

THE CONSEQUENCES AND IMPLICATIONS OF APPLYING INAPPROPRIATE RESTORATIVE MEASURES IN MANAGING NIGER DELTA, THE SOUTH-SOUTH PART OF THE NIGERIAN CRISIS

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Abstract

The Niger Delta conflict remains highly complex and multifaceted following the application of inappropriate restorative measures in the Niger Delta resolution process. This study examines the consequences and implications of inappropriate restorative measures through the lens of the human needs and restorative justice theories. This study argues that the failure to address the fundamental needs and rights of the people of Niger Delta has contributed to the persistence and spread of the crisis in the region and beyond. This study highlights the need for a more comprehensive and inclusive approach to the conflict resolution process, one that prioritizes the needs and perspectives of local communities and promotes restorative justice. By exploring the consequences of inappropriate restorative measures, this study also aims to contribute to a deeper understanding of the Niger Delta crisis and suggest more effective policies for peacebuilding process, panacea peace in the region, and strategies for rapid development of Nigeria nation.

Introduction

Nigeria is a unique nation, regarded as one of the blessed nations in the continent based on its rich endowment with diverse natural and human resources. Paradoxically, despite its abundance of resources, it is also tagged as one of the unsafe nations on the continent. Instead of these resources being the sources of development, they have become a source of conflict, insecurity, insurgency, and underdevelopment. Rather than driving the region's growth and prosperity and Nigeria as a nation.

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The country's reserve resources include gold, coal, crude oil, bitumen, carpers, natural gas, lignite, and various renewable energy resources, including fuel wood, biomass, hydropower, and solar energy. Indeed, crude oil deposits are found throughout the country, with the largest reserves concentrated in the Niger Delta region. In fact, overwhelming evidence shows that 99% of Nigeria's proven crude oil and gas reserves situated in the Niger Delta region (Okoh, 2005). The Nigerian economy relies heavily on crude oil exploitation and exportation. Instead of these resources being a source of development for the region and the entire nation of Nigeria, the crude oil deposit remains a source of conflict for the region and the entire nation.

The Niger Delta region, which comprises seven of Nigeria's 36 states, is the country's primary oil-producing area. Delta, Bayelsa, Ondo, Edo, Cross River, Akwa Ibom, Rivers, and Imo are all oil-producing states, while Delta, Bayelsa, Cross River, Rivers, and Akwa Ibom constitute the core of the Niger Delta as a South-South region. The region spans approximately 70,000 km², an area of high ecological value. Despite the region's significant contribution to the national economy, it remains plagued by poverty and underdevelopment,

The Niger Delta region has a rich and complex history, shaped by the interactions of various ethnic groups. The region has been inhabited by various ethnic groups, including the Ijaw, Itsekiri, Urhobo, Ogoni, and Izon.

Understanding the history of the region, is essential for grasping its contemporary challenges, including environmental degradation, poverty, and social unrest. The Niger Delta region, located in the southern part of Nigeria, has a rich and complex history that spans thousands of years.

The Niger Delta is inhabited by approximately 500 densely populated rural ethnic minority communities, many of which have a long history of inter-ethnic conflict dating back to colonial times (Okoh & Egbon, 1999). The region's primary occupations are fishing and farming. However, the Niger Delta has experienced intense petroleum sector activities over the past four decades. The discovery of oil at Oloibiri-1 in 1956 marked the beginning of a significant increase in exploration and production activities, driven by government legislations and concessions to oil prospecting companies from 1970 onwards. Today, the Niger Delta boasts nearly 200 oil fields, with over 400 oil production and storage facilities operated by multinational firms, including Shell, Mobil, Chevron, Elf, Agip, and Texaco, in joint ventures with the Nigerian National Petroleum Company (Okoh & Egbon, 1999). Paradoxically, despite the region's vast oil wealth, it has been plagued by various forms of violent conflicts and crises, hindering socio-economic and under-development and exacerbating the cycle of violence.

Various stages of development and transformation in the Niger Delta before and after the discovery of oil

Pre-Colonial Era (before the 1800s)

Before the arrival of European colonizers, the Niger Delta region was a thriving trade and commerce hub. The region's strategic location on the Atlantic coast made it an important centre for the transatlantic slave trade, with various European powers, including the Portuguese, Dutch, and British, establishing trade posts and forts in the region.

Colonial Era (1800s-1960)

The Niger Delta region has a long history of exploitation and economic activity dating back to the colonial era. During this period, the region was a major source of natural resources, including palm oil, rubber, and timber, which were exploited by European colonizers. The strategic location of the region made it a hub for the transportation of goods and people, with the construction of railways, roads, and ports.

Key milestones in the history of the region include:

1885: The British established the Oil Rivers Protectorate, which later became the NDP.

Early 20th century: The region experienced significant economic growth, driven by palm oil, rubber, and timber exports.

