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# Corruption in Oil Revenue Distribution and Conflict in Bayelsa State, Nigeria

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**Corruption in Oil Revenue Distribution and Conflict in Bayelsa State, Nigeria**

By

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Dissertation for the degree of Doctor of philosophy in International Conflict Management

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## Abstract

In the last seventeen years, several high level government officials in Nigeria have faced corruption charges totaling \$22 trillion dollars related to oil revenues. In Bayelsa State, a Nigerian state that produces oil, officials have been marked with high level corruption in oil revenue. In particular, the state faces constant conflicts among the government, multinational oil corporations, and the people of the state. Based on these observations, this dissertation seeks to understand the relationship between corruption in oil revenue redistribution and perpetuation of conflicts in Bayelsa State of Nigeria.

Bayelsa State is one of the nine states in Nigeria's Niger Delta with abundant crude oil deposits. Oil revenues, which constitute the bulk of Nigerian government revenue, are collected by the federal government and shared among the states of the federation. Since 1996 when Bayelsa State was created, the federal government has allocated to the state a 13% derivation, of excess crude, and statutory allocations share of oil revenues, worth billions of dollars. These allocations are constantly disputed by many local stakeholders of the oil and non-oil producing states. This large amount of petrol-dollars has had little effect on the pervasive unemployment, poverty, environmental degradation, and violent conflicts in the Niger Delta and specifically in Bayelsa State. The state witnesses continued conflicts.

I argue that people's perceptions of corruption create and/or perpetuate conflicts in Bayelsa State. Based on Collier and Hoeffler's (2005) greed and grievances theory, those who redistribute accruals from oil revenues channel public funds for their private gains (greed) rather than serving the public interests for which they were elected or appointed. I also argue that anti-corruption laws and institutions do not prevent conflict in Bayelsa State. The study's methodology included interviews of Bayelsans, focus group discussions, and participant observation in oil-bearing and oil-impacted communities in the state, bureaucrats, multinational corporation officials, and politicians in Bayelsa State. The transcripts of these interviews were coded and content analyzed to determine dominant patterns and themes. I found that corruption has created and/or perpetuated a host of conflicts including intra- and inter-community conflicts, conflicts between militants and the government's military task force, and conflicts between host communities and multinational oil corporations. The majority of citizens who feel deprived of their benefits from oil revenues voiced their dissatisfaction (grievance) with the way oil revenues were redistributed to favor very few Bayelsans. I also found that the perceived forms of corruption weakened anti-corruption laws and institutions thus rendering them ineffective in preventing violent conflicts in Bayelsa State.

Based on the findings, I put forward some policy recommendations such as amending existing laws to include life ban on convicted corrupt officials, professionalizing anti-corruption agencies, and restricting the president from unilaterally determining the dismissal of chairpersons of EFCC and ICPC. If these recommendations are adopted, they will curb corruption, strengthen laws and institutions, improve the life of the people, and reduce violent conflicts in Bayelsa State.

*Key words: Bayelsa State, Corruption, Conflicts, Oil Revenues, 13% Derivation, Excess Crude, Statutory Allocations*

## **Dedication**

This dissertation is dedicated to my late parents, Mr. and Mrs. Thomas O. A. Ibekwe, community leaders and peace activists. To my siblings who took over from where my late parents stopped to ensure that I actualize my academic dream. An to my wife, Lady Nkechi E. Ibekwe, and my son, Chibunna David Ibekwe



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## **Abbreviations and Acronyms**

ACID .....	Anti-Corruption Internet Database
AGF .....	Attorney General of the Federation
BSHA .....	Bayelsa State House of Assembly
CAGIL .....	Coalition Against Impunity and Illegality
CBN .....	Central Bank of Nigeria
CIA .....	Central Intelligence Agency
CPI .....	Corruption Perception Index
ECA .....	Excess Crude Account
EFCC .....	Economic and other related Financial Crimes Commission
FCT .....	Federal Capital Territory
FGD .....	Focus Group Discussion
FDI .....	Foreign Direct Investment
FFP .....	Fund for Peace
FGN .....	Federal Government of Nigeria
FRN .....	Federal Republic of Nigeria
HRW .....	Human Rights Watch
IAACA .....	International Association of Anti-Corruption Authorities
ICPC .....	Independent Corruption and other related Practices Commission
IGR .....	Internally Generated Revenues
IRB .....	Institutional Review Board
IYC .....	Ijaw Youth Council
JAMB .....	Joint Admission and Matriculation Board
JTF .....	Joint Military Taskforce
LNG .....	Liquefied Natural Gas
MASSOB .....	Movement for the Actualization of the Sovereign State of Biafra
MEND .....	Movement for the Emancipation of the Niger Delta
MINDA .....	Ministry of Niger Delta Affairs

Mbpd .....	million barrels per day
MNOCs .....	Multinational Corporations
MOSOP .....	Movement for the Survival of Ogoni People
MOU .....	Memorandum of Understanding
NAL .....	Nigeria Airways Limited
NAOC .....	Nigerian Agip Oil Corporation
NDCBP .....	Niger Delta Citizens Budget Platform
NDDC .....	Niger Delta Development Commission
NDV .....	Niger Delta Volunteers
NDVF .....	Niger Delta Volunteer Force
NEITI .....	Nigerian Extractive Industry Transparency Initiative
NGOs .....	Non-Governmental Organizations
NPC .....	National Population Commission
NNPC .....	Nigerian National Petroleum Corporations
NYSC .....	National Youth Service Corps
NWOPP .....	Nigerian Watch organization and Partners for Peace
OECD .....	Organization for Economic Co-operation Development
OMPADC .....	Oil Mineral producing Area Development Commission
PO .....	Participant Observation
RGE .....	Regional Grassroots Empowerment
RDCs .....	Regional Development Committees
RMAF .....	Revenue Mobilization, Allocation, and Fiscal Commission
RNC .....	Royal Niger Company
SPDC .....	Shell Petroleum Development Corporation
SSABS .....	Senior Scholarship Applicant of Bayelsa State
StAR .....	Stolen Asset Recovery
TI .....	Transparency international
TSKJ .....	Technip, Snamprogetti

KBR ..... Kellog Brown & Root, Inc.  
USIP ..... United States Institute of Peace

## **Chapter 1**

### **Introduction**

This dissertation examines the connection between the perceptions of corruption in the distribution of oil revenue and violent conflicts in Bayelsa State of Nigeria. In this state, bribery, embezzlement of public funds, cronyism, political patronage, and other related forms of corruption, have been on the rise since 1999. Using primary and secondary data, this study concludes that perception of corruption in oil revenue distribution creates and perpetuates conflicts in Bayelsa State.

Nigeria is the most populous nation on the continent of Africa. The last census exercise conducted in 2006 its National Population Commission (NPC) puts the country's population at 140 million. However, census figures in the country are always disputed. In the absence of widely acceptable population data, scholars and organizations use population estimates for Nigeria. The CIA, as one of such organizations, puts Nigeria's 2013 population at 174,507,539 people. The country is culturally, linguistically, economically, and politically diverse. In the pre-crude oil period, the economy of Nigeria was based on agriculture, with crops such as groundnuts (peanuts), cocoa, and palm oil providing the country's foreign exchange earnings. Scholars of Nigerian economy associate these three crops with each of the country's three dominant regions – palm oil in the East, groundnuts in the North, and cocoa in the West (Ikeji, 2011).

Although crude oil was discovered in commercial quantities in 1958, oil revenue did not supplant revenue from agricultural export until after the country's civil war. In fact, the "oil boom," which was responsible for the decline in agricultural production, did not occur until the mid-1970s. The oil boom itself was a combination of factors, including the sky-rocketing of oil

prices owing to the 1973 Arab-Israeli War (Adebayo, 2012). Agricultural production was still strong even throughout the civil war period (1967-1970) in Nigeria. The then head of state, retired General Yakubu Gowon, bartered cocoa (and not oil) for weapons to subsidize the war (Ekpo, 2004; Ikelegbe, 2005; Ojakorotu, 2005). Since then, the country has risen to be among the top ten producers of oil in the world. As one of the leading world oil producers and the fifth supplier of oil to the United States, the country derives over 90 percent of its revenue from oil resources (Ikelegbe, 2005). Reporting on Nigeria's income from oil over a nine year period, Global Witness (2010) stated that "Nigeria earned between 2000 and 2008 roughly US \$370 billion in oil and gas exports" (p. 6). This oil revenue is shared among Nigeria's federal, states, and local governments, using a distribution formula. This revenue sharing system is often referred to as 'statutory allocation.' One of the key principles in this formula is 'derivation'—through which a 13 percent portion of the oil wealth is returned to the oil producing states.

Unlike the agricultural produce found in the three former dominant regions – East, North, and West – of the country, Nigeria's oil basin is located in the Niger Delta region. This region is located in parts of the former Eastern and Western regions of Nigeria. The ownership, attribution, and control of oil, including offshore oil, remain to-date a recurring debate in Nigerian. While the Supreme Court of Nigeria (2002) ruled that the entire country rather than the states in the Niger Delta region owns the offshore crude, many writers including Ekpo (2004), Ikelegbe (2005), Ojakorotu (2005), and Omeje (2006), argue that one hundred percent of Nigeria's onshore and offshore oil is derived from the Niger Delta region and should therefore receive the bulk of the revenue. The Niger Delta region is made up of nine states which are Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo, and Rivers (Ekpo, 2004).

The discovery of oil could be a huge blessing or curse to an area. As a blessing, the revenue from oil should create jobs, provide welfare services including unemployment benefits, develop infrastructure, improve security, add to the state's pension fund, and other related benefits (Nigeria's 1999 Constitution, Chapter 2, Section 14 and 16). These benefits help to cushion the negative effects of oil exploration activities.

Contrary to these positive expectations, some members of the Nigerian political elite deliberately held back statutory allocations, revenue from oil and non-oil sources, for possible looting (SDIC, 2008). They used the revenue accruing from crude oil to promote political, familial, and other self-serving interests at the expense of the majority of Nigeria (Achebe, 2000). This situation has led some agencies like Transparency International (TI) and the World Bank to label Nigeria as a corrupt country (Transparency International, 2012). According to the TI's annual corruption perception index (CPI) report, Nigeria has been consistently ranked among the most corrupt countries of the world. In the recent CPI report, Nigeria was ranked 139 out of 179 countries studied around the world. In the study, the country scored 27 out of a maximum score of 100 (Transparency International, 2012). A country that scores less than 50 on the 100-point scale is considered corrupt. TI groups countries that score less than 30 points on its scale as "the worst corrupt" countries. It is on the basis of the country's score that it was ranked among the worst corrupt nations of the world. One may use this score to explain the prevalence of corruption in Bayelsa and other states in the country.

Many studies on corruption in Nigeria, such as Adebayo (2012), Transparency International (2012), World Bank (2008), and SDIC (2009), have detailed how corruption is at the root of most of the problems such as underdevelopment, the collapse of the Nigerian economy, and the lack of security plaguing the country. Indeed, available literature shows that

the billions of dollars Nigeria and the oil producing states make annually from oil have produced little real benefits to the oil producing areas. While Nigeria as a whole is lacking in basic amenities, its Niger Delta region has been further denied opportunities for necessary economic development, education, and security of life and property as special groups like political class and dominant ethno-linguistic groups and individuals such as governors, traditional chiefs, and their cronies, use up resources meant for the people (Ekpo, 2012; Ikelegbe, 2005; Obi, 2014). There have been constant threats to security of life and property and abandoned development projects including hospitals, roads, and educational institutions in Bayelsa State. The perceptions of Bayelsans include a deliberate neglect and abuse of power and office by those who should care and develop the state. One of the reason those issues emerge and are sustained may stem from the corrupt actions of the groups and individuals that the authors (Ekpo, Ikelegbe, and Obi) identified.

The perceptions people have about the issue of blatant corruption in the distribution of oil revenue, including bribery, political patronage, and looting of public funds in Bayelsa State, is worrisome (Oyadongha, 2013; Sahara Report, 2012). The concentration of oil revenue in the hands of those who embezzled it and the subsequent denial of benefits to the people stirred up emotions in the Niger Delta region. That led the people to clamor for the right to control natural resources found in their area.

As a federation, the demand for resource control has been part of the debate in revenue sharing in Nigeria since 1946 when the regional structure was adopted. During the 1960s, the country's political elites settled for the derivation principle which allowed export proceeds from various agricultural products to be returned to the regions where such produce came from. As rising oil revenue surpassed agricultural export accruals, the same elites that embraced the



derivation principle jettisoned it for other formula like population-based quotas and equality distribution of funds to states.

The Nigerian military became involved in the country's politics and decided to deemphasize derivation (Adebayo, 1993). Then a new struggle began in the oil-producing state, calling for the reinstatement of derivation. One reason for demanding a return to the derivation principle was the expected returns of greater revenue to the oil producing areas (Adebayo 1993). The second reason was to redress what the minority groups perceived as wrongs done to them by the major ethnic groups (Ibekwe and Ewoh, 2012; Ikelegbe, 2006; Omeje, 2006).

### *1.2 Statement of the Problem*

The problem this study investigates is the relationship in the perceived corruption in oil revenue redistribution and the creation and/or perpetuation of conflict in Bayelsa State of Nigeria. This study, unlike previous studies that relied on secondary data, combines primary and secondary data to build a strong argument connecting corruption to the creation and sustenance of conflicts in Bayelsa State.

Bayelsa State, located in the Niger Delta region, was created in 1996. The Nigerian military governments supervised the various state creation exercise in Nigeria starting in 1967. The military provided some justifications for creating states including Bayelsa. Some justifications included: to prevent systematic genocide and ethnocide similar to what took place in the 1967- 1970 Nigerian civil war, to address the issues of ethnic minorities, and to promote rapid national development (Gana, 1987; Obateru, 1995; Ojo and Adebayo, 2008). In some respects, Bayelsa satisfied most of the rationale for its creation in 1996. For example, in an attempt to solve the lingering intra-community conflicts especially between the Nembe and Kalabari communities that had been escalating since the 1920s, Nembe was given to the newly

created Bayelsa State while Kalabari remained in Rivers State (Aluko, 2013). Also, some of the ethno-linguistic groups like the Izon, Isoko, Epie-Atissa, and Nembe that ended up in Bayelsa State felt marginalized and dominated by the more populous Etche, Ikwere, Ogoni, and other ethnic groups in Rivers State. Their agitation for a state may have been influenced by late Chief Obafemi Awolowo's speech quoted in Ojo and Adebayo (2008). In the speech, Awolowo posited that, "Ethnicity is the major factor to be considered as a criterion in creating any state in the federation so that minority groups in the midst of majority groups who differ in language, culture, and historical background will not feel inferior" (p. 335-336). The creation of Bayelsa removed Izon and other ethno-linguistic minority groups from the major ethno-linguistic groups who dominated them in the old Rivers State. However, these ethno-linguistic groups in the new state have not found a workable co-existence formula as new minority groups like Kolokunu, Ekpetiama, Igbirran, Atissa, and Biseni, have found themselves in a Bayelsa State dominated by the Izon ethno-linguistic group. Therefore, a feeling of inferiority may, in return, create and sustain inter and intra group conflict in the state.

Oil production activities in Bayelsa State and elsewhere in the region have exhibited an endless cycle of conflicts. Within the same communities, divisions exist between owners of properties where oil wells are located and owners of other properties that host oil transportation or storage networks. Most of the divisions are centered on compensation packages and sharing arrangements. This is made more complex by the on-shore and offshore dichotomy, Nigerian government policies, and the oil corporations' strategies of paying off militant groups and covering up oil spills. Some communities that are closer to the source of power do receive their fair share of the 13 percent oil revenue allocation via the derivation principle. Perceived lack of accountability and transparency from community leaders and elected officials in some of these

communities, however, result in communities and individuals not getting a fair share of petroleum wealth made from their areas (Kromah, 2003; Nossiter, 2011). The communities and marginalized groups like women and youths take to violent and nonviolent protests to express their grievances over the management of oil resources that they feel belong to all of them.

The governments of Nigeria and Bayelsa State have made several efforts to address these oil related conflicts. Such efforts include, but are not limited to, the establishment of agencies such as the Oil Mineral Producing Area Development Commission (OMPADC), Niger Delta Development Commission (NDDC), and Ministry of Niger Delta Affairs (MINDA); strengthening existing anti-corruption laws and institutions that fight corruption; and co-operation with international and local organizations to recover looted public funds as well as the granting of amnesty to militia groups. Some of these efforts yielded positive results. An example is the 2009 amnesty program that helped to reduce violence, kidnappings, and the vandalism of oil infrastructures by militants and other resource control agitators in Bayelsa. The program, initiated by late President Musa Yar'Adua and continued by President Goodluck Jonathan, granted forgiveness, training, and rehabilitation of Niger Delta militants who renounced violence against the state, fellow citizens, and economic base (oil infrastructures). But many of these efforts, including the enactment of anti-corruption laws and the establishment of anti-corruption agencies like the Economic and other related Financial Crimes Commission (EFCC) and Independent Corruption and other related Practices Commission (ICPC) to curb conflict in Bayelsa and Nigeria, generally failed to produce the desired effect of curbing corruption and reducing negative conflicts associated with it.

These agencies and laws have become part of the political patronage practices and an extension of cronyism in the country and the state (Human Rights Watch, 2013). Appointments

into these agencies are based on connections to people who are in disposition to be loyal to those who appointed and for a certain interest to decide (Ebipade, Bekwei, and Goodhead, 2012). To further demonstrate that appointments to these agencies are based on connection to power brokers, a former chair of the Economic and other related Financial Crimes Commission (EFCC), in a letter urged former President Olusegun Obasanjo to prevail on the incumbent President Goodluck Jonathan to reappoint her as the EFCC chair. Under these patronage practices, minorities in Bayelsa State's oil-bearing and oil-impacted communities who do not sponsor or support a ruling political party are denied representations in many of these federal and state special agencies. The beneficiaries of this corrupt appointment system first use their position to recover what they claim as personal expenses to gain their positions. Secondly, they divert a certain percentage of the public funds to pay royalties to the powers (traditional chiefs and political godfathers) that put and sustain them in office. The Bayelsa State Governor, Dickson Seriake's removal and appointment of the local government chairmen in 2012 confirms what Igonika (2014) characterizes as "intrigues of high-wire politicking and policy summersaults of politicians. They view the local governments as an ass they kick around through the imposition of their political sons and daughters to expand their coast of personal aggrandizement." Such removal of elected officials by the governor and replacement of chairmen with people he personally appointed put a question mark on democracy and accountability in Nigeria.

Using these agencies to settle political score rather than rigorous anti-corruption work could encourage the perpetration of corrupt acts such as embezzlement, stealing, and diversion of public funds. The perpetrators have nothing to lose because their political godfathers are in control of any agency or institution that may question their conducts. For example, former

Governor Diepreye Alamieyeseigha who was convicted of looting billions of naira from the Bayelsa State's treasury, disgraced the state and Nigeria by jumping bail in London and disguising as a woman to return to Nigeria in the night. It took international pressure and clashes among political factions before Alamieyeseigha was arraigned in a federal court in Lagos. At the end of a plea deal, he served only two years in jails and was granted state pardon by President Goodluck Jonathan (Carroll, 2005; Daniel, Bacarese, and Hatchard, 2011; Offiong, 2013; Stolen Assets Recovery Initiatives (StAR)-World Bank, 2013). Compare his case with a jobless young Nigerian who stole a N50,000 (about \$300) worth Erickson cellphone and was sentenced to 45 years in prison (Odesola, 2013). The weight of these two crimes in any criminal code are not the same. However, these two classical Nigerian crime cases and the punishment the legal system prescribed on two criminals show clearly partial treatment. Such actions would call for attention in how Bayelsans and other observers perceive the leaders and their unfair (corrupt) actions.

Another instance was during the field work for this study. One of the participants named one former governor's appointee, Timi Godswill (pseudonym) that represented the state at the Niger Delta Development Commission (NDDC), who was indicted for embezzling N60 million (\$380,108.00) of public funds – NNDC funds which was derived from oil resources. A court sentenced her to three months in prison and she was not asked to refund the looted money. The earlier mentioned convicted former Governor Governor Diepreye Alamieyeseigha, who Nigeria's incumbent President Goodluck Jonathan granted pardon in 2013 (Oludare, 2013) is typical of an instance that calls attention to what people perceive as corrupt actions being condoned for certain individuals. Alamieyeseigha's crime included stealing public funds, money laundering, abuse of office, and other corruption related crimes. The funds stolen and

laundered came from oil revenues that accrued to Bayelsa State while he was the governor of the state (StAR-World Bank, 2013).

In Bayelsa State, contrary to the redistribution of oil revenue for the benefit of the people, giving them better status for social welfare, a few elected officials and bureaucrats have hijacked the state's revenues. Former governors of the state, who were the chief redistributors of oil revenue by virtue of the powers conferred on them by the state constitution, lead an army of few elites who hijacked the state's revenue for personal gains. Governor Alamiyeseigha who administered the state between 1999 and 2005 embezzled more than N50 billion (\$800m) of the state's resources, and only \$620 million was recovered from Alamiyeseigha's loot while \$180 million remains unaccounted for (EFCC, 2004). Alamiyeseigha's successor, Timipre Sylva, ruled the state between 2007 and 2011. According to Odiegwu (2012), Alamiyeseigha mismanaged N660.45 billion (about \$4.403 billion) (Odiegwu, 2012). There still remains the unanswered question about what happened to the recovered \$620 million.

These actions of these elected officials and the way the state and national authorities and institutions protected the looters of the Bayelsa State's resources are all what prompted the protests by women's groups, seizures of oil facilities, and other violent conflicts by irate youths from oil producing communities (Obi, 2005; Ojakorotu, 2005; and RMAFC, 2013). The protesters may not likely end as long as what are being protested against persists in the state.

The governors in the administration of the state even use oil funds to hire private security guards to protect the looters of public funds. The state government, politicians, and local chiefs use the army, police, and other state security apparatuses to suppress communities and groups that demand transparency and accountability in the management of oil revenue. This system of using all sorts of security apparatus to suppress civil groups demanding

transparency and accountability from their leaders is what Obi (2010) referred to as the militarization of the state. Similarly, Ojakorotu, (2005) described the system as “the oilification of the Niger Delta conflicts.” Unemployed youths have established illegal private security companies that politicians and looters of oil resources patronize in order to protect their ill-gotten gains. Politicians have resorted to using these private guards known locally as ‘thugs’ during elections. These practices not only make the state unsafe, but also create tensions among the private security companies as they fiercely compete for clients. The thugs especially engage in killings and maiming of those who stand in the way of their patrons’ pursuits thus creating intra- and inter-community conflicts, the proliferation of militia groups, and other associated conflicts in the state.

