

**UNDERSTANDING THE DYNAMICS OF CONFLICTS IN BAYELSA,
DELTA AND RIVERS STATES: THE ROLE OF CIVIL SOCIETY
ORGANIZATIONS**

A CASE STUDY

OF

EXCELLENT WORLD FOUNDATION

ABSTRACT

The paper examined the role of civil society organizations in the dynamics of conflict and conflict management in Bayelsa, Delta and Rivers States. Using the historical research design, the paper x-rayed the nature of conflicts in the Niger Delta, the role of civil society organizations in management and resolution of conflicts through the instrumentality of information gathering, agenda setting and behaviour modification. The findings revealed among others that civil society organizations in the states of Bayelsa, Delta and Rivers have played significant role in checkmating conflict and conflict generating behaviours between Multinational Oil Corporations and host communities through various regulatory regimes that involved engagement and advocacy especially for and on behalf of oil bearing communities against the 'hydra headed' Multinational Oil Corporations, whom in the past have significantly showed little or no interest in the development of the Niger Delta. It is recommended that civil society organizations need to be supported by the people and strengthened to continue to play vital roles in promoting and protecting the interest of the people of the three states in particular and the Niger Delta region in general.

Introduction

The Niger Delta region of Nigeria comprises the nine states Abia, Akwa-Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo and Rivers. About 31 million people live in the region which is renowned as one of the World's ten most important wetland and coastal marine ecosystems. The Niger Delta is rich with a diverse mosaic of ecological zones, five of which are the Mangrove Forest and Coastal Vegetation Zone, the Fresh Water Swamp Forest Zone, the Lowland Rain Forest Zone, the Derived Savannah Zone and the Montane Zone. The Niger Delta is also the location of massive oil deposits, which have been extracted for decades by the government of Nigeria and by Multinational Oil Companies (MNOCs) (Ajodo-Adebanjoko and Ojua 2013:2). Since 1970, the country has earned at least \$300 billion from energy development and in 2005 it made \$450 billion. With about 40 million barrels of proven oil reserves, it currently produces 2.4 million barrels of oil per day, which constitutes about 90% of the government's revenue and 95% of the country's foreign exchange earnings (Ajodo 2002:6).

However, the region which bears this economically important oil has been enmeshed in conflicts for more than four decades owing to the negative impact of oil exploration. The region is a tale of poverty, squalor and gross underdevelopment in the midst of plenty, due to environmental degradation which has affected the people's agricultural means of livelihood. The effect of oil spills and gas flares has resulted to death of aquatic lives and waste to farm lands. It is on record that more gas is flared in Nigeria than anywhere else in the World (Nore& Turner 2010). It is on record that the oil industry in the Niger Delta is one of the worst cases in the world of gas flaring. Nigeria is the second largest offending country, after

Russia, in terms of the total volume of gas flared and the resulting emission of about 70 million tons of CO₂ a year, higher than the emissions in Norway (Worgu 2000).

Statement of the Problem

In the case of oil spills, Nigeria has the highest number of oil spills in the world; between 9 million and 18 million barrels of oil have been spilled in the Niger Delta. A UNDP (2017) report states that more than 7 800 spills were recorded in the area between 1976 and 2017 while the Nigeria National Petroleum Company (NNPC) places the quantity of petroleum spilled into the environment yearly at 2 300 cubic metres, with an average 300 industrial spills annually. The World Bank (2017) however believes that the amount of oil spills could be ten times higher than the officially released figures. Erosion, canalisation, intra- and inter-communal conflicts between hosts communities are also some effects of oil explorations in the region. This has led to protests by the indigenous people, leading in turn to full blown conflicts. In the midst of these conflictual struggles, different individuals and groups have intervened; amongst these groups are the civil society organizations.

Civil Society Organizations play active roles in the extractive industry in Nigeria. The Niger Delta has been a centre of protests due to the activities of oil multinational corporations (OMNCs) and the inactions of governmental agencies. Civil Society Organizations and many communities have been at the forefront of promoting the interests of the people of the Niger Delta. This study will thus explore the role of civil society organizations in conflict management in Bayelsa, Delta and Rivers State in the Niger Delta Region.

Literature Review

Conceptual and Theoretical Clarifications

The literature is replete with numerous definitions of civil society, mainly due to the varied and loose manner in which civil society is used in academic and popular discourses. As Adedayo (2004) has noted in the above regards, the notion of civil society has become “diffuse, hard to define, empirically imprecise and ideologically laden. One way of identifying civil society is by identifying who may be included in this classification or excluding those that cannot be incorporated. It is incontrovertible that while state and profit-oriented organisations are excluded, non-governmental organisations (NGOs), trusts, charities, foundations, advocacy groups, national and international non-state organisations are included. It is for this reason that civil society is often referred to as the third sector.