1950s: The discovery of oil in the Niger Delta region led to a significant increase in economic activity, transforming the region's economy.

In the Post-Colonial Era (1960-Present)

Following Nigeria's independence in 1960, the Niger Delta region continued to play a crucial role in the country's economy, with the discovery of oil in the 1950s. The region's oil reserves have made it a major contributor to Nigeria's gross domestic product (GDP), but the benefits of oil wealth have not been evenly distributed, leading to widespread poverty, environmental degradation, and social unrest. In 1990, the Niger Delta region experienced significant social unrest, driven by concerns over environmental degradation, poverty, and lack of access to oil revenues and infrastructure.

Conflict is an inherent and inevitable aspect of human society that exists in every corner of the world. It has been a persistent feature of many societies for years, posing one of the most sensitive challenges facing humanity today. Conflict transcends religious affiliations, whether traditional, Islamic, Christian, Buddhist, Hindu, Jewish, or other, as well as political inclinations, whether democratic or undemocratic, and economic status, whether developed or underdeveloped. Virtually every country has experienced some form of conflict, and the intensity and nature of such conflicts largely depend on the effectiveness of internal management mechanisms (Ayandeji, 2018). Given the inevitability of conflict in every society, effective and proactive mechanisms for managing it are crucial for society's survival and stability. However, in the view of Georg Simmel and Lewis Coser, conflict can also yield positive outcomes, such as promoting social change, strengthening group identity, and fostering innovation.

For decades, the Niger Delta region of Nigeria has been experiencing various forms of violent conflicts, resulting in significant human suffering, environmental degradation, and economic losses. Despite various efforts to address these conflicts, the region remains volatile, and the conflicts persist as a result of inappropriate restorative justice mechanisms, which have significantly contributed to the region's current state of turmoil.

The Niger Delta region is home to Nigeria's oil and gas reserves, which has led to a complex web of conflicts involving local communities, oil companies, and government agencies. Conflicts have resulted in the destruction of livelihoods, displacement of communities, and environmental degradation. The Nigerian government has responded to these conflicts through a range of measures, including military intervention, amnesty programmes, and development initiatives.

Despite the numerous efforts and initiatives aimed at resolving the crisis, the Niger Delta region remains volatile, with unabated conflicts. Effective restorative measures, such as dialogue, mediation, and reparations, are crucial for addressing the root causes of conflicts, promoting healing and reconciliation, and ensuring accountability. However, in the Niger Delta region, the inadequate application of these measures has intensified mistrust, resentment, and violence, underscoring the need for a more nuanced and effective approach to conflict resolution.

Nature of the Niger Delta Conflict

The Niger Delta region of Nigeria has been plagued by various forms of violence, including inter- and intra-community conflicts, kidnapping of oil personnel, disputes over oil-bearing land, environmental degradation, pipeline vandalism, piracy, and other social vices. These conflicts have hindered economic progress and pose a significant threat to Nigeria's primary source of foreign exchange earnings, which is heavily reliant on the region's oil production.

The approaches to conflict management in the Niger Delta region have been largely ineffective, resulting in increased violence, instability, and significant loss of life and property. Despite the establishment of institutions such as the Oil Minerals Producing Areas Development Commission (OMPADEC) and the Niger Delta Development Commission (NDDC), and the provision of financial aid to ex-militants, the conflict continues to

escalate. The failure of these management strategies can be attributed to their inability to adequately address the conflict's complex socio-cultural, political, and economic dimensions.

The Niger Delta region has been confronted by several key issues, including the following:

1. Deprivation and marginalization: Inhabitants feel being deprived from the benefits of oil productions and also being marginalized by the government and oil companies in the region.
2. Environmental degradation: Oil spills and pollution have devastated the environment, leading to the loss of livelihoods and health problems.
3. Military interventions: Heavy-handed military interventions have intensified rather than resolved conflicts.
4. Old rivalries: Long-standing rivalries between communities have been further escalates by the activities of the government and oil companies in the region too.

These factors have contributed to the instability of the region and have had a significant impact on Nigeria's safety reputation, earning it a reputation as one of the most unsafe nations in Africa.

Theoretical Framework

Having an insight explanation of the Niger Delta crisis, the theories of human needs and restorative justice were employed. HNT is a conflict resolution framework developed by John Burton, with the view that the denial of basic human needs, security, identity, and participation can contribute to the conflict. This theory provides a comprehensive understanding of the Niger Delta conflict by highlighting the affected communities' human needs. In the Niger Delta crisis, the inability to address the basic human needs of the communities remains one of the vital factors contributing to the escalation of the crisis and instability of the region. However, John Burton was able to analyse 12 basic human needs that are universal and fundamental:

1. Security: Protection from harm, violence, and exploitation.
2. Identity: Recognition of cultural, social, and personal identity.
3. Participation: Involvement in decision-making processes that affect one's life.
4. Autonomy: Freedom to make and act upon choices.
5. Dignity: Respect and recognition of one's worth and dignity.
6. Equality: Fair treatment and equal opportunities.
7. Justice: Access to fair and impartial justice.
8. Control: Ability to control one's life, including access to resources and opportunities.
9. Self-esteem: Positive self-image and self-worth.
10. Personal growth: Opportunities for personal development and growth.
11. Affiliation: Sense of belonging and connection to others.
12. Cultural preservation: Preservation of cultural heritage and traditions.

