive package on indigenous rights within the framework of international law. Most important records of modern international law researchers have now focused attention on the indigenous people's conversation (Falk, 2000).

The global acceptance of the Declaration on the Rights of Indigenous People in the year 2007 has renewed the indigenous people's rights with the scholarship of International Law, which defines the Declaration's space, pertinency, and implication on domestic law on indigenous people's rights (Mansell, 2011; Newcomb, 2011; Wiessner, 2008). Researchers commonly approve that indigenous societies are massively diverse; they bear the remarkably alike experience such as the absence of statehood, economic and political disregarding, and cultural and racial discrimination (Fliert, 1994; de la Cadena &Starn, 2007). Various vocabularies relate to. The postcolonial concept tends to use "indigeneity," while some use Native Americans in the case of the United States. Researchers choose the term "indigenouness" as an additional reliable explanation of the status of indigenous clusters in the Americas. The word "indigeneity" generally interconnects with ideas of race, marginality, colonization, distinctiveness, likewise hybridity, essentialism, legitimacy, displacement, and

the third world, it has developed as one of the most debates in the postcolonial era (Ashcroft, Griffiths, & Tiffin, 1995).

The International Covenant on Civil and Political Rights (1966) and International Covenant on Economic, Social and Cultural Rights (1966) are other sources that uphold the rights of indigenous people, International Covenant on Civil and Political Rights (1966). The above treaty includes in its article, the right to freedom, and the rights of national, ethnic, and linguistic minorities (article 27 of ICCPR) as in the case of the indigenous minority people of the Niger Delta in Nigeria. The United Nations Declaration on the Rights of Indigenous Peoples today has been enshrined and ratified in members states national law and legal system of which Nigeria is a member and has since ratified the conversion into action but has failed to apply this aspect of law in delivering justice in the situation of the Niger Delta people. Sundry of International Organizations are engaged daily in the application of this law in nations where the minority indigenous peoples and their rights have been suppressed, infringed upon, and denied. The acceptability of indigenous peoples' rights in international law is determined by the development of norms in this aspect of law.

A re-examination of the effectiveness of this declaration is the upholding of the rule of law and respect for indigenous peoples by the respective domestic legal system which Nigeria is one, Wiessner (2008). The United Nations Declaration on the Rights of Indigenous Peoples in the sense of empowerment of the people is captured by this law as part of the points in the conversations, their natural resources must be advanced in a manner that empowerment is actualized towards meeting well-fare, wellbeing, and basic needs of life with contemporary international law unequivocally speaking of this aspect of human rights of native people, Seth (2007). The Indigenous and native peoples have property/control rights over the natural resources which are in their lands. Using the United States of America as a reflection here, a country that Nigeria copies her practices of democracy and federalism from, human rights law regarding the indigenous peoples' rights, obviously combined, within the substantial space of this right, the natural resources customarily used by indigenous peoples and connected to them away of life/cultures, an essential aspect of the right to territorial property or the right to natural resources defined their ancestral lands.<sup>8</sup>

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<sup>8</sup> I/A Court H.R., Case of the Saramaka People v. Suriname. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 28, 2007. Series C No. 172, par. 118.

Going by the legal framework of law concerning the right to property, indigenous and ancestral peoples defined to a particular place traceable back to their third to fourth generations have the right to make use of and relish the natural resources located and define within their territories.<sup>9</sup> Indigenous peoples' rights now in the front of global human rights conversation about the United Nations and other NGOs, specific, as stated previously, the meaning of indigenous populations now the responsibility of the UN to protect based on International law and the normative system (Howard, 2003). The engagement of indigenous NGOs at the global stage inspired broader global interest in indigenous people's rights (Hanuum, 1988).

The Niger Delta people considered as indigenous people within international law have the rights to protect from International Law and the normative system of the United Nations charter especially in the right to resource control in their land. Today the infringement on this right by the Nigerian state becomes one of the cardinal points of the conflict. The kind of federalism practice in Nigeria has caused the violation of the rights of the people of the region. However, the Petroleum Act and the Land Use Act are all strengthened in the 1999 Constitution as an amended stand to be an aberration to international law, and application of this law will help in resolving the conflict.

#### **4.13 Conclusion**

The international community has to intervene and prevent a further humanitarian crisis in the Niger Delta region, using its normative power. Environmental degradation, pollution, and oil spillages occasioned by the exploration activities of the multinational oil companies are crippling the livelihood of Niger Delta citizens. Ironically, the home countries of these multinational oil companies are members of the UN Security Council. The amnesty program introduced by the government in 2009 assisted in dousing the tension in the Niger Delta Area. It also helped in a reprieved experience by the national economy. The program also engaged in the rehabilitation of the repented militants; some were sent to school both home and abroad to acquire training in the various field of studies, especially in engineering, piloting, and Agriculture. Nevertheless, this is a temporary relief. The major driver of violent conflicts in

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<sup>9</sup> ACHR, Arguments before the Inter-American Court of Human Rights in the case of *Awatitngni v. Nicaragua*. Cited in: I/A Court H.R., Case of the Mayagna (Sumo) *Awatitngni Community v. Nicaragua*. Merits, Reparations and Costs. Judgment of January 31, 2001. Series C No. 79, par. 140(e).



the region persists. The various institutional structures established to deal with these challenges have failed.

Nigeria is still one of the biggest countries on the continent of Africa despite the various ugly happenings from the Niger Delta conflict, Boko-Haram terrorist activities to corruption practice daily by government officials and individuals in the non-public sectors of our economy. All these ugly happenings are directed to one major pointer which is the lack of focused and selfless leadership both at the different levels of government. The Niger Delta region is a very important region to the economy of Nigeria. More so, to the Northern region this has no major source of the economy rather than the crude oil dependency. This has made talks of restructuring Nigeria bring fear and trepidation to the northern elites because when the country is restructured, they have virtually no natural resources to fall back on. This is where the source of the Niger Delta conflict is located: the federal government's manipulating the national law to continue to give what is rightfully the Niger Delta to the northerners and unfairly neglecting them. The Land Use Act Law and the Petroleum Act Law must be review by the National Assembly to allow for a measure of state control of their lands.

The various theories considered above account for the happenings in the Niger Delta area, questions like why the militant groups are bent on destroying oil installations, the revolt against the government. The Normative theory focuses on justice, how the international normative system and international can drive justice to those places where national legal systems fail to effect justice in the land. Socio-legal theory drives fairness and equity explains the unfair treatment of the Niger Delta by the federal government and accounts that what is due to the people must be accorded to them without any delay. The various theories employed in this work have connections and important roles in helping to understand the purposes of the work. The normative theory has pointed out that the normative system of international organizations like the the UN, the Econmic Community of West African States and the African Union have the capabilities to bring a sense of belonging with references to peace and justice where the Nigeria state failed to do so in the Niger Delta conflict. Social Legal Theory connects with the normative theory in addressing the agitations of injustice, oppression and underdevelopment in the Niger Delta area informing the conflict. The Revolutionary Theory connects the other two theories employed in the work, a revolt by the various militant and civil society groups against the Federal Governmemt of Nigeria and the Multinational oil companies

for their actions and deeds of injustice towards the Niger Delta Region and people, especially the obvious environmental degradation and pollution.

## **CHAPTER FIVE**

### **METHODOLOGY OF THE RESEARCH**

#### **5.1 Introduction**

The research employs a mixed research method. The mixed method combines a qualitative method with a quantitative one. The research methodology is mixed because it has qualitative and quantitative elements with some flavours of textual and content analysis (Ikpia, 2005; Creswell, 2014). The mixed method in human sciences allows researchers to give optimum outcomes of research by understanding the fact, that human behaviour is unpredictable (Saunders and Thornhill, 2007; Patten and Newhart, 2017). The Niger Delta conflict requires various methods to look at it on the part of the research since many parties are involved in the conflict (Jegade, 2006; Edwards and Holland, 2013). The richness and the reliability of any scholarly work is the variety of the methods used to bring about the intended and aimed results. Qualitative research is built on the assumption that reality is not fixed, single, or measurable phenomenon, as posited by the positivist quantitative research approach (Merriam, 2002; Creswell, 2013). Quantitative research is the form of research method which allows the collection and analysis of numerical data (Omoyefa, 2010). Together, qualitative and quantitative research methods allow for a proper assessment of the Niger Delta conflict.

Furthermore, mixed-method methodology research contains the merging of qualitative and quantitative methods into one study, which draws strength from both options of approaching the phenomena from direct and indirect sources concerning the crux of the study, (Cronje, 2011:30). Mixed method research collects and analyses both quantitative and qualitative data within the same study, permitting investigators to discover various viewpoints and expose relationships that happen between the complex layers of the multifaced research questions. A mixed methodology study entails a purposeful mixing of methods in the data collection, analysis, and interpretation of the indications. Purposeful data combination allows scholars to pursue a more panoramic interpretation of their study landscape, observing phenomena from diverse positions and through sundry study lenses.

#### **5.2 Methodology of the Research**

As earlier noted, this research applies the mixed research methodology to address the raised research questions. A mixed-method research methodology combines the quantitative with the qualitative research methodologies. The advantage of this, as earlier discussed, is that the question the study sets out to answer will be adequately represented by the data set (Bacon *et al.* 2014). Consequently, to sufficiently discuss the mixed research methodology, the quantitative and qualitative methods must be briefly contextualized.

### **5.3 Research Design**

A research design is a schematic model that is deemed most appropriate for addressing the research problem in a report. It is the systematic study of the laws, postulations, and methods that a discipline employs to investigate a phenomenon (Flick, 2011). The researcher adopts a convergent mixed research method in collecting and analyzing quantitative and qualitative data in answering the research questions to meet the investigation objectives.

The study employed the use of a self-administered survey questionnaire, which consisted of semi-structured questions distributed amongst Human Rights, Environmental Rights Activists, Academics, and Legal Practitioners in Ondo, Edo, and Bayelsa States. This study relied significantly on historical sources and a historical analysis approach in driving home some of the arguments presented in the study. The study relies on archival sources including documents, records, journals, transcripts, court judgments, court proceedings, and national laws of Nigeria, international laws, case law, newspapers, and other pieces of literature (that cover events affecting the region, the source of the clash). The researcher also embarked on a critical evaluation of existing literature from relevant sources such as the internet, scholarly/academic journals, magazines, and monographs. A well-synthesized analysis of primary and secondary data provided guide in answering the key research questions.

#### **5.3.1 Qualitative Method**

The qualitative method of research focuses on the meanings in all aspects of the data set (Berg and Howard, 2012). This description shows that the method contains the required tools to elicit a reminder which helps to solve problems. The method is, therefore, based on the collection and analysis of experiential data (Wyse, 2011). Using inductive reasoning with a descriptive and exploratory orientation, the method stressed the understanding of social phenomena from the social participants' perspectives (Creswell, 2012). The qualitative research

approach is especially successful in obtaining accurate cultural knowledge about the beliefs, views, attitudes, and social contexts of different populations. The qualitative method focuses on subjective opinions, attitudes, beliefs, and experiences of social participants that cannot be measured in a statistical sense in relation to a specific phenomenon (Yilmaz, 2013). Thus, Padgett (2016) conceptualized the qualitative research method as a research paradigm that tends to capture the complex world of respondents holistically by emphasizing subjective meaning while debunking the existence of a single reality.

The qualitative research method divides but is not limited to the story, phenomenon, grounded hypothesis, action, case research, ethnography, and past research (Creswell, 2009; Mohajan, 2018). The narrative qualitative research method involves analyzing the characteristics of the narrative text and the meaning of interhuman relationships in the past, social and cultural contexts (Felton and Stickley, 2018), by dwelling on stories as told by the participants. The phenomenology qualitative research method explores the data set from the experiences of the participants, focusing on their subjective awareness of the issue under consideration (Cresswell, 2009). The grounded theory is a theoretical approach that is focused on the data obtained and analyzed (Glaser and Strauss, 1967; Vosloo, 2014; Noble and Smith, 2015), by allowing the researcher to obtain an all-purpose theory of a process based on the participants' opinions (Creswell, 2009).

Action research combines theory and practice with organizational knowledge to resolve specific problems of the system being investigated (Coghlan, 2011), by improving the steps taken to remedy the problems. Case study research is a systematic summary and review of a specific case (Mesec, 1998; Anney, 2014) It is the investigator's effort to explore in-depth a given data set. Ethnographic research analyses the attitudes, social interactions, and activities of small groups, including involvement and observation over a considerable duration, and analyzes the data collected (Denzin and Lincoln, 2011). It is the most intensive and in-depth qualitative observational approach in this way. Historical qualitative research explains to that extent how and where the study began, how it progressed over time, and where it exists at present (Špiláčková, 2012); it allows researchers to analyze and readers to understand both current and future events.

One advantage of the qualitative method includes the collection of ample data about individuals and circumstances in real life (De Vaus, 2014). However, the way the information is obtained in qualitative research/study is unique: the researcher is engaged in the data

collection process as he/she does not rely on un-existing-numerical primary data, such as words and pictures making qualitative research ideal for concise and accurate studies (Johnson and Christensen, 2012). The theory also arises from evidence in qualitative studies, and not the other way around. This helps the researcher to (re)construct hypotheses where possible provided the flexibility of the data set, as an alternative to testing data generated by other researchers elsewhere (Leedy and Ormand, 2001; Creswell, 2013). This also allows for close interaction between the researcher and the participants, which makes it easier for the participant to help shape the study.

Qualitative research methods are not without problems. Firstly, qualitative research methods view the world as dynamic rather than static, and, so, not much generalization is made in qualitative research (De Vaus, 2014). Secondly, plagiarism and replicability are other big challenges the qualitative research method faces. Often, platitudes and fictional writings are engaged in at the expense of a scientific mode of inquiry (Cohen and Morrison, 2011). This then connects to an epistemological concern about the method in general. If the method is subjective and not scientifically objective, how correct, accurate, and factual is it? (Cohen and Morrison, 2011). Finally, since the qualitative researchers do not use numbers, it is difficult and unlikely to justify findings and observations, and so work goes on and on about what they might have described in fewer words using statistics.

### **5.3.2 The Quantitative Method**

The quantitative method explains the phenomenon “by collecting numerical data that are analysed using mathematically based methods (in particular statistics)” (Aliaga and Gunderson, 2002; Tavakol and Dennick, 2011). A quantitative method of study deals with the quantification and examination of variables to obtain results (Apuke, 2017). It includes computational data use and analysis using different statistical methods to address questions such as the *who*, *where* *how*, *how many*, and *how much*. Shield and Watson (2012) argue that quantitative approaches are investigative strategies in which the subject variables are not only measurable but also quantifiable and coded as numerical data. In line with this claim, Yilmaz (2013) viewed the method as an empirical investigation into social phenomena guided by an objective epistemology of a static fact, whereby variables are measured with numbers and statistically analyzed to explain or predict the generalized patterns and magnitude of a phenomenon. The quantitative approach categorizes, analyses, and expresses the relation between phenomena in terms of quantity to establish a generalization (Cress and Hess, 2013).

There are at least four types of quantitative research: correlation research, survey research, experimental research, and causal-comparative research (Sukamolson, 2007; Patten and Newhart, 2017). The correlation quantitative research method creates a relationship among two or more variables in the same population (Leedy and OrMr.od, 2010). The correlational method subdivides into two: the explanatory design, which is used to explore how the change in one variable reflects in the other (Creswell, 2008), and the prediction design, which is used to predict those outcomes from another variable in one variable that acts as the predictor (Apuke, 2017). The survey quantitative method includes the utilization of a scientific case method with a questionnaire designed to quantify the characteristics of a given population by using statistical methods.

In addition, Kraemer (1991; Noble and Smith, 2015) sees survey research as a social science study based on individuals, people's vital facts and values, thoughts, perceptions, motives, and behaviors. The experimental quantitative testing approach examines how an intervention is performed in the sample community and then analyses the effects of the procedure. It divides into three types: pre-experimental, involving a sample group not chosen at random; factual experimental, which offers a higher amount of management in the experiment and generates a higher degree of soundness; and quasi-experimental, involving non-random selection of study participants (Leedyand 2001; Babbie, E. 2010).

The quantitative method is employed for this research in the generation and analysis of numerical data which covers the study's central focus. Organizational records and data on the Niger Delta conflicts in terms of humanitarian and environmental right violations as well the interventions by the Nigerian government will be sourced. The numerical data generated from the primary and secondary data will be provided in tables, and charts and a detailed analysis of the produced data will be carried out. This will be carried out using the multiple correspondence analyses (MCA) (Husson and Josse, 2014) through SPSS software in the generation of trends and magnitude of the research phenomenon.

There are some benefits to using the quantitative approach in a study. One, the quantitative study approach relies on statistical data as an instrument, which saves resources and time (Bryman, 2001; Noble and Smith, 2015). The reliance on statistical data for study explanations and interpretation decreases the energy and duration spent in explaining results. Data (observable figures, percentages, and numbers) can be calculated and analysed by computer software like the Statistical Package for the Social Sciences (SPSS) (Gorard 2001;

Connolly 2007; Thomann and Maggetti, 2018). Another benefit of the quantitative study method is the employment of scientific methods for data collection and makes it possible to generalize with this type of approach. It is possible to generalize interaction done with one party. The similarity is not to be a pure coincidence in interpreting the study findings (May and Williams 1998; Creswell, 2015). The study of conflict-resolution in one region can be reflective of the conflict in another region (Shank and Brown, 2007; Cohen and Morrison, 2011).

One of the disadvantages of the quantitative research method is that researchers' detachment from the participants, which means that researchers are mere external observers that are unable to contribute to the study (Shank and Brown, 2007; Tabak, Chambers, Hook and Brownson, 2018). In addition, quantitative research methods are characterized by predetermined hypotheses, variables, and design, which discourage imaginative, creative, and critical thinking (Bryman, 2012; Creswell, 2009; De Vaus 2014). These shortcomings will detract from the goal of this study since it is a very practical one. To understand and critically appraise the Niger Delta conflict, the research needs to submerge him/herself into the living experiences of the Niger Delta, or else he/she stands the risk of viewing their plight from the outside, one of the many faults of the Nigerian government, which has led to the failure of their interventions to the conflict. This, therefore, necessitates the combination of the quantitative research method with the qualitative one, since the qualitative one has been praised for encouraging imaginative and critical thinking, and for allowing the researcher to submerge him/herself into the living experiences of the research group. This then leads us to a mixed research method.

### **5.3.3 Mixed Method**

The mixed method can be characterized as empirical research involving the compilation and examination of both qualitative and quantitative data for broad purposes of comprehension and corroboration (Burke *et al.*, 2007; Tabak, Khoong, Chambers, and Brownson, 2012). The premise in a mixed method is the combination of quantitative and qualitative approaches offers a better understanding of research problems than either methodology alone (Creswell and Clark, 2007; Anney, 2014). One can isolate at least four reasons for this combination of quantitative and qualitative research methods: *triangulation*, which gives incentives for synthesis and the corroboration of findings obtained from different research methods; *complementarity*, which seeks to explain, strengthen, demonstrate, clarify the findings from one process with the findings from another; *development*, which enables the utilization of the results from one

method to inform another method; *initiation*, which involves the identification of inconsistencies within the data sets of both methods (Greene *et al.*, 1989; Cressie, 2015).

Similarly, the mixed approach offers pragmatism in that the qualitative data acts as the explanatory force for the quantitative, whereas quantitative data offers assessments of the patterns and significance of the qualitative data (McCusker and Gunaydin, 2015). Drawing on this, Shorten and Smith (2017) stressed that the mixed methods allow data to be systematically combined resulting in interpretations that combine the strength of both data sets. In mixed methods, the first step is to determine the practicality of the study and assess the justification for mixing the qualitative and quantitative methods. The second step formulates the research questions and gathering and examining the data. This is then followed by a written report (Creswell and Clark, 2007; Cressie, 2015). This study is already at the third and final stage of this process.

The mixed method can be carried out as an explanatory sequential method, exploratory sequential method, or convergent method (Creswell, 2011). The exploratory sequential methods allow the collected and analyzed qualitative data to inform the subsequently collected and analyzed quantitative one. The explanatory sequential mixed methods allow the collected and analyzed quantitative data to inform the subsequently collected and analyzed qualitative one. The convergent mixed methods are mixed in the sense of concurrently collecting and analyzing the qualitative and quantitative records within the same research (Clark and Creswell, 2011). The convergent mixed method is adopted for this study. The rationale for this is to allow for the quantitative and qualitative data to complement one another through triangulation.

Moreover, the triangulation design of the mixed research method aims to collect complementary yet distinctly different data on the same subject for analysis and interpretation (Clark and Creswell, 2007; Patten and Newhart, 2017). The advantage of the triangulation method is that it helps the researcher to be sensitive to the facts. Gathering information from different sources pays several dividends, uses various approaches for an optimal interface. With triangulation, a practical link between quantitative and qualitative studies and those who carry them out. In the end, we are the first psychological, behavioral, and researchers in the humanities, and distinctions between quantitative and qualitative study have only served to limit the strategies and opportunities for collaboration (Creswell and Clark, 2007; Creswell, 2015).



The mixed method has several advantages. It maximizes the strengths of the mono-methods and reduces their weaknesses (Polit and Beck, 2010). Thus combined, the quantitative and qualitative methods provide an in-depth insight into the framework and while treatment approaches perform well. The results of one approach will help in creating the other, for instance, the results about the focus group will decide how to create a questionnaire. Furthermore, the effects of mixed methods are conveyable, but not in the case when using qualitative methods alone. Likewise, results from mixed methods are descriptive, which is not the case when quantitative methods are used alone. However, despite these advantages, mixed methods also have some disadvantages. These challenges include sampling issues, which reduces the validity of the study samples, legitimating issues, which question the transferability of the data from the quantitative to qualitative method or vice-versa, integration issue, which questions whether the data set can be integrated from both mono-methods, and confirmation issues, which remind us that combining the quantitative and qualitative methods would not make either finding correct if they were wrong on their own merits (Onwuegbuzie and Dickinson, 2007; Proctor *et al.*, 2011).

Despite these challenges, however, the mixed method fares better than the mono-methods. It combines the strength and sheds the limitations of the mono-methods even though it has its own sets of unique challenges, which we have just seen. The benefit of the mixed approach over the mono-methods is why this work is the method of choice. With the method, a detailed understanding of the Niger Delta conflict and how to proffer theories to the effect of its resolution would be gained (Ikpia 2005; Saunders and Thornhill, 2007; Edwards and Holland, 2013). The method also affords better assimilation of the available interventions and how to use them as a springboard towards the procurement of a much suitable and workable one.

#### **5.4 Population of the Study**

Given the nature of the study, the population of the study comprises all the Academics, Environmental rights Crusaders, Legal Practitioners, and Human Right Activists working in the Niger Delta Region at the time of the study. This formed the target population from which the representative sample (respondents) was drawn for the study.

## 5.5 Sample and Sampling Techniques

The sample of this research was broken down into four categories. The first category was Academics with a master's degree or Ph.D. or a Professorship in the teaching areas connected to the Niger Delta conflict and the impact it has on the environment, either in the University, and other institutions of Higher Learning, or across the Niger Delta Area. The second category was Environmental Right Crusaders in the Niger Delta region. The third category was Legal Practitioners, and the fourth category was Human Right Activists. The identified categories were selected to have an all-inclusive and detailed view of the relevant stakeholders in the Niger Delta on the phenomenon under study. The selected sample will cut across the various strata of the society with a stake in the large and heterogeneous nature of the Niger Delta Region to ensure unbiased and robust results.

Purposive sampling technique was used to select seventy (70) respondents from the selected categories (Academics, Environmental Right Crusaders, Legal Practitioners, and Human Right Activists) drawn from four (4) States (Bayelsa, Edo, and Ondo States) of the Niger Delta. The purposive sampling is appropriate for selecting respondents because it enables the researcher to recruit participants who might be particularly knowledgeable about the phenomenon under investigation. Therefore, the sample for the study was made up of Twenty (20) Academics, Twenty (20) Environmental Right Crusaders, Twenty (20) Legal Practitioners and Ten (10) Human Right Activists

## 5.6 Data Collection Techniques

The researcher's sources of data were highly diversified; both primary and secondary data were considered useful for the study.

**Primary Data:** Primary data were sourced through fieldwork. Quantitative and qualitative data were generated from the target population using a questionnaire

**Secondary Data:** Secondary data for the study were gathered through an extensive search and review of literature from published and unpublished materials like textbooks, Journals, bulletins, reports, magazines, and the internet. Secondary data are useful not only for finding out information to answer research questions but also for providing a better understanding and explanation of research problems.