In Africa, the Economic, Social and Cultural Council (ECOSOCC), which is the vehicle for building a strong partnership between governments and all segments of the African civil society has identified the groups that fit into the nomenclature of “civil society” on the continent. According to ECOSOCC (2010) Civil Society Organizations include but are not limited to the following: (a) Social groups such as those representing women, children, the youth, the elderly and people with disability and special needs; (b) Professional groups such as associations of artists, engineers, health practitioners, social workers, media, teachers, sport associations, legal professionals, social scientists, academia, business organisations, national chambers of commerce, workers, employers, industry and agriculture as well as other private sector interest groups; (c) Non-governmental organisations (NGOs), community-based organisations (CBOs) and voluntary organisations; d) Cultural organisations; and (e) social and professional groups in the African Diaspora in accordance with the definition approved by the Executive Council.

In essence, the civil society in Africa encapsulates formal and informal groups or organisations such as religious groups, local communities and market women. Posner’s (2004) definition and theorisation of civil society highlight the critical contribution that civil society makes to governance. While defining civil society as the “the reservoir of formal and informal organisations outside of state control”, Posner identifies advocacy and substitution as the two mechanisms that academic literature uses to buttress the relationship between good government conduct and civil society. Under the advocacy model, public services are provided because civil society monitors the conduct of government officials and confront them (by lobbying or putting pressure for instance) when they fail to provide public goods or services. In the substitution model, civil society engages more in the provision of services or contributes to social welfare by “furnishing the organisational structure and human and financial resources to provide the order and public services that citizens’ desire.” The substitution model is highly prevalent in the Niger Delta of Nigeria and other parts of the country.

However in this paper, two categories of civil groups are discussed here for their particular contributions to the development of Nigeria’s oil-rich Delta region via advocacy and substitution. These are community or ethnic-based groups and the civil and environmental rights groups. Community or ethnic-based groups are associations of self-organised, self-governing kinsmen with objectives geared towards the development of the community or ethnic group. These objectives may be the provision of social services such as

infrastructure town halls, school buildings, for example, or, provision of services viz. medical and educational enlightenment. Movement for the Survival of the Ogoni People (MOSOP), a classic example of a Community Based Organization (community or ethnic based organisation), succeeded in sensitising the Ogonis on issues relating to the oil industry, their environment and human rights as well providing other communities and ethnic groups with a template to replicate their (MOSOP) activities (Osaghae, 2008).

The civil and environmental rights group includes organisations that have as their objective the promotion of civil and environmental rights such as Friends of the Earth, Amnesty International amongst others. This subset of Civil Society Organizations includes local and foreign groups that not only form alliances with themselves but also with Community Based Organizations to achieve their objectives. In essence, this section contends that Civil Society Organizations are perhaps better identified than construed by an absolute definition. Nonetheless, a working definition must be proffered to provide context to the discussion. With this in mind, Civil Society Organizations, in this paper, refer to the “the formation of associational life of citizens characterised by common interests and identities, civil and public purposes, and collective and autonomous actions.

Exploring the Dynamics of conflict in the Niger Delta region

Scholars are unanimous in their views that the end of the Cold War and economic globalisation in the 1990s have had a significant impact on warfare globally and that the search for appropriate theories to explain this has contributed to the growing debate on the importance of natural resources as drivers of violent conflicts (Berdal 2003). Empirical studies have also shown that natural resources underlie territorial struggles which have been the most prevalent form of conflict all through history (Alao 2007:1). Extant literature on conflicts, particularly in Africa, suggests that an overwhelming percentage of these conflicts are resource-based (Gemmil, & Abimbola Bamidele-Izu, (2002). According to a recent United Nations report in Hutter & Mahony, (2013), in the last sixty years at least 40% of civil wars on the African continent have been connected with natural resources. Even in the natural sciences, there is a consensus that competition over scarce natural resources is one of the key drivers of violent conflict within and across species (Oshionebo, 2009).

Similarly, studies by the World Bank (2003) and others have shown that countries whose wealth is largely dependent on the exportation of primary commodities (Nigeria, Sudan, Chechnya, Liberia, Indonesia and Angola for instance) are highly prone to civil

violence, and that those with oil and natural gas are the most conflict prone (Bannon and Collier 2003). Nigeria is the 12th largest producer of petroleum and its 8th largest exporter worldwide. Resource-related conflict in Nigeria revolves around oil with about 95% of violent conflict in Nigeria's Niger Delta Region being resource-related (Akinola, 2008). Studies also found that the fight for resource control strengthens the segmentation around already existing ethnic or linguistic cleavages thereby escalating conflict in the Niger Delta Region (Havinga, 2012). Against this background, many scholars have developed varied theoretical framework to give insights into the dynamics of conflict in resource rich region such as the Niger Delta region of Nigeria. Some of these theoretical expositions will be further discussed in other to further shed more lights into the nature of conflicts in the Niger Delta Region. These theoretical expositions include a combination of eco-violence and psychological primordial theories.