However, almost all of the aforementioned factors have roots in one way or another as the main sources of conflict in the Niger Delta crisis. The denial of basic human needs has contributed to the conflict in the Niger Delta region. Indeed, the presence of oil companies and government security forces has led to human rights abuses, displacement, and violence, denying communities their right to security, including threats. The exploitation of oil resources has led to the erosion of traditional livelihoods and cultural practices, threatening the identity of Niger Delta communities, including the exclusion of community representatives from decision-making processes related to oil extraction and revenue allocation. Furthermore, pollution and environmental degradation caused by oil extraction have denied communities their right to dignity and a healthy environment. The unequal distribution of oil revenues and the lack of access to basic services have perpetuated inequality and injustice.

These aforementioned factors have led to the high level of insecurity, such as killing, kidnapping, raping, robbery, pipeline vandalism, and other forms of anti-social activities in the Niger Delta region.

The Niger Delta crisis is a complex issue driven by multiple factors, such as the following:

1. Abuse of human rights and violence by security forces
2. Through the exploration's activities, traditional livelihood and cultural practices has been eroded
3. Community exclusion from decision-making processes
4. Environmental degradation and pollution
5. Unequal distribution of oil revenues and lack of basic services access
6. Corruption and mismanagement among stakeholders

However, to achieve peace in the Niger Delta region, the crisis requires a comprehensive approach to address its root causes, prioritising community rights, environmental sustainability, and equitable resource management and corruption.

Niger Delta Instability: A Threat to Nigeria's Economic Stability

The Niger Delta crisis has become a byword for persistent and recurring violent conflicts, claiming hundreds of lives and causing property damage worth billions of dollars. Specifically, the Ogoni (1994/1995), Ijaw/Ilaje (1998-2000), Odi (1998/1999), Warri (Urhobo/Itsekiri, 1952, 1981, 1987, 1997-2002), and Ogbijaw/Itsekiri (1995-2004) conflicts have resulted in significant loss of life, destruction of properties, and loss of production time and revenue for both oil companies and the Nigerian economy.

Following the activities of oil companies, the Niger Delta has been exposed to the dangers of pollution and health hazards. The region's ecosystem has been severely impacted, with widespread oil spills, gas flaring, and natural habitat destruction. The high activity level of the Niger Delta has exposed the area to severe environmental degradation, including water, land, and air pollution, as well as oil spills that have endangered aquatic life and the entire ecosystem. Deforestation has led to biodiversity loss in mangrove swamps, destroying nurseries and feeding grounds for commercially important fish and crustacean species.

The Niger Delta has been denied essential social and economic infrastructure and development, including electricity, good roads, and piped water. The region has high rates of rural and urban unemployment. The neglect of the region has led to the breeding of an army of miscreants. Most externalities associated with crude oil exploitation in the Niger Delta are non-quantifiable and have severe consequences for the people. These externalities have led to socioeconomic problems, including high levels of poverty and unemployment, community and oil company conflicts, intercommunity conflict over land and compensation, decay in societal values, high fuel costs, housing and infrastructure shortages, moral decadence, and high crime rates. These problems are rooted in the federal government's revenue-sharing principles, formulas, and practices, which have deprived the Niger Delta of much-needed funds (Okoh & Egbon, 1999; Egbon & Okoh, 2000; Okoh, 2005; Okoh, 2002). Although the federal government has increased revenue sharing to the Niger Delta states since 2000, and infrastructure development has improved through the Niger Delta Development Commission (NDDC), poverty, unemployment, and violent conflicts remain prevalent.

Initiatives of the Nigerian government to manage the crisis

The following are the strategies adopted by the Nigerian government and stakeholders to manage the Niger Delta conflict:

Government Strategies

1. **Creation of Institutions:** In an effort to curb the ongoing crisis in the Niger Delta region, the Nigerian government has succeeded in establishing institutions, such as the Oil Mineral Producing Area Development Commission (OMPADEC) in 1992 and the Niger Delta Development Commission (NDDC) in 2000, specifically

to address the difficulties and suffering of the inhabitants of the oil-producing areas of the Niger Delta. Indeed, all these were established mainly to tackle the ecological and developmental challenges faced by these communities, but were later plagued by allegations of corruption and mismanagement, which hindered its effectiveness and objective.