#### *1.2a Challenges for the communities*

Many communities in Bayelsa State are located in the creeks with no access roads and no access to communication facilities to link the countryside with the mainland. Most of the oil wells and storage facilities are found in communities located in these underdeveloped countryside (Ekpo, 2004; Ikelegbe, 2004; Olutayo, Ogundiya, and Amzat, 2009). The conditions of the infrastructure and communication in most of the state’s creek communities are very poor. Human Rights Watch (1999) reported that the creek communities are not connected to the electric grid; while proper sanitation and health care are available to less than 25 percent of the riverine dwellers. Studies by Omeje (2006), Watts (2007), and Zalik (2004) documented the difficulties the indigenes of Bayelsa State encounter in their attempts to visit family and business associates located within a few miles of each other. There have been instances when it took several days or weeks before information was sent or received by crises managers living in the capital city of Yenagoa when an oil spill or other emergencies occurred

(Oyadongha, 2010, 2012; Vidal, 2012). The absence of these infrastructures encourages rural-urban migration which, in turn, creates conflicts between urban dwellers and countryside residents, which as well, exacerbates existing tensions.

As part of their corporate social responsibilities, Multinational Oil Companies (MNOCs) do invest some of their profits in community development projects in their host communities. Some civil society organizations, under the auspices of regional development agencies (RDA) and community chiefs are the major contractors and managers of the oil community development funds. According to people in some of the affected communities, officials of the MNOCs, leaders of RDAs, and community chiefs award development contracts for provision of health centers, bore-holes, and electricity to themselves and companies in which they have interests. The contracts funds are collected but the works for which money was collected never get executed, rather the contractors pocket the money. The community people believe that those contractors were never identified or arrested because the people that ought to identify, report, and press for their arrest are the same people that won the contracts. This may be the reason the leadership including government officials and chiefs have failed to convince people on how they negotiated and awarded contracts to companies and individuals that nobody could trace. Some analysts conclude that these community leaders may have viewed the start-up funds as an entitlement due to them as leaders of oil producing and impacted communities. When communities see the MNOCs as not delivering on their agreements outlined in their memorandums of understanding (MOU) between them and the communities, conflicts such as hostage-taking, violent seizures of oil facilities, and vandalism of oil installations do occur.



It is ironic that the state is also one of the most impoverished, prompting Ibeanu (2005) to declare that, “Those who produce wealth are the poorest and those who are wealthy take wealth by force” (p. 37). This situation created two main groups that oppose one another. The first group consist of the ‘poor wealth producers’ and the second group consist of the ‘greedy wealth managers.’ The goal of the poor wealth producers is to control revenue accruing from the wealth they produce while the greedy wealth managers want the status quo to remain so that they can continue to appropriate the revenue that should get to the poor. Thus, violent conflicts over who controls oil revenue in the state have remained endemic.

### *1.2b Political and Economic Interest Groups*

Yet, except for the different ethno-cultural groups that remained fairly stable, political and economic groups in the state constantly experience changes in status, power, and resource ownership, thereby creating unstable relationships among them. The People’s Democratic Party (PDP) that has controlled the government at the state level since 1999 but not most of the state’s eight local government administrations have not had good relations with the state government. In a political culture of ‘winner takes all,’ and the attraction of the 13 percent derivation (a mandatory value of oil revenues deducted and given to areas from where crude oil was derived), Bayelsa has been a hotbed of political wrangling. The governor used his powers of control over local governments to depose local administrators and appointed new ones. The rate of local government chairmen turnover and fatalities associated with it in the state rose from 30 in 2012 to 38 in 2013 (FFP, 2014). Also most of the beneficiaries of the state’s microeconomic program for example are PDP supporters and indigenes of Sagbama, Dickson’s local government of origin. Some of these appointed chairmen met stiff opposition from local groups. The supporters of local chairmen and chiefs deposed by Governor Dickson in 2012

have clashed with supporters of the governor's new appointees. The clashes resulted in deaths and destruction of property (FFP, 2014).

### *1.2c Ethnicity and Grouping Challenges*

Bayelsa State is comprised of one large ethno-linguistic group (Izon or Ijaw) and many other smaller ethno-linguistic groups such as, Kolokunu, Ekpetiama, Igbriran, Atissa, Biseni, Nembe, Ogbia, and Ogbein. Ethnicity as an identity in Nigeria has remained fairly stable over time. Traditionally, women, by virtue of interethnic marriage, can change their ethnic identity more readily than men within these patrilineal community leaders. These small ethnic groups always allege that the more populous Izon group is dominating every important office, and hence acquiring more of the resources of the state. As Morris (2014) noted, development projects in the state are concentrated in the state capital and other Izon ethnic dominated cities. Conflicts among and between these ethnic groups over the use and allocation of the state's resources are constantly occurring.

Inter- and intra-community conflicts are not restricted to ethno-linguistic groups in the state only. Political groups and other social groupings are involved in one form of conflict or the other. The PDP, the most dominant political party in the state and country, and more than 30 other political parties in Nigeria, are engaged in the state's politics. Politicians have used "thugs" during conflicts to fight their opponents and snatch election materials to enable them rig votes. Some of these youth supporters usually given arms during electioneering are abandoned after politicians win or lose elections. Arms and ammunitions given to these thugs are rarely retrieved once they are disengaged by their patrons (Badmus, 2010). The thugs use those arms and ammunitions to violently dispossess other people of their properties, kill rival thugs, and commit other crimes.

Given the foregoing one sees that, in theory, the indigenes of the state, through the government, own the resources but in practice, ownership of natural resources such as oil, land, forestry, and fish are vested in a few privileged groups. These privileged groups usually go any length to retain their position in power so as to retain ownership of the state's resources as it is the only way to satisfy their personal interests (greed). This has prompted many people to agitate for resources control by the people. The agitators in the state and elsewhere in the Niger Delta region have been oscillating from non-violence to violence, civil actions to criminal actions, and a host of other approaches. The Human Rights Watch's report (2006) on the Niger Delta provides evidence of these oscillations. According to the report, Ken Saro-Wiwa's group used letter writing, dialogue, lawsuits, non-violence and civil actions in agitating for resource control. The militia groups that emerged after the death of Saro-Wiwa such as the Movement for the Emancipation of the Niger Delta (MEND), Niger Delta Volunteer Force (NDVF), and Ijaw Youth Council (IYC), used violent approaches such as bombing and kidnapping of oil, government, and traditional officials in their agitation for resource control (Ikelegbe, 2001). The constant change in approaches has made some individuals and groups question the agitators' intentions. Many of the agitators like the NDVF, MEND, and a host of other militant groups operating in the state have conflicting goals ranging from resource control, economic advancement of militia leaders, drug trafficking, and illegal trade in petroleum products (Omeje, 2006; Watts, 2007). The Federal Government of Nigeria (FGN) became involved once the activities of resources agitators began to undermine national security.

In a cursory view, one sees that Bayelsa is an oil producing state comprising of many ethno-linguistic groups. The people who have merged as leaders in the state have continually robbed the people blind, leading to a number of conflicts as the people of the state continually

agitate for better resource management and welfare. This continuity in bad leadership and continued conflicts has generated concerns. This study thus seeks to research on the relationship between corruption in the redistribution of oil revenue and the various conflicts in Bayelsa State. The next section discusses in more detail the purpose of this study.

### *1.3 Purpose of the Study*

The major purpose of this study is to investigate the way what people perceive of corruption in oil revenue redistribution in Bayelsa create and perpetuate conflicts in the state. The specific objective is to assess the perception of the indigenes of the state on how corruption in oil revenue distribution creates and sustains conflicts. Other specific objectives are to find out from the indigenes why efforts to resolve conflicts in the state seem to have not worked, seek ways to address the conflicts and thereby make policy recommendations that can manage and prevent conflicts in Bayelsa. It is expected that the implementation of findings from this study can help to resolve conflicts in the state. The findings can also add to the body of literature on the connection between corruption and conflicts.

### *1.4 Justification for the Study*

Bayelsa State was chosen out of the nine states that make up the Niger Delta region for this study because, relative to other states in the region, it is the only state where two former governors, Diepreye Alamieyeseigha and Timipre Sylva, have been convicted of misappropriating public funds worth N710.45 billion (\$6.4b) within the last ten years (Odiegwu, 2012). Tribunals and local courts have convicted many other civil servants in the state as well. In 2012 alone, twenty senior civil servants in the state ranging from assistant directors to directors were arraigned in courts for corruption charges such as bribery, stealing of public funds, and money laundering (Odiegwu, 2012). It is also the state in the region with the

least developed infrastructure, poor communication networks, dilapidated schools, lack of potable drinking water, and a low human development index especially in Kolukoma/Opukuma, Ekeremor, and Ogbia (Ekpo, 2004).

Another reason why Bayelsa State was chosen for this study is the diversity of conflicts that exist in every part of the state. First, ethnic conflicts are frequent. The major ethno-linguistic group, Izon, and two other groups (Attissa, and Ekpetiama) from the minor ethno-linguistic groups in the state, are constantly involved in violent conflicts with each other. The feud between Izon and other ethnic groups in the area, according to Ejobowah (2000), has been going on for over a decade. The Attissa and Ekpetiama groups always feel that they are being marginalized by their Izon neighbors (Morris, 2012). There are claims of certain groups usurping the state's benefits such as employment opportunities, development projects meant for certain geographical areas of the state, and appointments into political offices for their groups' benefits at the expense of all Bayelsans. Because of its ethnic plurality, the state is best suited for a study of group's perceptions of corruption involving their members and non-members.

In addition, there are also violent confrontations between militants from the various ethno-linguistic groups who joined to fight the Federal Government of Nigeria (FGN) and MNOCs operating in the state. Those groups seem to put their differences aside and form a united front in their struggles against the FGN and MNOCs for resource control, and against environmental degradation. For example, MEND, a militia group operating in the region, draws membership from all the ethnic groups in Bayelsa and other Niger Delta States. MEND was formed with the belief of taking on the FGN and MNOCs that exploit the region and its people (Hanson, 2007; SIDC, 2008). For these reasons, the Bayelsa State is best suited for the study.

### *1.5 Main Research Question and Hypotheses*

The main research question is: How does perception of corruption in oil revenue distribution create and/or perpetuate conflicts in Bayelsa State?

This dissertation hypothesizes that:

H1: Perceptions of corruption create and/or perpetuate conflicts in Bayelsa State.

H2: Anti-corruption laws and institutions do not prevent conflict in Bayelsa State.

### *1.6 Structure of the Dissertation*

This dissertation has eight chapters. Chapter 1 has already been discussed. The remaining other chapters are organized as follows: Chapter 2 provides the history of Bayelsa State, along with a description and discussion of the geographical location of the state, its people, and resources. Chapter 3 presents a review of existing literature on the independent variable (corruption) and the dependent variable (conflicts), specifically in relation to Nigeria. For the independent variable, corruption, the analysis will concentrate on its forms and effects on the society. For the dependent variable, conflict, the analysis seeks to address types of conflicts and factors that cause conflicts especially in oil revenue redistribution in Bayelsa State and Nigeria. This chapter also looks at how the internal systems – ethnic relations, traditional class structures, company/community/government relations, anti-corruption laws and institutions, and prebendal culture in the state are created and/or perpetuated by corruption.

Finally, Chapter 3 highlights applicable theories in the study of corruption and conflict. The relevant theory for this dissertation is greed and grievance theory (Collier and Hoeffler 2006). This theory is found to be the most suitable because it provides an understanding of the link between motivations for corruption (greedy behaviors or private interests) and grievances in a society. Conflicts lie at the intersection where those who believe that it is their right to

determine what other people get in the society and those who believe that those self-made determinants of other people's entitlements are depriving them of their benefits as members of the society. In other words, greed begets grievance. Informal power network systems help to sustain this self-made state benefit determinants.

Chapter 4 outlines the methods used in this study. This chapter is divided into sections including the conceptualizations and operationalization of key variables. It as well deals with the adopted research design, sampling (i.e., the sampling frame, sample size, and sampling approach), the nature of the data collection procedures, and the approach to data analysis. Chapter 5 discusses three sources of oil revenue and acts of corruption in the process of redistributing revenues accruing there from the state. The primary and secondary data collected during the researcher's fieldwork is presented using appropriate tables. Chapter 6 presents and analyzes data sets on the perception of people on corruption in oil revenue redistribution and how they create and/or perpetuate conflicts in Bayelsa. Findings in this chapter will help answer the main research question as well as provide support for hypothesis #1 stated above.

Chapter 7 presents and analyzes data on the working of the anti-corruption laws and associated institutions such as Chapters 12 and 38 of the Nigerian Criminal Code that deal with corruption and its related offenses; and the law courts, ICPC, and EFCC, agencies that the country put in place to interpret and enforce anti-corruption laws. This chapter presents and analyzes data on how these laws and institutions work in Nigeria. The findings provide support for hypothesis #2. For example, the study finds that existence of these laws and institutions and the selective manner in which they have been applied did not prevent political office holders in the state from looting public funds. The United Nations through its specialized agency, StAR, is currently helping the state recover some of the funds looted by its former officials. This

effort of the United Nations agency is what the Nigerian anti-corruption laws and institutions ought to have done in the first place if they have been effective.

Finally, Chapter 8 summarizes the findings from this study. Among the major findings are that the state relies almost exclusively on oil revenue for its sustenance thereby leaving other natural resources in the state underutilized. The culture of looting public funds, favoritism in the sharing of public benefits, bribery, and other forms of corruption ensured that the state's resources are concentrated in the hands of the few. The masses of the people, who suffer the most as the few enrich themselves with resources that belong to all Bayelsans, react and compete violently for crumbs left behind by their leaders. They are also pushed to participate in dreadful acts by their 'greedy' political patrons. Violent competitions pit different groups, factions, and socio-political networks in the state against one another.

Patronage and network systems created and, or weakened anti-corruption laws and institutions thereby rendering them ineffective in fulfilling the purpose for which they were created. The behaviors of state leaders further weaken mechanisms that are supposed to prevent corruption and the subsequent conflicts. Based on these findings, Chapter 8 provides some policy recommendations that if considered and implemented could help reign in corruption which is associated with violent conflicts in the state. This chapter also discusses the limitations to this study, ethical considerations, and future research direction on corruption especially at the local level.



## **Chapter 2**

### **About Bayelsa State of Nigeria**

#### *2.1 Introduction*

This chapter provides an overview of Nigeria's geo-political arrangement, the Niger Delta region of Nigeria, and Bayelsa State. It also contains a detailed discussion of Bayelsa State including but not limited to its creation in 1996, location in Nigeria, state and local administration, population and resources. This overview is necessary in understanding the economic importance of Bayelsa State to Nigeria's economic viability, the various vested interests in the crude oil deposit in the state, and how the state is run by political leaders.

#### *2.2 Nigeria's Geo-Political Arrangement*

The country was divided into six geo-political zones to enable an even spread of opportunities and to establish stability. The zones are North-Central, North-East, North-West, South-East, South-South, and South-West. Following the return to civilian rule in Nigeria in 1999, after decades of military administration, the PDP, one of the key political parties in Nigeria, has ruled the country and dominated the Bayelsa State government. The leaders of PDP reached an understanding with other members of the party that a rotational presidency, which creates an opportunity for each of the six geo-political zones of the country to produce in sequence the presidential candidate for the country, was the best way to ensure political stability in the country. For an opportunity and the envisaged stability to occur, the country was divided into six geo-political zones. Other political parties that contested the 1999 election which ushered in the civilian administration in Nigeria and its 36 states also adopted this rotational presidency policy. This policy required that if a party's presidential candidate for a general election came from a northern zone, for example, the party should pick its next presidential candidate for the

next election from one of the other zones. This rotational formula, however, did not entirely eliminate political problems. There were still contentions in the subzones in producing candidates for the zones that gets a turn to produce the next president. Within each subzone, there exist multilayered groups including ethno-linguistic, economic blocs, and kingmakers contending for the ‘all important presidential seat.’ In such divided society, potential conflict recipes include ethnic fragmentations, informal powers, and group interests’ dominance.

It is important to note that this zonal arrangement was not incorporated in the 1999 Constitution of the Federal Republic of Nigeria (FRN). The reason this zoning system was not inserted in the constitution was because the power brokers in the north and south political divides have refused to accept any arrangement that tends to make the two divides equal (Odiegwu, Ubabukoh, Baiyewu, and Okpi, 2012). Protecting the interests of the zones that nominated them, the framers of the constitution never discussed or voted for such arrangement during the constitutional conference. Consequently, the politicians and their respective political parties agreed, in principle, to adopt the zone system in allocating seats within the parties. Zone system was used during the 1999 general elections but overlooked in subsequent elections.

Nigeria’s South-South zone is made up of six states, Akwa-Ibom, Bayelsa, Cross River, Delta, Edo, and Rivers (*Figure 2.1*). These states are located in the areas colored in light blue. Bayelsa State is the southernmost, located on the west side of Rivers and south of Delta States. A major characteristic of the states in the South-South is that they are all oil-bearing and oil-impacted communities. Oil-bearing communities are those communities that have crude oil deposits. Oil-impacted communities are those that may not necessarily have crude oil deposits but are impacted by oil exploration and processing activities such as oil pipelines traversing

through them, oil spills polluting their environment, and lands taken from them for oil storage or flow stations.

Figure 2.1: *Map of Nigeria Showing the Six Geo-Political Zones*



Source: Google images 2013.

### 2.3 Nigeria's Niger Delta Region

The six oil-producing states in the South-South geo-political zone are joined by Abia, Imo, and Ondo States to make up nine states classified as the greater Niger Delta region of Nigeria (Figure 2.2). Abia and Imo States are in the South-East while Ondo State is in the South-West geo-political zones respectively. The Niger Delta region is Nigeria's economic base. All the off-shore and onshore oil that account for more than 80% of the country's annual revenues are derived from the Niger Delta (Obi, 2002; Ojakorotu, 2005; Omotola, 2010; Osaghae 1995). It is also on record that this region is notorious for violent conflicts among the various contending interests groups such as resource control agitators, Federal Government of Nigeria (FGN),

criminal gangs, and Multinational Oil Corporations (MNOCs) (Abdallah, 2012; Akinola, 2012; Ejibunu, 2007; Henderson, 2013).

## *2.4 The Geography, Population, Politics, and People of Bayelsa State*

### *2.4a Geography and Population*

The dynamic history and politics of Nigeria have, many times, placed Bayelsa State in different geo-political zones. During the colonial era, it was part of the Southern Protectorate of Nigeria. When in 1954 Nigeria was divided into three regions, the area remained in what was then known as the Eastern Region. With the country gaining independence in 1960, the independent government retained the regional system but the 1966 first military administration of a post independent Nigeria discontinued the regional system and created 12 states from the existing regions. Again, parts of Bayelsa remained in the East Central State of Nigeria. Another state creation exercise in 1973 conducted by then military government of Murtala Mohammed and Olusegun Obasanjo put the whole area now called Bayelsa State, into Rivers State of Nigeria. Then in the last state creation exercise conducted by the Sani Abacha military regime in 1996 Bayelsa was carved out from the Rivers State. The state's name was derived from three original local government areas (L.G.As) (Brass, Yenagoa, and Sagbama) that formed the state.

Currently, Bayelsa State has a total of eight L.G.As (*Table 2.1*). Yenagoa L. G. A, which is the state's capital has more infrastructural development projects than the other seven LGAs. Most of the other L.G.As lack basic infrastructure and lie deep in the creeks. The lack of infrastructure in most of the creeks makes residents in such areas to migrate to Yenagoa, Akaubiri, and Akaba (Ekpo, 2004).

Bayelsa is among the states that share Africa's largest wetland (Nwankwoala, 2012). Its population is 1,703, 515 people which is 1.22% of Nigeria's population (National Population

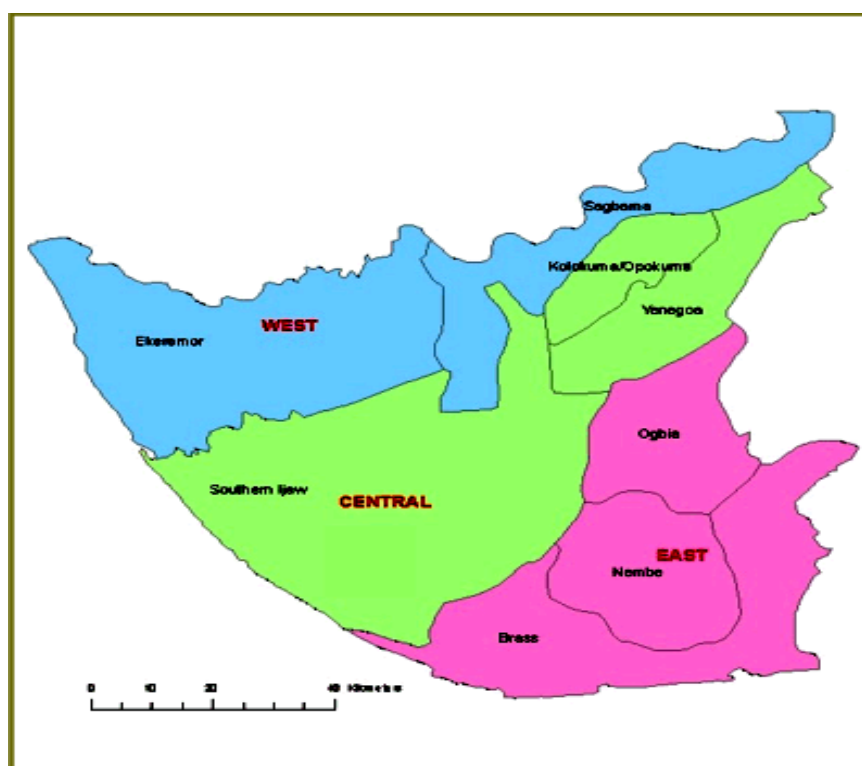
Commission, 2006). It is the least populated state in Nigeria. The local governments and their corresponding populations are shown in *Table 2.1* below. *Figure 2.3* which follows *Table 2.1* shows location of the eight L.G.As of Bayelsa State.