Eco-violence, also known as environmental conflict, theory was developed by Homer-Dixon (2009:30) in his attempt to explain the causal relationship between natural resource endowment and the outbreak of violent conflict. According to him, decrease in the quality and quantity of renewable resources act singly or in various combinations to increase the scarcity, for certain population groups, of vegetation, farmland, water, forests etc. This scarcity of ecological resources can reduce economic productivity, both for the local groups experiencing the scarcity and for the larger regional and national economies. Consequently, the affected people may migrate or be expelled to new lands while decreases in wealth can cause deprivation conflicts. The central argument is that declining availability of renewable natural resources, which results in competition over scarce resources, engender violent conflict (Gunningham, 2014).

This view was expressed by Annan (2006) when he stated that 'environmental degradation in forms such as desertification, resource depletion and demographic pressure exacerbates tensions and instability. Akintunde and Hile (2016), also noted that competition over the control of valuable oil supplies and pipeline routes has emerged as a particularly acute source of conflict in the 21st century. With the demand for oil growing and many older sources of supply (such as those in the United States, Mexico, and China) in decline, the pressure on remaining supplies, notably those in the Persian Gulf area, the Caspian Sea basin, South America, and Africa, is growing ever more intense. This is seen from competition in Africa over the revenue generated from scarce natural resources which has led to violent

conflict in Angola, the Democratic Republic of the Congo, Rwanda, Sudan and Nigeria (Akintunde and Hile, 2016).

The foregoing aptly describes the situation in the Niger Delta where oil exploration activities leading to environmental degradation such as shortage of farmlands, death of aquatic life, air and water pollution, oil poisoning causing respiratory ailments and destruction of mangrove forests, often without adequate compensation, have resulted in conflict. This was why the late environmentalist, Ken Saro-Wiwa, lamented that the people of the region faced extinction in what he described as an ecological war (Saro-Wiwa, cited in Na'Allah 2008). Increasing frustration emanating from oil exploration has led to violent resistance which has culminated in conflict in the region between locals represented by militants and oil corporations operating in the region.

Psychological/primordial theorists, on the other hand, are of the view that humans have a deep-rooted psychological need to dichotomise and to establish enemies and allies, which leads to the formation of ethnic and national group identities and behaviours. How a group perceives itself and its relationship with those outside the group determines whether their relationship will be based on cooperation, competition or conflict. Usually those within the group are regarded as better than those outside, and this leads to 'me-you', 'we-they' 'insiders-outsiders' and 'minority-majority' sentiments. In the Niger Delta, conflicts are generated by grievances about natural resources (which border on demands for ownership of the resource concerned), the distribution of resource revenues and about environmental and social damage caused by extracting the resource (Ako,2011). In Nigeria, the Federal Government is the one responsible for resource allocation and control, but conflict has arisen over the most appropriate revenue sharing formula with the Niger Delta people who demand that a special proportion be given to them due to their oil richness – just as it was done for the north when agricultural produce was the mainstay of the economy (Alao, 2007). This demand has however been refused by Nigerians in the rest of the country and by some of the leaders. The result was the above-mentioned primordial sentiments of group versus group, which led to the creation of ethno-nationalism-identities (Alao 2007:159).

We see this in the confrontation between foreign oil companies and local communities in the Niger Delta and between the Niger Delta people who view themselves as minorities being marginalised and oppressed and the 'majorities' in the other parts of the country that do not produce oil but reap the benefits of revenue allocation. Consequently, there have been

violent agitations in the form of militancy and a call for secession by the Niger Delta buttressing the argument of Bannon and Collier (2003:5) that violent secessionist movements are statistically much more likely if a country has valuable natural resources, especially oil.

Theoretical Framework

This section will briefly highlight the theoretical framework adopted in analysing the role of civil society organizations in conflict management in the Niger Delta Region. To do this, the paper adopted the Havinga (2012) regulatory regime framework. Havinga posited that any analysis of a regulatory regime brings to the fore, two distinct connotations or dimensions. First is that any (risk) regulatory regime entails “the three components that form the basis of any control system that is, ways of gathering, ways of setting standards, goals, or targets, and ways of changing behaviour to meet the standards or targets.

Simply put, the first dimension involves information gathering, standard setting and behaviour modification. The second dimension of a risk regulatory regime is the distinction or difference between regulatory regime or “context” and regime “content”. A regime context is the background wherein the regulatory regime is localised, entailing the preponderance of risk, different manifestation and how such risks are being addressed, the extent of public attitude towards risk and how the different actors are affected by the hazard inherent in such risk regimes. On the other hand, the regime content is said to be the interplay or policy setting of the state and other organisations or institutions involved in regulating or addressing the risks and attitudes or bias of the regulators.