## **5.7 Research Instrument**

The study made use of the Questionnaire as the instrument of data collection. A questionnaire was developed by the researcher for the study (Appendix E). The use of the questionnaire was relevant in the study because it is an efficient method for reaching many respondents within a short period. It is also cost-effective. The questionnaire concentrated on the study's objectives and it was constructed in such a way as to gather as much information as possible.

### **5.7.1 Validity and Reliability of Instrument**

The validity and reliability of the research instruments is fundamental requirements. Validity represents the accuracy of the tool used to measure what it intends to measure, and reliability means that the research tool used is consistent across the study period (LoBiondo-Wood and Habier, 2014).

### **5.7.2 Validity of the Instrument**

The content validity technique was employed. The validity of the instrument was established by giving out the preliminary version of the instrument (Questionnaire) to the researcher's supervisor and some other experts in areas of International Relation, Sociology, Political Sciences, Law, and other related disciplines to ascertain the relevance, comprehensiveness, and clarity of the instruments. These resource persons were asked to vet the items in the instruments. After a thorough reading, the suggestions made by the experts and supervisor were incorporated into the final version of the research instruments.

To ensure the validity and reliability of the research instrument used, the study plan, the research instrument was submitted for review at various stages to the proposal reviewing committee and to the Higher Degree Committee. The materials were reviewed and consequently approved.

### **5.7.3 Reliability of the Instrument**

To experiment with the reliability, of the study instrument, the study employed the Test-Retest reliability Technique. The research instruments were pre-tested at different stages. The goal was to determine the relevance, comprehensiveness, and clarity of the research instrument to the subject matter.

Thus, the reliability of the research instrument study was achieved by evaluating the data collected, while paying special attention to the methods and rigour in interpreting the results. The analysis questions are built correctly following the study's objectives. Data collection and analysis were meticulously carried out; levels of support and proof of claim verified, and consistency between data, interpretation, and conclusions established to validate its relevance to the study. Relevance was assessed regarding the ability of the questions to represent the research target material. Comprehensiveness was considered in terms of the ability to cover all aspects of the study objective. Clarity was considered in terms of the logic of questions as regards language and definitions. The volunteers that participated in the pilot studies are not in the study sample and the data from the pilot questionnaires were excluded from the final analysis of the research.

## **5.8 Procedure for Data Collection**

Data was collected by a team comprising five members, the researcher, and four Research Assistants (RAs). A training session was organized by the researcher for the Research Assistants to assist in both quantitative and qualitative data collection. Specifically, the Research Assistants were trained on research ethical issues bothering on privacy and confidentiality, consent seeking, how to relate with respondents before and after the study, administration of questionnaire, and other research instruments.

To gain access to the respondents a letter of introduction, introducing the researcher, the research topic/objective, and proposed respondents and emphasising the voluntary nature of participation and assurance of data confidentiality base on the fact that the information was to be used mainly for academic purposes was presented to the respondents

**Administration of the Questionnaire:** The researcher obtained consent from the respondents who were willing to participate in the study before starting data collection. The questionnaire was used to collect data from 70 selected respondents drawn from selected. The respondents had the opportunity to fill the questionnaires on their own and at their own pace and time. The respondents also got an opportunity to seek clarification on responses that were not clear. The questionnaire took approximately 4 - 10 minutes to complete.

## 5.9 Methods of Data Analysis

After completion of the data collection exercise, all the questionnaires were adequately checked for data quality, completeness, consistency, and effective management of data. The raw data generated from the fieldwork were coded using a coding manual and were subjected to Multiple Correspondence Analysis (MCA) for meaningful presentation and discussion.

The Multiple Correspondence Analysis (MCA) is eminently suited to analysing two-way contingency tables. Correspondence analysis needs all the elements of the data matrix  $\mathbf{X}$  to be non-negative. Correspondence analysis can also be used on three-way or higher-way contingency tables (i.e., situations with more than two responses or what we call the Likert scale responses). This is achieved by using indicator variables to convert the multi-way table. Suppose the original matrix of categorical data is  $N \times Q$ . That is  $N$  cases and  $Q$  variables. Classical Multiple CA (MCA) has two forms. The first form converts cases by variables data to an indicator matrix  $\mathbf{Z}$  where the categorical data have been recorded as dummy variables. If the  $q$ -th variable has  $J_q$  categories, this indicator matrix will have  $J = \sum_q J_q$  columns. Then the indicator version of MCA is the application of the basic CA algorithm (shown on the CA procedure attachment) to the matrix  $\mathbf{Z}$ , resulting in coordinates for the  $N$  cases and  $J$  categories.

The second form of MCA calculates the Burt matrix  $\mathbf{B} = \mathbf{Z}'\mathbf{Z}$  of all two-way cross-tabulations of the  $Q$  variables. Then the Burt version of MCA is the application of the basic CA algorithm to the matrix  $\mathbf{B}$ , resulting in coordinates for the  $J$  categories. Note that  $\mathbf{B}$  is a symmetric matrix. The standard coordinates of the categories are identical in the two versions of MCA, and the principal inertias in the Burt version are the squares of those in the indicator version. However, one need to depict that the eigenvalues of the two methods (i.e. the first using the CA technique and the second making use of the indicator matrix, are related by

$$\rho = (2\rho_1 - 1)^2$$

Where  $\rho$  is an eigenvalue based on the original data matrix, and  $\rho_1$  an eigenvalue based on the indicator matrix  $\mathbf{Z}$ .

The Chi-square test for an association is given  $\chi^2 = \sum_{i,j} \frac{(O_{ij} - E_{ij})^2}{E_{ij}}$  as stated in Equation of the MCA methodology document.

Also, a measure of the Total Inertia  $= \sum_{i=1}^I \sum_{j=1}^J \frac{(p_{ij} - r_i c_j)^2}{r_i c_j} = \frac{\chi^2}{n}$  as stated in Equation (3.12) of the CA.MCA procedure document.

It is noteworthy to know that inertia is the sum of squares of the singular values and one can see inertia as the contribution of the rows and column points in a two-way contingency table.

The analysis was carried out following issues that directly dealt with the study's objectives and research questions. The textual criticism enabled the researcher to verify the authenticity and originality of the literature through reading, critiquing, and drawing inferences on the reliability and relevance of the information to the subject matter under investigation. More also, this study employs historical means of data scrutiny, which involves the descriptive-account and narrative approach. This enabled the researcher to reconstruct a solution to the Niger Delta conflict by applying international law and the normative system of international organizations.

### **5.10 Ethical Consideration**

Appropriate ethical standards and practices were maintained while undertaking the study. Prior to the commencement of data gathering, the respondents were briefed on the goal of the study; confidentiality and privacy issues were clearly explained to the respondents. The researcher sought their consent before they were enrolled in the study. The voluntary participation was further guaranteed by allowing for withdrawal even during the research without penalty. Anonymity was ensured during and after the study by assigning pseudonyms (codes) to all respondents involved in the data collection. Information shared by respondents in this study is kept at utmost confidentiality.

### **5.11 Challenges of the Data Collection Process**

Several problems were encountered while carrying out the study. The researcher was limited in many ways, including limited funding, time, and the scope of the study. The

researcher needed a lot of stakeholders to balance the data analysis, but the survey was restricted to only a few Lawyers, Academics, Human rights Activists, and Environmental Right Activists. Some of the respondents took time before returning their copies of the questionnaire; others did not completely answer the entire questions. The stress of traveling to four capital cities was a challenge, from Benin City, Yenegoa, Akure, and Asaba considering the security challenges on the interstate roads in the Niger Delta region, the cost of transportation, accommodation in the hotel where all challenges since the research does not have any funding. Despite these challenges, the study was carried out through determination and commitment. The research was completed successfully and on time, and the quality and validity of the research results were not affected. The next chapter presents the data collection and analysis of the same.

## **5.12 Conclusion**

A detailed discussion of the methodology for the study was given in this chapter. It discussed the research design adopted for the study and provided the rationale for adopting a convergent mixed method approach with emphasis on the triangulation design. The rationale for this method is to allow a combination of the strength of numerical and descriptive data for a workable prescription of how to resolve the Niger Delta conflict. Through pilot tests, the reliability and validity of the testing instruments have been tested. Ethical consideration and approval for the work have been duly received. The quantitative facts were evaluated employing descriptive statistics while the qualitative information was used for the study of the thematic material.

## CHAPTER SIX

### DATA PRESENTATION AND ANALYSIS

#### 6.1 Introduction

This chapter presents and analyses the qualitative and quantitative data for this study. Both data were simultaneously presented as it is customary with the convergent mixed method in line with the research goals and research questions of this study. This is then followed by the triangulation of both primary and secondary data in the discussion section. The quantitative data was analysed using the Multiple Correspondence Analysis (MCA). The qualitative data were then converged with the analysed quantitative ones to better explain the phenomenon of the Niger Delta conflict. However, the primary source of the data collection for the study was the ten-question questionnaire distributed amongst 70 respondents who are classified into four groups or categories and they include 20 Environmental rights Crusaders, 20 Lawyers, 10 Human Right Activists, and Academics. Hence, the selection of the sample population was based on professionalism; it did not consider age, race, income, and other demographic factors. There was no interview of any kind, but the administering of questions amongst the sample populations.

#### 6.2 Response Rate

**Table 6.1:** *The 70 Responses Obtained from the Niger-Delta Conflict Survey*

S/No	Group	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10
1	ACAD	A	C	C	B	b	d	d	D	c	a
2	ACAD	D	C	A	D	d	c	a	B	c	c
3	ACAD	B	C	A	B	b	b	b	C	c	a
4	ACAD	B	D	A	B	a	b	a	B	c	a
5	ACAD	A	B	D	D	c	a	b	A	c	c
6	ACAD	A	C	D	A	a	c	a	A	c	a
7	ACAD	B	C	D	D	b	b	b	D	b	d
8	ACAD	A	D	D	A	b	d	a	D	c	a
9	ACAD	D	B	A	D	b	b	b	D	b	c
10	ACAD	B	C	C	D	b	d	a	C	b	d
11	ACAD	B	C	A	C	d	d	a	A	a	a



12	ACAD	B	C	B	B	c	a	a	A	c	c
13	ACAD	A	C	A	B	b	a	d	C	b	a
14	ACAD	B	C	D	D	a	a	b	D	b	b
15	ACAD	B	B	A	D	b	c	d	B	c	d
16	ACAD	A	A	D	C	b	b	b	C	c	d
17	ACAD	B	C	c	A	d	b	b	A	b	a
18	ACAD	B	B	a	B	a	a	a	A	a	d
19	ACAD	B	C	d	C	b	a	c	B	b	b
20	ACAD	B	B	c	B	a	c	d	C	a	b
21	ERC	B	A	c	A	b	a	d	B	a	b
22	ERC	D	C	d	D	c	d	c	C	c	c
23	ERC	B	C	a	D	a	b	c	D	c	b
24	ERC	B	A	d	B	c	d	a	B	c	d
25	ERC	B	D	b	B	a	a	a	B	c	d
26	ERC	A	D	a	B	a	c	a	A	d	b
27	ERC	A	D	d	D	a	a	d	C	c	d
28	ERC	B	D	d	D	a	b	d	D	c	b
29	ERC	A	C	d	B	b	a	a	D	a	a
30	ERC	B	C	a	D	a	b	a	A	b	c
31	ERC	B	C	d	D	a	b	d	A	c	d
32	ERC	B	B	c	A	b	a	a	B	a	b
33	ERC	D	C	c	A	b	a	b	B	c	c
34	ERC	B	C	c	B	a	b	b	C	a	c
35	ERC	B	D	c	B	a	c	b	A	b	a
36	ERC	D	C	d	B	c	c	d	D	a	c
37	ERC	A	B	d	D	d	d	d	C	d	b
38	ERC	B	C	d	B	c	a	a	B	c	b
39	ERC	B	C	a	B	a	d	c	C	b	c
40	ERC	A	A	d	B	a	d	b	B	c	d
41	LAW	B	B	c	B	b	d	c	C	c	d
42	LAW	B	B	c	B	b	d	c	C	c	d
43	LAW	D	C	a	C	b	a	d	B	d	c
44	LAW	B	C	b	D	a	b	b	A	d	d

45	LAW	B	B	a	C	a	d	d	D	c	b
46	LAW	C	C	a	B	d	a	d	B	c	b
47	LAW	A	C	a	D	b	b	d	D	c	a
48	LAW	B	C	a	C	b	c	b	D	d	d
49	LAW	A	C	d	B	a	a	b	A	b	b
50	LAW	C	B	c	D	c	c	c	D	c	b
51	LAW	A	C	d	B	a	a	a	D	c	a
52	LAW	A	B	d	B	a	d	b	A	c	b
53	LAW	B	C	c	B	b	b	a	A	b	a
54	LAW	A	C	a	B	a	a	c	B	b	b
55	LAW	D	C	a	D	a	c	a	D	d	d
56	LAW	B	C	d	B	b	b	c	C	b	d
57	LAW	D	D	a	B	a	b	c	C	b	a
58	LAW	B	A	b	B	a	a	c	C	b	a
59	LAW	B	C	c	B	b	c	c	C	b	c
60	LAW	D	C	c	B	b	c	c	C	b	c
61	HRA	B	C	c	B	c	c	a	D	c	b
62	HRA	B	C	a	D	b	b	c	A	b	d
63	HRA	B	A	b	D	a	b	b	A	d	a
64	HRA	A	D	c	B	b	a	d	C	c	a
65	HRA	D	C	d	C	b	a	d	C	b	d
66	HRA	B	C	a	C	d	d	a	A	a	a
67	HRA	B	D	a	D	b	a	c	C	d	d
68	HRA	B	C	d	C	a	b	d	D	c	d
69	HRA	B	C	c	D	a	b	b	C	a	b
70	HRA	B	C	a	B	a	c	b	D	d	d

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**Source:** Data from the field study.

### 6.3 Applying the Multiple Correspondence Analysis (MCA)

In the Niger Delta and Environmental survey, a total of 70 respondents were administered with questionnaires. The first category is from 20 academicians tagged (ACAD), 20 Environment right crusaders tagged (ERC), 20 Lawyers tagged (LAW) and 10 Human Rights Activists

tagged (HRA). It is proper to use suitable acronyms to shorten the questions for compatibility and simplicity in softwares like the R (2020). A list of the new acronyms is:

**1. In your opinion/experience, what factors are responsible for the Niger Delta conflict?**

1. The poor Practice of the Nigerian Federalism
2. Corruption in the entire system of government at all levels
3. The Northern part of Nigeria and the Economic fear of the Unknown
4. The perceived minority nature of the Niger Delta Area.

**2. To what extent, if any, has the 1978 Land Use Act and the 1969 petroleum Act fomented the Niger Delta conflict?**

1. Acts are heavily destructive and fomented the conflict
2. Acts are the major setback to the peace and progress of the region and fomented the conflict
3. Acts justify the oppressiveness of the people by the Nigerian State and have fomented the conflict.
4. Acts threat to peace and development in the Niger Delta Area highly fomented the conflict

**3. To what extent has the legal system of Nigeria addressed the felt injustice of the Niger Delta people?**

1. The Nigerian legal system is manipulated by the political class in the North, hence cannot deliver justice for the Niger Delta cause.
2. The poverty nature of the people in the hinterland can legally challenge the Oil companies who can buy Judges and their judgments.
3. The President appoints and promotes judges at the federal level; hence their judgments will always be against the Niger Delta people who challenge the injustice experienced in their land.
4. The military nature of the Nigerian state in the past and the undemocratic practice of democracy where the rules of law and court judgments are flagrantly disobeyed by the federal government of Nigeria.

**4. What is your take on the Niger Delta conflict and agitations? To what extent do you feel that their often-violent response is justified? Please substantiate your answer with examples**

1. Using their wealth to develop the Northern part of Nigeria, justifies their violent response for a change.

2. Lack of infrastructure and basic amenities over the years justifies their violent response to a change.
3. 90 percent of the individual from Northern Nigeria having oil wells in the region, becoming richer than region, justifies their violence response for a change,
4. The continued health hazard caused by environmental pollution and degradation emanating from the activities of multinational oil companies justifies a violent response for a change.

**5. In your opinion what is the link between the Niger conflict/agitation and the Federal system of Government operated in Nigeria? Can you use other Federal systems of other Countries that you know as examples as a way of suggesting solutions to the conflict?**

1. Federalism means that the components states have their autonomy to pilot their affairs (resources, political, economic, and security) as it's in the United States of America. If Nigeria can go back to Federalism Practice, it can bring about a solution to the Niger Delta conflict.
2. The Practice of Federalism as in the United States of America will decongest the powers of the federal government; hence state can now decide their economy and how to manage both their human and natural resources which in turn will end the Niger Delta conflict.
3. Federalism as practice in the United States of America will bring a sense of justice to the Niger Delta people hence leading to the end of the long age conflict.
4. Federalism as practice in the United States of America will give the right to the indigenous people of Nigeria to have total control of everything beneath their ancestral land and waters. This will bring a lasting solution to the conflict.

**6. What is your take on this? Multinational oil companies in the Niger Delta have left the region with hardship, pains, and backwardness without recourse to the Nigeria national laws on environmental protection and responsibility of Social justice according to various quarters.**

1. Multinational Oil Companies failure to respect the national laws of Nigeria on the protection of the environment has caused pains and hardship, backwardness to the people of the Niger Delta

2. Multinational Oil Companies' failure to respect the national laws of Nigeria on the protection of the environment and social responsibility to the Niger Delta region has caused pains and hardship, backwardness to the people of the Niger Delta.
3. Multinational Oil Companies' failure to respect the national laws of Nigeria on the protection of the environment by manipulating the justice system of Nigeria has caused pains and hardship, backwardness to the people to the Niger Delta.
4. Multinational Oil Companies' failure to respect the national laws of Nigeria on the protection of the environment by corruptly using the Nigeria Armed Forces and police to oppress and intimidate the Niger Delta people have caused pains and hardship, backwardness to the people of the Niger Delta.

**7. What is your take? The Nigeria judicial system is perceived ineffective in driving the Niger Delta course for justice and fairness over the years for the region.**

1. The structure of the Nigerian Judiciary gives the Executive Arm of Government the power to dictate for it, hence cannot effectively deliver justice for the oppressed people of the Niger Delta by the Nigerian State.
2. The corrupt nature of the Nigerian Judiciary, hence, cannot effectively deliver justice for the oppressed people of the Niger Delta by the Nigerian State.
3. Northern Nigeria dominated Judges at the Federal courts level, hence, cannot effectively deliver justice for the oppressed people of the Niger Delta by the Nigerian State.
4. The nature of the Nigerian Judges' elevation from lower courts to higher Courts where the President push to NJC for approval before the appointment, hence, the Nigerian Judiciary cannot effectively deliver justice for the oppressed people of the Niger Delta by the Nigerian State.

**8. What is your opinion about the Federal Government's intervention efforts in the Niger Delta conflict by the establishment of the Niger Delta Ministry and Niger Delta Development Commission (NDDC) in addressing the issues of underdevelopment, marginalization, environmental pollution, and gas flaring in the area and the Amnesty programs?**

1. The Establishment of the Niger Delta Development Commission is Political and cannot address the underline issues of underdevelopment, Marginalization, environmental pollution, and Gas Flaring.
  2. The Establishment of the Ministry of the Niger Delta is underfunded by the Federal Government, hence, cannot address the underline issues of underdevelopment, Marginalization, environmental pollution, and Gas Flaring.
  3. The Amnesty program introduced by the Federal Government of Nigeria for the Niger Delta Agitators was a political move to push away the attention of the people from the fundamental agitations and cry, hence, cannot address the underline issues of underdevelopment, Marginalization, environmental pollution, and Gas Flaring.
  4. The Establishments of the Ministry of the Niger Delta and the Niger Delta Development Commission is by the Federal Government of Nigeria, is to give room for the Niger Delta Political class, agents of the Federal Government who are working against the agitations for resource control and environmental protection contracts that will never be executed. Hence, cannot address the underline issues of underdevelopment, Marginalization, environmental pollution, and Gas Flaring.
- 9. International law and the normative system of International Organizations especially the United Nations, African Union, and ECOWAS application. How can they aid justice and fairness to the people of the Niger Delta Area or a total conflict resolution?**
1. The application of the Charter of the United Nations on the indigenous rights to control of their natural resources.
  2. Application of global law on environmental protection and the protection of Human Rights over the Nigeria laws
  3. The enforcement of the various treaties entered and ratified by the Nigerian States on environmental Rights and people's Human Rights.
  4. The application of the Covenant of the African Union and that of the Economy Community of the West African States over where the Nigerian laws have remained unjust and inactive/mute in addressing the Niger Delta Environmental and resources control conflict.

**10. To what extent can you say International Law and the Normative System of International Organizations have resolved similar conflicts with that of the Niger Delta Area on the Continent of Africa?**

1. Similar conflict in Sudan was resolved by the Application of International.
2. Similar conflict in Burundi was resolved by the Application of International.
3. Similar conflict in Eritrea was resolved by the Application of International.
4. Similar conflict in the Democratic Republic of Congo was resolved by the Application of International.

To apply the MCA approach discussed above, a demo of how the MCA methodology works on the multiple responses for the Niger Delta and Environmental survey is apparent. For simplicity, assuming the variables Q1, Q2, Q3, Q4, and Q5 are selected for illustration purposes, the data clean-up stage will proceed in the following step:

Firstly, the data set as presented in its original scale were calibrated using its original Likert values as: Options 1 = (a), 2 = (b), 3 = (c) and 4 = (d). Table 6.1 showcases the real data set of the Niger Delta and Environmental survey with the first five variables Q1, Q2, Q3, and Q4 used for the illustration of the MCA procedure.

**Table 6.1b:** First 20 Respondents for Q1, Q2, Q3, and Q4 from Table 6.1a.

<b>Respondents</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
1	a	C	C	B
2	d	C	A	D
3	b	C	A	B
4	b	D	A	B
5	a	B	D	D
6	a	C	D	a
7	b	C	D	d
8	a	D	D	a
9	d	B	A	d
10	b	C	C	d
11	b	C	A	c
12	b	C	B	b
13	a	C	A	b
14	b	C	D	d
15	b	B	A	d
16	a	A	D	c
17	b	C	C	a
18	b	B	A	b
19	b	C	D	c
20	b	B	C	b



**Table 6.2:** The indicator matrix of the BP Survey for selected variables Q1, Q2, Q3, and Q

Respondents	Q1				Q2				Q3				Q4			
	A	b	c	d	A	b	c	d	a	b	c	d	a	b	c	d
1	1	0	0	0	0	0	1	0	0	0	1	0	0	1	0	0
2	0	0	0	1	0	0	1	0	1	0	0	0	0	0	0	1
3	0	1	0	0	0	0	1	0	1	0	0	0	0	1	0	0
4	0	1	0	0	0	0	0	1	1	0	0	0	0	1	0	0
5	1	0	0	0	0	1	0	0	0	0	0	1	0	0	0	1
6	1	0	0	0	0	0	1	0	0	0	0	1	1	0	0	0
7	0	1	0	0	0	0	1	0	0	0	0	1	0	0	0	1
8	1	0	0	0	0	0	0	1	0	0	0	1	1	0	0	0
9	0	0	0	1	0	1	0	0	1	0	0	0	0	0	0	1
10	0	1	0	0	0	0	1	0	0	0	1	0	0	0	0	1
11	0	1	0	0	0	0	1	0	1	0	0	0	0	0	1	0
12	0	1	0	0	0	0	1	0	0	1	0	0	0	1	0	0
13	1	0	0	0	0	0	1	0	1	0	0	0	0	1	0	0
14	0	1	0	0	0	0	1	0	0	0	0	1	0	0	0	1
15	0	1	0	0	0	1	0	0	1	0	0	0	0	0	0	1
16	1	0	0	0	1	0	0	0	0	0	0	1	0	0	1	0
17	0	1	0	0	0	0	1	0	0	0	1	0	1	0	0	0
18	0	1	0	0	0	1	0	0	1	0	0	0	0	1	0	0
19	0	1	0	0	0	0	1	0	0	0	0	1	0	0	1	0
20	0	1	0	0	0	1	0	0	0	0	1	0	0	1	0	0

Observe that the indicator matrix of Table 6.2 (for the first 20 respondents of the Niger Delta and Environmental survey) has 1 on the responses marked by the responder for each variable and 0 elsewhere.