Table 2.1: *Bayelsa State's L.G.As and Population*

LGA	POPULATION	Percentage
Brass	184, 127	11
Ekeremor	269,588	16
Kolokuma/Opokuma	79,266	5
Nembe	130,966	8
Ogbia	178,606	11
South Ijaw	321,808	18
Yenagoa	352,285	20
Sagbama	186,869	11
<b>Total</b>	<b>1,703,515</b>	<b>100</b>

Source: Nigerian National Population Commission 2006.

Fig 2.3: *Map of Bayelsa State of Nigeria Showing Local Government Locations*



Source: [www.googleimages.com](http://www.googleimages.com).

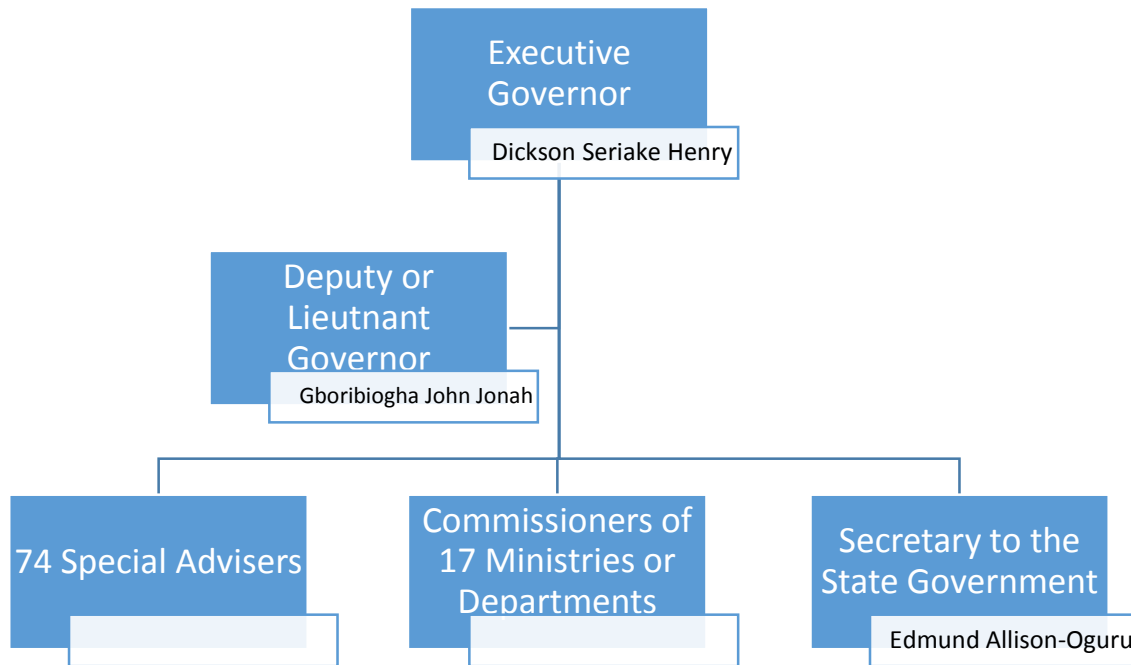
Bayelsa State is bordered by Delta State in the west, Imo State to the north, and the Atlantic Ocean to the south. Bayelsa was administered by five military administrators prior to 1999 when Nigeria returned to civilian rule. The number of successive elected and appointed civilian governors in the state since its creation prompted additional attention of researchers studying the state.

#### *2.4b Politics and State Administration*

The administration of Bayelsa State is structured like other states of the FRN and in accordance with the constitution which provides that the state establishes an executive branch of government headed by an elected governor. The governor is the Chief Executive of the state and performs all the functions associated with the office including but not limited to the appointment and supervision of members of the state executive council (i.e., commissioners), top civil servants, and local government chairmen, as well as the creation of new kingdoms in the state, and management of other non-human resources (e.g., oil, timber, and fish). All seventeen ministries and their political heads known as commissioners, the Deputy (Lieutenant) Governor, 74 Special Advisers, 163 Special Assistants, and a host of other political and bureaucratic offices created by the state government report directly to the governor (Miepano, 2012; NairaLand, 2012).

*Figure 2.4* below gives a pictorial representation of the state's administrative structure. Some extra units including Special Assistants, Permanent Secretaries, and Directors General, are not represented in the figure to avoid overcrowding the organizational chart. Only the governor's office, deputy governor, special advisers, commissioners, and secretary to the state government are depicted.

Figure 2.4: *The Organizational Structure of Bayelsa State*



Consistent with military regimes that created and had governed the state, the military appointed its officers to govern the state from 1996 to 1999 when the country reverted to civilian rule. *Table 2.2* below presents a summary of the governors of the state from its creation to the time of writing this dissertation. A total of four military administrators and seven civilian governors including the incumbent Governor Dickson Henry Seriake have ruled the state since 1999. Four out of these seven civilian governors were elected while the remaining three acted as governors following political conflicts that have dogged the state. *Table 2.2* lists the military administrators and civilian governors of the state, their time in office, the type of mandate, and how their tenure ended.

Table 2.2: *Past and Present Governors of Bayelsa State*

<b>Governor</b>	<b>Tenure of Office</b>	<b>Type of Mandate</b>	<b>How Tenure Ended</b>
Ayeni Philip	10/7/1996-2/28/1997	Military Administrator	Military Reshuffle
Daura Habu	2/28/1997-6/27/1997	Military Administrator	Military Reshuffle
Omoniyi Caleb	6/27/1997-7/9/1998	Military Administrator	Military Reshuffle
Obi Paul	97/9/1998-5/29/1999	Military Administrator	Military ended Rule
Diepreye Alamiyeseigha	5/29/1999-12/9/2005	Elected Governor	Impeached for corruption
Goodluck Jonathan	12/9/2005-5/29/2007	Constitutional Replacement (CR)	End of Diepreye/Goodluck term
Timipre Sylva	5/29/2007-4/16/2008	Elected Governor	Court nullified Election
Werinipe Seibarugo	4/16/2008-5/27/2008	CR	Re-Election of Sylva
Timipre Sylva	5/27/2008-1/27/2012	Elected Governor	Supreme Court Decision forced him to step down
Nestor Binabo	1/27/2012-2/14/2012	Speaker of State House of Assembly & CR	Election of Seriake Dickson
Dickson Seriake Henry	2/14/2012-Date	Elected Governor	Still in Office

Source: Dickson, S.H. (2013). *Administrators of Bayelsa State*.

Apart from the bureaucracy and its hierarchies, each governor is assisted by a deputy or lieutenant governor, secretary to the state government, commissioners, special advisers, and many other aides in the administration of the state. The governor and his deputy are elected in a single ballot. The state's constitution empowered the governor to appoint his executive council. The commissioners are politicians, and are members of the state executive council (*Figure 2.4*). Though the governor appoints them, they must be confirmed by the State House of Assembly (BSHA). The appointment of special advisers and assistants are not subject to SHA's approval.

#### 2.4c *Traditional Administration in Bayelsa State*

The traditional administration of Bayelsa State is based on hierarchical chiefdoms. The highest kingdoms are called 'First-Class Communities' headed by 'First-Class Chiefs.' There are twenty-four such first-class communities ruled by first-class chiefs. The remaining two other

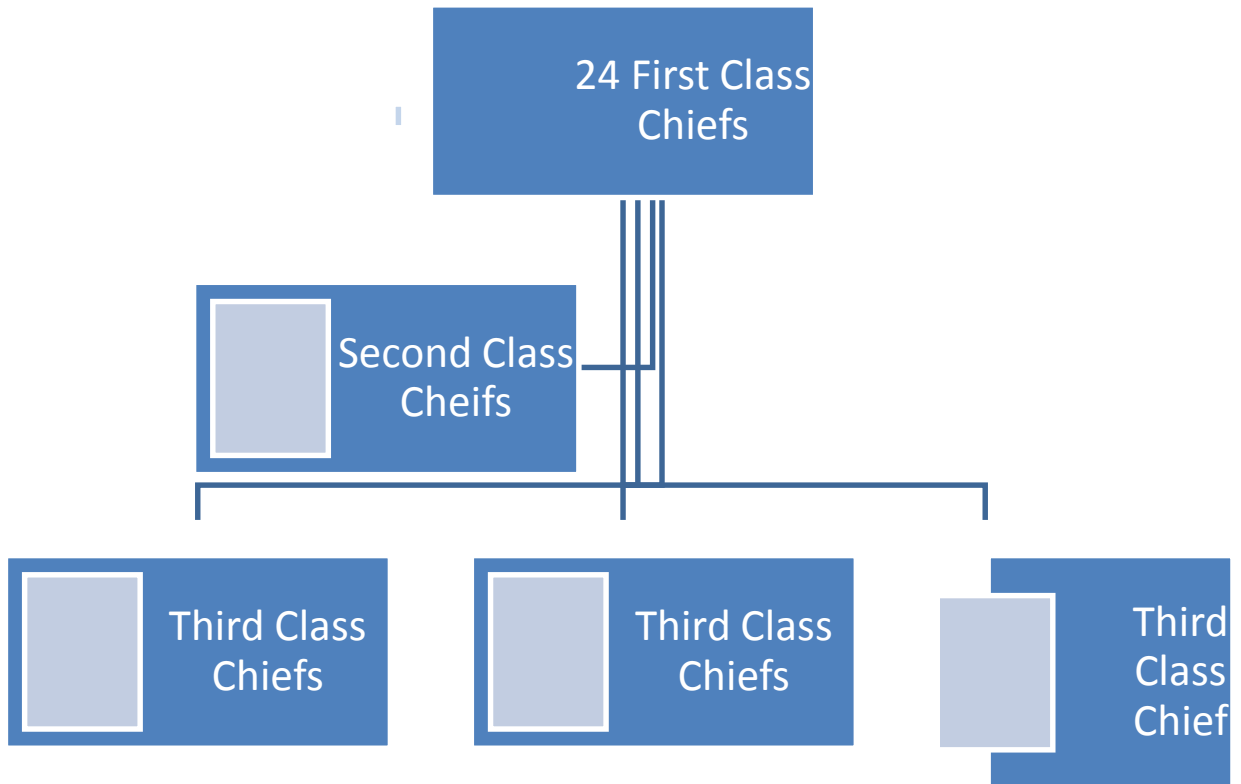


hierarchies are second-class and third-class communities. Second-class communities are ruled by second-class chiefs. The number of second-class chiefs in the state is not fixed unlike the first-class chiefs. And finally, third-class chiefs rule third-class communities (Bayelsa Portal 2013). In order of reporting, the third-class chiefs reports to second-class chiefs. The second-class chiefs report directly to the first-class chiefs while the first-class chiefs report directly, depending on the circumstances, to the governor. Only critical matters like an incident that can threaten oil production or life of the people are reported directly to the governor by the first-class chiefs. None critical issues are reported to the chairman of the state's council of traditional rulers by the second-class chiefs. The council was headed as at August 2013 by King Joshua Igbagara, the king of the Ibeni-Oyiakiri Clan.

There are indeterminate numbers of third-class chiefs. Some first-class chiefs can create and install third-class chiefs as they deem fit subject to approval by the state government. The ranking of a given chief determines the amount of entitlements he gets from the state and some businesses operating in his sphere of authority. Some critiques of the system of stratifying the state into first-, second-, and third-class communities point to the tension it creates among the chiefs (Akinola, 2012). An example was a narrative provided by one of the participants in the study. According to an interviewee, a late King of Okpoama, (a first-class chief) demanded a certain amount of money as royalty from a late second-class chief of Lobia II Community, in whose jurisdiction two oil wells existed. The refusal of the second-class chief to comply with this demand was suspected to be behind the mysterious attack on his palace, which subsequently led to his death. These first-class chiefs, by virtue of their positions, are nearer to the center (i.e., the governor of Bayelsa), and therefore can and do abuse their powers with little or no consequences.

The closeness of these chiefs to the state’s power center prompted Ibeanu (2002) to argued that “the closer a person is to the center, the greater his/her payoff” (p. 165). The payoff received by the first-class chiefs comes mostly from bribes paid by oil companies operating within their domain and from illegal taxes imposed within the kingdoms which agrees with the belief of the interviewee who narrated the issue between the late chiefs of Okpoama and Lobia II communities in the previous paragraph. Ikelegbe (2005) agrees in his work titled “*The Economy of Conflict in the Oil Rich Niger Delta Region of Nigeria*” when he postulated that, “the initial access to these benefits (different forms of payments. Settlement, incorporation, and pacification strategies) for individuals, groups, and community were restricted to the traditional rulership structures, local elites, and businessmen” (p. 216). The hierarchy of the chiefs in Bayelsa State is represented in *Figure 2.5*.

Fig 2.5: *The Chart of Traditional Administration in Bayelsa Stat*



#### *2.4d Ethno-Linguistic Groups*

There are nine main ethno- linguistic groups in Bayelsa State, the Izon, Kolokunu, Ekpetiama, Igbiriran, Atissa, Biseni, Nembe, Ogbia, and Ogbein. The largest is Izon or Ijaw. National and state demographics do not show the exact population of these ethno-linguistic groups. At best, the NPC provides total population of citizens in a state and could breakdown the demographics based on gender and age categories such as children, youths, and adults. What is known and even admitted by the Bayelsa State's ethno-linguistic groups is that the Izons are in majority. A lesson that may have prevented the release of much information on ethnic composition and dominance may come from the 1995 Rwanda's Hutu and Tutsi groups' episode. In 2013, a staff of Bayelsa State Ministry of Finance and Economic Planning in an interview for the figures of the ethnic composition of the state, only referred to the Bayelsa State Portal and the 2006 Nigerian Census figure for the state. The portal only provided ethno-linguistic composition of the state without giving population figure for each group. The 2006 census figures did not provide any figures or percentage composition of the ethnic groups. It rather showed total population of the state, gender composition, and age group categories of the population.

#### *2.4e Traditional Occupation of the people of Bayelsa State*

Bayelsans are mainly farmers known for fishing, crop production, lumbering, and palm oil milling. In the Sagbama local government alone, 90% of its 186,869 population (see *Table 2.1*) is engaged in agro-based occupations such as cassava production, fishing, and palm oil extraction (Alagoa, 1999). Other notable occupations in the state include local brewing (palm wine tapping and local gin production), trading, carving, and weaving. The Southern Ijaw area of the state brews high quality local gin. An interviewee in this study stated that fishermen and

other people who work in the swamps are the primary consumers of this locally brewed gin. This interviewee further said that the local gin keeps the body of a consumer like fisherman and rice grower warm as he or she works in Bayelsa's swampy areas.

#### *2.4f Natural Resources of Bayelsa State*

Natural resources such as arable land, fishing, and forestry were in abundant supply in the Bayelsa State prior to 1956, and these resources defined the traditional occupations (farming and fishing) of the Bayelsans. The discovery of crude oil in Oloibiri in 1956, an area in Ogbia Local Government Area of the state, changed the livelihood patterns and economy of the state from an agricultural-production-dominated economy to an oil-dominated state, especially after the oil boom of the 1970s.

The history of crude oil production in Nigeria is not complete without a reference to Oloibiri in Bayelsa State where the first oil well was sunk. Although this state was where commercial crude oil exploration started in Nigeria, Bayelsa is not the highest oil producing state in the country. Evidence from the 13% derivation given to each of the nine oil producing states showed that the state is ranked third, behind Akwa Ibom and Rivers States (Abdallah, 2012). There is also much oil-related infrastructure in Bayelsa State such as a refinery, gas plant, and crude oil pipelines.

These facilities provide jobs, income, and development to the state and its inhabitants. However, it is important to point out that the income generated from oil fluctuates due to unstable oil prices in the international market, conflicts in the oil producing areas, sabotage of oil pipelines, and flooding such as the one that ravaged the region in 2012 (NNPC, 2013). In addition to oil, the state is endowed with other natural resources like fish, clay, and lumber.

Table 2.3 below shows major natural resource deposits and the parts of the state where they are found.

Table 2.3: *Natural Resources of Bayelsa State*

<b>Natural Resources</b>	<b>Major Location</b>	<b>Product and End-use</b>	<b>Bye-products and End-use</b>
Crude Oil	Ogbia, Nembe, Odi, and Kolokuma	Crude oil for export and local consumption	Petro-chemical products, drugs, and energy uses
Fish	Brass, Southern Ijaw, Ekeremor, and Nembe Local Government Area	Food consumption, fish oil and other drug,	Fish meal for animal feed
Cassava	Yenegoa, Ogbia	Food consumption, drugs, textile accessories, animal feed, and paper	Animal feed and industry composite-bread
Rubber	Ogbia, Yenegoa, and Kio Sagbama	Rubber/plastic products	Household and industrial containers, soccer balls, shoe glues and other leather works
Rice	Ogbia, Silga, Ynengoa, and Akassa	Food consumption, beverage, and other industrial raw material	Rice, hash, stalk, and paper board
Maize	Ogbia, Yenagoa, and Kio Sagbama	Food consumption and industrial alcohol	Animal feed production
Oil Palm	Ogbia, Yenagoa, Northern Silga Touniberi and Ama of Sagbama	Domestic oil, pomade, industrial oil, and related products	Seed and drug production
Sugar Cane	Ogbia and Silga	Brown sugar-food, bahum, Confections, drugs, industrial alcohol, and fuel	Molars-industrial alcohol sludge, fertilizer, and paper
Honey	Northern Bayelsa	Sweetener, food, and drug	
Gin	Ekeremor, Silga, and Ogbia	Industrial alcohol	

Timber	Ogbia, Ekeremor, Logs, Yenagoa, Kio, and Sagbama	Saw mill, boat building, wooden furniture and fixtures, building construction, and chemicals	Briguet, paper board, and wooden crates/containers
Sea Shells	Brass, Nembe, Ogbia, Silga, and Ekeremor	Building lime, white wash, calcium concentrate for animal feed, and toothpaste	
Clay/Laterite	Ogbia, Yenagoao, North Silga, Sagbama, Kolokuma, and Ookuma	Red burnt brick, ceramics, land blocks, and mortar	
Sand	Nun R, Forcados, kolo Creek, and Epie coastal areas	Glass making, construction industry, and chips	
Natural Gas (LNG)	All flow stations in the state	Fuel for industry and domestic uses, petro-and chemical production	
Water Resources	All over the state	Crops production and animal husbandry	

Sources: Ekpo (2004, p. 116)

It is evident from Table 2.3 that Bayelsa State is richly endowed with natural resources. Ogbia, Yenagoa, and Sagbama stand out among the resource rich areas. Many of these areas have large deposits of crude oil as well, but they lack access routes because a majority of the state are in the hard-to-reach creeks. They rely on routes from non-resource rich communities for access to their communities.

### *2.5 Bayelsa State Oil Revenues*

The Bayelsa State's oil revenues are derived from three sources: a statutory allocation, the 13% derivation, and an excess crude account. The 13% derivation is a form of compensation

paid to areas where the natural resource (crude oil in this case) is derived. The excess crude revenue is the surplus revenue that emerges after a budgeted oil output is reached. All oil producing states receive additional revenue from the proceeds of the excess crude. Statutory allocation is a combination of oil and non-oil revenues collected by the federal government on behalf of all the states, and redistributed to all thirty-six states and the Federal Capital Territory (FCT) of Nigeria by the FGN. A detailed discussion of these three routes is provided in Chapter 3, and how much revenue Bayelsa generated from these three sources in the 2011, 2012, and 2013 fiscal years is provided in Chapter 5.

This study examined only the state's oil revenues from these three routes. It did not include federal and local governments' revenues that are also expended in the state and also under the control of various elite groups. How much the state made from these three oil revenue routes and how the state government redistributes them are all presented in Chapter 5.

One may argue that crude oil deposit in Bayelsa State is a blessing to its people but other people could argue that Bayelsa State's crude deposit is a curse to the state. According to the views of authors who oppose the idea that Bayelsa's crude oil deposit is a blessing, deprivation of means of livelihood for many Bayelsans, threat to life and property of citizens, and lack of development infrastructure among other curses are what the people face daily because of the presence of crude oil in their land (Henderson, 2013; Tamuno and Felix, 2006; Whaley, 2008). In addition, McFubara, Edoni, and Rose (2012), noted that inhabitants of the state are among the poorest in the world with a high mortality rate of 717.4/100,000. Dirt and environmental pollution associated with oil exploration continue to pose health risks to the state where 67% of the population lacks access to adequate sanitation (Whaley, 2008). Crude oil theft, as well as diversion and misappropriation of revenue from oil, are rampant (Obi, 2002; Ojakorotu, 2005;

Osaghae, 1995). Specifically, lucrative illegal oil deals and claims of entitlements by oil producing communities, ruling elites, and their intermediaries have given rise to insurgency in the area (Ejibunu, 2007; Omotola, 2006; Whaley, 2008).

With a population of less than two million people, many wonder why Bayelsa State lags behind other oil producing and non-oil producing states in Nigeria that are larger in population. Bayelsa officials often defend this perceived sense of underdevelopment of the state to its youthfulness relative to Rivers State and other oil producing states. They further claim that the topography of the state, the devastating effects of over five decades of oil exploration activities, and other natural disasters like flooding and mudslide have combined to hamper the development efforts of the state government. Rivers State, one of the oil producing states from which the state was carved out, has a population of 5,185,400 (NPC, 2006). It has swampy areas like Bayelsa as well, and yet it has developed key infrastructure and it is relatively more peaceful than Bayelsa.

Critics of the government like Ebipade, Bekewei, and Inanife (2012), while admitting that decades of oil exploration contributed to the slow pace of development, have blamed the lack of progress on high level of corruption and continuing conflicts in the state. They also point to the state's almost exclusive reliance on oil revenue leaving other potential important revenue resources such as fish, lumber, and property taxes largely untapped.

## *2.6 Justification for the Creation of Bayelsa State*

Many reasons have been advanced to justify the creation of Bayelsa State in 1996. Two contending views, the government and its critics, have provided reasons to justify state creation in Nigeria. From the government's perspective, state creation exercises help to bring government nearer to the people, foster national development, and protect minority interests. From the perspective of the critics of state creation, especially scholars, states are created to compensate



political loyalists, promote ethnic nationalism, and get a greater share of the federal revenue (Elaigwu, 2007; Femi, 2011; Terzungwe, 2012).