The first dimension of the risk regulatory regime highlighted above is analogous to the regulatory process. For example, in a command and control based regulatory framework, the state or regulatory agencies partake in the regulatory process by engaging in information gathering, standard setting and behaviour modification activities. However, it has been argued that the Civil Society Organizations can also partake or contribute to the aforementioned three components of the control components of risk regime as enunciated by Havinga (2012). The contention of this paper is that Civil Society Organizations have engaged or participated in regulatory regime in Nigeria’s extractive sector especially as it relates to conflicts in the Niger Delta Region via the three control components of the risk regulatory regimes as enunciated by (Havinga, 2012). The next section will now highlight the role of civil society organizations

A regulatory regime can be defined as the laws, regulations and policies guiding an industry or sector. Nigeria operates a command and control type of regulation in the oil and gas sector. The traditional command and control regulatory process is analogous to state legislation (Ekhaton, 2014). However, the command and control or state-centric regulation is beset by many ills. Arguably, the void created in the extractive sector by the non-performance of government regulatory bodies and the non-implementation of existing legal enactments is gradually being filled by Civil Society Organizations. Civil Society Organizations in Nigeria have proved by their antecedents that they have major roles to play (Williams, 2011). This was especially evident during the Ogoni crisis where the Movement for the Survival of the Ogoni People (MOSOP and other CSOs) played prominent roles in bringing the alleged atrocities of Shell and its Nigerian government cohorts to the attention of the world.

More so, civil society organizations has been actively involved in information gathering activities that has help to restore peace and stability among conflicting stakeholders in the Niger Delta Region. According to Hutter&Mahony (2005), Civil Society Organizations in the Niger Delta Region played vital roles in information gathering in Nigeria's extractive sector. CSOs engage in information gathering activities in the regulation process by reporting on the industry, acting as watch dogs over government activities and engaging in auditing or monitoring of government activities, among other activities. There is a plethora of publications commissioned by CSOs on Nigeria's oil industry (including in-house reports, discussion papers, briefings, books, newspaper articles, etc.) that provide valuable insights into an erstwhile opaque industry tainted with corruption.

A good example is the 2012 "subsidy saga" wherein the federal government announced the removal of subsidies on petroleum products thereby driving petrol prices up from N65 to N141 per litre. This led to the increase in the prices of goods and services including basic necessities such as food, rent, transport and electricity. The federal government made the announcement on 1st January 2012 even when consultations with CSOs on the issue were ongoing. There are two important things to glean from the above. First is that the government deemed it pertinent to engage with civil society thereby highlighting recognition of the role that they play in information gathering and dissemination. Here, the protests were mainly organised online and via the use of social media and mobile phones. Also, protests took place within and outside Nigerian borders. Second is that it was also an acknowledgment that CSOs wield influence over the populace. These two observations came to play following the "premature" announcement. A coalition of CSOs and labour unions

under a loose umbrella of “Occupy Nigeria” staged protests within and outside the country, utilising both traditional and contemporary media sources based on two broad premises (Ogala & Ezeamalu, 2012). One was that the subsidy removal would bring hardship on the populace and should be reversed. The other and more pertinent to the discussion here was the reasoning that Nigeria’s oil industry should become more transparent and accountable to Nigerians. The central question in this regard was the perceived institutional corruption that pervaded the said “subsidy payments” and the general management of oil revenues. The success of the protests, influenced by the release of information available to the CSOs, precipitated the federal government to announce a reduction in the new petrol price (from N141 to N97) and set up two committees to investigate claims of corruption in the sector. The Presidential Committee on Verification and Reconciliation of Subsidy Claims was set up to verify and reconcile the findings of the technical committee earlier instituted by the Federal Ministry of Finance to review all fuel subsidy claims and payments made in 2011. The committee, in its conclusion opined that N382 billion had been fraudulently paid under the subsidy scheme, made 22 recommendations that included the prosecution, recovery and punishments for external auditors and other government officials found culpable (Iriekpen, 2012).

In addition to the above, the Petroleum Revenue Special Task Force was set up by the Minister of Petroleum in February 2012 to support the programme of the Federal Government of Nigeria in enhancing optimisation, probity and accountability in the operations of the Petroleum Industry. The Task Force’s report stated that the Nigerian National Petroleum Corporation (NNPC) and the Nigerian government have mismanaged the revenue accruing from oil and utilised it for illegal or non-approved purposes with accountability or transparency (Asobie, 2012). A House of Representatives investigation also concluded that the subsidy payments were shrouded in corruption with about US\$6.8bn lost between 2009 and 2011 through corruption, theft and mismanagement. These investigations were direct consequences of the protests by Occupy Nigeria precipitated by the information gathered by CSOs on the pervasive corruption in the oil industry.

Without information to premise the opposition to the withdrawal of subsidy and the subsequent protests, any action in opposition to the said withdrawal would be baseless and lacking in merit. Thus, it is important not only to gather information but for such information to be verifiable. This means that it is not simply opposition statements but gathering of facts and figures that form hard evidence. The information was gathered over the years from

different sources and pooled together to use for a common good. Regarding the outcomes of the information gathering and use, it is clear that the government and its agencies were forced to investigate claims of corruption, one of the fundamental bases of opposition to the removal of subsidy.