**Table 6.3:** The Burt matrix  $\mathbf{B} = \mathbf{Z}'\mathbf{Z}$  of the Niger Delta and Environmental survey for the selected variables Q1, Q2, Q3, and Q4

		Q1				Q2				Q3				Q4			
		a	b	c	d	a	b	c	d	A	b	C	d	A	b	c	d
Q1	a	6	0	0	0	1	1	3	1	1	0	1	4	2	2	1	1
	b	0	12	0	0	0	3	8	1	5	1	3	3	1	5	2	4
	c	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	d	0	0	0	2	0	1	1	0	2	0	0	0	0	0	0	2
Q2	a	1	0	0	0	1	0	0	0	0	0	0	1	0	0	1	0
	b	1	3	0	1	0	5	0	0	3	0	1	1	0	2	0	3
	c	3	8	0	1	0	0	12	0	4	1	3	4	2	4	2	4
	d	1	1	0	0	0	0	0	2	1	0	0	1	1	1	0	0
Q3	a	1	5	0	2	0	3	4	1	8	0	0	0	0	4	1	3
	b	0	1	0	0	0	0	1	0	0	1	0	0	0	1	0	0
	c	1	3	0	0	0	1	3	0	0	0	4	0	1	2	0	1
	d	4	3	0	0	1	1	4	1	0	0	0	7	2	0	2	3
Q4	a	2	1	0	0	0	0	2	1	0	0	1	2	3	0	0	0
	b	2	5	0	0	0	2	4	1	4	1	2	0	0	7	0	0
	c	1	2	0	0	1	0	2	0	1	0	0	2	0	0	3	0
	d	1	4	0	2	0	3	4	0	3	0	1	3	0	0	0	7

Table 6.3 shows the Burt matrix of Equation (6.1) using the indicator matrix of Table 6.2. the total numbers of respondents for each of the variables are the totals of the diagonal elements for each variable's diagonal matrices as shaded in Table6.3.

**Table 6.4:** A summary table for all the responses

	Response	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10
ACAD	A	6	1	8	3	5	6	8	6	3	8
	B	12	5	1	7	10	6	7	4	7	3
	C	0	12	4	3	2	4	1	5	10	4
	D	2	2	7	7	3	4	4	5	0	5
ERC	A	5	3	4	3	11	7	7	4	5	2
	B	12	2	1	10	4	5	4	7	3	7
	C	0	10	5	0	4	3	3	5	10	6
	D	3	5	10	7	1	5	6	4	2	5
LAW	A	5	1	8	0	9	6	3	4	0	5
	B	9	5	2	13	9	5	4	3	8	6
	C	2	3	6	3	1	5	9	7	8	3
	D	4	1	4	4	1	4	4	6	4	6
HRA	A	1	1	4	0	4	3	2	3	2	3
	B	8	0	1	3	4	4	3	0	2	2
	C	0	7	3	3	1	2	2	4	3	0
	D	1	2	2	4	1	1	3	3	3	5

**Table 6.5:** *A summary table for the percentage (%) responses by the question options*

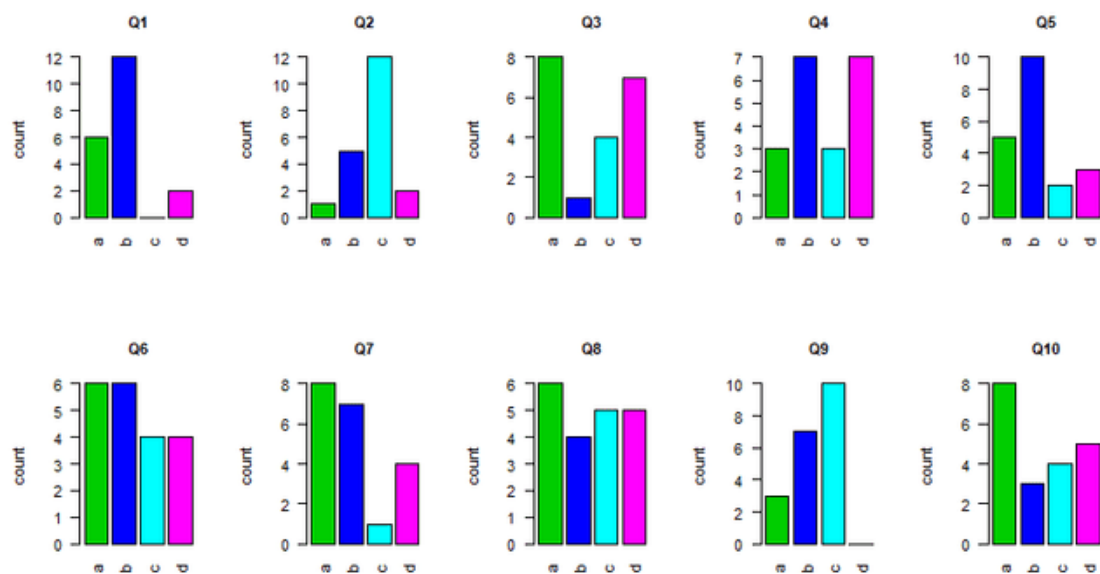
Questions	a (%)	b (%)	c (%)	d (%)
Q1	24.29	58.57	2.86	14.29
Q2	8.57	17.14	60.00	14.29
Q3	34.29	7.14	25.71	32.86
Q4	8.57	47.14	12.86	31.43
Q5	41.43	38.57	11.43	8.57
Q6	31.43	28.57	20.00	20.00
Q7	28.57	25.71	21.43	24.29
Q8	24.29	20.00	30.00	25.71
Q9	14.29	28.57	44.29	12.86
Q10	25.71	25.71	18.57	30.00

**Table 6.6:** A summary descriptive statistics table for all the responses

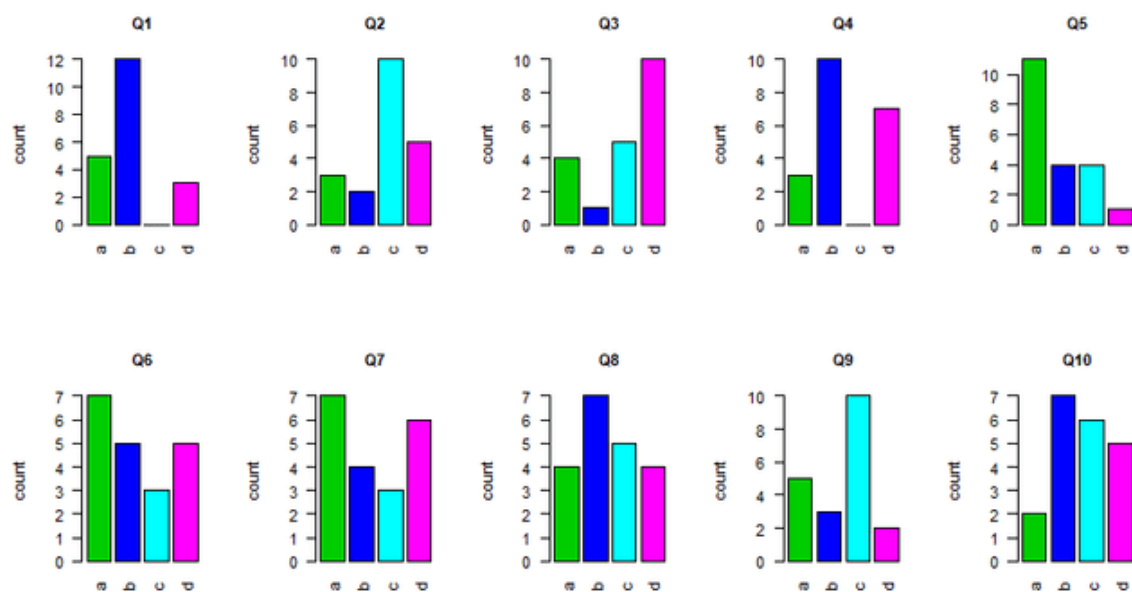
	vars	N	mean	sd	median	Trimmed	mad	min	Max	Range	skew	kurtosis	se
Q1*	1	70	2.07	0.92	2	1.96	0	1	4	3	0.96	0.21	0.11
Q2*	2	70	2.8	0.79	3	2.86	0	1	4	3	-0.68	0.23	0.09
Q3*	3	70	2.57	1.27	3	2.59	1.48	1	4	3	-0.18	-1.66	0.15
Q4*	4	70	2.67	1.02	2	2.7	1.48	1	4	3	0.19	-1.37	0.12
Q5*	5	70	1.87	0.93	2	1.73	1.48	1	4	3	0.89	-0.1	0.11
Q6*	6	70	2.29	1.12	2	2.23	1.48	1	4	3	0.29	-1.31	0.13
Q7*	7	70	2.41	1.15	2	2.39	1.48	1	4	3	0.12	-1.44	0.14
Q8*	8	70	2.57	1.12	3	2.59	1.48	1	4	3	-0.15	-1.38	0.13
Q9*	9	70	2.56	0.9	3	2.57	1.48	1	4	3	-0.23	-0.75	0.11
Q10*	10	70	2.53	1.18	2	2.54	1.48	1	4	3	0.01	-1.52	0.14

In the Niger Delta and Environmental survey, a total of 70 respondents were interviewed. The first category is from 20 academicians tagged (ACAD), 20 Environment right crusaders tagged (ERC), 20 Lawyers tagged (LAW) and 10 Human Rights Activists tagged (HRA). It is proper to use suitable acronyms to shorten the questions for compatibility and simplicity in software like the R (2020).

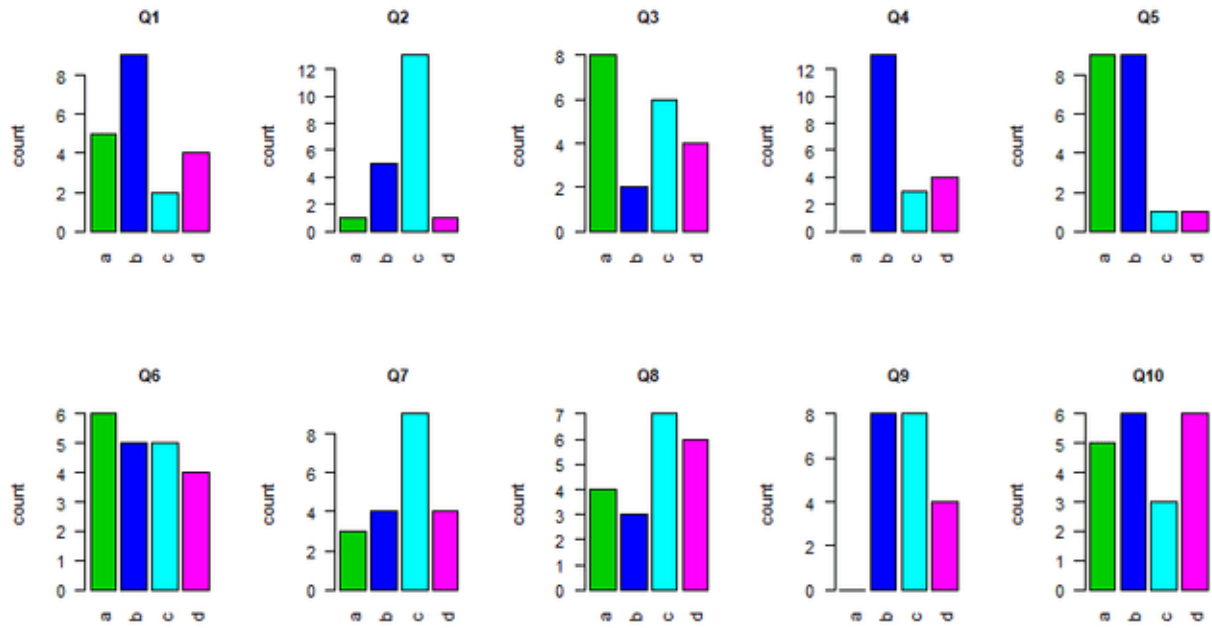
Table 4.1 shows the summary responses of the completed questionnaires sorted according to the groups' ACAD, ERC, LAW, and HRA. A summary table from Table 4.1 that showcases the percentages of responses according to the question options a, b, c, and d is presented in Table 4.2. These summaries could be visualized in Likert plots as presented in Figures 4.1, 4.2, 4.3, and 4.4 for the different groups' ACAD, ERC, LAW, and HRA.



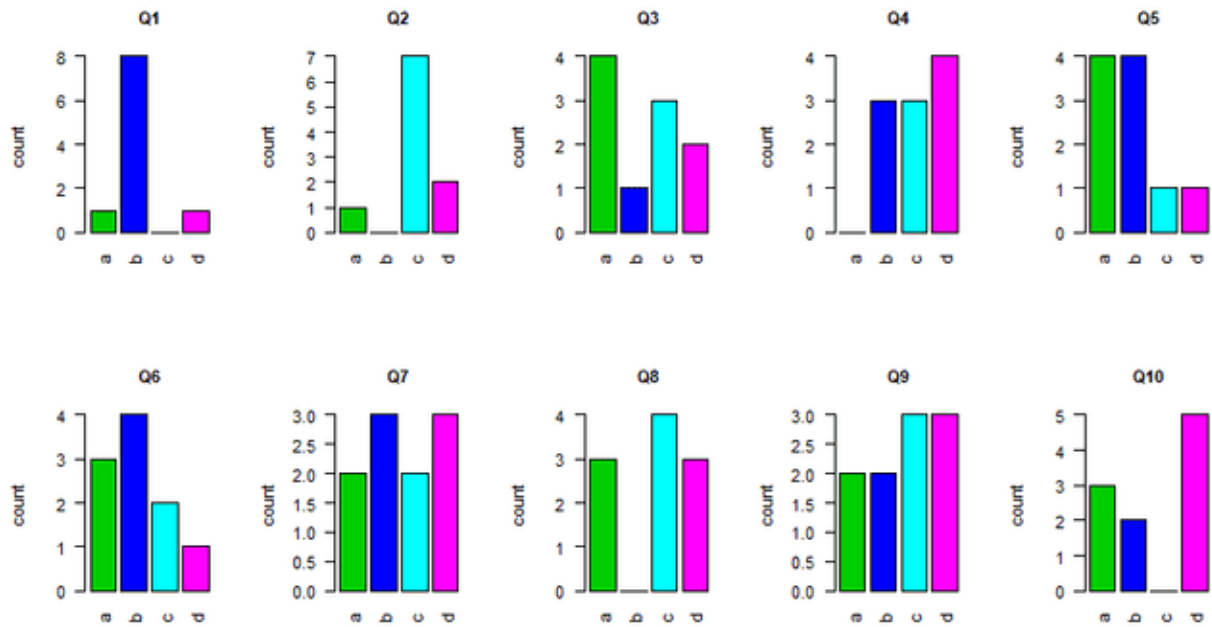
**Figure 6.1:** *Likert plot for the ACAD respondents*



**Figure 6.2:** *Likert plot for the ERC respondents*



**Figure 6.3:** Likert plot for the LAW respondents



**Figure 6.4:** Likert plot for the HRA respondents

Originally, Likert (1932) was created as a design to scientifically measure attitude. A Likert scale is defined as "a set of statements (items) offered for a real or hypothetical situation

understudy" in which an individual must choose their level of agreement with a series of statements (Joshi *et al.*, 2015:56). The original response scale for a Likert item ranged from one to five (strongly disagree to strongly agree). A seven-point scale is also common practice. Previous work has demonstrated that a single Likert item is an example of ordinal data and that the response numbers are generally not perceived as being equidistant by respondents (Lantz, 2013). Because the numbers of a scale for Likert items represent ordered categories but are not necessarily spaced at equivalent intervals, there is not a notion of distance between descriptors on a Likert response format (Clason and Domordy, 1994). For example, the difference between "agree" and "strongly agree" is not necessarily equivalent to the difference between "disagree" and "strongly disagree." Thus, a Likert item does not produce interval data (Bishop and Herron, 2015). While it has been speculated that a large enough response scale can approximate interval data, Likert response scales rarely contain more than 11 response points (Allen and Seaman, 2007, Wu and Leung, 2017). Recommendation - Because a Likert item represents ordinal data, parametric descriptive statistics, such as mean and standard deviation. Once a scale is designed and its validity statistically verified, correct statistical tests must be applied to the response data obtained from the scale.

Measures of Association Sometimes the question is one of association, e.g., "Does sub-population 1 tend to have higher (or lower) scoring for this item than subpopulation 2?" Answering this question calls for a measure of association rather than a formal test for differences. Just as in the testing case, the discrete and ordinal nature of the response restricts the measures that can be used. Pearson's  $r$  is particularly inappropriate because it is influenced by the range used in response coding. That is, two investigators could take the same data and, by choosing to code 1 to 25 rather than 1 to 5, obtain completely different results for Likert (1932) makes it clear that origin and width of scale are not relevant. Pearson's product-moment correlation is, therefore, useless because it is sensitive to the choice of scale. There are scoring modifications that correct this problem and make usable in situations where both variables are ordinal.

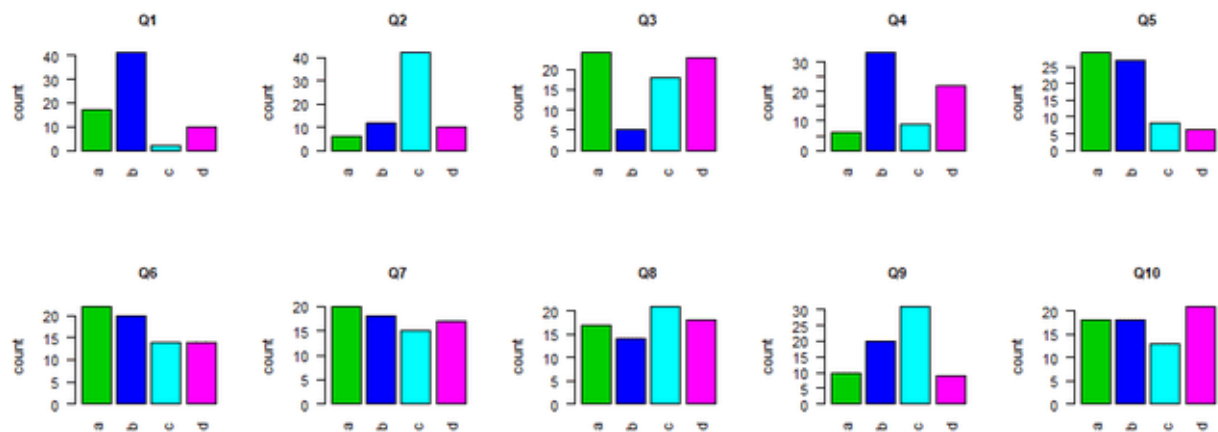
Kendall's tau coefficient is an appropriate choice when the subpopulations are ordinal in some sense; say as age-group breakouts (Goodman and Kruskal, 1979; Vosloo, 2014; Noble and Smith, 2015). Other appropriate choices for ordinal classifications include the Spearman rank correlation and variants on the tau coefficient (e. g. gamma coefficient; Somer's D coefficient). The choices are more limited when the classification variable is not ordered.



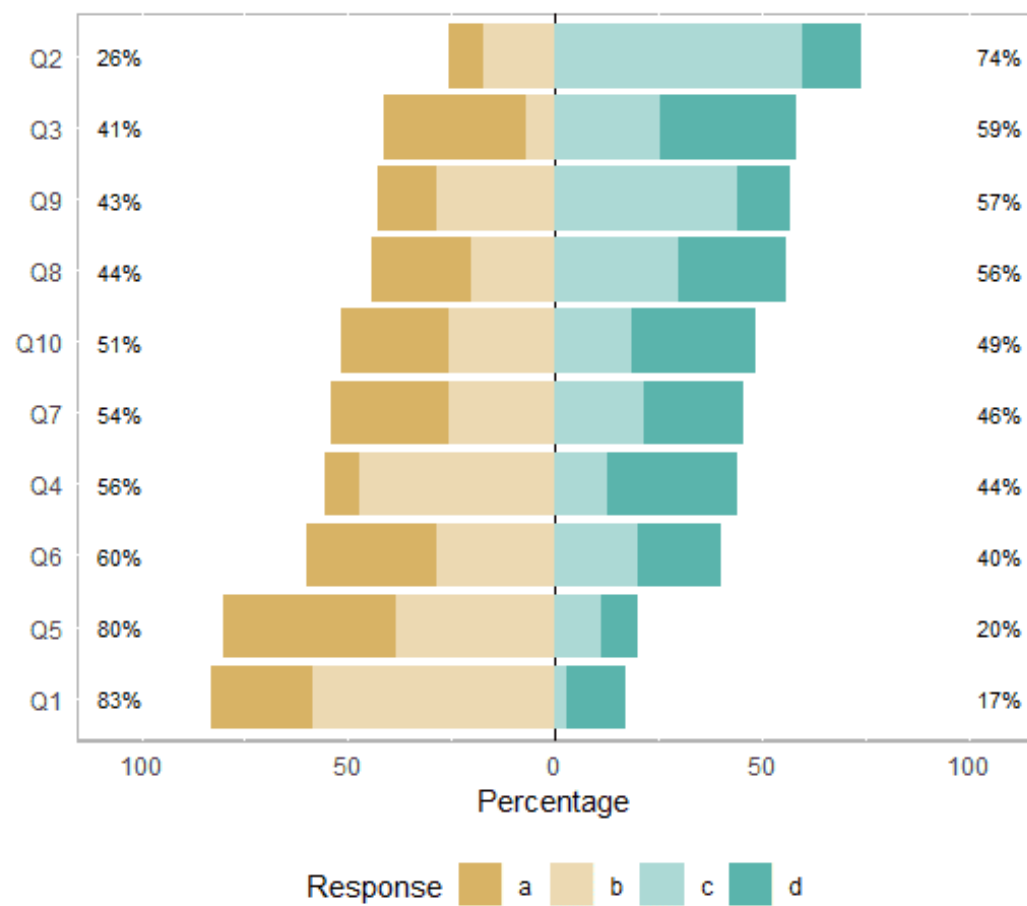
One can choose from the family of  $\chi^2$  based measures, e.g., the Phi coefficient, the contingency coefficient, and Cramer's  $V$ , or the lambda coefficient or the uncertainty coefficient ( $U$ ). Lambda and  $U$  are both predictive measures, quantifying the improvement in predicting one variable because of knowledge of the second. Because of their definition, they are probably not good general choices but can be very useful when appropriate. The three  $\chi^2$  measures are modifications to bring the  $\chi^2$  statistic into the range  $[0, 1]$ . Some statisticians have no problem with analysing individual Likert-type items using  $t$ -tests or other parametric procedures, provided the primary interest is in a location only.

To properly analyse Likert data, one must understand the measurement scale represented by each. Numbers assigned to Likert-type items express a "greater than" relationship; however, how much greater is not implied. Because of these conditions, Likert-type items fall into the ordinal measurement scale. Descriptive statistics recommended for ordinal measurement scale items include a mode or median for central tendency and frequencies for variability. Additional analysis procedures appropriate for ordinal scale items include the chi-square measure of association, Kendall Tau B, and Kendall Tau C.

Likert scale data, on the other hand, are analysed at the interval measurement scale. Likert scale items are created by calculating a composite score (sum or mean) from four or more type Likert-type items; therefore, the composite score for Likert scales should be analysed at the interval measurement scale. Descriptive statistics recommended for interval scale items include the mean for central tendency and standard deviations for variability. Additional data analysis procedures appropriate for interval scale items would include Pearson's  $r$ ,  $t$ -test, ANOVA, and regression procedures. Table 3 provides examples of data analysis procedures for Likert-type and Likert scale data.