The desire to bring government and development nearer to the people, elimination of fear of political domination of minority groups by majority groups, and political patronage are among the reasons given to justify state creation (Oyovbaire, 2014). While some of these goals seem to have contributed to the development of the state, others have contributed to the present crisis. Delving more on the reasons justifying state creation one can see the following:

#### *2.6a To bring government nearer to the people*

Nigeria's estimated population by the end of 2013 was 170 million (Subair, 2013). The country with a total area of 923,768 square kilometers, is equal to the combined areas of four states, California, Montana, Ohio, and Rhode Island (CIA, 2013). The sheer size and population of the country means that citizens cannot always directly see the impacts of the federal government situated in Abuja. Successive governments in Nigeria that embarked on state creation often rationalized their actions through the need to bring the government nearer to Nigerians.

#### *2.6b Faster national development*

Another argument is that development in a large country like Nigeria executed from a central location will be very slow. The central bureaucrats cannot adequately assess the development needs of over 170 million Nigerians. In some cases where development needs are accurately assessed and order given to implement such needs, it has been seen that warding of contract, executing such contracts, monitoring contractors and evaluating work done is always cumbersome and more challenging.

Bayelsa has special development needs. It is mostly a swamp with little or no access to roads, electricity, health care facilities, and other development infrastructure. As part of the former Rivers State created in 1967 to bring faster development to this part of the country, the Bayelsa zone was largely neglected. The development infrastructure marked for the area was concentrated in the Port Harcourt area (Niger Delta State Movement, 1979). Creating a new state out of the old Rivers State would according to the Movement reduce the concentration on Port Harcourt and spread needed infrastructure to the rest of the state. By decentralizing development through the creation of more states, the government hoped to accelerate the pace of national development.

#### *2.6c To eliminate ethnic minority political domination by larger ethnic groups*

Ethnic factors are contentious issues in the government and politics of many pluralistic societies like Nigeria. Of the two hundred and fifty ethnic groups in the country, the three largest groups, Hausa-Fulani, Ibo, and Yoruba, have been the hegemonies in the government and politics of Nigeria (Jinadu 1985). It is not uncommon, therefore, that the former three regions of Nigeria, East, North, and West, were controlled by the three ethnic groups while the minority ethnic groups located in those regions were overshadowed. Leaders of the minority groups, in an attempt to pull their people from the shadows of their majority counterparts, agitated for state creation. Onyeagucha, Oronta, and Nick (1995) suggested that those who agitated for the creation of Bayelsa State may have envisaged its creation as a way of reducing the domination of the constituents of the state by their more populous Rivers State indigenes.

However, some writers do believe that the ethnic minority leaders are not necessarily demanding separate states for the benefit of their ethnic groups, but for their personal gains. Oyovbaire (2014) and Terzungwe (2012) among other writers contend that the elites who lobby

for the creation of new states and local governments in their areas are not truly altruistic. These political opportunists see in the state creation exercise an opportunity to become governors, commissioners, political party leaders, or major contractors patronized by political office seekers (Femi, 2011). Indeed, self-interest promotion by new state creation agitators may not be something new because during the colonial era in Africa, most of the freedom fighters such as Nnamdi Azikiwe, Obafemi Awolowo, Kwameh Nkrumah, and Jomo Kenyatta ended up becoming the leaders of their countries.

### *2.7 Economic Importance of Bayelsa State*

The economic importance of the Niger Delta region in Nigeria's economic viability and political stability cannot be overemphasized. The nine Niger Delta states constitute the basin that holds Nigeria's crude oil wealth. At the heat of petroleum resource ownership conflicts between oil producing states and the FGN, the latter claimed exclusive ownership of off-shore petroleum resources in the Niger Delta region. The former took the latter to the Supreme Court. The Supreme Court in its ruling upheld latter's claim. Although the controversial on-shore and offshore oil dichotomy removed a large sum of the estimated total daily oil production of three million barrels from the region, the Niger Delta Region still contributes significantly to Nigeria's 85% annual revenue from the oil sector. Bayelsa's contribution to this total daily oil production is 30% (Bayelsa Portal, 2013).

The significance of the state to the economy of Nigeria was further underlined during the peak of insurgency in 2005. Insurgent groups like MEND, NDVF, and IYC initially stated that they were fighting for the right of wealth producers to control the benefits accruing from the wealth they produced. However, as Omotola (2010) suggested in his work titled "*Liberation Movement and Rising Violence in the Niger Delta Region,*" these insurgent groups, through oil

bunkering, kidnapping, and other criminal activities they engaged in, greatly undermined Nigeria's total oil output. In response to the illegal activities of the militant and insurgent groups' actions, the government of Nigeria deployed troops and other state security agencies to the area. Thus, according to Ojaborotu (2005), the area began to be militarized and conflicts escalated. The escalation of conflicts between the government of Nigeria and militants in the region caused a decline in the country's daily oil production output between 2005 and 2006 from 2.4 million barrels per day (mbpd) to 1.6 mbpd (Alison-Madueke 2006). Thus, the expected income declined as well, since the budget was based on oil production output of 2.4 mbpd.

## *2.8 Summary*

This chapter has discussed the history of Bayelsa state from its creation in 1996 to the present. It presented the ethno-linguistic composition of the state, the various appointed and elected leaders since its creation, and the traditional administrative system consisting of first, second, and third-class chiefs. While the chieftaincy system runs parallel to the modern administration of the state, the chapter reveals that the two groups of elites share a common interest in sharing the resources of the state while the majority of Bayelsans they govern wallow in poverty.

From the foregoing discussion, Bayelsa State has several natural resources that if developed, can supplement the revenue the state generates from oil. Bayelsa State is economically important to Nigeria because it is one of the major areas where crude oil deposits that supports the country's economy are located. The various administrators, acting and elected governors who have governed the state since its creation have not made any meaningful effort to harness these resources towards the development of the state. As this dissertation will demonstrate, the only score card those administrators could show is how much they looted the

state's treasury with impunity. Also as would be seen in this dissertation, some of those state officials who had limited access to the state's resources opted to instigate violence as a means to obtain their own share of the state resources.

## Chapter 3

### Literature Review and Theoretical Framework

#### 3.1 Introduction

This chapter explores existing works on three major themes of this dissertation: oil revenues, corruption, and conflicts. Regarding oil revenue, this study examines three major sources applicable to the study. They are statutory allocation, 13% derivation, and excess crude oil. Within the theme of corruption, I consider the concept, forms, and effects of this practice. Regarding conflict, I examine forms and connections between conflicts and corruption in oil revenue redistribution. Finally, the chapter discusses the dissertation relevant theoretical framework, greed and grievance theory postulated by Collier and Hoeffler (2006). I begin with the literature on oil revenues.

#### 3.2 Oil Revenue Allocation in Nigeria

“The key mechanism linking authoritarian rule and resource dependence, both in democratic transition and in democratic consolidation, is an incumbent’s discretion over the distribution of natural resource rents.” Jensen and Wantchekon (2012).

Nigerian government derives its oil revenues from the rents and royalties, as well as from the production and sale of crude oil and gas products. Bayelsa State’s oil revenues are derived from the state’s share of revenue that the Federal Government of Nigeria collects and shares with its federating units. Nigeria practices a federal system of government, a political arrangement that provides power-sharing between the central government and the government of the federating states. Administratively, the Nigerian federal system is made up of three tiers: federal, state, and local. The federal government of Nigeria is at the apex of these levels of administration. While this dissertation is not interested in many of the vested issues in the development and practice of the Nigerian federal system, it cannot avoid the intergovernmental fiscal relationships especially as they relate to revenue allocation.

Successive regimes in Nigeria, especially the military, have enjoyed the incumbency discretion over the distribution of the country's natural resource rent. This discretion was not acceptable and so displeasing to the wealth producers who are mostly disadvantaged by the system because they felt that they do not enjoy the benefits of wealth they produce (Ekpo, 2004; Obi, 2005; Ojatorotu, 2006). In many countries where fiscal federalism is practiced, certain principles guide the implementation of intergovernmental fiscal relations. In their work titled "*Fiscal Federalism and the Issue of Resource Control in Nigeria: Challenges, Options, and Strategies*," Ifurueze, Jibrin, and Bernard (2012) discussed many of these principles such as minimum provision of essential public goods, diversity, and derivation. Diversity, derivation, and provision of essential public goods are very important in any review of Nigeria's revenue allocation formula and their link to oil revenue distribution in the country. Some of these principles are explained as follows:

- a. The principle of diversity: The federal system must have the ability to accommodate large varieties of diversity. Demand for public goods such as defense, road construction, and other infrastructural development projects varied across different areas within the country. In some major cities like Abuja, Kaduna, Kano, Lagos, and Port Harcourt, some level of public goods exist relative to other small cities that include Warri and Yenagoa. The principle of diversity requires that Nigeria implements a fiscal federalism that accommodates these differences in the supply of public goods.
- b. Minimum provision of essential public goods and services: Buchanan (1967) defining public good and service pointed that "any good or service that the group or community of individuals decides, for any reason, to provide through collective organization [government] will be defined as public" (p. 11). In Nigeria, education, health care, and

portable and affordable water supply, are some examples of public goods and services that the government provides for its citizens. Most of the northern states and some states in the South-South were at one time classified as educationally disadvantaged states. This required the then governments at local, states, and national levels to, in addition to providing minimum essential goods and services to those designated areas, double their efforts through fiscal federalism to ensure those areas lagging behind were helped to catch up with the rest of the country.

- c. The principle of derivation: It is expected that the component units of a system should be able to control some of its own resources as they desire. The 1999 constitution of Nigeria has in its Chapter II: “*Fundamental Objective and Directive Principles of State Policy*” Section 16, Subsection 1-4 which stated that “The state shall harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy for the benefit of every citizen on the basis of social justice and equality of status and opportunity.” In harnessing the national resources and applying the principle of equality, some of the areas where those resources are derived suffer. On the other hand, the effects of exploitation of those resources are not felt equally by areas where the resources are not located. Derivation principle, therefore, seem to be a response to deprivations resulting from economic activities. Within this definition, the derivation principle is the understanding that fiscal federalism should allow any area from where such revenue is derived to keep a part of the total revenues. This is the basis of the 13% derivation in effect today in the country. This principle will be discussed later in this chapter.



Nigeria over the years experimented with many and modified versions of these principles. Notable among them are equality, population, derivation, national interest, and special needs (Adebayo, 1993; Obi, 2004). It is informative to note that the federal government leads Nigeria's revenue mobilization and distribution. But, does the government's leadership of revenue mobilization and distribution ensure fairness?

The implications of the federal government's control of revenue mobilization and distribution are visible in the endemic patronage politics that national revenue mobilization and redistribution are exposed to (Ahmad, 1994; Frynas, 2000). According to the 1999 Nigerian constitution, all revenues accruing to the federation are kept in the federation account from where it is distributed among the three tiers of government. Most of the states and local governments in Nigeria depend on federal allocation for survival because their internally generated revenue (IGR) is not sufficient. The Nigerian states and local government areas were created out of existing regions and states by military administrations in Nigeria. This is unlike what is obtainable in the United States where states elected to join the union.

One of the criticisms of state and local government creation in Nigeria is that the military junta that created them succumbed to interest group pressure and failed to consider the viability of such geo-political units (Osaghae and Onwudiwe, 2007). It is left to the more viable states and, indeed, the federal government to heavily subsidize state and local governments that are less economically endowed.

The Nigerian annual revenue accrues mostly from the oil sector. Indeed, following the 2004 Revenue Mobilization, Allocation, and Fiscal Commission (RMAFC) recommendation, petroleum revenues from the federation account were shared among the three tiers of government in this order:

- ❖ Federal Government of Nigeria \_\_\_\_\_ 52.68%
- ❖ State Governments \_\_\_\_\_ 26.72%
- ❖ Local Governments \_\_\_\_\_ 20.60%

The Niger Delta Citizens and Budget Platform (NDCBP), an umbrella of civic organizations in the region, states that “the funds distributed among the different tiers of government from the federation account is based on the federal annual budget estimate for the price of crude oil in the particular year (\$30 in 2005, \$35 in 2006, \$59 in 2008, and \$45 in 2009)” (p. 11). How do these sharing ratios work with the various principles listed amount? This study attempts to answer this question by examining each of the major principles Bayelsa and other states of the federation use in obtaining their share of the federation account.

### *3.3 The Derivation Principle*

The derivation principle simply means that a percentage of the revenue generated from natural resources is given back to areas from where the natural resources were derived. This is in addition to the general percentages every state and local government receives. The 1999 constitution capped oil revenue derivation at 13% for oil bearing communities. Commentators of Nigeria’s revenue allocation trace the controversy to the late 1950s when the Philip’s Commission made certain recommendations on revenue sharing for Nigeria’s federal structure. In the history and politics of revenue allocation in Nigeria using the derivation principle, the Macpherson administration allocated 100% of the proceeds to regions where the revenue was derived. A few years after Nigeria’s independence in 1960, the 100% derivation was cut in half (Adebayo, 1993).

The post-colonial 1963 Republican Constitution of Nigeria clearly allocated 50% of federal revenue to regions where such revenue was generated. Detailing this derivative principle,

the 1963 Republican Constitution stated that, “There shall be paid by the federation to each region a sum equal to 50% of (a) the proceeds of any royalty received by the federation in respect of any minerals extracted in that region; and (b) any mining rent derived by the federation from within that region.” The Shehu Shagari administration further slashed the derivation principle to a mere 2% before the current 13% cap (Osaghae and Onwudiwe 2007). Nigeria was initially divided into three regions following the adoption of the 1954 Littleton Constitution. These regions have been dominated by Nigeria’s three major ethnic groups as I stated in Chapter 2 of this dissertation. Many contend that the 50% status quo would have remained untouched were it that the major ethnic groups host Nigeria’s oil deposits.

The sharp reduction of revenue sharing based on derivation is among the grievances of the Niger Deltans against the Nigerian government. Some state governors follow the same procedure to share state allocations to communities within their respective states. Some community and ethnic leaders from the region saw the reduction as part of the majority ethnic groups’ greed in which they sought to grab everything their less powerful minority ethnic counterparts owned. Indeed, Obi (2005) noted that the three majority ethnic groups, the Hausa, Ibo, and Yoruba, orchestrate this systematic reduction of receivable income and other compensations of the minority ethnic groups in the country.

In a minority on minority conflict, some state governors are alleged to have used their state allocations to favor communities and associations close to them (Ebipade, Bekewei, and Inainfe 2012). In a 2013 interview with Isu (pseudonym) he said that, the Delta State Micro Economic Fund, established primarily to provide economic empowerment to rural people, has become a political patronage fund as it gives loans to families and members of the ruling party.

### *3.4 The Principle of Equality of States and Population*

The federal government of Nigeria (FGN) wanted a simple formula. After giving the oil producing states their share (by derivation), the amount left to be shared among the states were split into two. One part would be shared by population – meaning the needs of each Nigerian must be met. The other part will be shared based on the principle of equality of states – on the notion that every state has the same responsibilities, bureaucrats to run. Note that ‘population’ really was the federal government’s idea of operationalizing ‘need.’

This principle of derivation has continued to generate conflicts among the presumed beneficiaries and losers of the formula. At a certain stage, the FGN, jettisoned this derivation principle for ‘equality and population’ (Obi 2002). This principle of equality of state and population uses a two-stage calculations in the allocation of oil revenue from the federation account. Stage one implies that part of the accruals from the federation account are to be shared equally among the thirty-six states and the FCT. Stage two involves distributing the remaining amount based on the population of the states. A look at the population distribution of Nigeria’s 170 million people according to states can help to show which states would be the largest beneficiaries of oil revenue if this approach were adopted.

Table 3.1: *Population distribution among the states in Nigeria*

<b>S/NO</b>	<b>NAME OF STATE</b>	<b>POPULATION (million)</b>	<b>OIL BEARING STATE (OBS) OR NON-OIL BEARING STATE (NOBS)</b>
1	Abia	2,881,380	OBS
2	Adamawa	3,178,950	NOBS
3	Akwa Ibom	3,902,051	OBS
4	Anambra	4,177,828	NOBS
5	Bauchi	4,653,066	NOBS
6	Bayelsa	1,706,515	OBS
7	Benue	4,223,641	NOBS
8	Borno	4,171,104	NOBS
9	Cross River	2,892,988	OBS
10	Delta	4,112,445	OBS
11	Ebonyi	2,176,947	NOBS
12	Edo	3,233,366	OBS
13	Ekiti	2,398,957	NOBS
14	Enugu	3,267,837	NOBS
15	Gombe	2,365,040	NOBS
16	Imo	3,927,563	OBS
17	Jigawa	4,361,002	NOBS
18	Kaduna	6,113,503	NOBS
19	Kano	9,401,288	NOBS
20	Katsina	5,801,584	NOBS
21	Kebbi	3,256,541	NOBS
22	Kogi	3,314,043	NOBS
23	Kwara	2,365,353	NOBS
24	Lagos	9,113,605	NOBS
25	Nasarawa	1,869,377	NOBS
26	Niger	3,954,772	NOBS
27	Ogun	3,751,140	NOBS
28	Ondo	3,460,877	OBS
29	Osun	3,416,959	NOBS
30	Oyo	5,580,890	NOBS
31	Plateau	3,206,531	NOBS
32	Rivers	5,198,716	OBS
33	Sokoto	3,702,676	NOBS
34	Taraba	2,294,800	NOBS
35	Yobe	2,321,339	NOBS
36	Zamfara	3,278,873	NOBS
37	FCT Abuja	1,406,239	NOBS

Source: Census figures taken from the Nigeria National Population Commission (2014).

From the table above, the principle of equality gives every state and the FCT Abuja an equal proportion of the oil revenues through the federation account. The population principle provides additional revenues to states that have bigger populations than their counterparts with smaller populations. Based on the population principle alone, and comparing potential oil revenue that could accrue to Bayelsa, as an OBS, with a population of 1,706,515, and Kano, a NOBS, with a population of 9,401,288, it is clear that Kano's statutory allocation accrual would be much larger than Bayelsa's. Some potential conflicts that could emerge from this arrangement include inter-state, inter-ethnic, client-patron friction, and government versus community clashes. There are also potential issues of greed and grievances between those that would receive more revenue and those that receive less revenue.

### *3.5 The Principle of National Interests*

In the principle of national interests, the federal government has the power to overrule the principles of equality, population, and derivation to allocate revenue to any state or local government of the federation if it deems it necessary to protect the country's national interest (Omosho 2010). Since there is no clear definition of what constitutes a national interest, opponents of this principle denounce it on the ground that it lacks objectivity. It is also criticized because it could be considered a blank check in the hand of the government to buy favor from its supporters. Those who support this principle like Eson (2010) and Ikeji (2011) argued that it helps the national government especially during emergence situations, wars, and natural disasters to channel funds to the most affected areas or to join international efforts that promote Nigeria's national interests.

Following the diplomatic row between Mandela's South Africa and Abacha's Nigeria in 2006 that resulted in the latter's boycott of the 2006 African Cup of Nations hosted by South

Africa, many questioned the justification of the large amount of funds Nigeria gave to the former anti-apartheid movement, African National Congress (ANC) during its struggle with the apartheid regime. ANC is now the ruling political party in the Republic of South Africa. Successive Nigerian governments before the Abacha junta justified the use of funds from the national interest allocation to fund the ANC on the ground that a liberated South Africa is Nigeria's national interest. By the same token, one of the grievances of the Niger Deltans against the use of the national interest paradigm is their perceived sense of injustice (Ojakorotu 2006). They contend that if national interests are rightly interpreted, areas that sustain the country ought to be given priority when sharing revenue. Similar national interest argument has been used to justify the allocation of more petroleum funds for the development of Abuja as the national capital. However, one may want to rethink what constitutes national interests and how best to serve them. Some Niger Deltans may question whether Abuja, far removed from the economic base of the country, is of more national interest than areas where the nation's economic foundation is located.

### *3.6 State and Local Government Revenue Allocations*

As the federal government supervises the states and local governments, so do states supervise and control local governments. With the various local government reforms and the power of state governors to create autonomous communities (cities) out of existing local governments and appoint local administrators, opportunities are created to promote local patronage networks. We have seen above that the constitution provided 20.6% of the revenue from the federation to the local governments. The states, including Bayelsa, receive the local governments' share from the federation account and disburse it through the state revenue allocation process. As argued by Olofin, Bello, Salisu, and Olalekan (2012), such revenue

transfer from the federal government to the local governments through the state influences economic activities and growth in the country. But many have questioned the degree of such influence and growth given what each level of government claimed to have disbursed or received. The 1999 Nigerian Constitution provided in Chapter VI, Part C, Section 162 revenue allocation principles. However, what is being practiced contradicts most of these principles. For example, oil blocks were allocated to political allies, goods and service that may be enjoyed only by a few privileged Nigerians are projected as public goods and services.

Most of the reviewed literature like those by Adebayo (1993) and Obi (2004) on the modified revenue allocation principles in Nigeria like as well as those on the economic activities and growth spurred by federal allocations to local governments through states (Olofin et al., 2012), seem to overlook how such principles and practices may have crippled economic activities and growth in the country. The authors did little to show how these allocation principles may have contributed to the corruption of resources revenue managers and in the process created and/or sustained conflicts. Looking at oil revenue allocation in particular, the application of the derivation principle may have achieved negative results given the persistent violent demand by most Nigerians in the oil producing states for resource control. Equally, the percentage of Nigerians who actually benefit from the principle of equality in the sharing of oil revenue is contentious. In using population principle rather than derivation, the government creates several issues. One of such issues is that areas that support the economy suffer deprivation of benefits of natural endowment since they may have low population (*Table 3.1*). Second, population figures are contentious in Nigeria. Funds that would have been used in providing infrastructure in areas classified as low population areas are diverted to high population areas. Note that low population areas do not accept their population figures as



accurate. They often accuse the National Population Commission (NPC) of manipulating the figures. Even high population areas still believe that the commission undercounted them. Thirdly, a high population area that has no natural resource deposit may be encouraged not to control its population knowing full well that it will benefit more than areas from which the national revenues are derived. Now I turn my attention to the literature on the corruption in Nigeria.

### *3.7 The Concept of Corruption*

The term corruption has various definitions. Generally, it is a situation in which public office is used for personal or private gains (Transparency International, 2012; Triesman, 2000; World Bank, 2013). Shaxson (2007) contends that interpreting corruption along the spectrum of ‘Public office for personal gain,’ is too narrow. For an expanded meaning of corruption, Shaxson says that corruption should be viewed from “how people perceive and relate to each other, not just how they behave” (2007, p. 1127). Nye (1967) states that corruption is a “behavior which deviates from formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence” (p. 419). Some public office holders see their position as an opportunity to provide jobs for members of their immediate families, sell public property, and award contracts at ridiculous prices to family and friends in apparent disregard for due process. Some public leaders totally privatize public affairs using the proceeds to buy favor from potential competitors while the public suffers. Viewed from any angle, corrupt behaviors generally serve personal interests of those involved.