In fact, the final outcomes have not been great, since the perpetrators of the corrupt practices have not been apprehended. Specifically, while the House of Representatives recommended that the erring companies and their directors face criminal prosecution, the Attorney-General (AG) of Nigeria initially declined to prosecute the suspects. However, after pressure from the public and civil society, some of the suspects were arraigned in court. The charges were subsequently withdrawn by the state on the pretext “to enable the law enforcement agency conduct detailed investigations into the activities of the marketers, preparatory to preferring charges against them that can withstand legal scrutiny (Iriekpen, 2012).

With regards to the role of CSOs acting as watchdogs of the oil industry, another good example is its involvement in the Nigerian Extractive Industries Transparency Initiative (NEITI). Nigeria signed up to the EITI initiative in 2003 as part of the economic reforms under the Obasanjo administration. Thus, the NEITI have always engaged CSOs in its activities as a means of improving transparency and opening the process to the Nigerian public. This deliberate strategy of NEITI’s involvement with NGOs can be traced to the onset of the EITI implementation or localisation in Nigeria, where a coalition of CSOs led by Publish What You Pay, through its various activities, sensitised the Nigerian public on the inherent benefits accruing from the implementation of the EITI to the extractive companies, government and the public (Shaxson,2009).

Furthermore, a host of other CSOs have been active in the EITI localisation by providing input and the NIETI board (management) have provided training and support to enhance the capacity of CSOs’ effective participation in the NEITI in Nigeria. The Extractive Industry Transparency Initiative (EITI) “is a global coalition of governments, companies and civil society working together to improve openness and accountable management of revenues from natural resources, the Nigerian version which is The Nigerian Extractive Industry Transparency Initiative Act aims to promote and ensure due process in the payments made by extractive companies to the coffers of the federal government of Nigeria.

The NEITI Act is one of the few laws regulating Nigeria's oil and gas industry that expressly provides for the participation of CSOs in its activities. Section 6 provides that in making an appointment into the National Stakeholders Working Group (NSWG), the President shall include "(ii) representative of Civil Society (Abutudu & Dauda, 2011). In addition to having a representative of CSOs on the board of the Nigerian Extractive Industry Transparency Initiative and National Stakeholders Working Group (NEITI-NSWG), Civil Society Organizations also constitute membership of the NEITI Civil Society Steering Committee with the NEITI Board that is responsible for various outreach initiatives and activities organised by the Nigerian Extractive Industry Transparency Initiative. Other roles assigned CSOs by the NEITI Act include remediation issues arising from NEITI audits, NEITI Legislative engagement, dissemination of audit reports and community participation among others (Ekhaton, 2014).

In recognition of the important role that Civil Society Organizations play in Nigerian Extractive Industry Transparency Initiative Act, a permanent (full time) Civil Society Liaison Officer is employed by the NEITI and a Memorandum of Understanding (MOU) was developed in 2006 to promote the CSO contribution to the Nigerian Extractive Industry Transparency Initiative activities as it affect all oil and gas activities in the Niger Delta Region. These include identification of issues (that ought to be of public interest to the fore), agenda setting, public education and enlightenment, agents of social change and mobilisation, monitoring and oversight, advisory, whistle blowing, observation and feedback. However, Bassey, (2010), have identified some shortcomings in the practical involvement of CSOs in the NEITI process. Firstly, the lack of cohesion and consequent internal strife and division among CSOs, a situation exploited by the government, has dampened their expected levels of participation in the NEITI Act.

Secondly, the appointment of CSO representative to the NEITI board is the prerogative of the President. Thus, the President may appoint a moderate personality that will not oppose government stance or activities. To redress this anomaly, the NEITI signed an MOU with CSOs that civil society will be consulted in selecting their representative, that notwithstanding, the prerogative to select the representative still rests (ultimately) with the President. This situation limits the role that CSOs are expected to play as these groups ought to have the liberty to elect their representatives to the board. Electing a CSO representative to the NEITI board should (ideally) be based on merit, a manifesto or mandate that aligns with the broad aspirations of CSOs in line with current circumstances recognised and agreed to by

CSOs. With the President appointing a CSO representative, they are no different from other government appointees on the board who serve at the will of the President.

Thirdly, it appears that the NEITI focuses on CSOs in Lagos and Abuja to the detriment of those that are active in the Niger Delta and are closer to the people most impacted by the oil industry, while one of the consequences of this omission is the absence of environmental matters from the remit of the NEITI Act.