**Figure 6.5:** *Likert plot for all the respondents*



**Figure 6.6:** *A Likert plot for all the respondents with percentage responses*

**Table 6.7:** *Reliability analysis*

Raw	Std.										
Alpha	Alpha	G6(smc)	Average_r	S/N	Ase	mean	Sd	median_r	lower	alpha	upper
0.39	0.38	0.45	0.058	0.62	0.11	2.5	0.41	0.045	0.18	0.39	0.6

**Table 6.8:** *Reliability if an item is dropped*

Question	raw_alpha	std.alpha	G6(smc)	average_r	S/N	alpha.se	var.r	med.r
Q1	0.36	0.36	0.40	0.059	0.56	0.11	0.014	0.054
Q2-	0.42	0.42	0.47	0.075	0.73	0.10	0.015	0.082
Q3-	0.43	0.40	0.45	0.069	0.67	0.10	0.015	0.077
Q4	0.29	0.27	0.35	0.04	0.38	0.13	0.014	0.053
Q5-	0.43	0.43	0.47	0.078	0.76	0.10	0.014	0.082
Q6	0.40	0.38	0.44	0.065	0.63	0.11	0.016	0.068
Q7	0.35	0.34	0.41	0.053	0.51	0.11	0.016	0.062
Q8	0.34	0.33	0.39	0.052	0.50	0.12	0.015	0.051
Q9	0.34	0.33	0.40	0.051	0.49	0.12	0.016	0.052
Q10	0.29	0.28	0.34	0.04	0.38	0.12	0.014	0.048

**Table 6.9:** *Item statistics*

Questions	n	raw.r	std.r	r.cor	r.drop	mean	sd
Q1	70	0.39	0.39	0.2829	0.175	2.1	0.92
Q2-	70	0.18	0.23	0.0085	-0.014	2.2	0.79
Q3-	70	0.34	0.29	0.1089	0.03	2.4	1.27
Q4	70	0.56	0.56	0.5221	0.352	2.7	1.02
Q5-	70	0.19	0.21	-0.0146	-0.033	3.1	0.93
Q6	70	0.34	0.33	0.1512	0.068	2.3	1.12
Q7	70	0.45	0.44	0.323	0.192	2.4	1.15
Q8	70	0.46	0.45	0.3533	0.209	2.6	1.12
Q9	70	0.43	0.45	0.3489	0.234	2.6	0.9
Q10	70	0.55	0.56	0.5405	0.307	2.5	1.18

### Guideline on interpreting the Inter-Item Correlation

The ideal range of average inter-item correlation is 0.15 to 0.50; less than this, and the items are not well correlated and do not measure the same construct or idea very well (if at all). More than 0.50, and the items are so close as to be almost repetitive. Researchers argued that mean interitem correlation is considered as an acceptable value when it is in the range 0.2-0.4 but negative values mean a weak correlation between items which surely affects Cronbach's alpha value. In our Niger Delta and Environmental survey, it is obvious that a low inter-item correlation may not be regarded as a non-desired result as the questions look at the different panaceas to the Niger Delta conflict. To showcase these weak correlation values, it is apt to look at the spearman correlation matrix

**Table 6.10:** *Non-missing response frequency for each item*

Questions	1	2	3	4	miss
Q1	0.24	0.59	0.03	0.14	0
Q2	0.09	0.17	0.60	0.14	0
Q3	0.34	0.07	0.26	0.33	0
Q4	0.09	0.47	0.13	0.31	0
Q5	0.41	0.39	0.11	0.09	0
Q6	0.31	0.29	0.20	0.20	0
Q7	0.29	0.26	0.21	0.24	0
Q8	0.24	0.20	0.30	0.26	0
Q9	0.14	0.29	0.44	0.13	0
Q10	0.26	0.26	0.19	0.30	0

**Table 6.11:** *The Spearman Correlation for the ACAD Responses*

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10
Q1	1.0000	-0.0443	-0.5006	0.42557	0.1362	-0.0429	-0.1733	-0.0277	-0.3468	0.29585
Q2	-0.0443	1.0000	0.03277	-0.373	0.04445	0.21309	-0.3855	0.10766	0.1914	-0.6188
Q3	-0.5006	0.03277	1.0000	-0.0167	-0.1354	-0.0595	0.08008	0.19718	0.11866	0.06857
Q4	0.42557	-0.373	-0.0167	1.0000	0.18306	-0.0898	0.12972	0.22813	-0.0995	0.66887
Q5	0.1362	0.04445	-0.1354	0.18306	1.0000	0.10429	-0.0905	-0.2938	0.14122	0.00128
Q6	-0.0429	0.21309	-0.0595	-0.0898	0.10429	1.0000	-0.1604	0.20926	0.11704	-0.1852
Q7	-0.1733	-0.3855	0.08008	0.12972	-0.0905	-0.1604	1.0000	0.37168	-0.1064	-0.0201
Q8	-0.0277	0.10766	0.19718	0.22813	-0.2938	0.20926	0.37168	1.0000	-0.0034	0.02402
Q9	-0.3468	0.1914	0.11866	-0.0995	0.14122	0.11704	-0.1064	-0.0034	1.0000	-0.0968
Q10	0.29585	-0.6188	0.06857	0.66887	0.00128	-0.1852	-0.0201	0.02402	-0.0968	1.0000

**Table 6.12:** *The Spearman Correlation for the ERC Responses*

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10
Q1	1.0000	-0.0079	-0.085	-0.1686	0.25796	-0.0232	0.11406	0.05214	-0.281	0.1265
Q2	-0.0079	1.0000	-0.2176	0.30427	-0.5212	-0.2145	0.00212	0.00885	0.19737	-0.098
Q3	-0.085	-0.2176	1.0000	0.22368	0.50572	0.10495	0.32396	0.29532	0.13363	0.15522
Q4	-0.1686	0.30427	0.22368	1.0000	-0.1995	0.31223	0.3928	0.23636	0.4495	0.15903
Q5	0.25796	-0.5212	0.50572	-0.1995	1.0000	0.08291	0.00909	0.21987	-0.0054	-0.1779
Q6	-0.0232	-0.2145	0.10495	0.31223	0.08291	1.0000	0.18249	0.02922	0.28882	0.1683
Q7	0.11406	0.00212	0.32396	0.3928	0.00909	0.18249	1.0000	0.40911	0.06008	0.09251
Q8	0.05214	0.00885	0.29532	0.23636	0.21987	0.02922	0.40911	1.0000	-0.1653	-0.1501
Q9	-0.281	0.19737	0.13363	0.4495	-0.0054	0.28882	0.06008	-0.1653	1.0000	0.21301
Q10	0.1265	-0.098	0.15522	0.15903	-0.1779	0.1683	0.09251	-0.1501	0.21301	1.0000

**Table 6.13:** *The Spearman Correlation for the LAW Responses*

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10
Q1	1.0000	0.18559	-0.3834	0.21426	0.34315	0.11473	0.23087	0.14811	0.16818	0.27047
Q2	0.18559	1.0000	-0.2421	-0.0011	-0.0256	-0.4534	-0.1416	-0.1217	-0.115	-0.0638
Q3	-0.3834	-0.2421	1.0000	-0.4846	-0.0052	0.12681	-0.4434	-0.2433	-0.3572	0.03284
Q4	0.21426	-0.0011	-0.4846	1.0000	0.04614	0.15064	0.07905	0.41763	0.71426	0.20604
Q5	0.34315	-0.0256	-0.0052	0.04614	1.0000	0.13563	0.40634	0.1151	0.07139	0.21797
Q6	0.11473	-0.4534	0.12681	0.15064	0.13563	1.0000	-0.03	0.30284	0.23213	0.45426
Q7	0.23087	-0.1416	-0.4434	0.07905	0.40634	-0.03	1.0000	0.13772	-0.0462	-0.0719
Q8	0.14811	-0.1217	-0.2433	0.41763	0.1151	0.30284	0.13772	1.0000	0.25759	0.02154
Q9	0.16818	-0.115	-0.3572	0.71426	0.07139	0.23213	-0.0462	0.25759	1.0000	0.43075
Q10	0.27047	-0.0638	0.03284	0.20604	0.21797	0.45426	-0.0719	0.02154	0.43075	1.0000

**Table 6.14:** *The Spearman Correlation for the Overall Responses*

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10
Q1	1.0000	-0.433	0.20412	0.24744	0	0	0	0	-0.2008	0.50709
Q2	-0.433	1.0000	-0.0746	-0.2262	0.33562	-0.495	0.40577	0.22222	0.06183	0.15452
Q3	0.20412	-0.0746	1.0000	-0.2357	-0.2	-0.3567	0.47547	0.42426	-0.2	0.0207
Q4	0.24744	-0.2262	-0.2357	1.0000	-0.2534	-0.266	0.03312	-0.619	-0.1325	0.10805
Q5	0	0.33562	-0.2	-0.2534	1.0000	0.15256	-0.2668	-0.2397	-0.3569	-0.2351
Q6	0	-0.495	-0.3567	-0.266	0.15256	1.0000	-0.8198	0.07071	-0.1705	-0.2277
Q7	0	0.40577	0.47547	0.03312	-0.2668	-0.8198	1.0000	0.11593	0.09677	0.42428
Q8	0	0.22222	0.42426	-0.619	-0.2397	0.07071	0.11593	1.0000	0.32462	0.41476
Q9	-0.2008	0.06183	-0.2	-0.1325	-0.3569	-0.1705	0.09677	0.32462	1.0000	0.16632
Q10	0.50709	0.15452	0.0207	0.10805	-0.2351	-0.2277	0.42428	0.41476	0.16632	1.0000

**Table 6.15:** *The Spearman Correlation for the Overall Responses*

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10
Q1	1.0000	0.00508	-0.2697	0.16601	0.21068	0.03365	0.07047	0.08366	-0.1019	0.26941
Q2	0.00508	1.0000	-0.1036	-0.0212	-0.1442	-0.1745	-0.0741	0.06926	0.07852	-0.1697

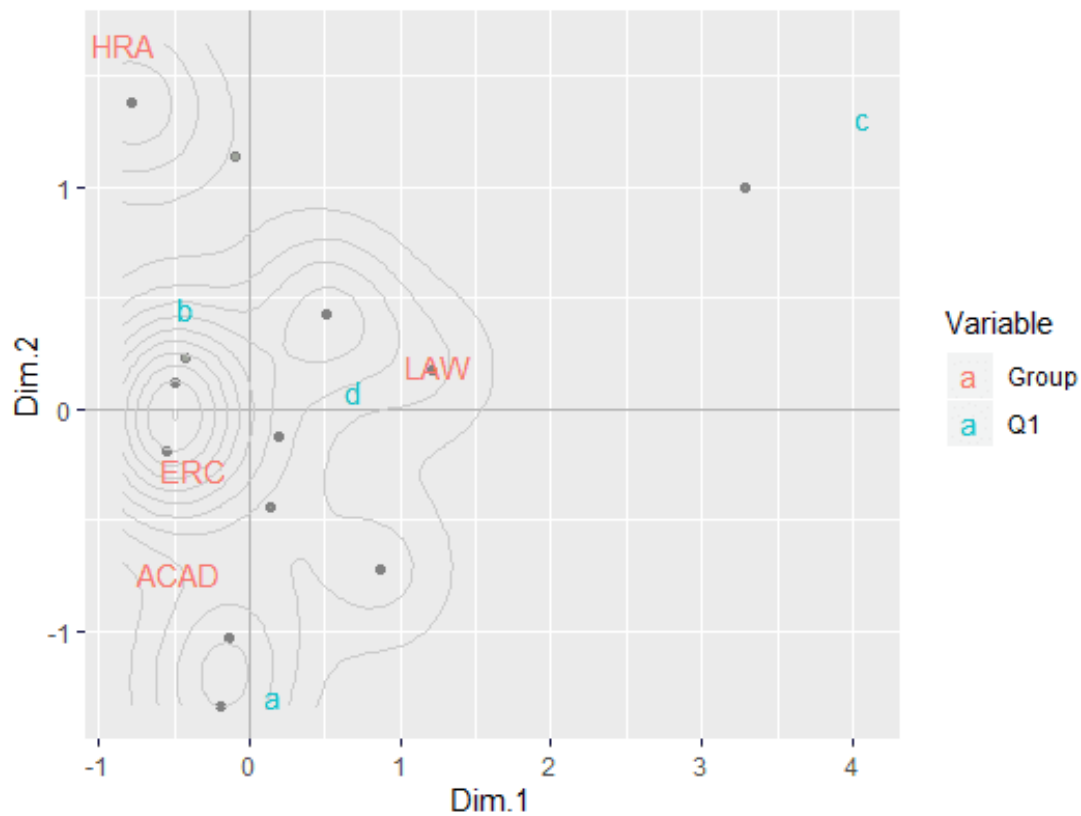
Q3	-0.2697	-0.1036	1.0000	-0.102	0.0602	-0.0232	0.04394	0.10206	-0.0812	0.07562
Q4	0.16601	-0.0212	-0.102	1.0000	-0.0013	0.05727	0.18944	0.15273	0.23722	0.32168
Q5	0.21068	-0.1442	0.0602	-0.0013	1.0000	0.117	-0.0136	-0.0236	-0.0356	-0.0409
Q6	0.03365	-0.1745	-0.0232	0.05727	0.117	1.0000	-0.0609	0.13468	0.14373	0.07192
Q7	0.07047	-0.0741	0.04394	0.18944	-0.0136	-0.0609	1.0000	0.29442	0.04568	0.09229
Q8	0.08366	0.06926	0.10206	0.15273	-0.0236	0.13468	0.29442	1.0000	0.09083	0.04567
Q9	-0.1019	0.07852	-0.0812	0.23722	-0.0356	0.14373	0.04568	0.09083	1.0000	0.20525
Q10	0.26941	-0.1697	0.07562	0.32168	-0.0409	0.07192	0.09229	0.04567	0.20525	1.0000

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Observe that there are low overall correlation values between the variables as showcased in Table 6.12 and this indicates that the questions are independent of each other. This is the desired result as the questions are chosen to address each issue independently. This observation is indifferent from what is observable in Tables 6.8, 6.9, 6.10, and 6.11 for the various groups' ACAD, ERC, LAW, and HRA.

#### **Guideline on Interpreting the MCA plots:**

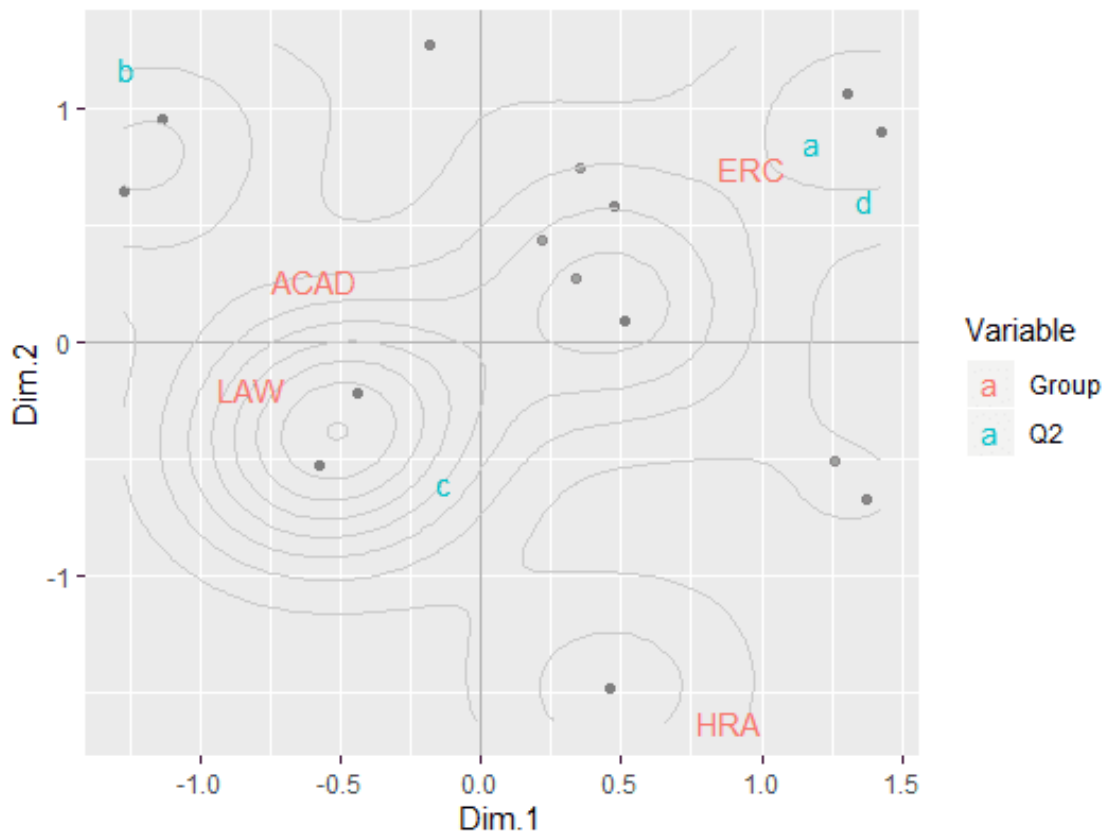
The interpretation of the MCA has achieved either column-wise or row-wise but must stick to one throughout the interpretation. This according to Greenacre (2007) and Vosloo (2014) is called the row coordinates and the column coordinates referred to as the standard and principal coordinates of the rows and the columns as illustrated in steps 3,4,5, and 6 of Section 3.5 of the CA procedure document in the Appendix. The overall, this implies that points within a quadrant of the equi-scale configuration of the MCA with zero centeredness on each axis will seem to have a greater association and, in this case, more susceptible to the Likert response. We will follow this procedure to distinguish the significances. For an elaborate insight on how to interpret the MCA plots, please visit Hoffman and De Leeuw (1992) and Noble and Smith (2015).



**Figure 6.7:** The MCA Plot of the respondent Group and Q1

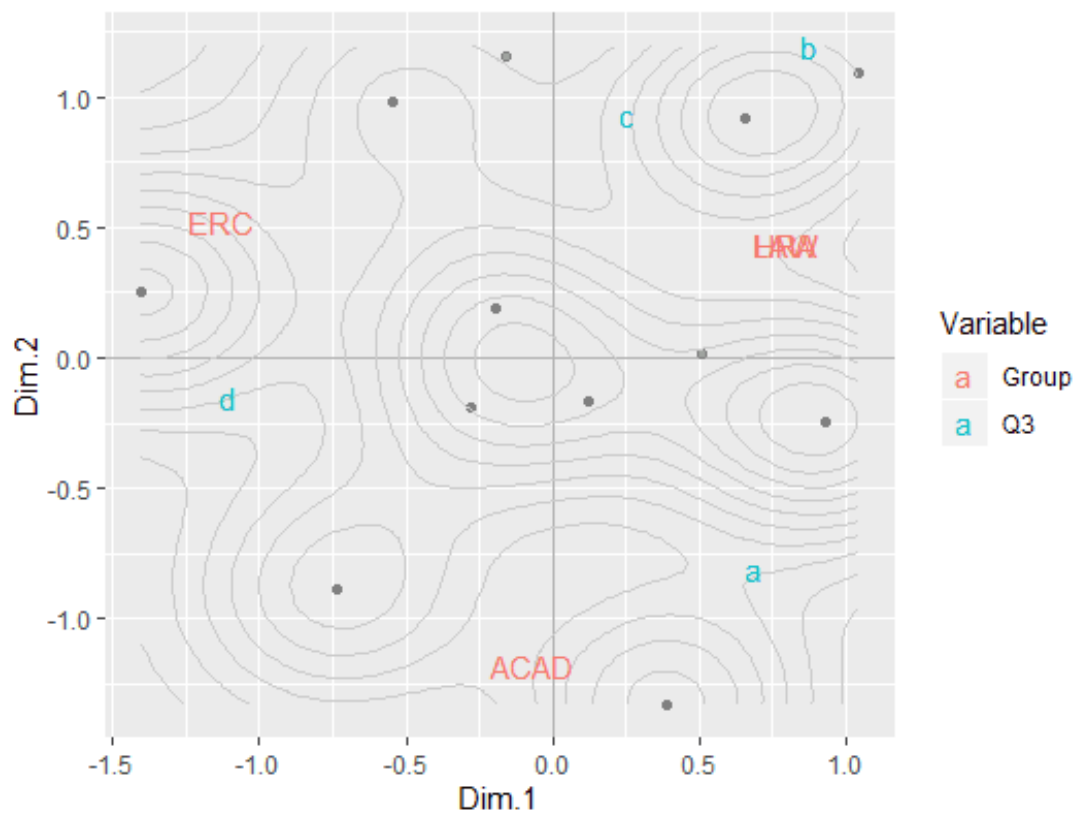
In Figure 4.7, the MCA plot of the Group vs Q1 is showcased. The result shows that the group responses from the Lawyers (LAW) show good correspondence or significance with Q1 options (c and d) as they lie on the same quadrant. However, the other response categories seem to have loose correspondences in Q1 option (c) since the density contour lines do not cover Q1 (c). Likewise, group responses from the Human Right Activists (HRA) show good correspondence or significance with Q1 options (b), although a loose correspondence with the density contours separated, as they lie on the same quadrant. Observe that there is entirely no correspondence (significant) between the groups Environmental Right Crusaders (ERC) and the Academicians (ACAD) may be undefined as their points lie distinctly in different quadrants of the MCA plot.





**Figure 6.8:** The MCA Plot of the respondent Group and Q2

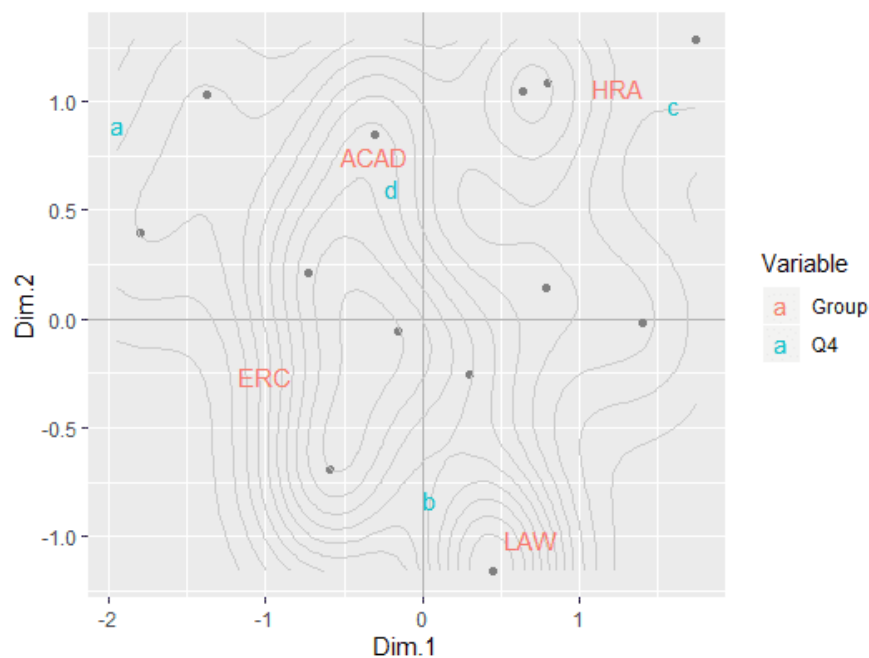
In Figure 6.8, the MCA plot of the Group vs Q2 is showcased. The result shows that the group responses from the Lawyers (LAW) show good correspondence or significance with Q2 options (c) as they lie on the same quadrant. Likewise, group responses from the ERC category show good correspondence or significance with Q2 options (a) and (d), although a loose correspondence with the density contours separated, as they lie on the same quadrant. However, the ACAD category seems to have a loose correspondence in Q2 option (b) since the density contour lines lie in further proximity. Observe that there is a no strong correspondence (significant) between the groups HRA with any of the options for Q2 as there is no question option that lies in its quadrant in the MCA configuration



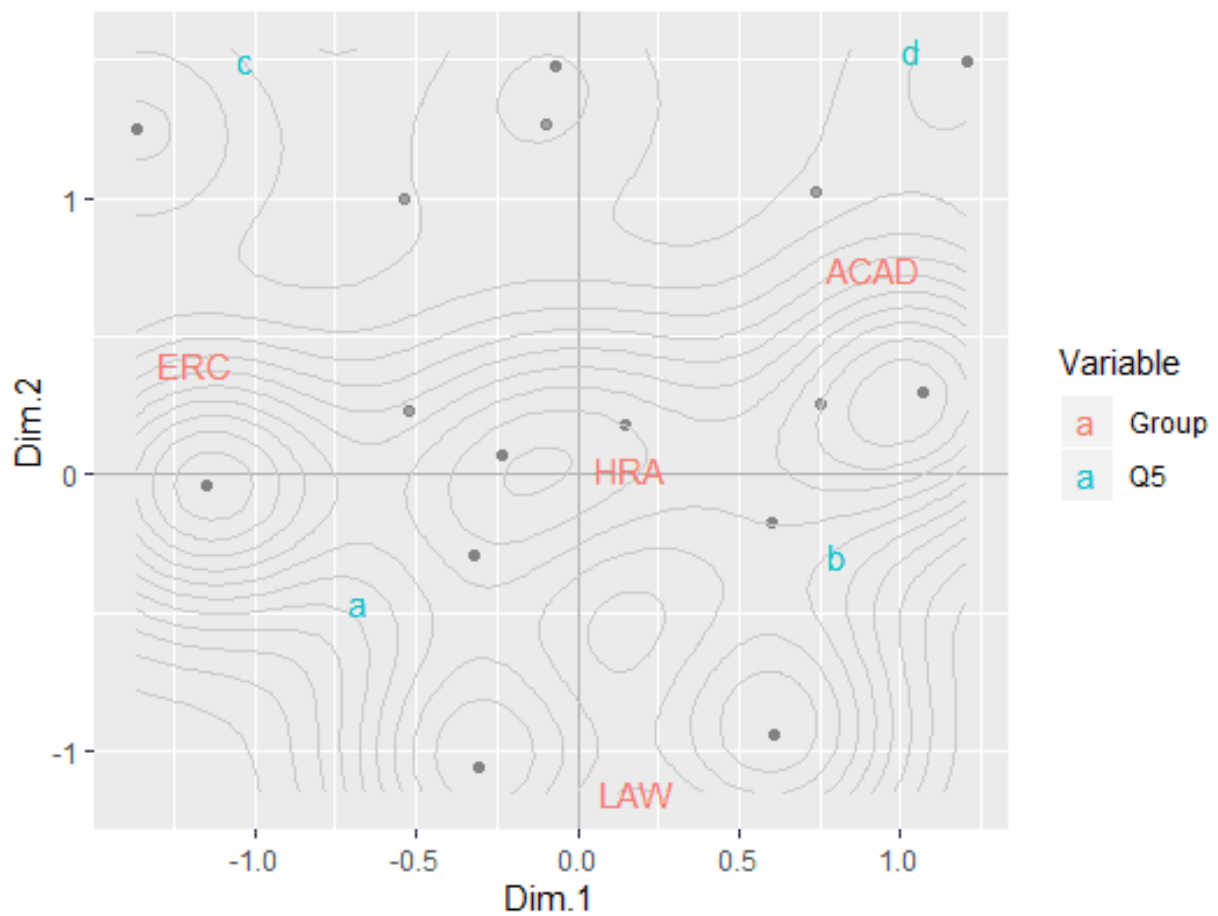
**Figure 6.9:** The MCA Plot of the respondent Group and Q3

In Figure 4.9, the MCA plot of the Group vs Q3 is showcased. The result shows that the group responses from the entire group tend to be scattered in a relatively loose association with variable proximities of the points to each other. However, an indicative observation is that the LAW and ERC groups tend to stick on the as they show good association in the upper right quadrant of the MCA plot of Q3 with the options (b) and (c).