However, not all appointments, contract awards, and other related actions that seem to be in favor of a leader’s constituents amount to corruption. In certain cultures, people are more

productive when they work with people they have known for a long time. It is evident that by working with trusted hands, a good governance system is established. Leaders who have worked with members of their families, schoolmates, and peer groups for a long time know how passionate each of these subsets are when it comes to serving the interest of the public. Rarely can you find a member of an inner circle of a good leader betraying the trust placed on him or her. If most people have the interest of the public at heart, the urge to satisfy private interests at the expense of the general will could be resisted. Suppressing private interests is one of the best anti-corruption mechanisms (Irwin, 2009).

Traditionally, many Chinese administrators in the public and private sector are those that were born together, schooled, worked, and did most things together. The idea is that having done many things together for a long time, these groups build trust among themselves. This trust is carried into the public and private arena. Appointing lieutenants from within a trusted circle does not necessarily amount to or encourage the practice of corruption. It does not necessarily follow that every aspect of caring for one's close family, close associates, and/or, profiting from a person's effort undermines the public's interests.

But Nye's position represents mostly Western interpretation of collectivist cultures of most developing countries in Africa, Asia, and Latin America. In collectivist cultures, civil servants and private workers prefer working with persons, family members, schoolmates, and peer groups, they have long associated with. Wilmot and Hocker (2007) suggested that long relationship helps people to build trust in collectivist societies hence workers in Asia and most African societies' preferred co-workers that they have interacted with over time. This can mean that a supervisor that worked with his or her subordinates for a long time is better placed to

know the behavior of each staff member. Sufficient knowledge of potential workers can help select good people who can render dedicated and honest services to the public.

This study agrees with the view that corruption in public affairs is not only contrary to legal and moral norms but also undermines the capacity of the state to secure the welfare of all its citizens (Osoba 1996). Whether corruption is viewed from a moralistic or systemic perspective, the baseline is that it is anti-norms, and, that it benefits private rather than public interests. Next I explore works on forms and effects of corruption.

### *3.7a Forms of Corruption*

Scholars like Carl (1972) Lawal and Tobi (2006) and Morris (2011) identified two broad categories of corruption. The first category involves behaviors of elected officials hence its name ‘political’ corruption. Carl (1972) explains the concept and effect of political corruption on an organization by arguing that it occurs “when a power-holder who is charged with doing a certain thing... is by monetary or other rewards not legally provided for, induced to take actions which favors whoever provides the rewards and thereby damage the group or organization to which the functionary belong” (p. 10). The United Nations Oil for Food Programme in Iraq was closed because of the magnitude of corruption involving UN officials, contractors, and officials of the Iraqi government. For Morris (2011), political corruption occurs at the highest level of a state’s institutions, including the three branches of government—the executive, judiciary, and legislature. However, political corruption, as was the case of New Jersey’s bridge closure which was intended to punish political opponents of Governor Chris Christie, may occur without the knowledge of the highest level of a state.

The second category of corruption is perpetrated by career civil servants and therefore is called “bureaucratic corruption.” Within this functional division of a society, Dike (2005)

separates political corruption from bureaucratic corruption by positing that “bureaucratic corruption occurs in public administration or the implementation end of politics. It is the kind of corruption the citizens encounter daily at places like the hospitals, schools, local licensing offices, police, taxing offices, and on and on” (p. 2). Explaining how bureaucratic corruption occurs in the health sector, Lantham (2001) and Vian (2008) argue that bureaucrats in the public health sector prefer expensive hospital construction, high tech equipment procurement, and prescribe costly drugs for treatments because of higher bribes manufacturers and suppliers of these costly construction materials, equipment, and drugs offer them. Savedoff (2006) identifies the perpetrators of corruption in the health sector as payers, regulators, consumers, medical equipment suppliers, medical staff, and other actors in the field of healthcare delivery. Instead of explaining corruption from the above two broad categories, Morgan (1998), the World Bank (2011), and other writers on corruption provide us with expanded forms of corruption such as bribery, theft of public funds, distortions of government expenditure, patronage, and cronyism that can occur in any society. I examine these expanded forms of corruption in the next five paragraphs relying mostly on Morgan’s (1998) classifications of corruption that includes bribery, theft, distortion, patronage, and cronyism. These are further examined below.

**Bribery** is the most talked about act of corruption. It features in writings by scholars like Adebayo (2012) and; Morgan (1998); organizations such as the Organization for Economic Co-operation and Development (OECD, 2000), Transparency International (TI, 2012), and the World Bank (2008). The World Bank (2008) defines bribery as “one of the main tools of corruption. They can be used by private parties to ‘buy’ many things provided by central or local governments, or officials may seek bribes in supplying those things.” Bribery according to

OECD (2000) is “the offering, promising or giving of something in order to influence a public official in the execution of his/her official duties” (p. 3). The two beneficiaries of bribery are the payer and receiver.

The payer commits the crime of paying, offering, or promising a bribe or an undue advantage to an official while the receiver receives or agrees to receive the bribe or the undue advantage (World Bank, 2011). For example, according to Donovan (2008) and corroborated by George and Lacey (2006), a \$180 million bribe was paid by a Halliburton/TSKJ’s Chief Executive to Nigerian government officials during a multi-billion dollar Bonny Island LNG Project contract bid. This bribe created two beneficiaries—the executives of Halliburton who secured the contract and the Nigerian officials who received the payoff.

**Theft and Money Laundering** also known as pillage or stealing, constitutes another severe act of corruption committed through the privatization of state assets by enterprise managers and other officials in transition economies. A subset of this is petty theft of items such as office equipment, stationery, vehicles. According to Morgan (1998), looters of public funds steal tax revenues, fees, cash from the treasury, and extend advances to themselves that are never repaid. Abiodun (2012) and Nnochiri (2012) in their respective works on Bayelsa State noticed that theft and money laundering is prevalent mostly among Bayelsa’s middle and low level bureaucrats.

**Distortion of Government Expenditure** occurs when government spending is distorted by the officials, in order to benefit or serve their private interests. The decision can include delaying the award of contracts or revising upwards the contract costs. Amuwo (2012) argued that “public servants and elected officials can cause delays so they could get opportunities to extract bribes, individual bribers can improve their personal situations at the

expense of the polity, the net loser” (p. 173). Other ways to distort government expenditures can include duplication of contract awards and accepting a poor job done by a contractor as a quality job.

**Patronage:** According to Morgan (1988) is “an instrument through which political power is acquired and maintained by granting economic advantage to backers in exchange for political support” (p. 32). Through patronage, economic activities are regulated by the political office holders to give advantages to their supporters. Such advantages include licenses, employment, and other related economic benefits, given to their favorites and powerful businesses so as to expand their support networks (Joseph, 2014; Mohammed, 2011; Root, 1998). The expansion of this support network provides security for both the client and his or her patron. Indeed, Joseph (2014) argued in his work “*Democracy and Prebendal Politics in Nigeria*,” that clientelism in Nigerian society has become a viable means Nigerians use to “move upward socially and materially; such individuals also come to accept ties of solidarity and continued advancement as well as their own” (p. 55). Patronage system allows informal powers to flourish. Therefore, while the social and material security of the few clients and patrons is guaranteed by patronage, majority of the citizens may be threatened daily by social and material insecurity.

**Cronyism** is a situation in which personal relations supersede existing rules and regulations in the conduct of public affairs including economic, political, and social matters. This corrupt act contrasts with rule-based practices that put relationships below rules and regulations guiding the conduct of official activities (Hooke, 2008). Cronyism in all its ramifications according to Joseph (2014) is “a strategy of both survival and upward mobility in Nigeria. It is not dismissed by the persistence of affluence for a relative few and penury for the

many” (p. 59). However, relationships are very important in many African and Asian countries prompting people from some countries in those regions to conduct businesses with individuals and organizations they may have close relationship with (Irwin, 2009).

When Goodluck Jonathan, the immediate past president of Nigeria, was the governor of Bayelsa State, the incumbent governor, Henry Dickson, was his mentee. A personal relationship developed between the mentee and his mentor. It was suggested that Dickson promoted Mrs. Patience Jonathan to the position of Permanent Secretary (Executive Director) in Bayelsa State Department of Education without following the state’s civil service procedures for such appointment because of the long relationship between the two families. They are not only tied politically, the two families are members of the same ethnic group (i.e., Izon). Before going further, it is vital to examine conditions that may favor the occurrence of any of these forms of corruption. Cronyism allows informal powers to flourish.

Informal powers are extra constitutional powers exercised by holders of offices like governors, commissions, and presidents. Such powers include agenda setting for the State House of Assembly, executive privileges and executive agreements. Executive privileges can, for example, be invoked by the governor of Bayelsa State to deny Bayelsans access to documents relating to actual amount received by the state from oil revenues. Such refusal can create and/or sustain conflicts between the ruling group and the opposition group. The opposition group may believe that withholding information relating oil revenues from them is a strategy by the ruling group to loot the state’s resources. Political godfathers are influential party leaders who dictate, who to be appointed or elected into offices (Joseph, 2014). This group of people is often referred to in Nigeria as “kingmakers.” A kingmaker’s demand to a governor to put a number of his clients in certain offices may conflict with state’s interests. This was exactly what happened in

2003 in Anambra State which is about 270 miles from Bayelsa State. The elected Governor, Chris Ngige, rejected a list of people to be appointed into his executive cabinet sent by one of the state's kingmakers and chieftain of the PDP, Chief Chris Uba. For daring the kingmaker, Governor Ngige was abducted. Chief Uba caused the state legislature to vote for Ngige's deputy to be sworn in as his replacement. The abduction and rush to replace the elected governor were orchestrated by Chief Uba and former President Obasanjo (Awuzie, 2004; Pana Press, 2003).

### *3.7b Conditions favoring Corruption*

Existing studies have shown that there are many conditions that could make a society or an organization vulnerable to corruption. One such condition is colonialism. It is argued that clerks who served Nigeria's colonial authorities formed the nucleus of the country's post-colonial bureaucracy. These clerks came into Nigeria's post-independence office carrying white-collar crime attitudes (i.e., corruption) that they learned from British colonial officials (Adebayo, 2012). In this case, corrupt acts like stealing, cronyism, and distortion of government projects are caused from a learned behavior in which it was passed from the country's inherited pre-independent to the post-independent clerks.

Also, corruption may be favored by regime types and their maturation as well as a lack of accountability (Adebayo, 2012; Ewoh, Matei, and Matei, 2013). On the regime type and lack of accountability, Adebayo suggests that military dictatorship and lack of accountability to the Nigerian citizens favor stealing and money laundering, cronyism, and other related acts of corruption in the country. Ewoh, et al. (2013) mentioned level of maturation in the democratic processes, stages in the integration processes, and geo-political conditions of a nation as factors accounting for variations in a country's corruption. The likely dominant corruption acts in this situation include political patronage, and bribery.



Yet, another influencing factor of corruption is power imbalance and tenure of office. The view held here is that more powers in the hands of bureaucrats and other public officials who stay in office for an extended period of time lead to corruption (Ferraz and Finan 2009). Civil servants in Nigeria and many other places serve in one station for years. A justification for this extended service period is to ensure stability. But Campante, Chor, and Do (2009) found flaws in such stability arguments because stability contributes to corruption by creating room for the politically stable politicians, also known by the acronym in Nigeria as AP ('Always in Power'). Their argument may explain why politicians award contracts to their cronies while political appointees repay political godfathers in cash and kind in order to remain in office longer.

Finally, the weakness of existing anti-corruption laws and institutions in a society may make worse the corruption within it. Section 308 of the 1999 Nigerian constitution grants immunity to presidents, vice presidents, governors, and other high office holders from prosecution while in office. The intended purpose of this immunity clause is to prevent people from using frivolous law suits to block officeholders from performing their duties. However, some of those officeholders capitalize on this clause to elevate themselves and their offices above the laws of the society. Another issue is the requirement for both the Independent Corrupt Practices Commission (ICPC) and Economic and other related Financial Crimes Commission (EFCC) to obtain permission from the Attorney General of the Federation (political office) before investigating, arresting, and prosecuting allegations of corruption. Political associates, could in this case, be shielded from investigation and/or prosecution.

People are rational actors who are regarded as autonomous agents. Humans can make bounded, rational, means-end calculations. As gain seekers, they are always evaluating the

benefits of any enterprise and its associated costs before embarking on it (Addy, 2012). This may mean that gain seekers could take chances if the profit outweighs the costs. In societies where the chance of being caught in corrupt practices is diminished or refunds of stolen funds, if caught, are lower than the amount stolen, the desire to engage in corrupt practices may increase. Having discussed the meaning and causes of corruption, this research moves to discuss the effects corruption has on society.

### *3.7b Effects of Corruption*

The effects of corruption in a society can be positive or negative. On the positive side of corruption, it improves social welfare by reducing cumbersome regulations and reward poorly paid bureaucrats (Leff, 1964; Montinola and Jackman, 2002). Proprietors of schools and other enterprises, for example, can find it difficult to get approvals or permits to open schools, hospitals, and small businesses because of existing laws regulating the running of such ventures. Strict regulations can create unnecessary bureaucracy and adversely affect economic, political, and social advancement of a society. Bureaucrats may accept corruption and ease the burdensomeness of restrictive laws. Similarly, corruption in the country may serve as a reward for poorly remunerated employees. Montinola and Jackman (2002) alluded that developing countries, like Nigeria and Argentina, underpay workers. Wages in Nigeria are low even by comparison to other developing countries. Extra income from corruption helps low income workers to survive. Billon (2003) concurs by stating that bureaucratic corruption “ensures the survival of low ranking civil servants, even if some of their bureaucratic activities are in themselves questionable” (p. 415). The unanswered question is whether top civil servants are also fighting for survival given the evidence from Nigeria, which suggests that big time corrupt officials are top people in high places such as governors, ministers, presidents, and other top

ranking individuals in private and public sectors (Donovan, 2008; Igwe, 2014; and United Nations, 2013).

On the negative side of corruption, Morgan (1998) strongly argues that “the most devastating consequences of bribery are usually not the cost of the bribes themselves, but the distortions they unleash within political and economic systems” (p. 27). Nigeria in general and Bayelsa State in particular are no strangers to such distortions. While billions of dollar in oil revenue have been received over the past several decades, little physical infrastructure is observable in Bayelsa or other Niger Delta states. On the other hand, the region is home to billionaire former governors and bureaucrats who are directly tied to oil money made from corrupt practices (Kashi, 2007). Their billions were generated through contract award duplications, distortion of the original costs of contracts, and founding and patronizing civil society organizations that served as fronts for funneling illegally acquired public funds (Timothy, 2013) (Timothy is a pseudonym for a participant in this study).

Corruption further divides a society into opposing camps. Such camps include perpetrators and victims of crimes; wealth producers and those who misappropriate wealth; and first-class chiefs that flaunt bonuses and royalties from government and oil companies on one hand and on the other hand, the real owners of farmlands where oil wells and pipeline transverse but receive no compensation from the government and oil companies alike. Indeed, Johnston (1986) concludes that corruption “produces divisions and conflicts, both among those involved in corrupt enterprises and between those who are included and those left out” (p. 464). The divisions and conflicts induced by corruption are discussed later in detail in this chapter as well as in Chapter 6.

The selfish owners of the illegal oil refineries sited in private homes, thick forests, and creeks, the international oil bunkering cartels and their local collaborators, security personnel, and bureaucrats involved in the illegal oil transactions, form corrupt enterprises cliques. Those on whose lands and properties the corrupt enterprises cliques profit from form their own group with the intention to confront those feeding off their resources. Thus, potential conflicts in goal attainment of these two groups always exist.

Supporting the division and conflict paradigm in corrupt societies, writers like Oji and Okocha (2005) and Okojie and Momoh (2005) contended that beneficiaries of a system that is corrupt will always clash with the victims of the system. Using Bayelsa State as an example, these authors associate demonstrations for and against former state administrators who looted the state's resources to the complexities of the Bayelsa conflicts. This study agrees that divisions among the constituents of the state partly create and/or sustain conflicts plaguing the state.

A divided society embroiled in conflict is unstable given that each group looks after its own interests rather than collective interests of the whole society. Morgan (2008) linked the divisiveness embedded in cronyism to instability by stating that "political instability occurs as excluded groups fight for political power in order to access rents produced by cronyism's distorted pattern of property rights" (p. 34). Morgan's assertion is exemplified in Nigeria's Land Use Decree of 1978. The Nigerian military government promulgated the Land Use Decree of 1978. This decree and its subsequent amendments by civilian legislations, since the country returned to civilian rule in 1999, gave the government total ownership of land traditionally owned by families. Under the traditional family land ownership system, individuals inherited land from their family for generations. The 1978 Decree has generated

two main conflicts. The first set of conflicts generated by the Land Use Decree is land property inheritance versus government ownership, which can polarize society along the line of groups who become new land owners and the traditional land owners now rendered landless by the Decree. It also created litigation and enforcement problems between civil and traditional laws.

The second set of conflict emerges from the manner of redistributing public land. Land acquisition and distribution in choice areas is the biggest source of cronyism. Original owners of the property rarely receive compensation. USAID (2010) agreed with this sentiment when it posited that the Nigerian land reform methods provided by the Land Use Act “redistribute lands that have been acquired in dubious fashion.” These new owners put little into public coffers before and after they have been given title to the land. The most intriguing part of this behavior is when one looks at who the new land owners are, how they acquired the property, and what they do with it. Again, USAID provides some insights on who, how, and what of these land deals:

Allocation procedures are highly discretionary, allowing opportunities for corruption and self-dealing by state and local government officials and politicians. Individuals can obtain land use rights, but they have no foundation of communal land holdings and no presumption of inheritance within families or lineages. Registration of Certificates of Occupancy under the Land Use Act is costly, time-consuming, and places the land-certificate holder on the tax rolls (USAID, 2010).

Further evidence of cronyism and what the cronies do with their corrupt wealth is provided by the work of Ebipade, Bekwei, and Goodhead (2012) titled “*Gov. Sylva’s Corrupt Empire and Cronies Revealed*.” The authors are of the opinion that Bayelsa State’s funds stolen by the governor and his fronts were spent buying choice land and property in Nigeria’s capital, Abuja. They also give account of the thieving culture and cronyism in the state when they explain that “part of the loots from Marine Maritime Limited was used by former Governor Sylva of Bayelsa State to award a contract to NO. 1 Property to build sixty-one (61) duplexes in

a choice area in Abuja. The same company was used to build another sixteen (16) duplexes in Abuja. The wife of the owner of NO. 1 Property is one of the best friends of Mrs. Alayingi Uduak Sylva.”

As a result of cronyism, citizens who are victims of severe distortions and abuses of their rights to access and own land can resort to fighting for political power which is seen as an end to property acquisition. When they win political power, it becomes an opportunity for them to access rents produced by cronyism’s distorted patterns of land and other rights. The incumbent political power holders on the other hand will use all means available to hold on to power knowing fully well the implications of losing power to their opponents. The fierce competition that follows the interactions between these two groups intensifies.

Corruption damages the image of a society and, affects its ability to attract investors from outside because people do not have trust in such informal mechanism. TI provides annual report about corruption in every country of the world. Investors want to be sure of the safety of their investment. One piece of information that helps them to make investment decisions is an annual report called “Corruption Perception Index (CPI)” produced by TI. Over a 10 year period, Nigeria has remained among the most corrupt nations group as Table 3.2 below shows.

Table 3.2: Nigeria's Corruption Perception Index (CPI) Score over a 10 year period

Year	Score	Remarks
2013	30/100 or 3.0	From 2012, TI changed the CPI base from 10 to 100. Nigeria's lower (CPlower) and higher (CPhigher) are based on 100. Ranked 144/177 countries in 2013
2012	31/100 or 3.01	139/176. Based on the 100 point ranking; below 50 points suggests serious corruption problem.
2011	2.4	Last year TI used the 10-point base to rank countries. Ranked 143/183
2010	2.4	A score lower than 5 indicates a systematic and serious corruption problem. Ranked 134/178 countries in 2010
2009	2.5	130/180 countries
2008	2.7	121/180 countries
2007	2.2	147/179 countries
2006	2.2	142/163 countries
2005	1.9	152/158 countries
2004	1.6	144/145 countries
2003	1.4	132/133 countries

Source: [http://archive.transparency.org/policy\\_research/surveys\\_indices/cpi/2003](http://archive.transparency.org/policy_research/surveys_indices/cpi/2003).

A decade of TI's annual CPI results (2003-2013, *Table 3.2*) shows that Nigeria has had a miserable transparency record when compared to some other developing countries within Africa including Botswana and Ghana, which have continued to remain among the one hundred 'less corrupt countries' in TI's annual reports where Iceland, New Zealand, Finland, and Denmark are the least corrupt countries in the world (TI Annual CPI Report 2013). The reprehensible consequences of corruption including low foreign direct investment (FDI) and dissatisfaction

among citizens of corrupt states made countries to take measures aimed at remedying the situation. I now move to discuss some anti-corruption measures.

### *3.7c Anti-Corruption Measures*

Most of the discussions so far reveal that corruption is associated with costs such as creating and sustaining divisions among groups, violent conflicts, and weaknesses in the ability of a society's institutions to perform effectively. To avoid the negative costs of corruption, a society like Nigeria puts in place laws and institutions to reduce corruption and its associated conflicts.

The enactment and/or amendments of existing anti-corruption laws include: Nigeria's Criminal Code with two chapters that define various acts of corruption as crime and penalties for violators. Chapter 12, Sections 98-111 prohibits public officials, individuals, and organizations from stealing, soliciting, offering, and/or receiving bribes, engaging in unauthorized buying or selling of any public property, extortion; and other acts deemed corrupt practices. The country's regional level laws—east, north, south-south, and west—incorporated these prohibitions into their respective judicial systems. Another chapter is also devoted to fighting corruption, Chapter 38, Section 4, Subsection 1, and Paragraph 9 contains the Criminal Code notoriously called “419.” This chapter and its sections provided for the arrest and prosecution of people involved in different forms of corruption including money laundering, stealing by taking, and other financial crimes. These constitutional provisions and their corresponding amendments are intended to curb corruption and perhaps push the country out of the group of most corrupt countries of the world. For the laws to serve their purposes, however, they have to be enforced.