Finally, there is the contention that the government and NEITI are more interested in gaining international credibility and legitimacy than actualising the mandate of the NEITI Act vis-à-vis CSO participation. To the extent that this contention may be valid, one may also point at the contributions that the CSOs have made to the NEITI process particularly and Nigeria's oil sector more generally, with satisfaction. While this is not suggesting that CSOs have made optimal contributions to the oil sector and the NEITI process more particularly, it is clear that they have made a difference in the process of improving the accountability process in Nigeria's characteristically opaque oil industry (Bassey, 2010). It is trite to note that CSOs in Nigeria in fulfilling their obligations as information gatherers do so without the advantage of a well-established freedom of information regime or the protection of whistle-blowers law. In Nigeria, as with many countries in Africa, the state partners with multinational corporations (MNCs) that operate the extractive industry, given that information on these operations are often considered sensitive and well guarded. Justice Onalaja noted the difficulty in obtaining information in Nigeria's oil industry in *Shell v. Isaiah* thus:

A vital consideration in the oil spillage cases is the extent of the oil spillage. The pattern of defence of the appellant has been to withhold from the court the report of the oil spillage carried out by their employees. In *Tiebo's case supra*, the appellant's report of the oil spillage was similarly withheld from the court (Nigeria Law Review ,2012).

Thus, CSOs often carry out independent investigations at their own costs and risk as well as making their findings easily accessible. This is a huge responsibility and a laudable one as the information gathered often forms the basis for further research and litigation and the attendant benefits. Nigeria's Freedom of Information (FoI) Act now provides a legal basis for CSOs to make legitimate requests for information that is not in the public domain. For example, following a decision by the ECOWAS Court of Justice on the right of the people and communities of the Niger Delta to a general satisfactory environment and to an adequate

standard of living in *SERAP v Federal Republic of Nigeria*, Amnesty International and Socio-Economic Rights and Accountability Project (SERAP) jointly sent a Freedom of Information request to the Federal Government of Nigeria to provide information on the measures taken to implement the court's decision.

Although the implementation of the law is still far from perfect in Nigeria, the passage of the law opens new vistas of opportunity to promote transparency and accountability in Nigeria's oil industry. Civil Society Organizations representatives noted that: The signing of the FoI Bill into law is the clearest demonstration ever of the power of civil society working together to influence public policy and initiate reform and "with the new law, Nigerians finally have vital tools to uncover facts, fight corruption and hold officials and institutions accountable (Godwin, 2015). Also pertinent to note is that the passage of the law is indicative of what a vibrant CSO community can achieve despite the odds stacked against them. To put this in perspective, the FoI Act was signed into law (2011) after 11 years of its first submission to the National Assembly in 1999 and its passage by both the House of Representatives and the Senate in 2007. Perhaps even more intriguing is the fact that the bill was developed and submitted to the National Assembly by Freedom of Information Coalition, a network of over 150 civil society organisations in Nigeria, comprising civil rights, grassroots and community based non-governmental organisations led by the Media Rights Agenda. To consider that this coalition worked together for at least 11 years to achieve this feat is noteworthy of emulation, replication and consultation by African colleagues, especially in countries where such laws are still unheard of.

Standard Setting: another remarkable role that the Civil Society Organizations have embarked upon in Nigeria and in the Niger Delta region in particular is in the area of setting of standards in the oil industry, broadly speaking, in two ways. The first refers to the development of new laws and the other refers to their roles in development initiatives for the Niger Delta region. With regards their role in the development of new laws that create new standards, the analysis in the previous section attests to this assertion. Furthermore, CSOs have, and are, playing an integral role in the development of the Petroleum Industry Bill (PIB). The PIB is one of the most important bills in Nigeria's history. The plan is to develop it as the holistic legal and regulatory framework for the Nigeria's oil and gas industry. Without going into the checkered history of the PIB that has remained stuck in the National Assembly since 2009, CSOs have played a vital part both in contributing to its development as a law and more pertinently, ensuring that the bill does not "die" in the legislature. Also,

CSOs have made inputs to the bill by submitting memoranda to the National Assembly as well as honouring invitations by the National Assembly to make inputs to it. Regarding the role of CSOs to ensure that the bill does not go comatose in the legislature, Victoria Ohaeri, the Executive Director of the Spaces for Change (S4C), an NGO in Nigeria noted that the:

The [PIB] Bill was left to gather dust on the shelves of government offices after a major legislative effort to have the bill passed in 2009 was stalled. It was mainly the January 2012 protests (largely coordinated by civil society groups and NGOs) which forced major high-level probes into the administration of fuel subsidies and reforms in the oil sector that awakened government interest in the PIB.

In December 2015, the PIB was jettisoned and Petroleum Industry Governance and Institutional Framework Bill 2015 was used to replace it. Ekhaton (2014s), in his definition of civil regulation highlight the importance of standard setting. According to him, civil regulation is where organisations of civil society such as NGOs, set the standards for business behaviour. Enterprises then choose to adopt or not to adopt those standards. The involvement of CSOs in community development initiatives and activities in the Niger Delta is appreciated against the backdrop of community development carried out by the state and MNCs operating in the region. Indeed literature is replete with the argument that the lack of development of the Niger Delta is a fundamental factor that feeds the cycle of poverty and violence in the region. While visits to the region confirm the varied assertions, the Akassa community stood out for its unique development structure and achievements since the mid-1990s, a period when the region was becoming restive due to the perceived “underdevelopment”. The next section focuses on the Akassa initiative.