**Figure 6.10:** The MCA Plot of the respondent Group and Q4

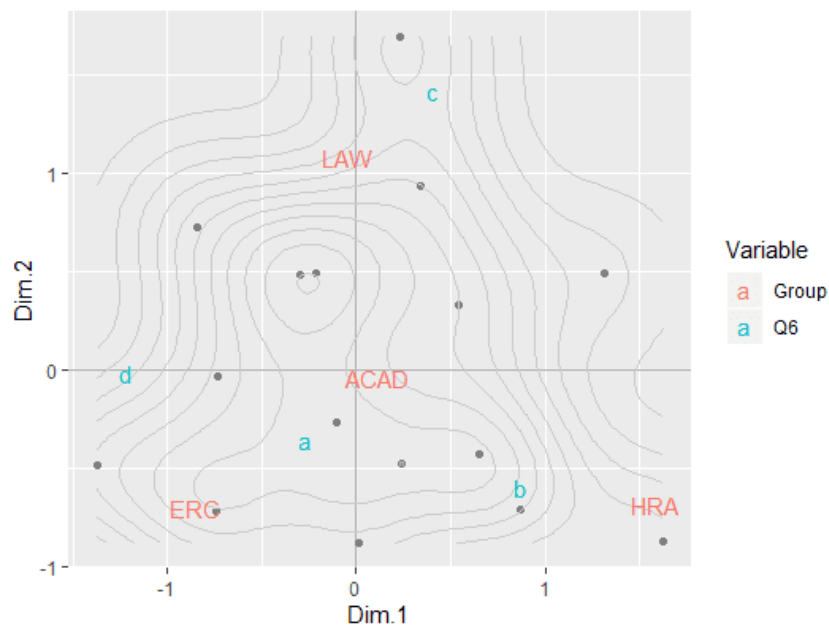


In Figure 6.10, the MCA plot of the Group vs Q4 is showcased. The result shows that the group responses from the Lawyers (LAW) show a loose correspondence or significance with Q4 option (b) as they lie on the same quadrant. Meanwhile, the ACAD category has a strong correspondence with the Q4 option (d) and a loose significance with Q4 option (a) as they lie on the same quadrant with variable intensity of the density contours. HRC group has a good correspondence with Q4 option (c) while it is interesting to notice that the ERC group has no pinpointed association with any of the options of Q4.



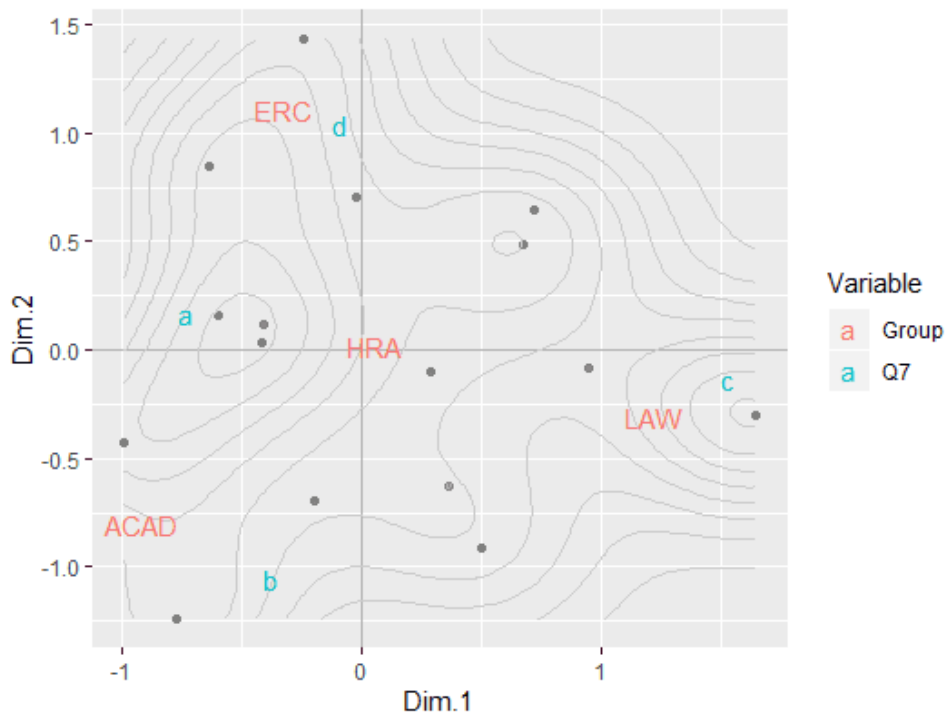
**Figure 6.11:** The MCA Plot of the respondent Group and Q5

In Figure 4.11, the MCA plot of the Group vs Q5 is showcased. The result shows that the group responses from the entire group tend to be scattered in a relatively loose association with variable proximities of the points to each other. However, an indicative observation is that the ACAD and the ERC groups tend to have loose associations with the Q5 option (b) and (a) respectively within the upper quadrants of the MCA plot.



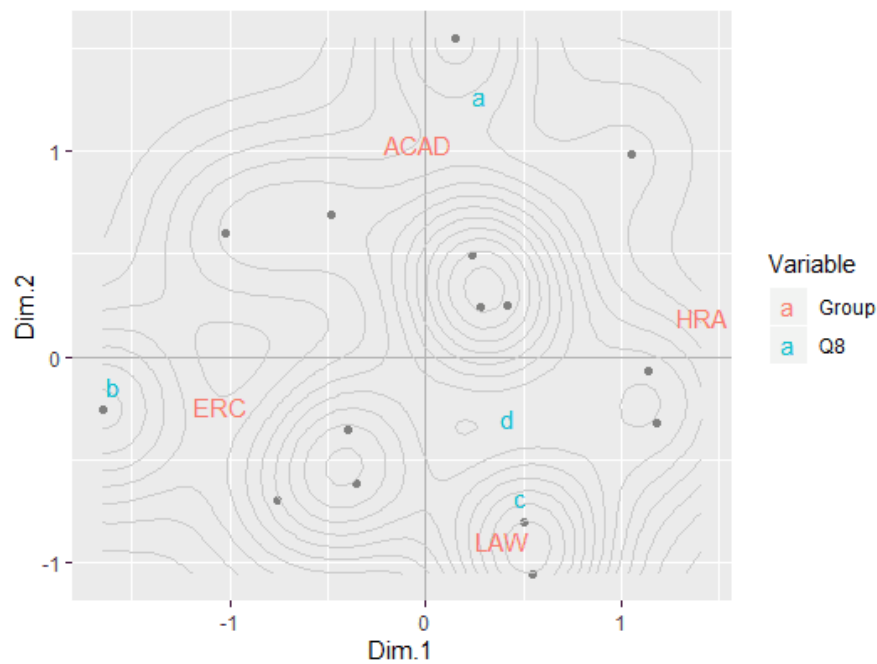
**Figure 6.12:** The MCA Plot of the respondent Group and Q6

In Figure 6.12, the MCA plot of the Group vs Q6 is showcased. The result shows that the group responses from all the groups tend to be scattered in a relatively loose association with variable proximities of the points to each other. However, an indicative observation is that the HRA and the ERC groups tend to have loose associations with the Q6 options (b) and (a) respectively within the lower quadrants of the MCA configuration.



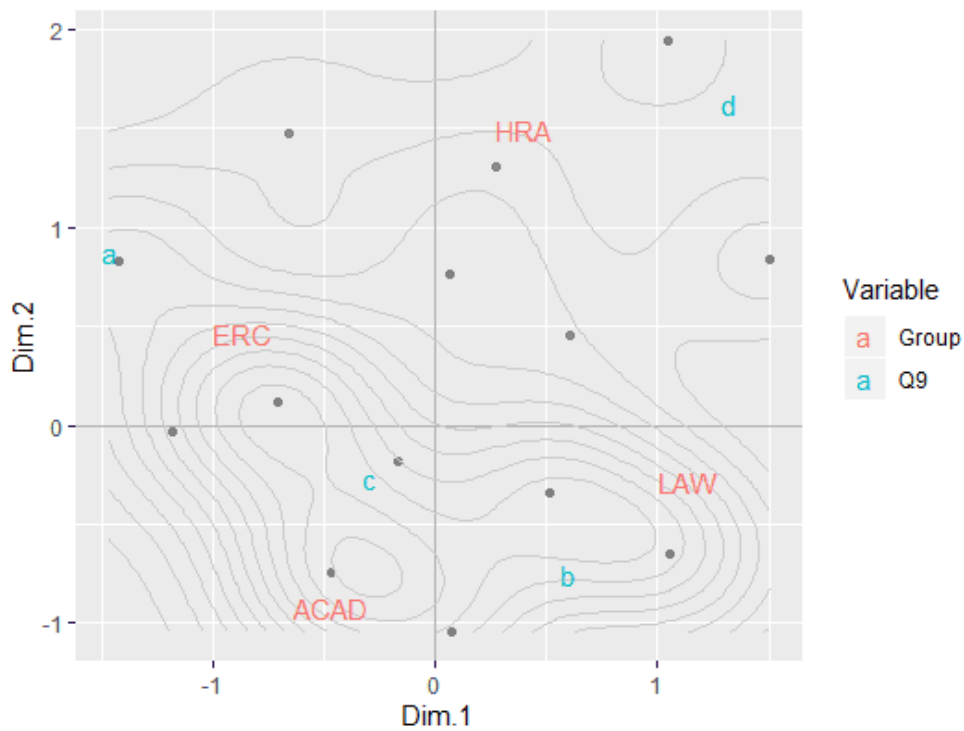
**Figure 6.13:** The MCA Plot of the respondent Group and Q7

In Figure 6.13, the MCA plot of the Group vs Q7 is showcased. The result shows that the group responses from the Lawyers (LAW) pointed to correspondence or significance with Q7 option (c) as they lie on the same quadrant. Meanwhile, the ERC category has a strong correspondence with the Q7 option (d) and a loose significance with Q7 option (a) as they lie on the same quadrant with variable intensity of the density contours. ACAD group has a good correspondence with Q7 option (b) while it is interesting to notice that the HRA group cannot be tagged with any indicative associated with the options of Q7.



**Figure 6.14:** The MCA Plot of the respondent Group and Q8

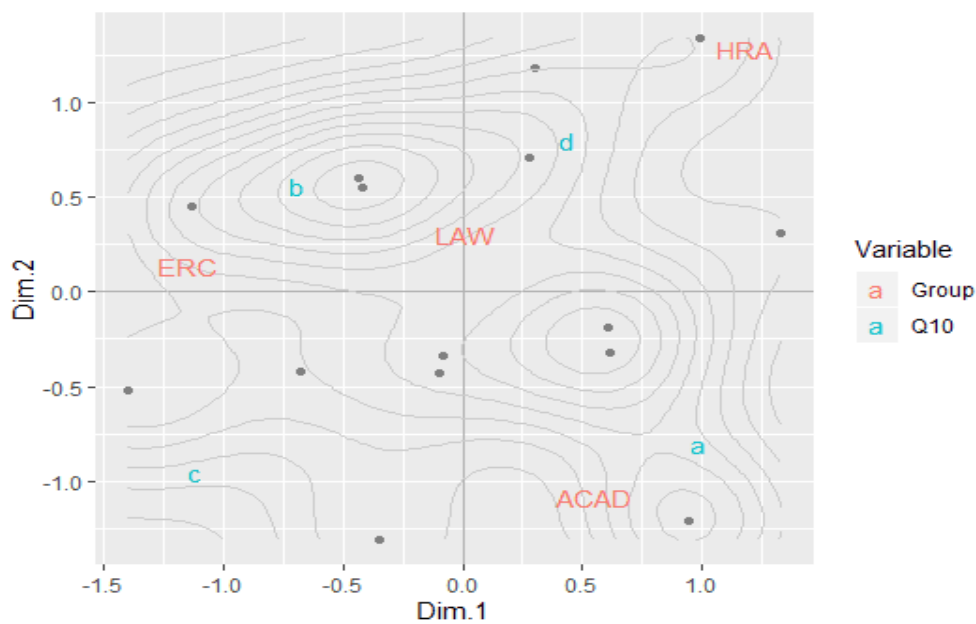
In Figure 6.13, the MCA plot of the Group vs Q8 is showcased. The result shows that the group responses from the ERC group pointed to correspondence or significance with Q8 option (b) as they lie on the same quadrant. Meanwhile, the LAW category has a strong correspondence with the Q8 option (c) and a loose significance with Q8 option (d) as they lie on the same quadrant with variable intensity of the density contours. ACAD group has a very loose correspondence with Q8 option (a) while it is interesting to notice that the ACAD group has no indicative association that could be attributed to it with regards to the Q8 options.



**Figure 6.15:** The MCA Plot of the respondent Group and Q9

In Figure 4.15, the MCA plot of the Group vs Q9 is showcased. The result shows that the group responses from the entire group tend to be scattered in a relatively loose association with variable proximities of the points to each other. However, an indicative observation is that all the groups had an indicative association with each of the Q9 options. We can depict relatively significant associations between ERC, HRA, ACAD, and ERC for the Q9 options (a), (d), (c), and (b) respectively.

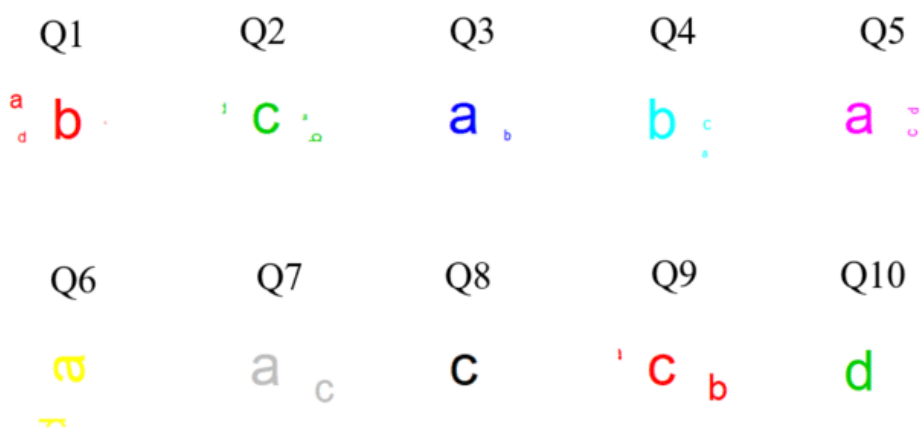




**Figure 6.16:** The MCA Plot of the respondent Group and Q10

In Figure 4.16, the MCA plot of the Group vs Q10 is showcased. The result shows that the group responses from the entire group tend to be scattered in a relatively loose association with variable proximities of the points to each other except for the group LAW which cannot be tied to any of the quadrants. However, one can pinpoint that the groups ERC, HRA, and ACAD had an indicative association with the Q10 options (b), (d), and (a) respectively.

#### Summary Result for Each of the Questions:



**Figure 6.17:** A text mining plot that summarizes the questions responses Q1-Q10.

In Figure 6.17, a text mining approach was employed, and the plot showcases the major responses from each of the questions. These responses are shown for Q1 to Q10 as follows:

Q1. B. Corruption in the entire system of government at all levels

Q2. C. Acts justify the oppressiveness of the people by the Nigerian State and have fomented the conflict.

Q3. A. The Nigerian legal system is manipulated by the political class in the North, hence cannot deliver justice for the Niger Delta cause.

Q4. B. Lack of infrastructure and basic amenities over the years justifies their violent response for a change.

Q5. A. Federalism means that the components states have their autonomy to pilot their Affairs, Resources, Political, Economic and Security as it's in the United States of America. If Nigeria can go back to Federalism Practice, it can bring about a solution to the Niger Delta conflict.

Q6. A. Multinational Oil Companies failure to respect the national laws of Nigeria on the protection of the environment has caused pains and hardship, backwardness to the people of the Niger Delta

Q7. A. The structure of the Nigerian Judiciary gives the Executive Arm of Government the power to dictate for it, hence cannot effectively deliver justice for the oppressed people of the Niger Delta by the Nigerian State.

Q8. C. The Amnesty program introduced by the Federal Government of Nigeria for the Niger Delta agitators, was a political move to push away the attention of the people from the fundamental

Q9. C. The enforcement of the various treaties entered and ratified by the Nigerian States on environmental Rights and people's Human Rights.

Q10. D. Similar conflict in the Democratic Republic of Congo was resolved by the Application of International.

## **CHAPTER SEVEN**

### **DISCUSSION OF RESEARCH FINDINGS**

#### **7.1 Discussion of Findings from the Questionnaire**

This chapter deals with the conclusions from the previous chapter's data presentation and analysis. This discussion is anchored on the research questions and objectives, as well as the theoretical framework. The discussion is also triangulated to corroborate previous literature in relation to some major conflicts in Africa. The purpose of this chapter is to determine whether the research objectives have been adequately addressed and to demonstrate whether the research questions have been adequately answered. The discussion of the findings from the presented data provides a holistic understanding of the link between the intervention of the federal government of Nigeria, the activities of the multinational cooperation, and the Niger Delta conflict.

Discussing the data presented in chapter 6, from questions 1-10 in the questionnaire, the various groups in their responses indicate that in question one, corruption in the entire system of government at all levels in Nigeria has a connection about the underdevelopment of the area which to that end is responsible for the conflict. Because monies budgeted for the development of the area is looted, this includes both at the Federal, State, and local government levels. Apart from indicting the federal government, we see the lootings under the James Ibori government of Delta state, that of Lucky Igbenedion of Edo state and Peter Odili of Rivers State who got a perpetual injunction from the court not to be investigated into all corruption allegations against him. Corruption in question one amongst other questions has the highest hit. How can you explain it that two Niger Delta Senators are indicated and have been accused of collecting hundreds of contracts from the Niger Delta Development Commission and never executed any of those projects, after collecting mobilization money? The Niger Delta conflict is not just about constitutional and judicial challenges, but the challenge of greedy and selfish political office holders in the region, who by their actions are easily bought over by the Northern Elites to oppress their people.

The continuous unrest and the absence of peace in the Niger Delta area, according to the graph presentation is connected to the 1978 Land Use Act and the 1969 Petroleum Act, which explains the source of the oppressiveness of the people by the Nigerian State and have fomented the conflict to the point that the application of international law and the normative

system of international organizations remain the panacea to the conflict. The two Acts of law take away the rights from the people to have management over the resources within their lands, water and deny them total ownership of their ancestral land. The agitations for resource control and true practice of federalism are determined by the overridden land use act and petroleum 1969 by those International Laws and the normative systems entered by the Nigeria state and their applicability in the Niger Delta remain the part of peace in the region. Question three outcome from the graph based on the administered questionnaire, the Nigerian legal system and dispensation of justice in the Niger Delta area reflect a gross failure in many senses, as the judiciary remains one of the pieces of machinery of the Federal Government in the continues oppression of the region. The 1978 Land Use Act and the 1969 Petroleum Act are the bases upon which the rights of the people of the region are violated by the Nigerian State without recourse to the general legal framework, justice system, and international law. The rapacious interest of the elites of Northern Nigeria access to the crude oil and gas in the Niger Delta Area is actualized by the manipulation of the court system in the manner and way that judges are appointed and elevated from one court to the high one with lop-sidedness, the Northerners dominating the bench at the Federal level, delivering judgments that we never address and bring justice to the cries, agitation, and oppression of the Niger Delta people.

The graph presentation about question four responses from the questionnaire indicates that the current violence and militancy in the Niger Delta area are ignited by the continuous neglect of the region by the federal government in infrastructure and human capacity building because the region is responsible for the over 90 percent economic wealth of the Nigeria state. The violence and militancy in the region are just a reaction to the long-aged oppression of the Nigerian state aiding by the military instrumentality in the violation of human rights. It is a way of drawing attention from wherever justice can be brought in their unjust and oppressive situations. However, this is properly explained by the Revolutionary theory used in the study, a reflection of conflicts in Africa not too different from that of the Niger Delta area of Nigeria. The majority responses to question five in the questionnaire and the graph presentation, the manner and which federalism is operated is a major source of the Niger Delta conflict, where the federal government in the middle remains the controller and the arbiter of any natural resource in the land, water and even in the air. This is an aberration to what is the practice in the United States of America. In true federalism, the component states are saddled with the responsibility of managing their affairs, including economy, political, judiciary, and security, but their actions and laws must be consistent with federal laws, because where their actions

and sub-state laws are inconsistent with those enacted nationally, the federal actions and laws take precedence over any other actions and law. In the United States of America, Donald Trump cannot condition the Governor of Florida in the way and manner the Nigerian Presidents conditions a state government. The American President or the federal government in Washington DC cannot control the oil and gas in Texas but only the state and county governments can do that. This is the crux of the Niger Delta conflict; the Land Use Act and the Petroleum Act are sharp aberrations to the practice of true federalism.

The graph-based on question six of the questionnaire, presents the lawlessness of multinational oil companies operating in the Niger Delta conflict, their presence causing more pains to the region instead of joy and the benefits of development. Their operations without recourse to all extant laws enacted to protect the environment including those international laws, treaties in this regard. The truth is that the Nigerian state has failed, its domestic laws are not respected by MNC, because the Nigerian judiciary is characterized by corruption, this explains situations where these MNC use the Nigerian Police force and the military to brutalize the people, violate their human rights for speaking against their continuous environmental pollution and degradation. Their social cooperation responsibility is not ascertained, they never care about their responsibilities of development to their host communities. Connecting this to the majority responses to question seven, the Nigerian judiciary must come alive to enable it effectively implement laws of the land. The structure and the overbearing power of the President over the judiciary must be readdressed for an effective and forceful judicial system. Today the Nigerian federal judges' promotion and growth at the bench are determined by the power of the president, even when the National Judicial council recommends them for elevations. The weakness of the Nigerian Judiciary is today one of the biggest factors to the Niger Delta conflict, legislative action is needed to amend the relevant sections of the constitution, to achieve a Nigeria Judiciary that is independent, and its judgments not influenced by the Executive.

The interventions of the Federal Government of Nigeria in the Niger Delta conflict with the establishment of the Niger Delta Development Commission, the Ministry of the Niger Delta, and the Amnesty programs are not effective to address the basic underlying factors causing the conflict, which are areas of constitutionality. With the intervention of the federal government through the above institution in the Niger Delta area, the conflict is yet to be resolved and the factors leading to the agitations for development are still there. However, the

funding of these institutions by the federal government is not enough to address those challenges of underdevelopment. The application of international law and the various treaties entered by the Nigerian state and the normative system of international organizations are the panaceas to the conflict in the Niger Delta Area; their applications were effective and were able to resolve similar clashes or conflict about the Democratic Republic of Congo and Sudan.

## **7.2 Discussion on Research Questions and Objectives of the Study**

The research questions and objectives for this thesis were designed to connect in such a way that the research objectives are achieved concurrently as their corresponding research questions are addressed. The discussion of the findings relating to the study's research questions and goals is presented below.