*Establishment of special anti-corruption agencies and institutions:* The country's constitution clearly stipulated the procedures for prosecuting individuals or organizations found



in violation of the anti-corruption laws with the accompanying sanctions for anyone convicted by the law court or tribunals established for that purpose. The establishment of agencies and institutions such as the Independent Corrupt and other Related Practices Commission (ICPC), Economic and other Financial Crimes Commission (EFCC), the Law Courts, and Prison Services are intended to help in the investigation, arrest, prosecution, and enforcement of any breaches of the constitutional prohibitions on corruption. A brief discussion of each of these agencies and institutions is provided next.

The ICPC was established by “The ICPC Act of 2000.” The agency’s mission statement is “To rid Nigeria of corruption through lawful enforcement and preventive measures” (ICPC 2006). This agency has wide-ranging powers including the power to investigate and prosecute any Nigerian in the public and private sectors who engaged in any form of corruption. It has powers to investigate and prosecute public officials including the president, governor, and/or judge who gets involved in corruption. This agency reported several cases of corruption it successfully prosecuted and obtained convictions.

According to the agency’s 2014 press releases, an account clerk, insurance commissioner, visa scammers, former Inspector General of Police, and fake National Youth Service Corps (NYSC) members were all arrested, prosecuted, or are being prosecuted by the agency on corruption charges. This agency’s June 2014 press release stated that a medical clerk was successfully prosecuted and convicted of theft. The accounts clerk received a three month jail term for defrauding a Federal Medical Center of N8.3 million or \$51,553.00 (ICPC, 2014).

The agency sees the successful prosecution and conviction of these public officials as a measure of achievement and received praises over the arrest and prosecution of the highest ranking police officer in the country. However, a majority of Nigerians ridiculed the court

system on its weak punishment of corrupt officials like the accounts clerk above. Other skeptics saw the agency's report as a failure on the part of the agency to serve the purpose for which it was established. Most of the public reactions in the newspapers and other news media outlets to the report show total condemnation of the ICPC and the court for making mockery of Nigeria's anti-corruption laws. One commentator asked after reading the ICPC's press release, "Is this sentence a reward for defrauding the tax payers of N8.3 million?" Another commentator mocking the agency begged that he be given a three month jail term and be paid N8.3 million (ICPC, 2014). This jail sentence, according to a majority of bloggers, demonstrates Nigeria's unwillingness to tackle corruption because it encouraged, rather than discouraged, people from engaging in corrupt practices.

EFCC, a member of the International Association of Anti-Corruption Authorities (IAACA), was established by the "EFCC Act of 2002." The agency has several responsibilities including but not limited to investigation of all financial crimes, enforcement of the EFCC Act, and collaborating with local and international agencies in matters deemed necessary to perform its functions (EFCC, 2002). The agency's 2013 annual report showed that it successfully prosecuted and obtained convictions on 117 cases in 2013. This report did not include cases yet to be investigated, under investigation, or dismissed. There was no reason given for dismissed cases.

The EFCC chairman admitted in the press release that the agency's inability to convict alleged high-profile thieves stem from the outrageous amount of public funds those individuals stole. He is of the view that the high-profile thieves use their money and networks to delay court processes. If the amount stolen intimidates the agency that has the responsibility of prosecuting, where can the public whose funds have been looted go to seek assistance in

recovering the money? The blame may not be entirely on the agency. For example, an ex-governor of Bayelsa stole more than \$4 million from the state. This amount is more than the agency's annual budget. The ex-governor and his criminal network could buy over someone in the Attorney General's office and other people who directly or indirectly have supervisory roles over the EFCC.

The foregoing review of the literature on corruption in general, and corruption in Nigeria in particular, reveals much about the crisis that a developing country, like Nigeria, faces, especially when that country is dependent on a single source for its revenue. I turn next to the literature on conflict. The question, 'How does corruption create and/or perpetuate conflict in Bayelsa State?' will be a pertinent one to answer. The next section of this chapter examines the concept of conflict in an attempt to engage with the question.

### *3.8 Conflict*

Interactions among people can lead to disputes. Disputes are negotiable. During negotiations, parties to a dispute can reach a compromise, and no significant changes may occur in a society's institutions and structures (Burton 1990). Conflict goes beyond disputes and it connotes behavior of actors that can destroy lives, properties, institutions, and structures of a society. Writing on the behavior of parties to a conflict, Coser (1967) postulates that conflict is "a struggle over values, and claims to scarce status, power, and resources in which the aims of the opponents are to neutralize, injure, or eliminate the rivals" (p. 8). Similarly, Ramsbotham, Woodhouse, and Hugh (2011) posited that conflict is "the pursuit of incompatible goals by different groups" (p. 30). The pursuit of different goals diminishes the ability of parties in a dispute to compromise, negotiate, and/or avoid significant changes in the institutions and structures of their societies.

In his work on constructive conflicts, Kriesberg (2007) threw light into the behavioral attributes of people in a conflict. He identifies common behaviors in conflict situations to include attacking the other party, demanding that an adversary must change, or arousing and mobilizing members of their group for the struggle with opponents. The mobilization of support for a party can energize it to continue the fight especially if it has the potential to do well or retain control over a territory (Collier and Hoeffler, 2005). This belief is informed by four components of conflict, identity, grievance, goals, and methods which have profound implications on the destructiveness of the conflict episode. Indeed, Kriesberg (2007) summarizes these four components of conflict and their destructiveness, which I have included in Table 3.3 below.

Table 3.3:  
*Conflict Components, Their Negative Effects, and Corruption Link When Escalation Occurs*

<b><i>Components</i></b>	<b><i>Negative effects</i></b>	<b><i>Corruption link</i></b>
Identity	Exclusive of other parties; Ethno-nationalism; Defining self by opposing others	Cronyism, patronage, diversion of property/projects
Grievance	Believe existence is threatened; Feel humiliated by other parties; Historical trauma	Looting or stealing, patronage, and cronyism
Goals	Assume to be in zero-sum conflict; Seek destruction of other parties; Seek revenge	Looting, bribery, patronage, and diversion
Methods	Believe violence is the only recourse; Indiscriminate violence allowed	Bribery, looting, and patronage

Source: Kriesberg (2007), “conflict components and destructiveness” with some modifications.

The summary of conflict components and their associated negative effects reveals a linkage to conflicts and also indications that conflicts exist in various form and between different people such as ethnicism, intra- and inter-communities, and interpersonal. I turn to types of conflicts in order to look more into these linkages.

### *Types of Conflicts*

Conflicts can be international and domestic. International conflicts involve individual groups, governments, and non-government organizations across national borders. Domestic conflicts occur within a country. Note that some domestic conflicts may spill across borders. This study focuses on domestic conflicts and may refer to international conflicts where necessary.

Domestic conflict occurs among actors within the geographical boundaries of a given country (Fox, 2000; Gurr, 2000; Mazrui, 1990; Small and Singer, 1982). In their work on resort to arms, Small and Singer (1982) defined domestic conflict as “a military conflict within a state where the national government is one of the active parties and where both parties in the conflict can and intend to struggle despite any costs” (p. 210). The authors further suggest that destruction of villages, lives, infrastructure, legitimacy, and other related costs of war by government and its internal opponents do not diminish the intent of fighters to fight on.

According to Omeje (2006), domestic conflicts in Nigeria include conflicts between government and militia groups in the Niger Delta region, between Niger Delta communities and Multinational Oil Corporations (MNOCs), and among interethnic groups. This study focuses on Bayelsa State’s domestic conflicts. The next sections examine Bayelsa State’s dominant conflicts and their causes.

### *3.9 Dominant Conflicts and their Causes in Bayelsa State*

Even before Bayelsa State was created in 1996, its communities had been embroiled in various kinds of conflict. In this subsection, I discuss the major conflicts and factors that create and/or sustain them in the state.

### *3.9a Intra- and Inter-Community Conflicts*

A communication expert, Pace (1983) asserted that a conflict-free society will never exist. In a scenario where people are forced naturally or by human action to live and work together, he argued “antagonism, tensions, aggressions, stereotypes, negative attitudes, and the frustrations of perceived conflicting needs will always be present” (p. 59). Pace’s view prompted many authors to believe that in intra-community conflicts, groups within a given community engage in sharp disagreements and spend resources struggling over power and control rather than collaborative problem solving (Baxter, 2006; Coleman, 1995; Osaghae, 1995; Quanantelli and Dynes, 1976). Such conflicts can set factional leaders against each other in many ways such as disagreements over policy and implementation strategies, disputes over perceived personal interests, and a history of disagreements among leaders. Thus, the intra-community conflicts among the Ogonis pitched late Ken-Saro Wiwa’s faction against Lekara and other Ogoni factional leaders (Osaghae, 1995). Most of the intra-community conflicts revolve around leaders who seek to promote private interests (greed) at the expense of the communities they lead.

The self-gain pursued by many serving and potential community leaders in oil producing areas of the Niger Delta prompted Omofonmwan and Odia (2009) to argue that in the process of negotiation, these leaders “are more interested in what will benefit themselves and their immediate family members at the detriment of their respective communities” (p. 25). As in any conflict, intra-community conflicts affect community cohesion. In extreme cases,

lives and properties are lost. The ‘Ogoni four’ and ‘Ogoni nine’ may not have occurred were it that the actors were not engrossed in greed. The Ogoni four led a faction of the Movement for the Survival of Ogoni People (MOSOP) while the Ogoni nine led another faction of MOSOP. Ogoni nine leaders accused Ogoni four leaders of taking money from government and MNOCs and abandoning the Ogoni struggle. The Ogoni nine, according to indictment charge against them assassinated the Ogoni four on mere suspicion of collaborating with government and MNOCs. The Ogoni nine were summarily tried for murdering the Ogoni four and executed.

Similarly, Ebipade, Bekewei, and Goodhead (2012) associate the 2012 removal of most of the former elected chairmen of Bayelsa’s eight LGAs by the incumbent Governor Dickson Seriake, to his personal desire to put his cronies in power. The authors suggested that corruption allegations against those elected officials leveled by the governor were baseless.

The governor’s action only created tension among the electorates and supporters of his appointees for the vacated LGA seats. It also exacerbated the intragroup tensions in the state. The division and heightened tensions sparked off violent conflicts which the Fund for Peace (FFP) organization (2014), reports resulted in the deaths of dozens of people in the state.

### *3.9b Inter-Community Conflicts*

Unlike conflicts that occur among groups within a community, sharp disagreement can arise between a community and its neighbors. For clarity, inter-community conflicts are restricted to those occurring between communities within an ethnic group. This clarification is necessary to avoid confusing it with inter-ethnic conflicts. In a study titled “*Anthropology and the Study of Conflict: An Introduction*,” LeVine (1961) clarified the concept of inter-community by positing that it “covers the entire range of levels above a single community but

within one ethno-linguistic entity” (p. 4). In this regard, conflict between two communities in the Attissa ethno-linguistic group is an inter-community conflict.

Circumstances that cause inter-community conflicts such as stratification of the traditional rulers in the state, domination of a group, humiliation, succession to vacant chieftaincy stool, especially in places where more than two communities make up a kingdom, and the scramble for scarce resources get reinforced. Such is the case in Agbere community where twelve people including a policeman died following a tussle over who succeeds the sacked paramount ruler of the community (Osun Defender, 2014). Some first-class chiefs in the state, as part of the small percentage of elites that benefit from oil revenues, are excommunicated by their subjects during conflicts. Such Royal Fathers are no longer seen as the custodians of the traditional culture of the state and fathers to their kingdoms. As stated by Opene (2013), the powers and benefit structures of first-class chiefs spike tension between them and the other lower tiers of chiefs. One of the informal powers of first-class chiefs is to determine who gets employed based on the employment quota given to their respective communities (NGO Community Assessment Report 2013).

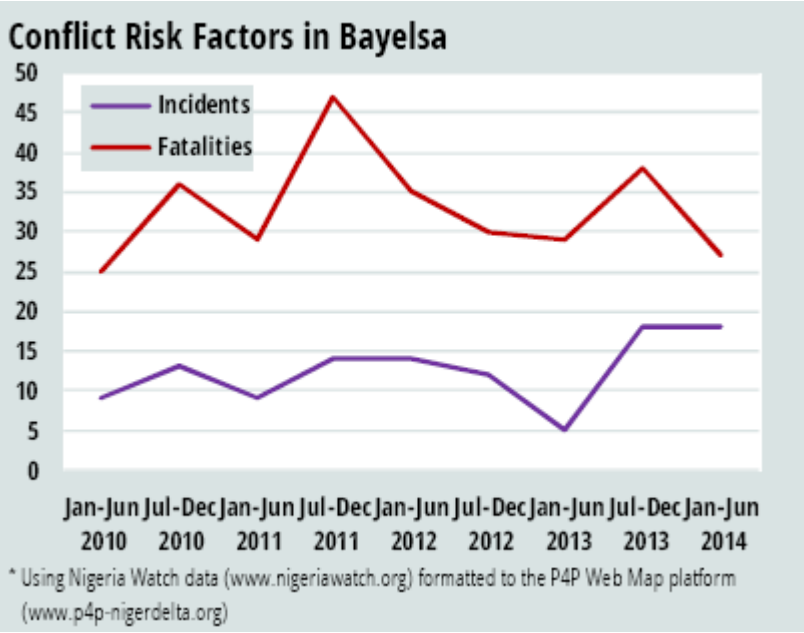
Conflicts among ancient communities that form part of the modern Bayelsa State may not have been created by oil revenue according to Ikein, Alamieseigha, and Azaiki (2008). The authors believe that Nembe’s attack on Akassa in 1895 was not because of oil deposits in the latter, but the humiliation of the Nembe community by the Akassa-based Royal Niger Company (RNC). The Nembe Kingdom believed that its Akassa neighbor and host of NRC’s provided the company a platform to launch an attack on the kingdom and its people.

However, wealth accruing from oil resources in recent years has perpetuated inter-community conflicts in Bayelsa State. Using data from the Nigeria Watch Organization and



Partners for Peace, the FFP carried a longitudinal study of inter-ethnic conflicts in Bayelsa State between 2010 and 2014. The study showed that the incidents and fatalities of inter-community conflicts in Bayelsa State doubled in 2011 compared to 2010. It spiked for the year 2013 when compared to the 2012 period. Another trend in the study showed a 280% rise in the incidents of conflicts from January 2013 to June 2014 as shown in Figure 3.1 below. Although the study shows a decline in fatality figures since January 2014, this may not mean that violence has been eliminated in the state’s conflicts.

Figure 3.1: Conflict Risk Factors showing Incidents and Fatalities of Ethnic Conflicts in Bayelsa



Source: Fund for Peace (2014). Web Map platform

Other causes of inter-community conflicts include diversion of government projects, bribery, patronage, and cronyism. Such conflicts may spill over to ethnic conflicts especially where the neighboring communities are of different ethnic groups.

### *3.9c Inter-Ethnic Conflicts*

In many multiethnic countries of the developing world, the politics, economy, and society are dominated by ethnic strife (Kanbur, Rajaram, and Varshney, 2011). Ethnicity is described as a socially constructed phenomenon that assigns a sense of shared traits and communal identity which distinguishes one group from other groups in a society (Nnoli, 1978). Thus, making such distinction may create boundaries, which, in the course of multilayered interactions with other groups, make each ethnic unit jealously guard and promote their interests at the expense of other ethnic units resulting in some greedy behaviors on the part of ethno-linguistic groups who dominate a society. Other ethno-linguistic groups being dominated respond with a list of perceived grievances they claim to suffer in the society. Indeed, Kanbur et al. (2011) postulated that the construction of ethnic groups and ethnic consciousness in the minds of a people “are not simply received at the local scale but are reworked in relation to local politics, economic, and social dimensions” (p. 148). This may explain why removal of an elected local government chairman, employee of a public agency, and/or use of a given language in public office, even when justified, is interpreted from an ethnic lens.

By reworking the ethnic consciousness, people may be creating boundaries between those who share the same common language, birth, and other related markers of identity and other people who share different identity markers. For example, in the historical context of Nigeria, citizens have always identified themselves as members of one of the over 250 ethnic groups in the country (Nnoli, 1978; Obi, 2004; Osaghae, 1986). One of the consequences of such identity marking is tension in the sharing of public goods among the different groups in a society that perceive themselves as different from the other (Miguel and Gugerty, 2005). Public

goods include state provided development projects, employment opportunities, scholarships, and political appointments.

Similarly, Collier and Hoeffler (2004, 2005) associate the probability of civil war to ethnic fractionalization. The Ijaw/Itsekhiri ethnic war over the location of Warri South local government headquarters (IRBC, 1999); the appointment of persons to key government positions based on patrimonial networks (Obi, 2004); and the citing of development projects as well as response patterns to issues affecting a particular group or region in the society are caused or sustained by private interests of leaders, government, and multinational patronage systems and rewards, and a lack of fairness over the subnational management of natural resources revenue (Salawu, 2010). Inter-ethnic group conflicts have resulted in thousands of deaths and displacement of people in Nigeria. In a historical study of the ethnic Ogoni uprising, Osaghae (1995) found that the 1994 violent conflicts which broke out between Ogonis and their neighboring Andonis and Okrikas destroyed more than ten of their villages for no apparent reason, killing 1,000 Ogonis and rendering about 30,000 homeless (p. 337). Many of these conflicts and their impacts may result from or reinforce the manner of oil revenue distribution.

### *3.9d Company-Community Conflicts*

Extractive companies like Shell Petroleum Development Corporation of Nigeria (SPDC), TOTAL, Chevron, and other related oil corporations that operate in oil fields in Bayelsa State oil fields have bases located inside communities in the state. These communities commonly referred to as ‘host communities,’ provide sources of raw materials, space for establishing companies’ physical infrastructure, and other operating supports to companies. The company operations usually create both positive and negative impacts in the society (Blowfield and Frynas, 2005). The expected positive impact includes jobs creation, maximization of

profits for company owners, compensation to property owners affected by oil operations, development of host communities, and revenue for the government (Dahlsrud, 2008, Ojo, 2012). When properly managed, a company's positive impact in its host community results in mutual benefit for the community and company.

On the negative impact, many people have argued that the majority of a community's population bears the burden while a small minority benefits from the positive impact of corporations operating in a society. This has prompted Renner (2002) to assert that "in many developing countries, the economic benefits of mining and logging operations accrue to a small business or government elite and to foreign investors" (p. 8). The elites, traditional rulers, and government officials (Obi, 2010; Ojo, 2012; Shaxson, 2007), who benefit from the exploitation and profits from the wealth of the host communities, rush to Switzerland and other so-called least corrupt nations to deposit their dirty loots while the communities wallow in abject poverty and misery.

The increasing rate of unemployment is yet another negative impact of corporations on their host communities. A study by Eregha and Irughe (2009) showed that host communities in Bayelsa State despite their huge wealth in 2001 had twice the unemployment rate (37.1%) relative to the average national rate of 18.1%. One of the contributing factors to high unemployment in the region was the destruction of the traditional occupations, such as fishing and farming. According to studies by Ojo (2012) and Ovwsa (1990), oil induced environmental degradation destroyed farming and fishing industries that were the main sources of livelihood in the Niger Delta region. Indeed, the United Nations report (2011) on Ogoniland detailed the danger communities in the area are facing including oil spills, gas flaring, lack of drinking water, inadequate remediation of pollution, and low investment in catalyzing sustainable

recovery of Ogoniland. Thus, conflicts often erupted between corporations and traditional farmers and fishermen that had lost their jobs and other grievances due to company operations.

Individuals and organizations are pointing fingers as to who is responsible for oil spillage in the state that created environmental and other health hazards. MNOCs accuse host communities of causing oil spillages. To them, sabotage of oil installations by protesting community groups, oil bunkering by illegal refinery operators in the bush, and crude oil thieves (Dada, 2013) cause the spillage. The communities point to the MNOCs' use of old pipelines and other rusty equipment as well as crude oil stealing by oil workers and their international collaborators as the cause of the spillage (BBC, 2013). When spillage occurs, the ecosystem is affected and MNOCs may not respond on time, triggering conflicts between them and the affected communities.

Other causes of company-community conflicts include selective reward systems that benefit elites and leadership groups (Ojo, 2012); Ogoni versus Shell BP over employment; failures in the implementation of some provisions of memorandum of understanding (MOU) between companies and communities; and environmental issues and insecurity (Owolabi and Okwechime, 2007). Writing on the Ogoni versus Shell and Chevron conflict, Ejibunu (2007) linked this conflict to the destruction of the Ogoni homeland and inadequate compensation to the community by the oil giant. Similarly, Oyadongha (2013) opined that the Ewelesuo community versus Shell BP conflict stems from oil spillage coming from the company's operations in the community.

These conflicts have resulted in the deaths of corporations' staff, indigenes of host communities, and officials of Nigeria and Bayelsa State governments. Destruction of properties belonging to the government, corporations, and communities has been linked to

community/MNOC conflicts. Dada (2013) reports that in 2013 alone, SPDC lost \$700 million to oil thieves (p. 27). Peel (2005) puts the quantity of daily oil production output two leading multinational corporations lost in 2003 alone through company-host community conflicts in Nigeria as 40,000-100,000 barrels for Shell and 5,000 for Chevron (p. 11). These losses can account for the reluctance of MNOCs to implement some aspects of MOUs signed with communities which in turn fuels company-community conflicts

### *3.9e Militia Groups-Government*

Contentious relationships between government and non-government groups (militia groups and MNOCs) have generated new terminologies in explaining violent confrontations between a state like Nigeria and armed groups within its territorial boundaries. Some of these new terminologies include state and non-state actor conflicts (Blin, 2011), new wars (Kaldor 2006), and insurgency (Fearon and Laitin, 2003). The 'new war' is fought in two fronts according to Kaldor (2006). The first front involves violence between the state and organized political groups (government and opposition parties) for political motives. The second front involves conflicts between privately organized groups, such as drug cartels, kidnappers, and other related criminal groups, for private gains. Apart from these two fronts, a third front in the Niger Delta region is conflict between the actors in the two fronts, that is, political parties and their followers versus privately organized groups. Some selected cross-actor violence in the region were the radicalization and militarization of resource control conflicts (Omotola, 2006) and the police/military and militia standoff of 1999 that left more than 3,000 people dead in Odi, Bayelsa State (Human Rights Watch (HRW), 1999). Indeed, Heidelberg (2011) listed many 'new wars' around the world and some of the goals parties in the violent confrontations

expected to achieve in their 2010 conflict barometer. Several cases were listed in Nigeria. These included the conflicts between the state and Movement for the Actualization of the Sovereign State of Biafra (MASSOB) involving autonomy, economic and political dominations, and the conflicts between the state, MEND, and other militia organizations over systems, ideologies, regional predominance, resource control, and secession (Ojakorotu, 2005; Omotola, 2006).