Research design

The research design adopted for this work is the historical method. Historical approach is an important design used in the evaluation of public policies, institutions, state policies as well as for developing explanation for political phenomenon. Historical approach fits into the present study because, it helps in outlining key variables with the objectives of providing insight from the past and relating it to the present and thus providing understanding and explanation of the nature, character and relationship between the phenomenon under consideration through a qualitative analysis of secondary data. As such, historical approach involves examining documents already dealing with the research issue; those documents include several forms of written materials.

Method of data collection

The data collected for this study is qualitative data. Qualitative data are data that do not originate personally from the researcher, but which will be collected from scholarly opinions and review. As such, the data collected from sources such as textbooks, newspapers, journals, seminar papers, internet printout and other relevant materials. The text books were collected from the university libraries and other individual/personal libraries, while the journals were sourced from the internet.

Data Analysis Procedure

The analytical procedure was carried out through qualitative analysis of secondary data. Since the objective in this study is not to make statistical inferences. The historically reviewed secondary data will be use to support or question theoretical assertions as to the constitutive element and features of the study that relates with understanding the dynamics of conflicts in Bayelsa, Delta and Rivers States: The Role of Civil Society Organizations

Presentation and Interpretation of Results

Collaboration between Civil Society Organizations and Oil MNCs in the Management of Conflict the Niger Delta Region

This section contends that Civil Society Organizations in Nigeria have gone from passive bystanders to active collaborators in the extractive industry. The Akassa community is an example of a successful collaborative effort between MNC and oil producing community in developing Corporate Social Responsibility projects or standards. Statoil selected the Akassa community in Bayelsa State for a social initiative after Environmental Impact Assessment (EIA) studies identified the community as most likely to be impacted by the company's deep-water offshore wells. The company adopted a unique method of Corporate Social Responsibility delivery in Nigeria by partnering with a non-governmental charitable organisation - Pro Natura (International) to initiate and facilitate the community development projects based on a "participatory development model (Engobo and Ako, 2015). With the company providing the funds, Pro Natura set to advance a development model with the active participation of all sections of the community. The resultant Akassa Community Development Programme (ACDP) established in 1998 was easily regarded and recognised as "owned" by the community. The Akassa Community Development Programme (ACDP) concentrated on building new local institutions to initiate and manage activities in the fields of poverty alleviation, health, education, natural resources and works. In 2002, it evolved to

the Akassa Development Foundation (ADF), a legally incorporated trust with capacity to enter into contracts on behalf of the people of Akassa and bear legal responsibility for the contracts. It also has a bank account of its own, a well thought out constitution and a board of trustees elected by the Akassa people. It is unsurprising that even when the rest of the Niger Delta was enmeshed in violent conflicts, the Akassa community remained peaceful with the community development initiative playing a major role(Engobo and Ako, 2015).

More pertinent to the discussion in this section of the paper is that the initiative has set a standard in community development programmes in the region. Thus, the Akassa model in the Niger Delta is an example wherein standards were set by the CSO (Pro Natura, a Nigerian CSO) (with the active participation of the Akassa community) in partnership with the oil MNC. Many of the oil MNCs operating in the Niger Delta have since repackaged their community assistance projects, significantly partnering with CSOs to conceptualise and deliver on them. For example, Chevron has endowed the Niger Delta Partnership Initiative (NDPI) Foundation with US\$50 million over a five-year period from 2010 to 2014 with the latter aiming to raise the portfolio to US\$100 million with donor partner funding(Engobo and Ako, 2015). The Initiative's Nigerian affiliate, the Foundation for Partnership Initiatives in the Niger Delta (PIND), will participate in the design, development and monitoring of programmes. Partnership Initiatives in the Niger Delta (PIND's) remit includes the economic development, capacity building, peace building, as well as analysis and advocacy. Interestingly, communities, including five local council areas in the Oron region of AkwaIbom State, have also adopted the Akassa model to promote their development (Ekhator, 2014).

Behaviour Modification: Behaviour modification is perhaps the most potent of the strategies that Civil Society Organizations in the Niger Delta Region have utilised to influence changes in the legal framework regulating the extractive industry. Simply, it refers to the avenues that Civil Society Organizations exploit to galvanise public opinion in raising awareness and/or support for a cause. CSOs in Nigeria rely extensively on organised protests, litigation, publications, lobbying of the MNCs and the State, public awareness campaigns to effect behaviour modification vis-à-vis the oil industry. Civil Society Organizations in Niger Delta Region have a long history of protesting the activities of the oil industry with the earlier periods characterised by uncoordinated efforts of loosely formed groups such as traditional elders and elite members of the region, for example. The activities of MOSOP in the 1990s

changed things radically because the group was able to mobilise the Ogonis (an entire ethnic group) to identify with and support its cause (Ekhaton, 2016).