### **7.2.1 Similarity between Some Major Conflicts in Africa and the Niger Delta Conflict**

The findings from this study show that there is a huge similarity between some of the major conflicts in Africa and the Niger Delta conflict. A suspicion of this similarity was the motivation for Chapter 2 of this study. The similarity manifests in the causes of the conflicts, and in how they were mitigated against. Africa is a continent that is characterized by conflicts. Many African nations' governments continue to violate the human rights of their citizens hiding under the principles of the treaty of Westphalia that no external force can intervene in their domestic affairs regardless of how they treat their citizens. But ironically the international community can call the government to order applying the doctrine of "Responsibility to Protect". Human rights protection is sacrosanct in the charter of the UN, EU, AU, and international law. These international laws were successful for the resolution of many conflicts, and that signals that they might be successful in the resolution of the Niger Delta conflict also. The qualitative and quantitative findings of this research ratify that suspicion.

Factors causing conflicts in Africa besides the human rights violations are electoral fraud, resource control conflict, corruption, unemployment, poverty, bad governance, visionless leadership, dictatorship, leadership with ethnic sentiments, leadership with an imposing religion on the entire population agenda, terrorism, ethnic cleansing especially those supported leadership of a country. Some of these factors are applicable in some parts of the Middle East where conflicts are prominent too. The listed factors causing conflicts in Africa gave a clear picture while the UN and other peacekeeping missions are more on the continent of Africa than in Europe, Asia Middle East, and America. Some of these factors pointed out

are responsible for the Niger Delta conflict which has been dealt with analytically in previous chapters of this research. Taking precedence from Sudan, Rwanda, and Nigeria about how the instrumentality of international law and the normative system of the UN was used to bring those conflicts to an end, this research has been able to theorize a workable resolution to the Niger Delta conflict (Sharkey, 2008; Luialaet *al.*, 2019).

In the previous chapters, the researcher accounted for the various conflicts in Africa as wrong in terms of incompatible amalgamations of nations by the colonial rules. Such amalgamation made it impossible for the various nations to co-exist, due to their very different cultural and religious practices, without confronting another from time to time. This was the challenge in Sudan that finally caused the civil war. It happened in Nigeria in the past with the civil war that lasted from 1966-1970, and it is still happening there. The mistrust and the issues of religious, cultural, and historical incompatibility between the Southern and Northerner parts of Nigeria continue to be the flame for these sorts of inter-ethnic conflicts. The amalgamation of 1914 by Lord Lugard remains the foundation of the conflict in Nigeria today which is threatening the peace and unity of Nigeria.

The same factor was responsible for the genocide in Somalia, the ethical extermination of one ethnic group over the other. Cyprus, although not located on the continent of Africa has the same factor surreptitiously as the cause of the long age conflict on the Island between the Turkish and the Greek ethnic groups. However, this factor is still in connection with the Niger Delta conflict, as the Northern part of Nigeria would do everything possible for the conflict not to come to an end, because the Niger Delta region continues conflict make them stakeholder and top beneficiary of the crude oil in the region. As a result of this, even though the Niger Delta conflict was born from political injustice, from the neglect of the part of the Nigerian government, it has assumed a cultural undertone over the years.

### **7.2.2 Activities of Multinational Oil Companies and the Niger Delta Conflict**

The findings of this study corroborate the widespread and obvious claim that the activities of the multinational oil corporation (MNCs) are at the heart of the Niger Delta conflict. The distributed questionnaires and the focus group discussion pinpointed, above all, the activities of the MNCs as the major cause of the environmental degradation and human right violation that has become characteristics of the Niger Delta region (Teson, 2008). The Niger Delta conflict is worsening by the constant lawlessness and abuse of the environment by

the MNCs. A significant 82% correlation was noticed between the activities of the MNCs and the unrest in the area where the MNC are operating. This goes to show that the quantitative findings also corroborate the quantitative ones on the integrity of the MNCs to the Niger Delta conflict.

The region needs justice to salvage their situation, the need and cry for justice emanating from international law and the normative system of international organizations against the long-time oppression and human rights violation. The Nigeria state and the legal system of Nigeria have remained incommunicado on the disastrous activities of the multinational oil companies. Today we have several companies operating in the Niger Delta Area, Shell, Chevron, Agip, and EFE amongst others. These companies rather make use of the Nigeria state security institutions to intimidate the Niger Delta people, when they speak of their polluted environment caused by the activities of the multinationals.

The study has pointed out in other previous chapters concerning the multinational oil companies that they operate without recourse to the national laws of Nigeria oil international laws that guide best practices of oil and gas explorations and exploitations. Nevertheless, the presence of these multinational oil companies has become a source of pain and agony for the people of the region, instead of becoming a source of joy, carrying out of social responsibilities in their host communities. Nigeria has become a free country and a lawless land for these companies because they have the financial capacities to be the institutions of the Nigerian state at will. After all, our leaders are corrupt and do not care about how their citizens are faring.

They are driven by capitalist tendencies, which have made them continue oppressing the local settlers in the hinterland in the Niger Delta area. Painful enough, these companies can buy the Nigerian judicial system, that while today you can never see any litigation against these companies won by the plaintiff/litigant in Nigeria. This is too sad for democracy and its practice, paving way for anarchy and doom generally for the Nigerian state and particularly in the Niger Delta region. Building this on a theoretical framework, the Revolutionary theory explains here the rise of anti-social activities by the Youths in the Niger Delta who for a very long time had agitated for a change in the entire operations of these multinational oil companies towards a practice of operation that is globally acceptable and civilizes as obtainable in other OPEC nations. The rise of militancy, kidnappings of foreign workers, destroying of oil and gas installations, pipelines amongst others are all reactions emanating from the oppression of the multinational oil companies.



Injustice brings and constant intimidation of the people by the oil companies using the institutions of the Nigerian state that are established to aid fairness, justice, and protection of the people may come with extreme reactions when it gets to its zenith, by them, the Nigerian government will not be able to manage and contain those reactions from the Niger Delta people if the oil companies continue to operate in the Niger Delta Area without recourse national laws. When a government fails to protect citizens from eminent human rights violations, other nations shall come around to help with protection for citizens against terrorist or other disasters that pose a great threat to the human person and life (Damrosch, 1993; Ojakorotu, 2011; Folarin, 2015). When a government fails to protect citizens from eminent human rights violations, other nations shall come around to help with the protection of citizens against terrorist or other disasters that pose a great threat to the human person and life.

There is no way a man with a conscience visits the hinterlands of the Niger Delta without unconsciously angered by what you see against the level of infrastructure put on the ground in the Northern part of Nigeria. Again, it is important to state here that poverty and hunger are the key elements of agitations and revolutions in any society (Courson, 2016). The continued neglect of the region by the federal government of Nigeria and the evil ways the multinational oil companies are operating in the region have resulted in reactions of militancy, pipeline vandalizations, kidnappings, and other anti-social behaviour as means of expressing anger, frustration, and dissatisfactions by the youths of the region (Afinotan and Ojakorotu, 2009; Agbiboa and Maiangwa, 2012; Okolo, 2014).

### **7.2.3 Nigerian Laws and the Niger Delta Conflict**

This Research question gives a direction and a clear picture while the Nigerian Government both currently and, in the past, have treated or handled the Niger Delta conflict with no seriousness to bring the conflict to an end. So far, the researcher's investigations indicate issues of injustice and oppression are the lingering factors escalating the conflict over the years and in recent times. Like other Africa countries with conflicts of different magnitude, the Niger Delta conflict inclusive among other conflicts in Africa which urgently requires International law and international interventions, nevertheless, conflicts are becoming normal in developing nations that were colonized at a point in time in their histories. Painful enough, you see from time to time their former colonial governments interfering in their internal politics especially in Africa where conflicts are common, but Fukuyama puts it right:

Since the end of the Cold War, the weak or failing States has arguably become the single most important problem for the international order ...weak or failing states commit human rights abuses, provoke humanitarian disasters, drive massive waves of immigration, and attack their neighbours. Where human rights law identifies a set of clear prohibitions on government behaviour, coupled with a set of positive aspirations toward economic, social, and cultural rights, these new international legal rules seek actively to shape not only the domestic law but also the domestic political environment to enable and enhance domestic government action (Fukuyama, 2004: 92–93).

The discussion on the causes of conflicts in Africa, some of the factors connect to those responsible for the causes of the Niger Delta conflict, except another theoretical application of this research that explains the means of the settlement of conflicts is the Humanitarian International Law theory, which at this stage of the Niger Delta conflict may not be applicable, because the conflict has not reached the state or stage where the United Nations peacekeeping operations are required for peacebuilding amongst the parties involved in the conflict. However, if the Niger Delta conflict is not settled sooner than later before it gets to the stage experienced in Rwanda, Nigeria, the Civil war, and former Sudan, now Southern Sudan and Sudan where the United Nations joint peacekeeping operations with those of the African Union were applicable to create a conducive environment for peacebuilding.

The Humanitarian International law theory explains the principles and guidelines for peacekeeping operations by a normative power or system; it is one of the means of the settlements of conflict provided by the United Nations Charter approved by the United Nations Security Council. These means of the settlement of the conflict are prominent in Africa and it has helped in the actualization of reconciliation in Africa, in the face of numerous conflict spots. This theory is just a projection to the future of the Niger Delta conflict if it escalates beyond what it's now; it has not required the international community military assistance in the conflict, but the application of international law and the normative system.

#### **7.2.4 Interventions of the Nigerian Government in Resolving the Niger Delta Conflict**

Another research question to be asked will be: How effective are the Federal Government of Nigeria interventions in resolving the Niger Delta conflict with the establishment of NDDC, the Ministry of the Niger Delta, and the Amnesty program? This research question gives a direction to ascertain the effectiveness of the Federal Government of Nigeria in the escalation of the conflict, meaning that the government is not just looking at the

conflict without efforts made to see that it is resolved or brought down to its barest minimum. However, the establishment of the Niger Delta Development Commission (NDDC), the Ministry of the Niger Delta, and subsequently the establishment of the Amnesty program were all designed to cushion the suffering of the people in the region and as a way of responding to the agitations of the people (Wali *et al.*, 2019).

However, the Niger Delta Development Commission is the master plan of the region, row out by President Obasanjo's government, the commission was established to address the infrastructural challenges in the region, construction of roads, the building of schools, Hospitals amongst others (Okolo, 2014 and Imasogie and Osarentin, 2009). Nevertheless, the effectiveness of the NDDC in achieving the master plans of the Niger Delta Area has remained political deceit, as the commission is less founded by the federal government to pursue to goal in a way and manner that the people, we start to see an optimum result. Truth be told, corruption has made it almost impossible for the commission to function, ironically no persecution was made against those high-profile looters, today the impact of the commission is nearly dead and cannot address the Niger Delta conflict likewise the underlying issues emanating from the conflict.

The NDDC and the various institutions established in the Niger Delta Area remain a camouflage to give an impression the government of the day was trying. The development projects of the commission are carried out within members, Akwa-Ibom, Cross River, Delta, Rivers, Ondo, Edo, Imo, and Abia states (Isike and Uzodike, 2011). The commission is going the way of the previous commissions that it succeeded that was underfunded by the government and could not make any impact in answering the big question of development asked by the people of the Niger Delta. The Niger Delta Ministry was established to complement the efforts of NDDC, like a ministry that will be watching of seeing the affairs of NDDC, with a unifying blueprint of development. The Niger Delta Ministry and that of the Amnesty program were established almost same time, to change the Niger Delta narrative to a peaceful and developmental one.

But successive governments that took overpower gave less or no attention to the master plan to make the Niger Delta Region great. Although the amnesty program was intended to give those Youths in the region in one way or the other have carried arms and disturbed the smooth crude oil lifting in the Region. Under the presidency of Umaru Yar'Adua, some of the ex-militants were sent abroad and locally to study in the Universities, in different disciplines, especially engineering (Ejovi and Ebie, 2013; Mmon and Igbuku, 2015). The administration of

President Goodluck Jonathan tried sustaining the program and the aims of the Ministry of Niger Delta, but since the current Buhari's administration, the Amnesty program is almost dead and the NDDC likewise the Ministry of the Niger Delta are struggling to survive in driving its purposes of establishment, this is the constant under funding's of the institutions.

My observations based on what other writers have said about the effectiveness of these institutions is tied to the constitution of Nigeria, where the Petroleum and the Land Use Acts caused the errors because whatever is happening to this institution, their ineffectiveness was intended to be so by the Federal government of Nigeria as camouflage to present to the world that the government of the day is making efforts and committed to meeting the plights and agitations of the people in the region. However, this differs from other writers who have noted unequivocally that the Northern Nigeria interest to continue to be a big beneficiary of the natural resource in the region is what we see playing out in the ineffectiveness in the NDDC, the Ministry of the Niger Delta Area and the Amnesty program. This fact is a pointer to the ultimate question and answer of this thesis, the application of international law and the normative system of international organizations become more imperative in solving the conflict of the Niger Delta Area since all institutions of the Nigerian State have failed almost totally in resolving the long age conflict.

### **7.2.5 Applicability of International Law to the Niger Delta Conflict**

The Nigeria state since the attainment of independence in 1960 has become a member of the United Nations (UN), the Economic Community of West Africa States (ECOWAS), the African Union (AU), and other global governmental and regional organizations. The Nigerian state has entered into treaty agreements with other nations, at the platform of organizations membership, and has ratified some international laws into its legal system making her a nation with a dualist legal system (Briely, 1935; Asanebi, 2016). In this dualist legal system, where domestic laws are not consistent with international law entered into and domesticated by the national assembly, especially about human rights and environmental protection international laws, international law takes precedence over national law (Shaw, 1998; Okonta, 2006).

To this end, the Nigerian legal system challenged by factors of corruption, nepotism, politics of ethnicity has made it ineffective in the dispensation of justice where it's needed to speak loud and clear in the region's situation of environmental degradation and pollution, and the constitutional robbery of the region masterminded by the Nigeria state. The effectiveness

of the application of international law and the normative system in the Niger Delta conflict can be understood in the foreign policy of Nigeria characterized by the reverence for the international system. The Nigerian federal government under the watch of President Muhammadu Buhari will do anything to give a positive impression to the international community that Nigeria as a nation is doing well about human rights protection, environmental rights promotion, and security of life, properties. Internally among scholars and the citizens, Nigeria is a failed and weak giant in Africa in comparison with South Africa and Rwanda (Soyinka, 1996; Osaghae, 1998; Adebajo and Mustapha, 2008; Warner, 2016; Mbara, 2019b).

The Niger Delta region will get justice as revealed in the other previous chapters since international law and the normative system is still reverence in Nigeria. In the same connection, Nigeria in the past was providing means of peace in Liberia, Togo, Sierra Leone, and Equatorial Guinea (Adebajo, 2002; Warner, 2016). The Nigeria government continues to give its best to the international community and care less about conflicts within its territorial integrity. A nation that goes out observing free and fair general elections for other African nations but cannot conduct a local government election without rigging it, snatching of ballot boxes and buying of votes, not to talk of government conducting national elections that are widely acceptable, this was a clear fact in the 2015 and 2019 general elections which were rigged (Agbu, 2016). It is situations like this that Warner (2016) describes as 'Illusory Hegemony' on the part of Nigeria.

The Nigeria government would not obey or respect court judgments but will be in a hurry to obey the interventions of the United States, the United Kingdom, and their judicial pronouncements. The case of Omoyele Sowore and Col. Retired Dasuki who were locked up for months after various Judgements on their bails and release, but only for the United States of America's government to take a stand on the various judgements before they were released. In the same connection above, international law and the normative system of international governmental organizations focus on the protection and sanctity of human rights, the rights to be protected from threat and danger to his/her life, and the right to a healthy environment.

Investigation made thus far, indicates that the applications of international and the normative system of international organizations is attainable because the domestication of international laws in the Nigeria jurisprudence makes it easier in reverence to the Universal Declaration of Human Rights where human right laws have their foundation from natural law, the charter of the United Nations, the laws on the rights of indigenous people to the control and

ownership of land and resources in those land. The Nigeria National Assembly must begin efforts to rewrite, amend or abrogate those sections of the current 1999 Constitution of Nigeria that still accommodate the Land Use Act of 1978, the Petroleum Act of 1969 with recourse to international law domesticated addressing same issues.

The Nigeria state and her federal government must swing into the action of how practical efforts can actualize the judicial system of equity, justice, and fairness to the people in the area who are currently suffering from the injustice of the constitution because the Niger Delta region and conflict can spread to other West African countries like that of Boko Haram if the international community fails to intervene calling the attention of the Nigerian federal government to the imperativeness of applying international law and the principles of the charters of the United Nations in addressing the conflict since the Nigerian legal system has failed almost totally in bringing about justice for the people in the region (Oppenheim, 1955; Mbara, 2019a).

These research questions are in connection with one of the theories applied in the research, the normative theory, the normative theory application is built on the norms of international organizations with the delivery of justice and fairness philosophy. It is timely and practically applicable in the Niger Delta conflict today, a conflict emanating from oppression, injustice, human rights violations by the Nigerian military and the Police force from time to time, pollution and abuses of the environment by multinational oil companies without recourse to the Nigeria national laws and international law expressly enacted into the jurisprudence of Nigeria. The theoretical framework and the research question above provide an empirical solution to the Niger Delta conflict, although other writers have made prominent recommendations to the Niger Delta conflict, similarly, this research question and theoretical framework provide another dimension on the part of the solution to the Niger Delta conflict, by shifting from the domain of the national laws of Nigeria to the milieu of International law and the Normative system of International Organizations if applied.

Theories are the foundation of any scholarly; they form the basis and direction towards which the investigations will be providing the solutions to the problem under investigation. Theories and the research questions comprise the crux of the research. The failure to get the theoretical framework adequate likewise the research questions may cause a poor methodology of the research work. The importance of theories helps to improve upon similar investigations done on them in the past so that another dimension could be understood from the same lenses

(Coccia, 2019b). This research has its theoretical base on the (i) Humanitarian International law theory, (ii) Normative Theory, and (iii) Revolutionary Theory.

Each of these theories has been explained in the light of the research questions to understand the Niger Delta conflict in line with the applicability of international law and the normative system of international organizations as a panacea to the conflict. In Sudan, before it was divided into South Sudan and Sudan today, the conflict arose basically because of resources which then gave birth to rebel factions.

This conflict came to the point that the Sudanese could not control it or resolves it and later escalated into a war that needed the international community's help to reconcile the warring parties through the peacekeeping mission operation, in other to achieve peacebuilding (United Nations, 2017). In peacekeeping operations, there are principles and guidelines, based on the United Nations Charter and International Law, the Humanitarian International laws theory, I have used to explain as part of the tools used by the normative system and international law to actualize settlement of the conflict.

It is important to say that the Niger Delta conflict has not reached the stage where a peacekeeping mission operation will be required, still at the level of applying legal principles non-military principles to settle the dispute. Although based on international law, the international community can send a peacekeeping mission operation in the Niger Delta since the conflict involves the human rights violation of the people, military brutalities, and even killings of civilians. Again, the possibility of peacekeeping in the Niger Delta conflict cannot be dismissed out if the conflict is not properly resolved now applying some international mechanisms since the Nigerian institutions for conflict resolution have not indicated any capacity in resolving the age-long Niger Delta conflict.

Another theory applicable in this research is the Normative Theory build on the philosophy of what is right, justice, should be, moral, and accountability both of behaviour and resource (Cochran, 2009). This theory tends to be applicable in the Niger Delta conflict, a conflict that emanates from a refusal of the rights of the people to a better life, environment, and control of their land cum resources buried therein. The normative theory explains in this research the roles international organizations can play to bring to an end the Niger Delta conflict, because international organizations build their charters on the principle of justice, where every human person, race, tribe, religion amongst others are equal, hence according to the application of this theory the Niger Delta region must have justice delivered to them,

considering to their experiences of environmental pollution, degradation, oil spillage in their waters and the absence of infrastructure.

The normative theory applied in this research was used to account for the injustice against the Niger Delta people and by the federal government of Nigeria aided by the constitution in the light of the Petroleum and the Land Use Acts, how the federal government has continued to use the resources from the region to develop the Northern part of the country both in human capital and infrastructure with recourse to the owners of the crude oil and gas who remain one of the poorest sects of people in Africa. This is an irony and a paradox of the century which requires a shift of the means of settlement, different from what other writers have written and recommended as the solution (Bicchieri, 2005; Nriaguet *al.*, 2016).

The last theory used for this research the Revolutionary Theory is the opposite of Normative theory, this theory I used in explaining some of the revolutions going on in the Niger Delta area, from militancy, kidnapping, destroying of oil installations, and attack on government institutions. This theory explains that before any revolution in a society, there must have been a long-time experience of injustice by the mass and may resort to a means of violence for the actualization of a change in the status quo. Many societies in Europe moved positively because of revolution, Revolution informed by injustice, oppression, and neglect by the government can be deadly as such revolution can come in different forms and manners.

The Obasanjo administration swung into action when he came on board as a civilian President to establish the Niger Delta Commission (NDDC) for the Niger Delta people because he felt there was a great deal of injustice melted against the region, he needed a federal commission that will be dedicated and committed to the agitations of development of the region. Late President Umaru Yar'Adua established the Niger Delta Ministry and the Amnesty program and were all sustained by Former President Goodluck Jonathan. These Nigerian leaders realized the dangerous situation if nothing was put on the ground to address areas of concerns expressed by the people, they foresaw eminently a revolution that may put an end to the source economic strength of Nigeria.

But today, President Buhari has intentionally jettisoned those lofty programs and institutions rather have concentrated attention towards the development of the North East where Boko Haram is holding sway. But the continued diversion of the resources gotten from the Niger Delta towards the Northern part of Nigeria poses a great danger of violent revolutions by the Niger Delta people. These revolutions on top of the above stated will be informed too



by the lopsided federal appointments made by the President since the five years of his administration, filling only Northerners into political offices, especially into Nigeria National Petroleum Corporation (NNPC), where you have all board members from the North including the daughter of the president, without recourse to the principles of federal character. I have a clearer picture of revolutions emanating from using state power to dominate one side of the country over the other's advantage, the reason Cyprus is still in conflict among the Greek Cypriots and those of the Turkish Cypriots.

The United Nations have made a sundry of efforts since the 1970s to bring both separated sides of the Island together, it has not worked with the hundreds of peace talks amongst them, the Annah plans, Gambari Plans, and the Moon Sect of Ideals. The Nigeria state must do everything possible to urgently address the Niger Delta conflict before it is too late to be addressed by the instrumentality of the court, constitution, and democratic principles. International law and the normative system of international organizations must be applied in resolving the conflict or a total change of the Nigeria constitution may be required, otherwise, a more dangerous revolution in the Niger Delta region against the Nigerian State is ahead.

## **CHAPTER EIGHT**

### **SUMMARY, CONCLUSION, AND RECOMMENDATIONS**

#### **8.1 Introduction**

This study gives an in-depth insight into the applicability of international law and the normative system of international organizations into the Niger Delta conflict. Its main objectives included using international law and the normative system of international organizations within the situation of Niger Delta conflict in addressing human rights and environmental abuses challenges, indigenous people right to land, and resources therein. To this end, considering the paradox and contradictions in the Nigerian 1999 constitution as amended in the areas of the practice of true federalism, the Land Use Act, and the Petroleum Act. This chapter presents the overall summary, recommendations, contribution to knowledge, and general conclusion of the research.

#### **8.2 Summary**

Chapter one was an introductory chapter. It discusses the background to the study, clarified the major concepts to be used in the study, stated the problem the study would investigate, listed the research objectives and questions, explained the motivation for the study, gave the scope and limitation of the study, before rounding up with a structure of the research. The structure made clear that to answer the research questions in a bid to meet the research objectives, some major conflicts in Africa must be reviewed to isolate a pattern in how to resolve the Niger Delta conflict. This led us to the next chapter.

Chapter two reviewed some of the major conflicts in Africa, discussing their causes and how they have been resolved. Their causes were discovered to be colonialism, corruption in the leadership, religion, incompatibility of significantly different ethnic groups that were merged as one, and bad leadership. The conflicts that were discussed in terms of these causes were the Rwanda genocide, the Sudanese civil war, and the Nigerian civil war. It was discovered that the same patterns in terms of causes repeated themselves throughout the sampled conflicts. This also signalled that the same pattern will be noticeable in how they are solved. This recurring pattern then served as a foundation for investigating the Niger Delta conflict, which became the focus in the next chapter.

Chapter three focused on the Niger Delta conflict. A history of the Niger Delta people as a background to the conflict was considered. This ushered in the dilemmatic situation in

which the Niger Delta find themselves: either they accept their fate by taking the meagre benefits that come their way from the crude oil explored in their land which has caused them many sufferings due to environmental degradation, or they continue to disrupt the operations of the MNCs and the Nigerian government in which case they get nothing. This dilemmatic situation was also avoidable if the Nigerian government had goodwill for the Niger Delta. However, since they do not, poverty and environmental degradation/pollution is a mainstay in the Niger Delta region. Unavoidably, such ills have led to a cry for resource control by the Niger Delta, a cry that is at the heart of the Niger Delta conflict.