In Bayelsa, government-militia conflicts include confrontations over resource control, autonomy, dominance, and private financial benefits for major actors (Kaldor, 2003; Obi, 2005; Omeje, 2005; Osaro, 2010). Exposing one of the major actors who received private financial benefits from the mayhem, Osaro (2010) put the total amount Mr. Timi Alaibe and Mr. Atel Beredigo, indigenes of Bayelsa State, illegally got from oil revenue funded projects at N1.5 billion or \$9.3 million (p. 2). According to Peel (2005), Nigeria's yearly oil loss in monetary terms as a result of government-militia conflict is \$1bn (p. 11). The Nigerian National Petroleum Corporation (2012) validated Peels assertion when it acknowledged that sabotage of oil installation and illegal oil dealing by Niger Delta militant groups contributed to the country's decline in oil revenues. This monetary loss does not include personnel and other resources invested in fighting or prosecuting militia members. The militia groups equally incurred losses as well but their losses may be difficult to quantify other than in lives.

The foregoing discussions on conflict provides a great revelation on the link between corruption in oil revenue allocation and a variety of conflicts such as intra- and inter-community, ethno-linguistic, community-company, and government-militia conflicts that engulf Nigeria's Niger Delta and Bayelsa State in particular. Each of these conflicts are created,

and/or sustained by acts of corruption such as bribery, political patronage, and cronyism in the distribution oil revenue.

### 3.10 *Managing Conflicts*

A common proverb in Africa is that “a coconut provides a rope with which it is carried.” In this context, the nature of conflicts is the main determinant of how such conflicts are managed. Vital to this nature centered conflict management is the level of human involvement in the conflicts. Thomas and Kilmann (1977) pointed out the importance of human involvement in conflict management by emphasizing that human behaviors in conflict situations should determine how conflicts are managed. Using actors’ behavioral approach in managing conflicts, I examine direct and indirect behaviors of the communities, MNOCs, and governments’ responses to the conflicts. Governments use competitive, compromising, and collaborative responses that include but are not limited to denials, cover ups, beefing up security, ransacking a community, transfer of personnel to other departments or zones, establishing new government departments, and creating anti-corruption agencies. Anti-corruption agencies and institutions have been discussed earlier in this chapter.

The communities use approaches like compromise, accommodation, competition such as taking laws into their own hands, negotiating with other actors, and taking up arms against the government. The MNOCs’ approaches include competition, collaboration, avoidance, and compromising with other actors in hiring private security guards, funding governments’ military actors against host communities, and pulling out of conflict zones. Criminal gangs’ rely more on compromise, competition, and collaboration when they escalate violence, destroy oil facilities, and form alliances with militia and other criminal groups. The next section in this

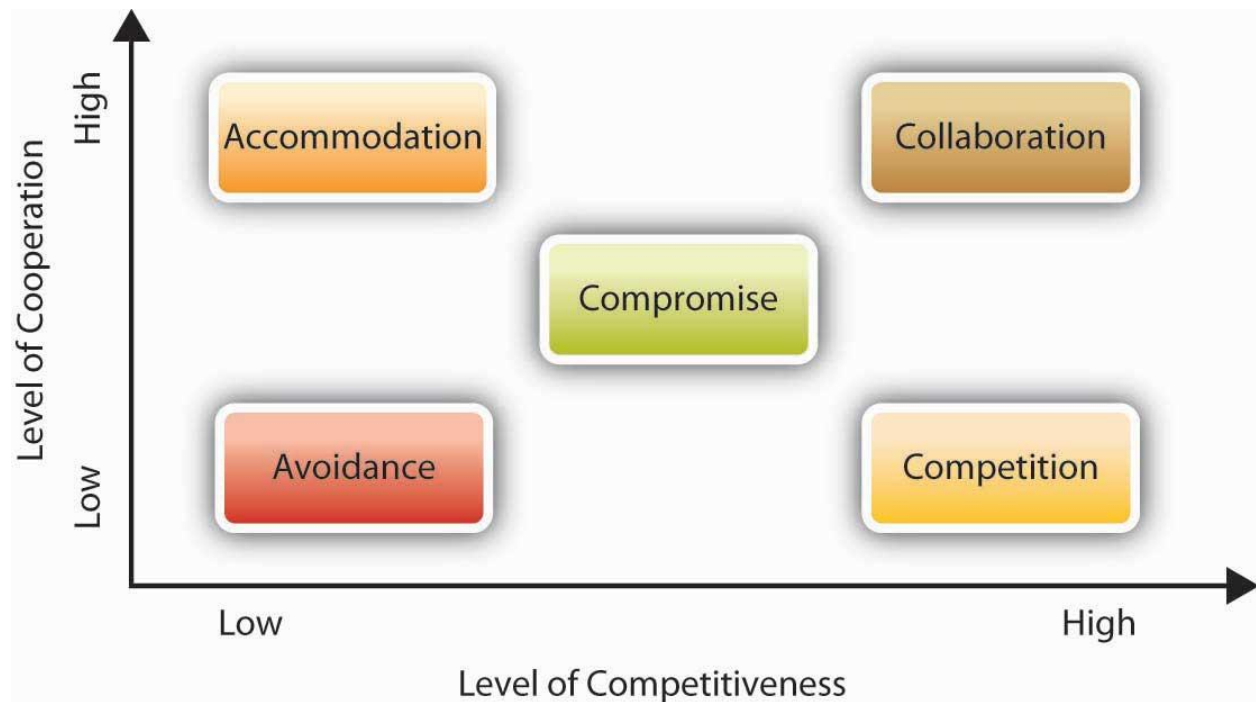


chapter examines the management of corruption in oil revenue distribution induced conflicts in Bayelsa State.

### 3.11 Conflict Management Styles in Bayelsa State

Conflict management styles are dictated by the actors' behaviors during the conflict. Thomas and Kilmann's (1977) study on developing a forced-choice measure of conflict-handling indicates that human behaviors dictates the styles to use in managing conflicts. According to the authors, two dimensional behaviors, assertiveness and cooperativeness drive the strategies for handling conflict situations. The strategies are competing, avoiding, compromising, collaborating, and accommodating. *Figure 3.2* visually represents these strategies.

Fig. 3.2 *Thomas and Kilmann's two-dimensional behaviors and conflict handling strategies*



**Source:** Thomas and Kilmann (1977).

This study examines only three of these strategies, competition, collaboration, and compromise, because they are commonly used in Bayelsa State toward managing conflicts.

**Competition:** Competitive behavior is associated with high degree of assertiveness. It is the most commonly used strategy among the parties engaged in the state's conflicts. Parties using this strategy are more interested in the actualization of individual goals at the expense of the general goal of the state. Driven by zero-sum thinking where a winner takes all, a party exhibiting competitive behavior invests all resources, economic, political, military, and even oratory power, available to it into the conflict. Ojabor's (2006) '*Oillification of the Niger Delta Conflicts*' detailed how the federal and states governments used security agencies, law courts, and other government resources to assert authority over Niger Delta resource control agitators. Osaro (2010) in his work titled "terrorism by NDDC" showed how top government officials, corrupt networks, and MNOCs combined assertive styles, competition, collaboration, and compromise to rip off Bayelsans and the entire Niger Delta region of billions of oil revenues in local and foreign currencies. Individuals and groups such as some leaders of RDCs, MEND, and traditional chiefs responded by forming agitation alliances to further their own interests.

Competitive strategies not only escalate conflicts, but also increase the costs of conflicts. The proliferation of militia groups in the state, increase in the violent conflict fatality rates, misuse and looting of state resources, and other related costs are indicators of the unwillingness of parties to try other conflict management strategies.

**Collaboration:** This is a midpoint between assertiveness and cooperation, the collaborative approach that brings opposing parties together to find middle ground between their respective interests and positions that ensures a situation where no one party gains all it

wants while the other party do not lose everything either. The various MOU that have brought relative peace and increased petroleum output signed and ratified by major actors like the government, MNOCs, and host communities in the state are examples of such collaborative behaviors. But studies showed that the direction of most of the collaborative strategies of the parties is towards consolidating what each group has received. There is greater unwillingness to collaborate with opponents especially if a party's position promises greater advantage over its opponents (Collier and Hoeffman 2004; Ojakorotu, 2005; Ron, 2003). This kind of collaboration that promotes a particular group's interests only help to further polarize the parties in the conflict. For example, the government of Nigeria, MEND, and other militia groups agreed to the 2009 amnesty initiative only when their particular interests were served.

The long-term interests of the poor Bayelsans and other Niger Deltans who still bear the burdens of the conflicts were least considered in the negotiations leading to the amnesty initiatives. Writing on neopatrimonialism and the terrain of struggle, Reno (2011) aptly described collaborative styles of African governments which Nigeria is included by postulating that "African governments became 'control regimes' which pursued policies that promoted a closed economy, distorted key prices in the macro economy, and heavily regulated industries and markets, all to further the short-term interests of incumbent elites" (p. 62). The petroleum industry in Nigeria is one of the highly regulated industries controlled by top government, political and multinational corporate officials. Collaboration among these elites gives them advantages over communities and groups in Bayelsa seeking to participate in the management of petroleum wealth. The country's petroleum products subsidy regime while it lasted, for example, benefited the rich people who won contracts to import petroleum products at subsidized prices according to Diezani Madueke, Nigeria's Petroleum Minister.

**Compromising:** As the name suggests, compromising is both assertive and cooperative. The behaviors that the parties exhibit are intended to result in a win-win situation. Both parties on the divide gets part of what each wants. This behavior does not postpone issues until a later date. On the assertive side of compromise, parties seek and remain unmoved on the implementation of agreements, existing laws, and/or modification to such laws. The amendments to the constitution, establishment of special agencies and courts, and review of MOUs are some areas that assertive behaviors have been used.

On the cooperative side, parties have negotiated especially the revenue allocation formula and MOUs, corporate social responsibilities have been implemented, amnesty has been granted to militants, and communities have curbed hostilities to oil companies among other cooperative measures. The governments of Nigeria and Bayelsa State, and other actors like the MNOCs, host communities, and militants have won some of their goals and given up some or suspended them for future negotiations. This approach is not perfect. Some grounds of compromise have been broken such as continued kidnapping of MNOCs' officials, continued neglect of the development needs of communities, and MNOCs' incitement of inter-community conflicts like the one between Okoroba and Agrisaba (Ebosa 2014) in Nembe L.G.A.

This section examined competitive, collaborative, and compromise approaches parties used in managing conflicts between them in Bayelsa State. The choice of these approaches by the parties stems from the fact that they consider petroleum as a fixed and limited resource that sharing it will reduce or deny a party of its perceived entitlement (greed). For example, competitive approach assures a winner absolute control of all the petroleum revenue of the state. At the same time, it leaves the loser with nothing but grievances since in the process of competition, the winner has taken him or her as an opponent, rather than a partner in the

development of Bayelsa State. I turn to the next section to discuss the theoretical framework that informed this study.

### 3.12 *Theoretical Framework*

Many theories, including human needs theory (Maslow, 1948; Burton, 1990); relative deprivation theory (Opotow, 1990); moral exclusion theory (Opotow, 1990); greed and grievance theory (Collier and Hoeffler, 2004, Collier 2006); and dynamical systems theory (Coleman, Wrzosinka, and Nowak, 2005) could be applied to the case of corruption in oil revenue redistribution in Bayelsa State, Nigeria. The one most suited for this study is Collier and Hoeffler's (2004) greed and grievance theory.

Through their work on causes of civil wars, Collier and Hoeffler (2004), used the greed and grievance theory to explain the causes and continuation of civil wars in developing countries. To the authors, greed is violent competition among elites over who controls natural resources rents. This violent competition over control of natural resources rents is not necessarily for the sake of satisfying interests of the populace that those competitors purport to lead but their own personal interests. The natural resources that generate these rents that the elites compete for include but not limited to petroleum, gold, diamond, lumber, and fish. Winning control over natural resources rents is not usually for the general well-being of the public but mostly for the satisfaction of the elites' self-interests. This is supported by Pandit (2012) in his essay titled "*Greed Versus Grievances Theories in 'Economics of Conflicts.'*" The author contended that what motivates elites in resource abundant countries to engage in violent uprising is not necessarily the grievances but the self-interest (greed) of those elites which is to control the natural resources of their respective countries. These elites could be government officials,

insurgent group leaders, community leaders, business, and other elites in the society. In the case of insurgent groups, the author stated that “This insurgent groups are more likely motivated by control over resources than by actual political differences with government authorities, ethnic divisions or other factors typically viewed as root causes of civil war” (p. 1). Some of these ‘other factors’ that Pandit could be referring to as causes of civil and other violent conflicts may include economic deprivation, environmental degradation and cultural clashes.

Some writer like Nwokolo (2009); Pandit (2013); Ugiagbe (2013) classified these other causes of violent conflicts that are not tied to the satisfaction of individual or a select group’s interests as grievances. Nwokolo (2009) believes that grievances may not necessarily create conflicts but may sustain it. The author was firm in stating that greed is the driver of violent conflicts especially where rebels and plundering of resources are involved. However, Ugiagbe (2013) identified greed in government leaders that plunders state resources as source of violent conflicts. The author stated that “Reports of public funds diversion by executives in some states leaves a sour taste in the bud. Instead of the state government using the revenues paid in derivation to right their environments and lives they swindle the revenues into their own private pockets thereby compounding the problems of the people in the area” (p. 5). Greed and grievances are not mutually exclusive. Rather, each enables the other in the creation and sustenance of conflicts.

The case of the 1998 Kaiama Declaration by the Ijaw Youth Council (IYC) and the emergence of a violent militia, MEND, provides an instance on the interconnectedness of greed and grievances in creating and/or continuing conflicts. The declaration and behaviors of other militia groups operating in Bayelsa and other oil producing states further connect corruption

exemplified by greed to conflicts. Items 1, 2, and 4 in the declaration are worth quoting verbatim.

- 1) *All lands and natural resources (including mineral resources) within the Ijaw territory belong to **Ijaw communities** and are the basis of **our** survival*
- 2) *We cease to recognize all undemocratic decrees that **rob our peoples/communities of the right to ownership and control of our resources**, which were enacted without our participation and consent. These include the Land Use Decree and The Petroleum Decree*
- 3) ...
- 4) *Ijaw youths in all the communities in all Ijaw clans in the Niger Delta will take **steps** to implement these resolutions beginning from 30<sup>th</sup> December, 1998, as a step towards reclaiming the control of our lives. We are tired of gas flaring; oil spillages, blowout ...*

I highlighted certain phrases and words in declarations, 1, 2, and 4 because of their supposed reference to the public interests rather than the interests of Ijaw elites. Here are some behaviors that changed grievances to greed to grievances and vice versa. According to Servant (2006), Asari Dokubo, founder and leader of Niger Delta Volunteer Force (NDVF), a breakaway faction of MEND, started trafficking oil which in declaration #1 belonged to Ijaw communities. The privatization of illegal oil proceeds by militia leaders, government officials, and community leaders, promoted greed and increased grievances of the masses in Bayelsa State. Indeed, Ross (2012) unveiled illegal oil refinery transactions in the Niger Delta that demonstrated why some of the Kaiama declarants ceased to recognize in item #2 what they termed as “undemocratic decrees that rob our peoples/communities the right to ownership and

control of our resources.” Ross’ interview with two Niger Deltans involved in the illegal refinery business is reproduced below.

One of Ross’ interviewee said that “We settle with the army people. If they see money in your hand they will take that. If not they will take products (oil) from you. If we have 10 drums we will give them two. It’s normal.” The other interviewee added that “Many of our brothers have died and are injured. We also get diseases from it and rashes on the body.” Evidently, the actions of these illegal oil operators and government officials who took bribes and/or join in such unofficial transactions were not beneficial to those they claimed in the declaration to be fighting for. The very public officials the government employed and used tax payers’ money to pay and maintain were equally not working for the interests of the public they serve but served their own private gains. In the case of the military, they are part of the civil servants in developing countries who are lowly and irregularly paid (Mauro, 2002; Rose-Ackerman, 2004). In a collective society such as Bayelsa with large extended families, it could be difficult for a lowly paid civil servant to maintain his family. The irregular nature of salary payments further compounded civil servants’ miseries. Engaging in corruption becomes an avenue to sustain their lives. However, investigations have shown that many low paid civil servants in Bayelsa State do not engage in bribery online as means of livelihood. However, some groups of civil servants have become greedy in their pursuit of lifestyle beyond their income.

Indeed, Oduma (2012) aptly revealed the greediness of these set of civil servants in Bayelsa State by positing that “In Bayelsa, it is common to see treasury officials of low-grade level erecting huge residential buildings. This category of workers also own massive estates in and outside Yenagoa and live a lifestyle that is arguably above their legitimate earnings as civil



servants. This is one of the factors that increase the anger of pensioners.” Residential building is not necessarily greed. However, owning massive estates by such category of civil servants constitutes greed. What those greedy behaviors rather created and/or exacerbated were public grievances such as lack of safety, environmental degradation, and lack of development infrastructure among other twenty broad grievances contained in the Ogoni Bill of Rights put forward by Ken Saro-Wiwa led Movement for the Survival of Ogoni People (MOSOP) in 1990.

Collier and Hoeffler’s main argument in this greed and grievance theory which I agree with based on the Bayelsa State circumstances is that opportunity (of access to money) that greedy behaviors provides for the Asari. Orkah, other militia leaders, government, and community elites to actualize their private gains created and/or sustained conflicts. In the case of militia leaders, conflicts occur as each groups try to exact influences over certain territories knowing full well that the larger the area of its influence, the larger the amount of petro dollar it can control. Fighting over territory and control of the resources therein could pitch one group against another or in the case of treasury officials and pensioners in Bayelsa State, could lead to violent protests in which government properties may be destroyed by angry pensioners.

This study in the light of the above defines greed as any behavior intended to confer societal benefits only to an individual or a group at the expense of all other people and groups within the same society. Forms of corruption such as bribes, cronyism, diversion of government expenditure, and political patronage, this study believes, are greed because they benefit only those involved in them and deny majority of the people in a society their benefits as members of the society (Osoba, 1996; TI, 2012; World Bank, 2008; World Bank and United Nations, 2012).

Another argument connecting greed and grievances to violent conflicts is what Ganesan and Vines (2008) classified as “actions of a third-party institution seeking to profit from resource-rich area.” In the case of Bayelsa State, a third-party organization could be any or all of the Multinational Oil Corporations (MNOCs) operating in the area. Their actions could include inciting one community against another, patronizing a militia group through lucrative security contracts, and arming members of Joint Military Taskforce (JTF) that Nigerian government stationed in the area to maintain law and order. Indeed, Ebosa (2014) noted a third-party (Nigeria AGIP Oil Corporation, NAOC) action that contributed to conflicts between Okoroba and Agrisaba communities. NAOC, like other MNOCs, is out to make as much profits as possible. Every conceivable means such as recruiting thugs to harass communities protesting MNOCs’ activities, buying off perceived dangerous groups, and blaming sabotage of oil infrastructures on communities in order to avoid spending much on clean ups have been used by the MNOCs to satisfy their self-interest which is profiting from Bayelsa rich oil resources and . The case of SPDC is informative. According to Ecumenical Council for Corporate Responsibility (2010), “Shell has at times awarded surveillance and maintenance contracts and stay-at-home payments to violent youths, thugs and cult members. These people have used their new found economic power to purchase ammunition with which – although unbidden by the company – to terrorize their communities” (p. 25). Similarly, according to one of the lawyers representing the Yorla community, Shell in 1996 secretly paid off leaders of Yorla community for damages resulting from a 1994 oil spillage in the community. This raises questions as, ‘Why did Shell not pay the community for the damages instead of paying off few elites?’ ‘What could be a possible explanation for any MNOC to prefer paying off a small group of people in a society where it operates rather than executing its social responsibility?’

One could confidently conclude from this third-party action that paying off a small group would leave such company with more profits than embarking on the development of swamps. Those terrorizing their communities could achieve two motives that satisfy their private and MNOC's interests. Their personal interests could be to make as much money as they could from the MNOC operating within their areas of influence. For them to make such money, they need to control who comes to their movements. The MNOC's interests on the other hand include keeping operations going without interference, ensuring that nobody monitors their output giving them opportunity to overproduce and make abnormal profits. Recall Ross (2012) interview above which exposed how government officials and thugs engaged in illegal oil enterprises. Conflicts could likely arise as the mass may clash with thugs who they perceived as blocking them from receiving their entitlements from MNOCs.

In many ways corruption is connected to the complicated story of conflicts in Bayelsa State. The greed (i.e., desire and opportunity to get rich through the control of natural resources rents) of few elites in the state deprived majority of the populace the benefits they are entitled to as members of the society. Elites in the state use a combination of aspects of corruption such as bribes, cronyism, political patronage, and looting of state funds to perpetuate control of natural resources rents. For example, Ebipade, Bekwewei, and Goodhead (2012) stated that former Governor Timpreye Sylva and his cronies used public funds he looted during his governorship tenure in Bayelsa State to build choice properties in major cities in Nigeria. The elites' private gains for the elites are satisfied as their perceived entitlements while the majority of people are deprived of basic welfare that the state owes them as social responsibility, thus promoting corruption which generates and/or sustains grievances in the state.

Grievances according to Pandit (2012) include political repression and exclusion, economic insecurity and economic inequality. People who are aggrieved over a long time could violently protest conditions, policies, actions, and opportunities that they perceived as unfavorable to them. The elites, who the status quo favors would be motivated to also use violence to prevent change from occurring (Badmus, 2010; Collier, 2000; Collier and Hoeffler, 2004). The greedy elites are driven by the profits including different forms of payments, settlements, incorporations, and pacification strategies they get, often directly, from continuing the conflicts with the aggrieved populace (Badmus, 2010). Indeed, Billon (2003) aptly described how corrupt leaders in a divided society used the distribution of the spoils of office they hold to maintain the status quo by positing that “Leaders retain allegiance of individual members and organizations by providing an inescapable economic incentive (access to rents/bribes)” (p. 416). We should note that bribes are not the only acts of corruption. Billon further averred that inescapable economic incentive can increase grievances as those not benefiting from this economic incentive may engage in organized and/or unorganized violent rebellion in demanding change.