2. Revenue Allocation: The derivation principle allocates natural resource revenues to resource-producing states and regions based on a perceived equitable formula. The current 13% derivation revenue allocated to the Niger Delta region is a result of political negotiations and lacks a sound technical basis for increasing revenue allocation to address economic grievances.

3. Amenity Provision: Provision of social amenities such as roads, schools, and health care facilities.

1. Amnesty programmes: The Nigerian government has implemented amnesty programmes for militants, but these programmes have been criticised for being inadequate and failing to address the root causes of the conflict.

2. Cash payments: The government has made cash payments to communities affected by oil extraction and to some militants. However, these payments have been insufficient and have failed to address the underlying issues.

3. Military intervention: The government has employed military force to quell violence; however, this approach has been criticised for being heavy-handed and failing to address the root causes of the conflict.

Despite the implementation of all aforementioned strategies by the stakeholders as efforts to end the crisis in the Niger Delta region, they showed some positive effect in certain areas but ultimately failed to achieve their intended goals and objectives and crisis persist and the region remains volatile. This highlights the need for a reassessment of the approaches used and consideration of new, more effective strategies to address the complex issues driving the conflict.

Some potential areas for reassessment include the following:

Inadequate community engagement: Insufficient involvement of local communities in decision-making processes may have contributed to the limited success of previous strategies.

Insufficient economic opportunities: The lack of economic empowerment and job creation may have intensified the crisis, highlighting the need for sustainable economic development initiatives.

Inadequate environmental remediation: To address the root causes of the crisis, the region's environmental degradation may require more comprehensive and sustained remediation efforts.

Lack of accountability and transparency: Inadequate governance and resource management accountability and transparency may have contributed to mistrust and conflict.

Inadequate social services: Insufficient access to basic social services, such as health care and education, may have intensified social tensions and conflict.

Insecurity and militarisation: The presence of armed groups and militarisation may have contributed to human rights abuses and further instability.

Corruption and poor governance: Corruption and poor governance may have undermined efforts to address the crisis and promote development.

To move forward, stakeholders could consider the following:

Inclusive dialogue: Engaging local communities, civil society, and other stakeholders in inclusive dialogue to identify solutions that meet all parties' needs.

Sustainable development: Investing in initiatives that promote economic empowerment, environmental sustainability, and social well-being.

Security sector reform: Reforming the security sector to ensure that it is accountable, transparent, and responsive to the needs of local communities.

Governance reform: Governance reforms that promote transparency, accountability, and inclusivity in decision-making processes.

By acknowledging these challenges and exploring new approaches, stakeholders can work towards finding more effective solutions to the NDC. A multifaceted approach that addresses the complexity, social, economic, and environmental challenges of the region may be necessary to achieve lasting peace and stability.

Conclusion

The Niger Delta crisis is a complex issue driven by multiple factors, including human rights abuses, environmental degradation, loss of livelihoods, exclusion from decision-making, and unequal distribution of oil revenues. However, inappropriate restorative measures have intensified the crisis, leading to violence, insecurity, and human suffering. To effectively manage the crisis, a comprehensive approach is needed, prioritising community rights, environmental sustainability, equitable resource management, and accountability.

Recommendation

Indeed, restorative justice offers a valuable framework for addressing the consequences of inappropriate restorative measures in managing violent conflict in the Niger Delta. Therefore, focusing on repairing harm, promoting accountability, and fostering dialogue and reconciliation, restorative justice can help to promote healing, sustainable peace, and development in the region, includes:

Dialogue and negotiation: Therefore, all stakeholders should engage in dialogue and negotiation to peacefully resolve conflicts, while community-based initiatives can help build trust and promote peace.

Environmental restoration and cleaning up pollution: Oil companies must take responsibility for cleaning up pollution caused by their operations and restoration of natural habitats and ecosystems damaged through oil exploration and production.

Addressing poverty and unemployment through job creation and economic empowerment: Indeed, the government and oil companies can invest in initiatives that create jobs and stimulate economic growth in the region, including infrastructure development, building roads, bridges, and other critical infrastructure to improve access to markets, services, and opportunities.

Security sector reform: Implementation of security sector reform to ensure that security forces are accountable, transparent, and responsive to local communities and community policing and the establishment of community policing initiatives to build trust and improve relationships between security forces and local communities.

Protection of human rights: Holding the perpetrators of human rights abuses accountable and providing justice to victims remains a vital tool in achieving a panacea for peace in the region.

The attitudes of the Nigerian government in responding to the conflict with force added to the wound that led to widespread human rights abuses and environmental degradation.

By adopting all these recommendations, stakeholders could serve as a panacea for finding effective solutions to the Niger Delta crisis, which would promote lasting peace, stability, and sustainable development in the Niger Delta region.

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