Chapter four discussed the research gap and the theoretical framework of the study. To see that there is a gap to be researched, the present intervention by the Nigerian government in resolving the Niger Delta conflicts was reviewed. It was discovered that their intervention, which took the form organizations set up to cater to the need of the Niger Delta, has been unsuccessful. This took us back to considering how other African countries have resolved their conflicts even though their local laws failed through applying humanitarian international law. Consequently, the UN, EU, and AU international law systems were considered vis-à-vis the resolution of conflicts in Africa. This signals the fact that applying such international laws has the potentials to work for the Niger Delta conflict as well. The theoretical framework that the study would work with by applying these international laws was also discussed. The normative, socio-legal, and revolutionary theories were identified as workable theoretical frameworks.

Chapter five concerned the research methodology of the study. To refresh the reader's mind, the research objectives and questions were restated. This will put the methodology to be discussed into a proper perspective. The methodology was identified to be a mixed research method, combining both qualitative and quantitative research methods. The research design too was explained to include open-ended questionnaires and focus group discussions. The way these research instruments were used was then explained, and the content of the instruments themselves as described. How the researcher ensured that the instruments and his data collection process were reliable and valid was also discussed. Then how the researcher ensured that ethical issues were considered and addressed was laid out. The chapter concludes with some of the major challenges that the researcher faced during the data collection process.

Chapter six was relatively short. It focused on the data analysis and presentation of the findings of the research. The qualitative data were explained using common themes that ran through the responses of the participants. These themes provided an easy way to merge the qualitative data

with the quantitative ones. The quantitative data were analysed using the multiple correspondence analysis. The statistics that emerged corroborated the responses of the participants as discovered in the qualitative data presentation.

Chapter seven discussed the findings that were analysed in Chapter six, using the theoretical framework that the study relies on, and backed by the relevant literature. The chapter brings together the rest chapters that have come before. It addresses the research questions that the study set out to answer, thereby meeting the objectives of the study. The similarity between the major conflicts in Africa and the Niger Delta conflict, the integral role played by the MNCs in the birth and sustenance of the conflict, how the Nigerian legal system has been unfair to the Niger Delta, all came out clearly.

Chapter eight concluded the study. It discussed a summary of the study, gave some recommendations about the Niger Delta conflicts, and what lessons can be learned with regards to other conflicts in Nigeria from how the study prescribed that the Niger Delta conflict be addressed. It also discussed how the study has contributed to the body of knowledge, thereby, highlighting why the current topic is worth a doctoral dissertation, before giving a general conclusion of the dissertation.

### **8.3 Conclusion**

It is unexplainable with common logic that in the face of wealth and opulence one will still be excruciatingly and demining poor in a way and manner that is resource is used to develop other areas and made them rich to the extreme of their poverty. However, this is the height of injustice, typical of the Niger Delta region of Nigeria. The region generates over ninety percent wealth of the economic base of Nigeria. Despite this, there is a dirt of sufficient infrastructural facility, absence of the presence of the government in almost the hinterland settlements where better parts of the oil wells are situated. Painful enough, the challenge of environmental degradation and pollution have remained another issue of injustice melted by the multinational Oil companies that operate without recourse to the national laws of Nigeria. These companies have failed in their statutory cooperate social responsibilities to their host communities, rather an attempt for the people to speak out of the injustice by the MNC end up in military brutalities.

Ironically, these foreigners use the Nigerian military that is established to protect them from external attacks on their territorial integrity. In the same vein, the MNC has their ways of buying over the Nigerian judiciary that any attempt by the plaintiff to go in the way of litigation

ends up in a fiasco or fruitless journey. Nevertheless, these kinds of treatment revealed so far by this research are encouraged by the constitution of Nigeria and the Federal government that has failed to enforce laws against those aberrations carried out by the MNC. The Nigeria state and legal system must be brought to the right part of respect for the rights of the Niger Delta people in a way that the land Use Act of 1978 and the Petroleum Act of 1969 must be abrogated, or the humanitarian international law takes precedence over the sections of the constitution that trample on human rights of the Niger Delta people to bring the conflict to an abrupt end.

Whatever the strategy deployed in handling the Niger Delta crisis and its impact on the wellbeing of the local communities, it is now evident that it is yet to produce desired results. The Amnesty Program of the Nigerian government which is aimed at channelling conflict energies into positive enterprises and the activities of the Niger Delta Development Commission (NDDC) to resolve the issues of development in the Niger Delta has both failed spectacularly. They failed to contribute to halting militancy/criminality or enhancing development in the area. The fact that the actions of the militants of the Niger Delta structured and conditioned the socio-political-economic structures of the states in the region is no longer in dispute. Because of its complex and cross-cutting nature, current thinking emphasizes the need to deploy a normative principle that is predicated on international law and protocols in the management of the Niger Delta crisis. In this sense, the Niger Delta crisis has been made intractable by certain variables. The putative elite-cantered approach to the delta crisis management, oil resources misappropriation, the Gulf of Guinea's (GoG) contiguous yet porous boundaries, bad governance, the negative impact of private maritime security companies', insincerity, and lack of political will. In terms of military capabilities, due to the insufficient military capabilities of the Nigerian government, the likelihood of improving stability within the Niger Delta is dim.

#### **8.4 Recommendations**

1. The Niger Delta region deserves development as the Federal Capital Territory Abuja, the region deserves to experience sustainable peace and for this to happen, the root causes of the conflict should be addressed and promptly with sincerity of purpose by the Federal Government of Nigeria. The question of why arms raise in the region is because of revolt against constitutional oppression and government neglect of the region, hence those immediate causes leading to arms raise in the first place should urgently be addressed. If rebels represent a popular belief that the

region has suffered phenomenal neglect, a prompt and peaceful solution should be found. This should manifest in massive infrastructural development of roads, schools, hospitals, bridges, employment, and so on.

2. The constitution currently in use in Nigeria, the 1999 constitution as amended must be reconsidered for a general amendment that will involve Nigeria be in its drafting. The current constitution was never written by the Nigerian people, but the previous military government wrote the constitution and handed it over to civilian rule in 1999. This constitution is not compatible with democratic principles and practices. The petroleum Act of 1969 and the Land Use Act of 1978 military decrees are still inclusive in the current constitution which is an aberration to democracy must face total abrogation or better still amendment so that the fundamental source of the Niger Delta conflict can be solved using international law and normative theories.
3. The Nigeria judiciary and legal system must be reconstituted in a way that it can effectively dispense justice, fairness, and equity for the Nigerian people. All our environmental laws must be put into force and implemented in the light of the abuses of the Niger environment by multinational oil companies. Their operations must be guided by both Nigerian national law and international law, there should recourse to the national law and legal system of Nigeria. Multinational oil companies must fulfil their social responsibilities to their host communities based on national and international law.
4. The Nigeria military and police forces must put an end to the incessant human rights abuses of the Niger Delta people, the security agencies must be reconstituted in a way that orientation and mission must be predicated on respect for the rule of law and human rights. The constant extrajudicial killings of the Niger Delta people must be addressed with recourse to all extant laws of Nigeria and international law based on the Universal Declaration of Human Rights.
5. The various agencies established for the Niger Delta regional development should be strengthened to direct the development of human capital in the region. The body should remain in place, and its activities reviewed after every five years to assess its developmental impact in the region. The fight against corruption in those agencies must be very strong so that those intending or already sabotaging the goals and objectives of the agencies can be persecuted under the laws. Existing agencies

that are responsible for promoting development in the Niger Delta should be synergized to guarantee holistic development.

6. Government should embark on a complete arm clean-up in the region and provide a situation where the need to keep weapons will no longer be necessary or lucrative. The security of lives and properties should be ensured.
7. Additionally, the prospects of handling the crisis in the Niger Delta and its effect on the local population are not as dim. First, a more fruitful approach in this respect is to ensure genuine leadership in both the centre and the states of the Niger Delta. A reasonable starting point in this context will be to ensure that the environmental, peace, and conflict effects evaluation of the exploratory activities of oil multinationals is carried out. The militants have a leadership that is recognized. This will explain how their actions communicate with other factors to affect the atmosphere and thereby predispose them to restiveness and agitation. The production of evidence-based approaches in the Niger Delta should inform the outcome of this evaluation. Frequent tripartite city hall meetings between oil multinationals, government, and host communities will provide the much-needed opportunity for ongoing needs assessment and input, enhance involvement of host communities in their land activities; and reinforce and retain trust in the activities of host communities by government and oil multinationals. To identify and develop a database of private operators and to redefine the practical means of monitoring their operations, the analysis of the Memorandum of Understanding (MoU) between private maritime security companies and the Nigerian Navy is necessary. This is to avoid a scenario in which the Nigerian Navy may unintentionally provide militants with weapons and logistics through this partnership.
8. A sub-regional intervention structure will help at the Gulf of Guinea level to handle the effects of the delta crisis on the. First, if the conditions are correct in the Niger Delta, the spills of the delta crisis can be controlled at the GoG. The interests of powerful states including the China, Germany, France, Great Britain, and the United States in oil in the GoG are key to reducing the spills of the delta crisis. The Washington-based Centre for Security and International Studies (CSIS) panel on regional security in Africa points out the value of US oil production in the Gulf of Guinea and the need to establish a plan to defend this production from terrorism

(Africa Oil Policy Initiative Group, 2002; Simbine and Neji, 2018), even if it includes the use of military equipment.

9. Over and above, humanitarian international law should be the crux amongst the above recommendations made since the Nigerian system and institutions have not been effectively able to address and resolve the Niger Delta conflict.

### **8.5 Contribution to Knowledge**

Considering the constitutionality and complexity nature of the conflicts in the Niger Delta region of Nigeria, the findings of this study thus far revealed the imperativeness of the lenses used by the researcher to identify the causes and solution to the conflict. It is important to say that from the investigations made on the literature on the Niger Delta conflict, there is no investigation into the matter from the perspective of humanitarian international law. This means that looking at the Niger Delta conflict from this perspective contributes to the body of knowledge across scholarships of international relations, international law, conflict, and peace resolutions study, and international organizations. Further research shall be built on this work, which will aid easy conflict resolutions on the continent of Africa, considering the shortcomings challenges institutions of states face in Africa, notably corruption, human rights violations, and greed for power.

The analysis of the study and literature shows that some main issues can be further researched to expand the literature on conflict resolution and international law. The issue of human rights abuses, environmental degradation, rights of indigenous people to the land, and control of natural resources therein. The above areas of further research should be studied in the relationship between national laws and international laws cum normative system. Furthermore, this research implies peace-building literature. The major sources of conflict in Africa are the corruption of leadership, ethnic dominance, nepotism, religion, and electoral rigging. All these factors have remained a pointer to conflict differently in Africa and solutions to these conflicts require the application of international law since political leaders on the continent can manipulate their constitutions and legal systems, hence justice is almost impossible which continue to escalate those conflict as typical in the Niger Delta situation today.



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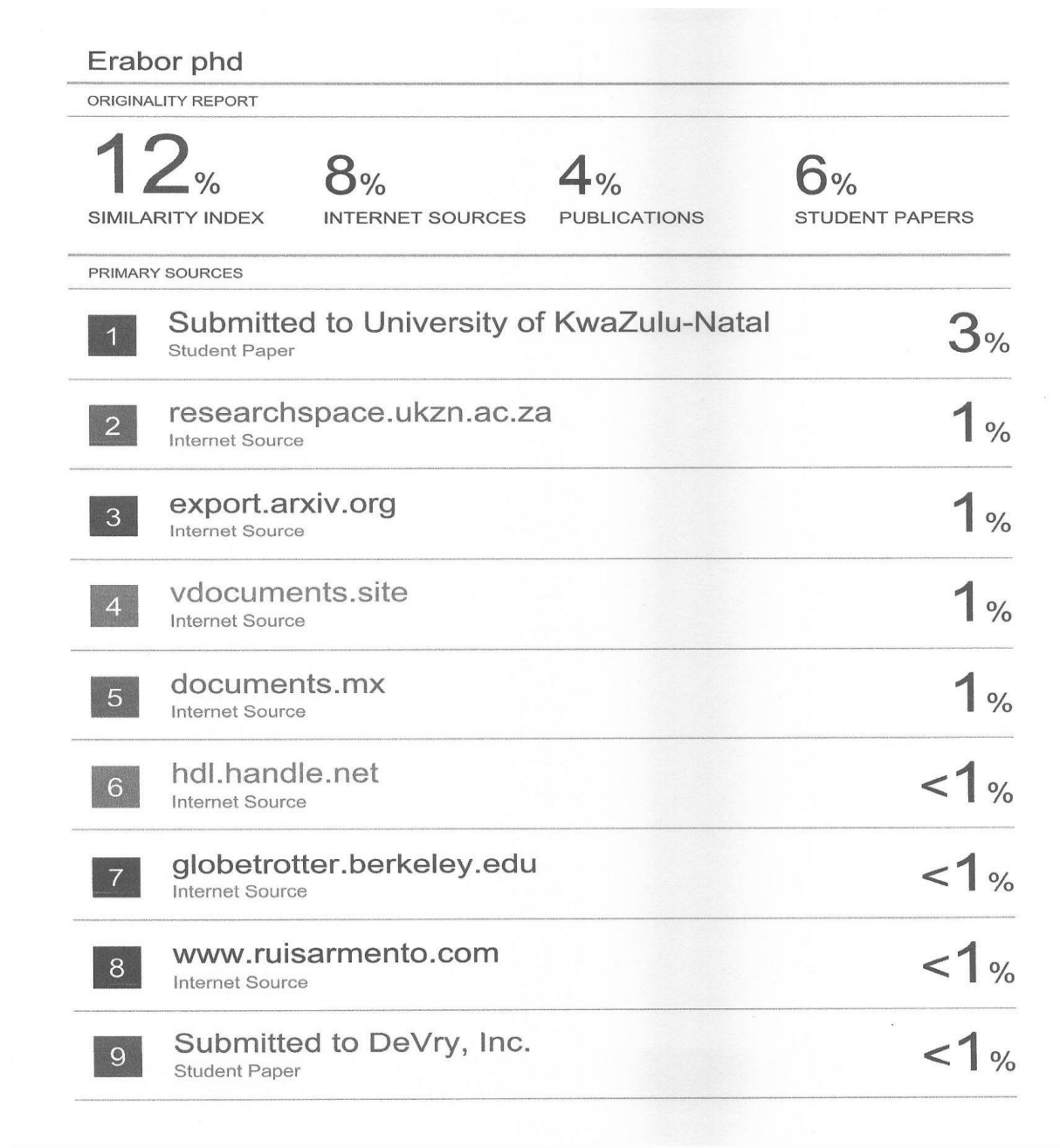
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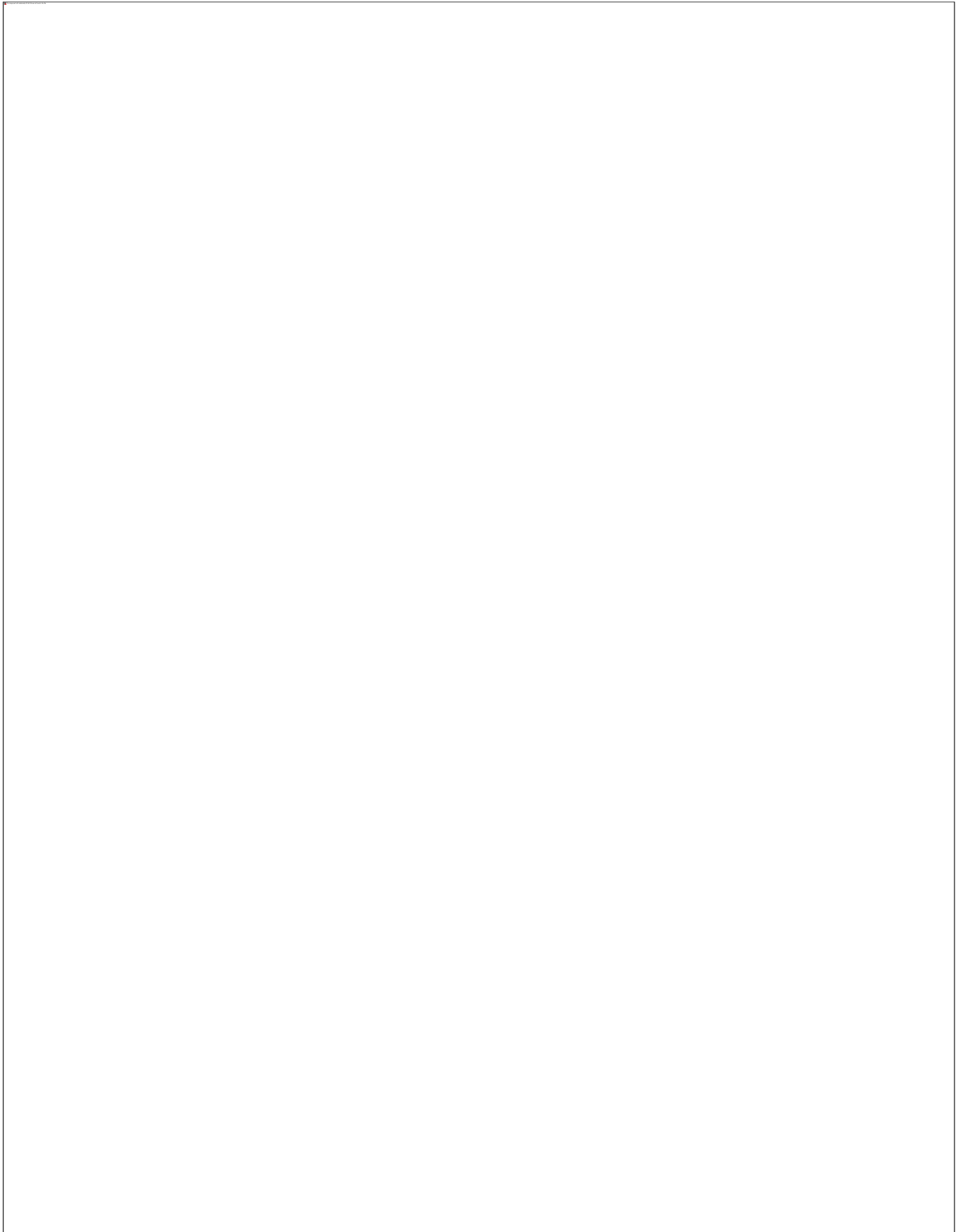
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## APPENDICES

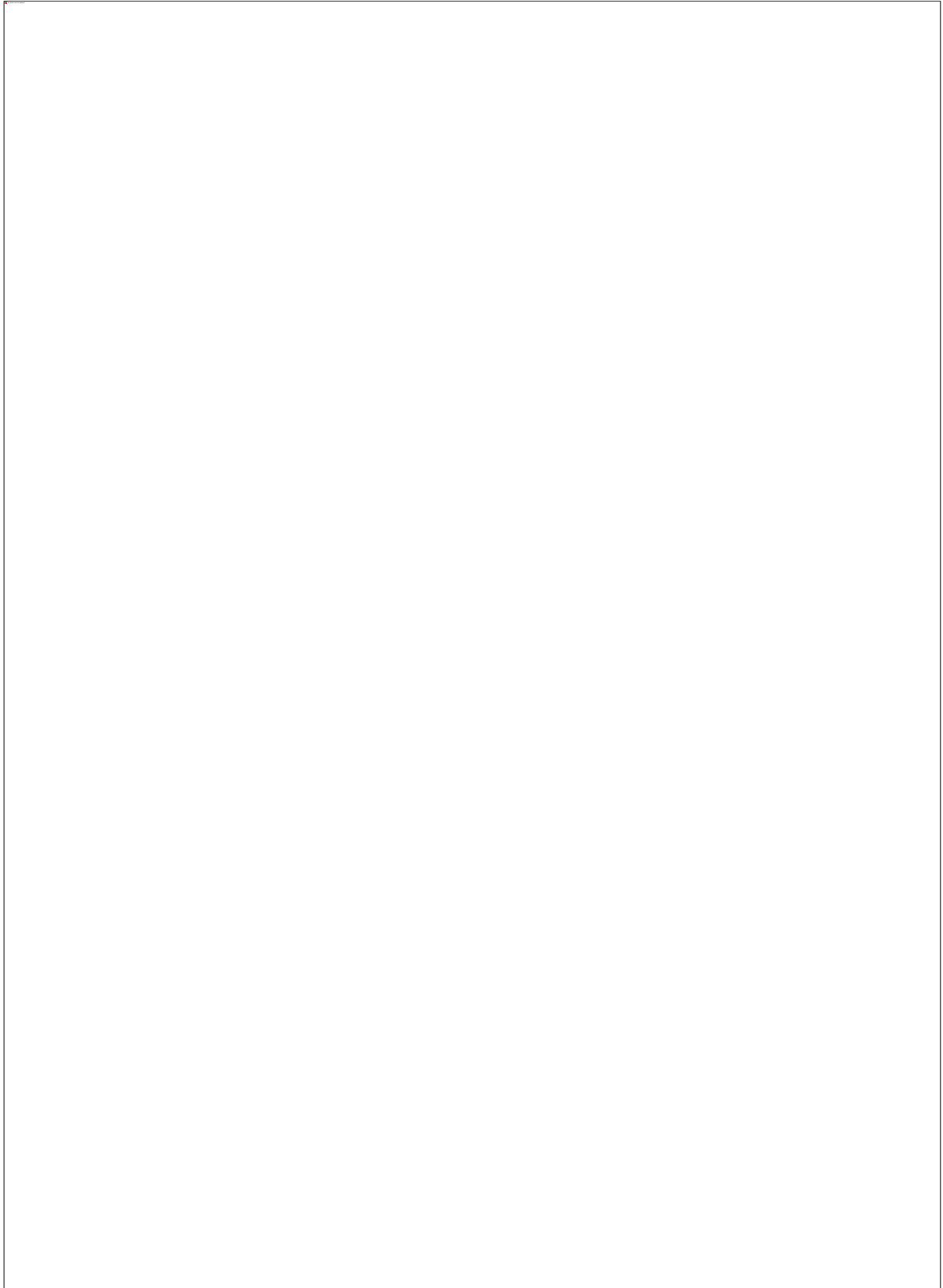
### Appendix A: Turnitin Report



10	Submitted to Universiteit van Amsterdam Student Paper	<1%
11	Uwafiokun Idemudia. "Oil Multinational Companies as Money Makers and Peace Makers: Lessons from Nigeria", Emerald, 2014 Publication	<1%
12	uzspace.uzulu.ac.za Internet Source	<1%
13	www.readbag.com Internet Source	<1%
14	Submitted to essex Student Paper	<1%
15	Submitted to University of Derby Student Paper	<1%
16	www.eajournals.org Internet Source	<1%
17	www.tandfonline.com Internet Source	<1%
18	medium.com Internet Source	<1%
19	"Internal Security Management in Nigeria", Springer Science and Business Media LLC, 2019 Publication	<1%