Furthermore, due to the impact of Shell's activities on Ogoniland and its alleged collusion with Nigerian authorities in the trial and "murder" of Ken Saro-Wiwa (who was one of the leaders of Ogoniland), MOSOP and the people of Ogoniland rejected Shell and withdrew its "social licence" by protesting and mobilising against Shell. Thus, for more than twenty years, Shell has not operated any of its facilities in Ogoniland. Ogoniland community "revoked" the social licence of Shell to operate in its area notwithstanding that under Nigerian laws, Shell has the right to operate in the region. While other ethnic groups in the region borrowed the MOSOP-template to organise their protests, the Federal Government's highhanded responses contributed to the rise of militancy as a means of further protests. Notably, women have also led protests in the Niger Delta with the Ugborodo protests of 2002 resulting in Chevron/Texaco's declaration of a force majeure and the company signing an MOU with the community (Oshionebo, 2009).

Litigation has now become a deliberate strategy employed by Civil Society Organizations in their bid to influence the activities of the state and oil companies that operate the oil industry in Nigeria. The rising number of cases instituted both in Nigeria and abroad by, or, with the assistance of CSOs is an indication of the rising reliance on litigation. These cases have been instituted across court systems and jurisdictions around the globe. For instance, while *Gbemre v. SPDC* was initiated in a Federal High Court in Nigeria; *Bowoto v. Chevron* and *Wiwa v. Shell* were instituted in the USA; *Akpan v. Shell* was heard at The Hague, Netherlands while *Bodo Community v SPDC* was heard in the United Kingdom (Ekhaton, 2016). In addition to national jurisdictions, regional judicial bodies including the ECOWAS Court and the African Commission on Human and People's Rights have also heard cases or communications. Although litigation has yielded a mixed bag of results, there have been some notable gains, even in situations where the victories have been regarded as pyrrhic. Specifically, in *Wiwa v. Shell*, the high profile nature of the case put Shell and its subsidiaries in the spotlight; further propelled the situation in the Niger Delta into international reckoning and resulted in financial settlements that the company would otherwise not have agreed to pay.

Other cases have had more direct effects on behaviour modification. For instance, the activities of CSOs working on the *Gbemre* case – Rights Action/ Friends of the Earth and

Climate Justice Programme (CJP) – had two significant impacts on the Iwherekani community. First, the community became aware of the negative impacts of gas flaring on their environment and lives. Second, they were able to, with the support of the CSOs, initiate legal proceedings to challenge the continued flaring of gas in their community. Although the decision of the court that mandated the Federal Government to review some relevant laws is still under appeal, the Senate’s passage of the Gas Flaring Prohibition and Punishment Bill of 2009 is purportedly a direct impact of the case (Ekhaton, 2016). Notably, it can be argued that there is no direct correlation between CSO activities and change in attitude of oil companies directly linked to this law. Observably, the case has contributed to the jurisprudence on oil related litigation in Nigeria and appears to have highlighted the significant impact that litigation may have on effecting the required change in Nigeria’s oil industry that in many ways have strengthened the roles and contributions of Civil Society Organization towards addressing the conflictual state of relationship between oil Multinationals and host communities in the Niger Delta Region of Nigeria.

Conclusion and Policy Implementations

From the foregoing analysis, it is evident that civil society organizations in the Niger Delta Region have been associated with challenges and popular struggles for state and democratic reforms. Though these may relate to the articulation of substantive ethnic, regional and communal demands, few studies have addressed the dynamics and ramifications of their engagement in struggles other than democratisation. This study focuses on the ramifications of the entrance of civil society into a regional resource agitation in Bayelsa, Delta and Rivers State in the Niger Delta region of Nigeria. The study finds that civil society has flowered, taken over and escalated the struggle and constructed itself into a solid formation of regional resistance. Civil groups have reconstructed the agitation into a broad, participatory, highly mobilised and coordinated struggle and redirected it into a struggle for self-determination, equity and civil and environmental rights.

As aptly demonstrated in the paper, in Bayelsa, Delta and Rivers State in the Niger Delta region, Civil Society Organizations perform regulatory functions via their activities in the oil and gas sector, particularly pertaining to MNCs. For example, CSOs can challenge MNCs through boycott, public campaigns and other forms of pressure. In addition, CSOs are independent of the MNCs and the Nigerian State. Thus, they are in a position to advice and influence both the MNCs and the state without bias. Furthermore, Civil Society Organization

have influence regulation through litigation, publications, lobbying of the MNCs and the State, public awareness campaigns, among other strategies. Civil Society Organizations in the Niger Delra Region have been very proactive in litigation, especially in areas of oil pollution, environmental degradation and human rights. Such litigations have added to a growing jurisprudence on regulation of MNCs by CSOs in Niger Delta Region in particular and Nigeria in general. This is evident in human rights protection within Nigeria where the courts have produced “pro-human rights alterations and reformations that has made stakeholders in the development of the Niger Delta region to be more sensitive to the environmental and social responsibilities of oil companies resulting in hitherto powerful Multinational oil Corporations to be more akin to negotiate and reach memoranda of understanding with host communities, honour agreements, and be more responsive to their problems.

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