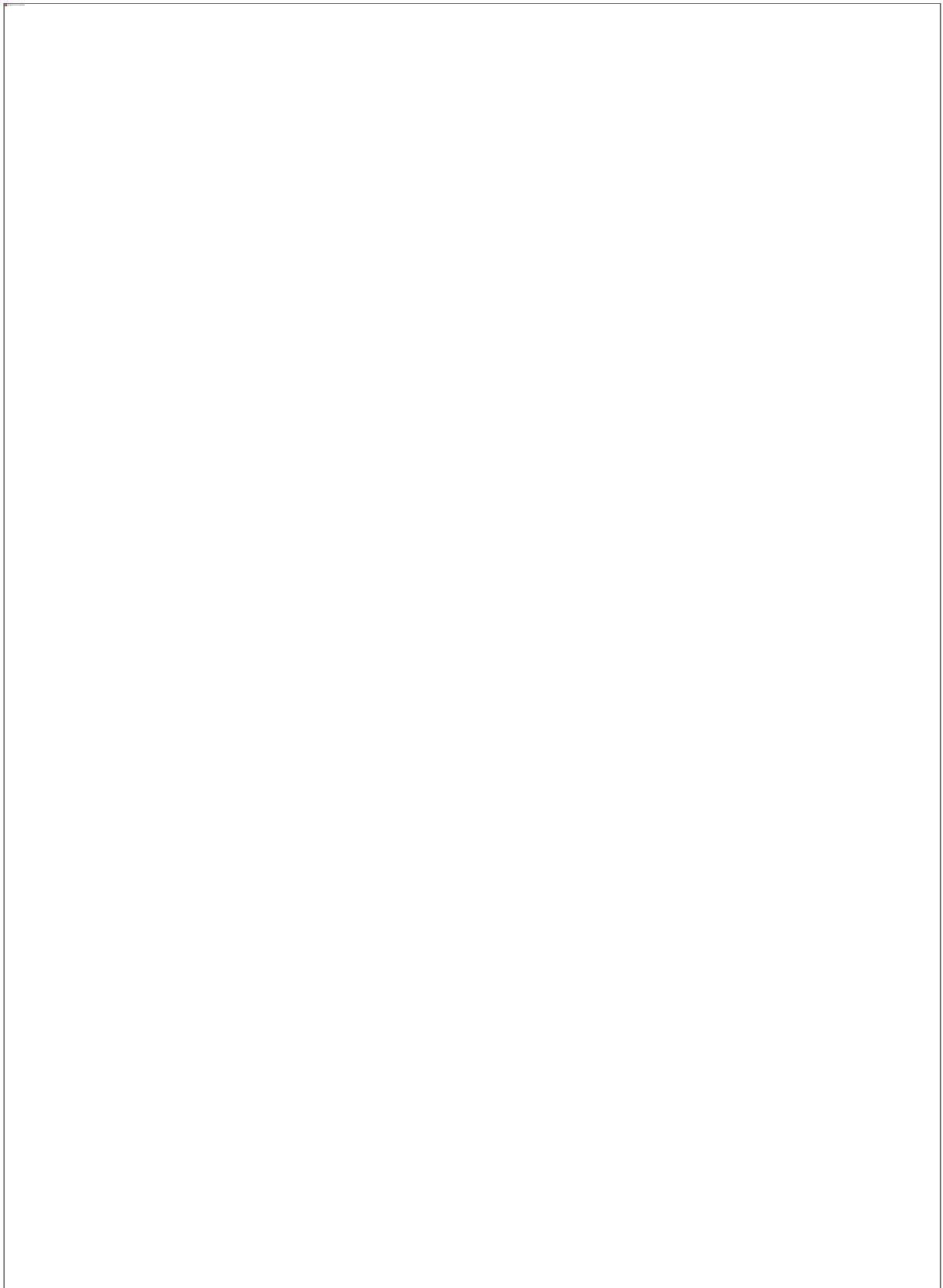


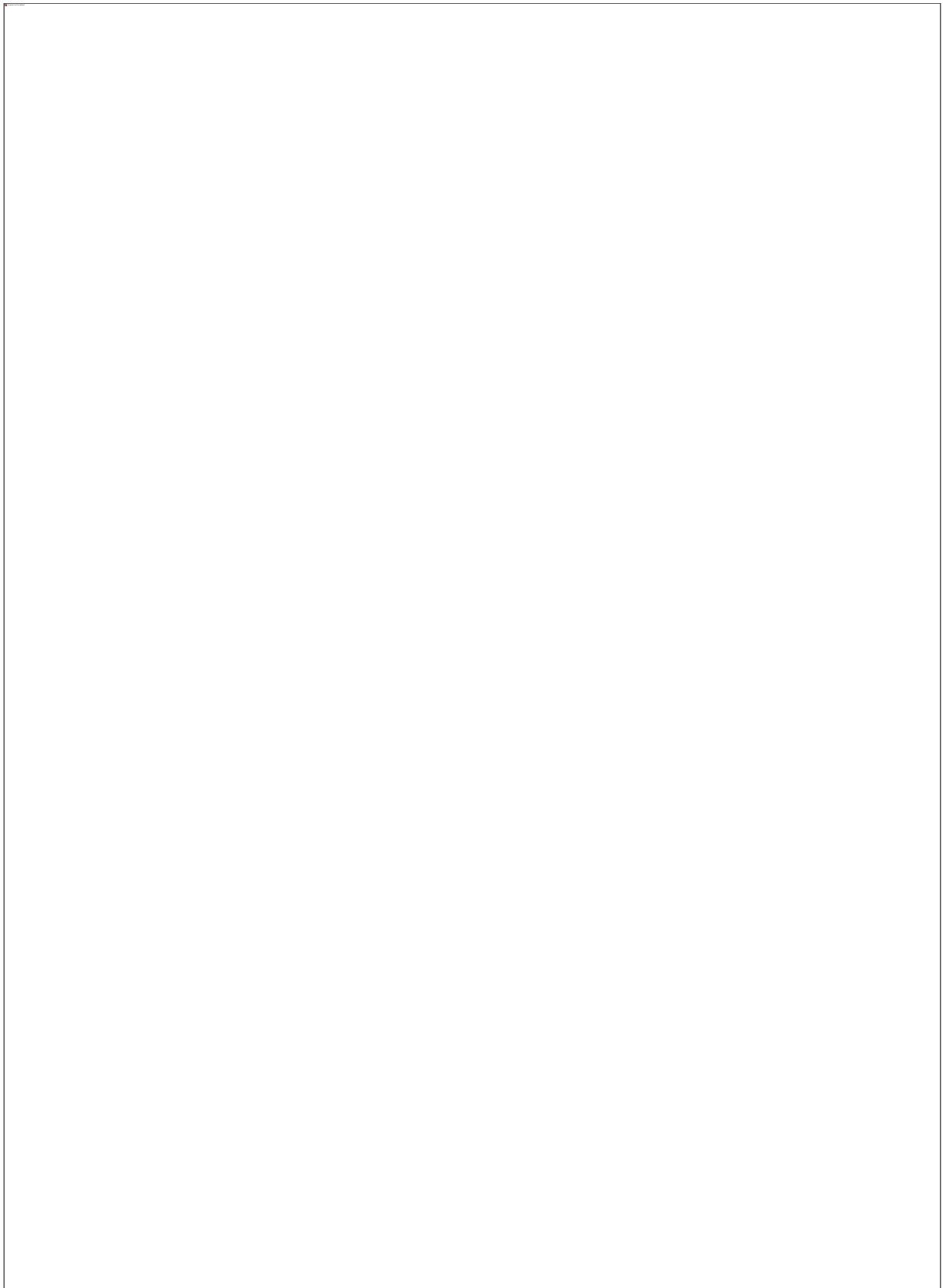
## Appendix B: Gate Keeper's Letters

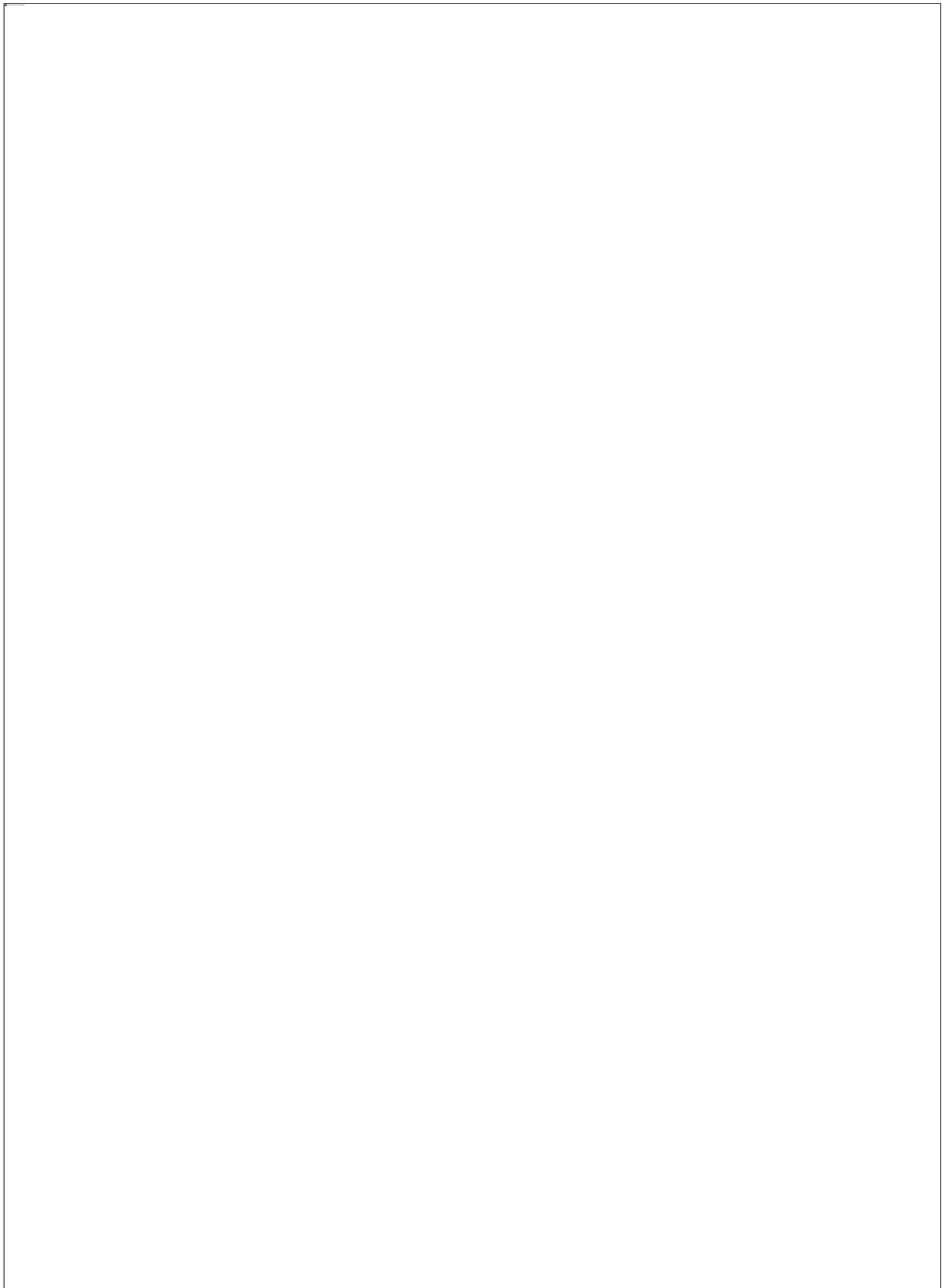














## WESLEY UNIVERSITY, ONDO ONDO STATE, NIGERIA.

### OFFICE OF THE REGISTRAR

Registrar/Secretary to Council:

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WESLEYUNI/REG/PMT/258

August 16, 2020

Mr. Henry Chiedu Irabor  
School of Social Science  
University of KwaZulu-Natal  
South Africa.

Dear Mr. Irabor,

### Re: Application for a Gate-Keeper's Permit to Administer Questionnaires

We write in response to your request dated August 6, 2020 for permission to administer questionnaire among our teaching staff towards your research work on **"The Niger-Delta Oil and Environmental Conflict, the Roles of International Law and the Normative System of International Organizations."**

I am pleased to convey the University Management's approval of your request and to grant you permission to administer your questionnaire to the target population. We are glad to support you in this endeavour, which should contribute to the body of knowledge in understanding the situation in the Niger-Delta towards resolution of the conflicts, which have persisted over time in the region.

We understand that this approval is granted for academic purposes and has no financial or legal implications on the University.

While looking forward to receiving you at the appropriate time, please accept the assurance of our kind regards and best wishes for success of your academic pursuit.

Yours sincerely,

Registrar

Ondo-Ife Road, P.M.B. 507, Ondo, Ondo State, Nigeria.

[www.wesleyuni.edu.ng](http://www.wesleyuni.edu.ng)

## Appendix C: Ethical Approval from University



UNIVERSITY OF  
KWAZULU-NATAL  
INYUVESI  
YAKWAZULU-NATALI

08 September 2020

Mr Henry Chiedu Irabor (213574077)  
School of Social Sciences  
Howard College Campus

Dear Mr Irabor,

Protocol reference number: HSSREC/00001459/2020

New project title: The Niger Delta Conflict, the application of International Law and the Normative System of International Organizations as a Panacea to peace in the Region Degree: PhD

### Approval Notification — Full Committee Reviewed Protocol

This letter serves to notify you that your response received on 27 August 2020 to our letter of 15 July 2020 in connection with the above, was reviewed by the Humanities and Social Sciences Research Ethics Committee (HSSREC) and the protocol has been granted FULL APPROVAL

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number. PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

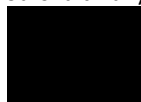
This approval is valid for one year until 10 September 2021

To ensure uninterrupted approval of this study beyond the approval expiry date, a progress report must be submitted to the Research Office on the appropriate form 2 - 3 months before the expiry date. A close-out report to be submitted when study is finished.

All research conducted during the COVID-19 period must adhere to the national and UKZN guidelines.

HSSREC is registered with the South African National Research Ethics Council (REC-040414-040).

Yours faithfully



---

Professor Dipane Hlalele (Chair)

/ms

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Humanities and Social Sciences Research Ethics Committee

UKZN Research Ethics Office Westville Campus, Govan Mbeki Building  
Postal Address:  
Private Bag X54001, Durban 4000 Tel: +27 31 260 8350 1 455713587  
Website:  
<http://research.ukzn.ac.za/Research-Ethics/Founding Campuses>: Edgewood Howard  
College Medical School O. Pietermaritzburg Westville

**UKZN HUMANITIES AND SOCIAL SCIENCES RESEARCH ETHICS COMMITTEE  
(HSSREC)**

**APPLICATION FOR ETHICS APPROVAL**

**For research with human participants**

**INFORMED CONSENT RESOURCE TEMPLATE**

Note to researchers: Notwithstanding the need for scientific and legal accuracy, every effort should be made to produce a consent document that is as linguistically clear and simple as possible, without omitting important details as outlined below. Certified translated versions will be required once the original version is approved.

There are specific circumstances where witnessed verbal consent might be acceptable, and circumstances where individual informed consent may be waived by HSSREC.

**Information Sheet and Consent to Participate in Research**

Date: 5<sup>th</sup> June 2020

I bring you greetings on this day

My name is **Henry Chiedu Irabor**, a PhD student, International Relations in the school of HUMANITIES and SOCIAL SCIENCES, University of Kwazulu-Natal, Howard Campus, South Africa. My PhD research topic is on **“The Niger Delta Oil and Environmental Conflict, the Roles of International Law and the Normative System of International Organizations: A Panacea to the Conflict”**. Here is my basic information, phone numbers: +1786-445-2321 and Email: padrehenry87@yahoo.com. This is the contact of my Supervisor: Dr Mabuyi Gumede, Tel: 031 260 2711/ 079 900 8227 and email: Gumeden1@ukzn.ac.za.



You are being invited to participate in a study that involves research self-administered questionnaire. The aim and purpose of this research is to find and proffer solutions to the long Niger Delta Conflict in Nigeria by applying International Law and the normative system of International Organizations. The study is expected to enroll 70 participants in total, Academics 20, Environmental Right Crusaders 20, Lawyers 20, and Human Rights Activists 10. It will involve the following procedures distributions of questionnaires to the above sample population and literature reviews. The duration of your participation if you are chosen to enroll and remain in the study, is expected to be when the questionnaire is administered to you and returned accordingly. The study is self-efforts funded.

The study does not involve any risks and/or discomforts. We hope that the study will create the following benefits, proffering solutions to the long age Niger Delta conflict by the application of international law and the normative system of international organizations, other than that, the study will not provide no direct benefits to participants.

This study has been ethically reviewed and approved by the UKZN Humanities and Social Sciences Research Ethics Committee (approval number\_\_\_\_\_).

In the event of any problems or concerns/questions you may contact the researcher at [padrehenry87@yahoo.com](mailto:padrehenry87@yahoo.com)/ +1786-445-2321 or the UKZN Humanities and Social Sciences Research Ethics Committee, contact details as follows:

# **HUMANITIES and SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION**

Research Office, Westville Campus

Govan Mbeki Building

Private Bag X 54001

Durban

4000

KwaZulu-Natal, SOUTH AFRICA

Tel: 27 31 2604557- Fax: 27 31 2604609

Email: [HSSREC@ukzn.ac.za](mailto:HSSREC@ukzn.ac.za)

Participation in this research is voluntary, participants may withdraw from participation at any point and that in the event of refusal/withdrawal of participation, the participants will not incur penalty. No costs shall be incurred by participants because of participation in the study. The questionnaires shall be distributed based on the four groups categorized above, informational connecting to the individuals under the respective groups is not applicable, hence the fears of protecting participants individual informational shall not be a challenge. However, the outcome of the questionnaires shall be handled with the highest level of professionalism and discarded in the same manner after the entire study.

-----

--

### CONSENT

I .....have been informed about the study entitled: “The Niger Delta Oil and Environmental Conflict, the Roles of International Law and the Normative System of International Organizations: A Panacea to the Conflict”, by **Henry Chiedu Irabor**.

I understand the purpose and procedures of the study to find a lasting solution to the long-aged Niger Delta conflict of Nigeria.

I have been given an opportunity to answer questions about the study and have had answers to my satisfaction.

I declare that my participation in this study is entirely voluntary and that I may withdraw at any time without affecting any of the benefits that I usually am entitled to.

I am informed about no available compensation or medical treatment if injury occurs to me because of study-related procedures.

If I have any further questions/concerns or queries related to the study I understand that I may contact the researcher at [padrehenry87@yahoo.com](mailto:padrehenry87@yahoo.com)/ +1786-445-2321.

If I have any questions or concerns about my rights as a study participant, or if I am concerned about an aspect of the study or the researchers then I may contact:

**HUMANITIES and SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION**

Research Office, Westville Campus

Govan Mbeki Building

Private Bag X 54001

Durban

4000

KwaZulu-Natal, SOUTH AFRICA

Tel: 27 31 2604557 - Fax: 27 31 2604609

Email: [HSSREC@ukzn.ac.za](mailto:HSSREC@ukzn.ac.za)

Additional consent, where applicable

I hereby provide consent to:

Audio-record my interview / focus group discussion YES / NO

Video-record my interview / focus group discussion YES / NO

Use of my photographs for research purposes YES / NO

\_\_\_\_\_  
**Signature of Participant**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Witness**  
**(Where applicable)**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Translator**  
**(Where applicable)**

\_\_\_\_\_  
**Date**

## Appendix E: Survey Questionnaire

Please circle the Best one respond in your view for each of the 10 questions and return after responding to all questions to [padrehenrychiedu@gmail.com](mailto:padrehenrychiedu@gmail.com)

(1) In your opinion/experience, what factors are responsible for the Niger Delta conflict?

- A. The poor Practice of the Nigerian Federalism
- B. Corruption in the entire system of government at all levels
- C. The Northern part of Nigeria and the Economic fear of the Unknown
- D. The perceived minority nature of the Niger Delta Area.

(2) To what extent, if any, has the 1978 Land Use Act and the 1969 petroleum Act fomented the Niger Delta conflict?

- A. Acts are heavily destructive and fomented the conflict
- B. Acts are the major setback to the peace and progress of the region and fomented the conflict
- C. Acts justify the oppressiveness of the people by the Nigerian State and have fomented the conflict.
- D. Acts threat to peace and development in the Niger Delta Area highly fomented the conflict

(3) To what extent has the legal system of Nigeria addressed the felt injustice of the Niger Delta people?

- A. The Nigerian legal system is manipulated by the political class in the North, hence cannot deliver justice for the Niger Delta cause.
- B. The poverty nature of the people in the hinterland can legally challenge the Oil companies who can buy Judges and their judgments.
- C. The President appoints and promote judges at the federal level; hence their judgements will always be against the Niger Delta people who challenge the injustice experienced in their land.
- D. The military nature of the Nigerian state in the past and the undemocratic practice of democracy where the rules of law and court judgments are flagrantly disobeyed by the federal government of Nigeria.

(4) What is your take on the Niger Delta conflict and agitations? To what extent do you feel that their often-violent response is justified? Please substantiate your answer with examples

A. Using their wealth to develop the Northern part of Nigeria, justifies their violent response for a change.

B. Lack of infrastructure and basic amenities over the years justifies their violence response for a change.

C. 90 percent individual from the Northern Nigeria having oil wells in the region, becoming richer than region, justifies their violence response for a change,

D. The continue health hazard caused by environmental pollution and degradation emanating from the activities of multinational oil companies, justifies violence response for a change.

(5) In your opinion what is the link between the Niger conflict/agitation and the Federal system of Government operated in Nigeria? Can you use other Federal System of other Countries that you know as examples as a way of suggesting solutions to the conflict.

A. Federalism means that the components states have their autonomy to pilot their Affairs, Resources, Political, Economic, and Security as it's in the United States of America. If Nigeria can go back to Federalism Practice, it can bring about a solution to the Niger Delta conflict.

B. The Practice of Federalism as in the United States of America will decongest the powers of the Federal government, hence state can now decide their economy and how to manage both their human and natural resources which in turn will end the Niger Delta conflict.

C. Federalism as practice in the United States of America will bring a sense of justice to the Niger Delta people hence leading to the end of the long age conflict.

D. Federalism as practice in the United States of America will give the right to the indigenous people of Nigeria to have total control of everything beneath their ancestral land and waters. This will bring a lasting solution to the conflict.

(6) What is your take on this? Multinational Oil companies in the Niger Delta have left the region with hardship, pains, and backwardness without recourse to the Nigeria national laws on environmental protection and responsibility of Social justice according to various quarters.

A. Multinational Oil Companies failure to respect the national laws of Nigeria on the protection of the environment has caused pains and hardship, backwardness to the people of the Niger Delta

B Multinational Oil Companies failure to respect the national laws of Nigeria on the protection of the environment and social responsibility to the Niger Delta region, have caused pains and hardship, backwardness to the people of the Niger Delta.

C. Multinational Oil Companies failure to respect the national laws of Nigeria on the protection of the environment by manipulating the justice system of Nigeria has caused pains and hardship, backwardness to the people to the Niger Delta.

D. Multinational Oil Companies failure to respect the national laws of Nigeria on the protection of the environment by corruptly using the Nigeria Armed Forces and police to oppress and intimidate the Niger Delta people have caused pains and hardship, backwardness to the people of the Niger Delta.

(7) What is your take? The Nigeria judicial system is perceived ineffective in driving the Niger Delta course for justice and fairness over the years for the region.

A. The structure of the Nigerian Judiciary gives the Executive Arm of Government the power to dictate for it, hence cannot effectively deliver justice for the oppressed people of the Niger Delta by the Nigerian State.

B. The corrupt nature of the Nigerian Judiciary, hence, cannot effectively deliver justice for the oppressed people of the Niger Delta by the Nigerian State.

C. The Northern Nigeria dominated Judges at the Federal courts level, hence, cannot effectively deliver justice for the oppressed people of the Niger Delta by the Nigerian State.

D. The nature of the Nigerian Judges' elevation from lower courts to a higher Courts where the President to push to NJC for approval before appointment, hence, the Nigerian Judiciary cannot effectively deliver justice for the oppressed people of the Niger Delta by the Nigerian State.

(8) What is your opinion about the Federal Government's intervention efforts in the Niger Delta conflict by the establishment of the Niger Delta Ministry and Niger Delta Development Commission (NDDC) in addressing the issues of underdevelopment, marginalization, environmental pollution and gas flaring in the area and the Amnesty program.

A. The Establishment of the Niger Delta Development Commission is Political and cannot address the underline issues of underdevelopment, Marginalization, environmental pollution, and gas Flaring.

B. The Establishment of the Ministry of the Niger Delta is under funded by the Federal Government, hence, cannot address the underline issues of underdevelopment, Marginalization, environmental pollution, and gas Flaring.

C. The Amnesty program introduced by the Federal Government of Nigeria for the Niger Delta Agitators, was a political move to push away the attention of the people from the fundamental agitations and cry, hence, cannot address the underline issues of underdevelopment, Marginalization, environmental pollution and gas Flaring.

D. The Establishments of the Ministry of the Niger Delta and the Niger Delta Development Commission is by the Federal Government of Nigeria, is to give room for the Niger Delta Political class, agents of the Federal Government who are working against the agitations for resource control and environmental protection contracts that will never be executed. Hence, cannot address the underline issues of underdevelopment, Marginalization, environmental pollution, and gas Flaring

(9) International law and the normative system of International Organizations especially the United Nations, African Union, and ECOWAS application. How can they aid justice and fairness to the people of the Niger Delta Area or a total conflict resolution?

A. The application of the Charter of the United Nations on the indigenous rights to control of their natural resources.

B. Application of international law on environmental protection and the protection Human Rights over the Nigeria laws

C. The enforcement of the various treaties entered and ratified by the Nigerian States on environmental Rights and peoples Human Rights.

D. The application of the Covenant of the African Union and that of the Economy Community of the West African States over where the Nigerian laws have remained unjust and inactive/mute in addressing the Niger Delta Environmental and resources control conflict.

(10) To what extent can you say International Law and the Normative System of International Organizations have resolved similar conflicts with that of the Niger Delta Area on the Continent of Africa?

- A. Similar conflict in Sudan was resolved by the Application of International.
- B. Similar conflict in Burundi was resolved by the Application of International.
- C. Similar conflict in Eritrea was resolved by the Application of International.
- D. Similar conflict in the Democratic Republic of Congo was resolved by the Application of International.



## Appendix F: Editor's certificate of editing Thesis