Some writers including Williams (2011) and Blattman and Miguel (2008) criticized greed and grievance theory because it suggests that greed and grievance behaviors are separable, and limitations arise from empirical studies. Blattman and Miguel noted in particular that greed and grievance theory that explained a group’s armed behavior “are tested at the national level despite obvious difficulties of aggression” (2008, p. 5). But such criticisms have not removed the powerful explanations the theory brings in understanding the link between corruption and conflicts at the subnational level.

The greed and grievance theory is considered most relevant because of its insight in creating an understanding of the motivations for people to engage in corruption and the negative impact such engagement has on a society. In addition, the theory emphasizes several basic factors that link corrupt acts such as bribery, political patronage, cronyism/nepotism, and the lack of accountability to conflicts like fierce inter-ethnic competition, host communities/MNOCs, and government/militia conflicts. The negative impact of corruption is succinctly stated by Theobald (1990) thus, “The political ascendance of naked self-interest intensifies social inequalities, encourages social fragmentation and internecine conflicts and propels a corrupt society into an unremitting cycle of institutional anarchy and violence” (p. 130). Corruption is synonymous with self-interest because it serves the interests of a minority group of the giver and receiver who are its major beneficiaries while majority of the society suffers its negative impact

Political patronage in modern society is not confined to a particular geopolitical area. However, the incentive behind wider use of political incentives is to enable politicians to remain in power by retaining the allegiance of voters who are willing to exchange their votes for other incentives. In a patron-client relationship or what Joseph (2014) characterized as ‘prebendalism,’ institutional performance is weakened. This is more noticeable where meritocracy is jettisoned for mediocrity (Ayokunle, 2011; Hoffmann, 2012). The recent appointment of Patience Jonathan, wife of the current President of Nigeria, as a Permanent Secretary (Allwell, 2012; Sahara Reporters, 2012) in the Bayelsa Department of Education is seen as an extension of political patronage system in the state by Governor Dickson’s administration. Nigeria’s first lady and Dickson are both members of the ruling PDP. Though

she later rejected the appointment, the opinion of many people in the state is that the governor's choice of Mrs. Goodluck Jonathan was motivated by party affiliation.

Evidence from the literature indicates that Bayelsa State within the past decade has a history of an accountability deficiencies. For example, unspent funds at the end of each fiscal year are never retired for inclusion into the next budget. The NDCB (2008), a public watchdog group, provides an insight into what happens to any unspent fund by positing that "Unspent funds are calculated and, as a rule, returned to the treasury for eventual inclusion in the next budget. But experience has shown that unspent funds exist mainly as fraud chest for corrupt officials" (p. 13). As revealed earlier, many leaders in military regimes and emerging democracies do not consider themselves accountable to the public. Such a mentality indicates that leaders' desire to satisfy their own interests can come at the expense of those they lead (Adebayo 2012; Ewoh, Matei, and Matei 2013). A leader that stole public fund cannot claim to serve the interests of those he/she leads.

Oil rent-seekers epitomize greed through their selfish control of oil revenues and distribution routes. As Watts, Okonta, and Kemedi (2004) postulated, "Oil rents have historically sustained a parasitic ruling elite" (p. 4). Kleptocracy in corrupt societies is widening as rulers devise means such as not retiring unspent funds, granting personal loans that never repaid, and distorting costs of projects to steal public funds for their personal use. These kleptocrats further enhance their personal gains by implementing highly inefficient economic policies and development projects including embarking on expensive development projects, expropriating the wealth of their citizens, and using the proceeds for their own glorification or consumption (Lanthan, 2001; Vian, 2008). Kleptocrats' ability to succeed rests, in part, on their

ability to use a divide-and-rule (i.e., marginalization) strategies, which are made possible by the weakness of institutions in these societies (Acemoglu, Verdier, and James, 2004).

As a consequence of greed in a society that is dependent on non-renewable resource like petroleum, the majority of the poor who bear the burden of greed react by communicating their list of grievances such as lack of access to education, jobs, development, and security (Collier and Hoeffler, 2004). These grievances resulting from the exclusion of the vast majority of the populace from sharing the full benefits of a society membership will according to Klare (2001) generate conflicts. Consistent with literature, access to education in Bayelsa State is low (Ortis and Cummins, 2011). Kleptomania in the state exacerbated by the culture of corruption as well as hurried state pardon granted to convicted corrupt cronies have reduced the ability of the state and federal institutions to investigate and prosecute alleged corrupt officials (Ebipade, Bekewei, and Inainfe, 2012; EFCC, 2013; ICPC, 2014).

Related to the greed and grievance theory is the culture of entitlement in Nigeria which Joseph (1987) called “the politics of prebendalism.” Many Nigerian (Bayelsan) government officials regard ill-gotten wealth as their deserved share of the national cake. Those in positions of authority ‘take’ their share and ‘prepare’ for the time they would not be in authority (Isu, 2013). Those outside the political sphere push, violently or otherwise, to obtain their share of the national cake. Hence, both the political elite and the underserved masses of the population engage in strategies to promote their prebendal interests.

Furthermore, the greed and grievance theory is used here because it explains how the proceeds of corruption, such as illegal oil deals, special payments, and dominance of others enjoyed by militia groups, political elites, and other groups, drive these beneficiaries to perpetuate conflicts in Bayelsa State. Collier (2000), Collier and Hoeffler (2004), Reno (2003),

and Allen (1999) provided explanation on how personal economic gains by warlords, corrupt government officials, and external collaborators from illegal dealings in natural resources, cause civil wars in resource dependent societies like Liberia, Democratic Republic of Congo and violent conflicts in Bayelsa. Ibeanu (2005), as discussed earlier, supported the relevance of this approach by pointing to the perpetual conflict between the producers of wealth and the wealthy who took the producers' products by force.

From this theory, I developed two hypotheses on corruption that seek to show motivations for someone who engages on corruption and the effect of his or her action on other individuals in a society where they belong. I stated these hypotheses in Chapter 4. I will use the results derived from analysis of data I collected during my fieldwork to see if my hypotheses are supported in the case of Bayelsa State, Nigeria.

### *3.13 Highlight on the Literature and Theoretical Framework*

This chapter on literature review and theoretical framework point to the three major sources of oil revenue: 13% derivation, statutory allocation, and excess crude oil, which Bayelsa State almost depends only on for its sustenance. The chapter also revealed how the oil revenue accruals are being spent, illegal behaviors (forms of corruption) that are obvious in the oil revenue redistribution process, and the effects of such behaviors especially in creating and/or sustaining conflicts. It further revealed what measures were in place to manage intra-and inter-conflicts that arose between the redistributors of revenues and consumers.

The theoretical framework of the study revealed the interplay of greed among the relative few who redistributed oil revenues, and the grievances raised by the majority of Bayelsans who were adversely affected by the actions of the oil revenue redistributors. Having seen these corrupt actions of those opportuned to be in power and their cronies, the grief reactions on the



part of the majority of the led citizens of the state and then the generated and sustained conflicts, the next chapter of this study explains the adopted methodology for investigating the relationship between people's perception of corruption and perpetual conflicts which this study set off to investigate.

## **Chapter 4**

### **Methodology**

“Corruption produces divisions and conflicts, both among those involved in corrupt enterprises and between those who are included and those left out” (Johnston 1986).

#### *4.1 Introduction*

This dissertation examines how the people’s perceptions of corruption in oil revenue redistribution creates and/or perpetuates conflict in Bayelsa State. This chapter focuses on methods of data collection and treatments designed to the answer the main research question and test the two hypotheses I proposed here. In this chapter also, I presented the main research question and two hypotheses; conceptualized and operationalized key variables; discussed the research design; sampling frame; sampling technique; and sample size; and background information of participants. I also presented the nature of the data, procedures and data collection techniques, and approaches to data analysis.

#### *4.2 Main research question and hypotheses*

##### *4.2a Main research question*

The main research question is, “How does perception of corruption in oil revenue redistribution create and/or perpetuate conflicts in Bayelsa State?”

##### *4.2b Hypotheses*

Based on the review of the literature, I hypothesize that:

H1: People’s perceptions of corruption create and/or perpetuate conflicts in Bayelsa State

H2: Anti-corruption laws and institutions do not prevent conflict in Bayelsa State.

### *4.3 Conceptualization and Operationalization of Key Variables*

The independent variable for this study is corruption and the dependent variable is conflict. Corruption as used here implies any act that is not only contrary to legal and moral norms, but undermines the capacity of the state to secure the welfare of all its citizens (Osoba, 1996). It will be measured by the perceptions that the majority of the participants of this study hold on bribery, theft and money laundering, distortion of government expenditures, political patronage, and cronyism. I used people's perceptions of corruption rather than actual measures of corruption because it is easier to ask someone about his/her perception of corruption than actually measuring it. Pioneers of extensive studies on corruption like TI and the World Bank rely on people's perceptions about corruption rather than actual measurement of corruption. Indeed, TI (2005) justified the use of people's perception in the study of corruption on the ground that it provides the reality of situations faced by real people and organizations affected by corrupt behaviors. Another reason I used perception rather than actual measures is lack of existing data at a micro (state) level. Even existing perception index measures at macro level. However, the flexibility of perception index makes it easily adaptable at the micro level.

The second independent variable is Nigeria's anti-corruption laws and institutions. These are rules and regulations like Chapters 12 and 38 of the country's Criminal Code that define behaviors deemed as corruption, set out processes of handling behaviors deemed as corruption, and stipulating sanctions to be imposed on people and organizations that violate them. The institutions are agencies like the law courts, the ICPC, and the EFCC established to investigate, prosecute, and apply appropriate penalties for violators of anti-corruption laws. The effectiveness of these laws and institutions is measured by majority of participants' views on the effectiveness

or otherwise of the laws and institutions in fulfilling the purposes for which they were established.

The working of anti-corruption laws and institutions means how these various national and state laws were promulgated or enacted to curb corruption rather than exacerbate it in the state, such as the infamous “advance fee fraud 419” derived from Article 4, Section 1, and Paragraph 9 (419) of Nigeria’s Criminal Code. Respondents in this study were asked to express their views on the effectiveness of the various anti-corruption mechanisms in tackling incidents of corruption in the state. Some of these mechanisms are the Fiscal Responsibility Act of 2007, the prosecution of 419ers and other suspects of economic and financial crimes, agencies such as the EFCC, Nigerian Extractive Industry Transparency Initiative (NEITI), and the ICPC.

The dependent variable is conflict which is operationalized using Coser’s (1967) definition. According to the author, conflict is, “a struggle over values, and claims to scarce status, power, and resources in which the aims of the opponents are to neutralize, injure, or eliminate the rivals” (p. 8). I use this definition because it captures all the characteristics of Bayelsa conflicts. For example, there can only be one governor (scarce status) of the state at any given time. A lot of values including, but not limited to, the control of oil revenues and other resources of the state, and appointment of key state officials are attached to the governorship status. Those who compete for Bayelsa State’s governorship seat and other states in Nigeria often uses violent means such as unleashing political thugs and militants against opponents and their supporters. Those thugs and militants injure and in extreme cases, eliminated opponents of their sponsors (Servant, 2006). It is measured by the prevalence of different forms of conflicts such as intra- and inter-community conflicts, inter-ethnic conflicts, conflicts between militia groups and government as well as company-community conflicts in Bayelsa State.

Intra-community conflicts refer to violent struggles within a given community. The communities of Bayelsa are, for the purpose of this study, classified as either an oil bearing community (OBC) or oil impacted community (OIC). An intra-community conflict here would be any violent struggle with an OBC or OIC.

Inter-community conflict on the other hand is a violent struggle between two or more different communities. Nembe community and its Kolokuma/Okpokuma community neighbor have had violent conflicts before and after Bayelsa State was created in 1996. Inter-community conflict here would be a violent conflict between one OBC and another or between an OBC and an OIC.

Inter-ethnic conflicts refer to violent struggle among the ethno-linguistic groups in Bayelsa State. For example, a conflict between Izon and Atissa. Conflicts between militia groups and government include the 1999 kidnapping and killing of twelve policemen by Odi militants which led to the deployment of Nigerian security forces in the area and subsequent deaths of more than 1000 Odi people according to Human Rights Watch (1999). Host community and company conflicts occur between OBCs and OICs which are host communities and the MNOCs, guests of the host communities. For example, many flow stations and other oil facilities owned by the MNOCs have, in several occasions, been damaged by host communities. The MNOCs have funded military operations directed against their host communities.

#### *4.4 The Research Design*

In this research, an exploratory case study method is used to look for causal connections between corruption in oil revenue redistribution and conflicts. The qualitative data collection techniques included focus group discussions, participant's observation, and semi-structured interviews.

#### *4.5 Sample Frame*

The sample frame/study population comprises the communities and inhabitants throughout Bayelsa State. The state, according to NPC of Nigeria (2013), has a population of 1,704,515 people. I established contacts with organizations (civil society groups, political parties, businesses, and corporations) and individuals (civil servants, community leaders, and community members) operating in the state before I set off for my fieldwork in the state from July 24, 2013 to September 19, 2013. I visited the state's Ministry of Local Government and Rural Development at Yenegoa where I obtained the list of the communities in the state from which I derived my sample communities. All the communities were divided into OBCs and OICs.

The OBCs are those communities that have oil wells and are also impacted by oil exploitation risks like oil spillage, pollution, explosion, and displacement. The OICs are the communities that are impacted because of oil storage facilities and transportation networks, such as pipelines, oil badges, and other loading equipment. Any damage or oil spill, and other related oil exploration hazards impact these communities as well. Communities that qualified as OBCs and OICs were counted as only OBCs. This step eliminated the problem of counting a community twice.

This dissertation sought to understand how these communities related to each other. Understanding such relationships helped to measure their responses to the way Bayelsa State government redistributes revenue accruing from oil and oil infrastructure located among the two broad communities. Again, stratifying the Bayelsa communities into OBCs and OICs helped to study the situational corrupt practices and conflicts. For example, how would an OBC

member perceive or interpret an act of corruption perpetrated by his/her business associate, and/or someone he/she has any form of relationship with?

#### *4.6 Sample Size and Sample Technique*

The people of Bayelsa State belong to different ethno-linguistic groups such as Izon, Nembe, Ogbia, and Epie-Atissa. They also belong to different organizations including religious, community, and civil organizations. Bayelsans participate in different activities such as resource agitation, political campaigns, and environmental activism. Therefore, I used a two-stage cluster sampling technique to select my sample size.

In the first stage, I stratified the communities into clusters of OBCs, OICs, bureaucrats, politicians, and MNOCs. I have previously explained what constitute an OBC and OIC. There are federal, state, and local bureaucrats working at respective government offices in the state. Politicians belong to the over thirty registered political parties in Nigeria. In general, each registered major political party has offices in every state of the federation. Some of the major political parties active in Bayelsa State are the PDP, Change Advocacy Party (CAP), Action Congress of Nigeria (ACN), and Congress for Progressive Change (CPC). Amongst the MNOCs operating in the state are Shell BP, Chevron, Texaco, Willbros, and Total.

In the second stage, I used purposive sampling to select respondents who have knowledge of and were willing to talk about intra- and inter-community conflicts in Bayelsa State with respect to territorial claims over oil-bearing lands and properties where oil infrastructure transverse. These classes of people are important because of their perception of entitlements not only as oil bearing or impacted communities, but as traditional rulers, community development leaders, environmental activists, and community, company, and government liaison officers. I planned and used the two stage cluster sample techniques

because it helped me in narrowing down the Bayelsa population, and changed the heterogeneous characteristics of the population into more homogeneous groups for easy direct sampling (Bernard 2006).

Based on the list I created, the eventual clusters that emerged from the two-stage approach were four communities (2 OBCs, and 2 OICs) and a cluster each of bureaucrats, politicians, and MNOCs. I used quota sampling to select respondents from each subunit of every cluster. Moreover, I targeted some specific groups such as the bureaucrats, politicians, and MNOCs to obtain specific information like Bayelsa State's share of oil revenue and its redistribution, political appointments, and incidents of corruption. Respondents from these subgroups were purposively selected because of the special information relevant to my study, which I believe each group possessed. The distribution of population in each cluster before my field study is summarized in *Table 4.1* below. While in the field, I managed to have access to fifty- eight participants as shown in *Table 4.2*.



Table 4.1: *Sample Distribution among the Clusters before Research Began*

<b>Clusters</b>	<b>Number of Participants</b>	<b>Participants as Percentage of the Cluster Sample</b>	<b>Participants as percentage of Total Sample</b>
<b>OBCs</b>			
Male adults	8	33.33	10.53
Female adults	6	25.00	07.89
Youths	10	41.67	13.16
Subtotal	24	100	00.00
<b>OICs</b>			
Male adults	8	33.33	10.53
Female adults	6	25	07.89
Youths	10	41.66	13.16
Subtotal	24	100	00.00
<b>POLITICAL GROUP</b>			
Political party leaders	4	40	5.26
Political appointees	6	60	07.89
Subtotal	10	100	00.00
<b>BUREAUCRATIC GROUP</b>			
Senior level 08 & above	7	70	9.21
Junior below level 08	3	30	3.95
Subtotal	10	100	00.00
<b>MNOCs</b>	8	100	10.53
<b>Total</b>	76	100	100

Source: Author

Table 4.2: *Actual Sample Distribution among the Clusters during Fieldwork*

<b>Clusters</b>	<b>Number of participants</b>	<b>Participants as Percentage of the Cluster Sample</b>	<b>Participants as percentage of Total Sample</b>
<b>OBCs</b>			
Male adults	8	36.36	13.79
Female adults	4	18.18	06.90
Youths	10	45.45	17.24
*Subtotal*	*22*	99.99	00.00
<b>OICs</b>			
Male adults	8	36.36	13.79
Female adults	5	22.72	08.62
Youths	9	40.91	15.52
*Subtotal*	*22*	99.99	00.00
<b>POLITICAL GROUPS</b>			
Political party leaders	1	100	01.72
Political appointees	0	00.00	00.00
*Subtotal*	*1*	100	00.00
<b>BUREAUCRATIC GROUPS</b>			
Senior level 08 & above	2	28.57	03.44
Junior below level 08	5	71.42	08.62
*Subtotal*	*7*	99.99	00.00
<b>MNOCS</b>	*6*	100	10.34
<b>TOTAL</b>	<b>58</b>	00.00	99.98

Source: Author

Greater response percentage (32.76%) came from the youth groups in both the OBCs and OICs. The reason is because this age group is the most active party in the state's conflicts. During the fieldwork, the youths showed more interest in participating in this study than other subgroups. The youth group is therefore more readily mobilized in conflict situations. This youth group, more than other groups when mobilized, violently engage in conflicts. The distribution of participants along gender lines was informed by the need to understand the role gender played in the conflicts and their management. It was intended also to help determine how each gender or class of people laid claim to certain privilege entitlements such as

employment, special development projects, chieftaincy protocol tax, and other related compensation packages. The political appointees got 12% of their unit allocation because they reflected the character of those appointing them.

In the bureaucratic category, the senior bureaucrats were given a greater priority because they have information on accruals of wealth, advised on distribution policies, and were the ones implementing public policies on oil revenue distribution. The junior bureaucrats were often fronts for their seniors in office (Human Rights Watch 2010). These quotas helped me understand and compare the roles of these subgroups in Bayelsa's conflicts. The use of purposive sampling was informed by the fact that comparable data can only be obtained from people who have experience and knowledge of the themes under investigation (Maxwell 2005). An additional advantage to using cluster sampling was to help analyze patterns in data when other conditions remained equal, making it attributable to the various sampled categories or applicable across sampled groups depending on the types of patterns found.

Some bureaucrats were reposted to other areas in the state for one reason or the other. Some of the members of the political class served only one term or fell out of favor with their parties or political party godfathers before I came to the field or while I was engaged with other participants. Leaders of political parties, as godfathers, influence political appointments and other rewards for political support. These and many other factors made these two subgroups hard to find in the population. I requested my initial contacts from these two subgroups to recommend their colleagues who I reached for interview. The system of asking initial participants in a research exercise to recommend other potential participants to a researcher is called 'chain referral.' Chain referrals technique and purposive sampling are the best techniques to use when selecting hard to find population (Bernard 2006). At the end of the

fieldwork, 58 participants out of the 76 originally, proposed were interviewed. In the section that follows, I provide background information on the participants.

#### 4.7 Background Information of Participants

##### *Age requirement*

Participants in this study were grouped into youths, adult females, and adult male categories (*Tables 4.1 and 4.2*). In the data collection instrument (interview guide) which was approved by my committee and the Institutional Review Board, I used age groups like 18- 28, 29-39, and so on to represent the youths, female and male adult populations. The convention in Nigeria is to classify people between the ages of 18 and 39years as youths and people who are 40 years and above as adults. I have adopted this convention in classifying participants in this dissertation. This rearrangement is summed up in *Table 4.3* below.

Table 4.3:  
*Category of Participants from the Various Grouping*

Category	Male	Female	Total Number of Participants	Percentage
<b>Youths</b>	<b>17</b>	<b>6</b>	<b>23</b>	<b>40</b>
OBC 1	3	2	6	
OBC 2	4	1	5	
OIC 1	4	0	4	
OIC 2	4	1	5	
Politicians	0	0	0	
Bureaucrats	1	0	1	
MNOC Officials	1	2	3	
<b>Adults</b>	<b>24</b>	<b>11</b>	<b>35</b>	
OBC 1	4	3	7	
OBC 2	4	1	5	
OIC 1	4	2	6	
OIC 2	4	3	7	
Politicians	1	0	1	
Bureaucrats	4	2	6	
MNOC Officials	3	0	3	
Total	41	17	58	100

In *Table 4.3*, the youth participants made up of males and females constitute 40% of all the participants in this study. These youths are purposely selected because of their knowledge in corruption and conflicts in Bayelsa State. From two oil bearing communities (OBC 1 & 2) involved in this study are seven male and three female youths. The oil impacted communities (OICs 1 & 2) have eight male and one female youth participants. There was no youth participants in the sample from the political cluster. The bureaucratic category has only one male youth participant. Among the MNOCs official category are one male and two female youth participants.

The adult population constitutes 60% of the total sample population. Within that population, the OBC 1 & 2 have eight male and four female participants. The OIC 1 & 2 have eight male and five female participants. There is only one male participant from the political subpopulation. The bureaucratic category has four male and two female adult participants. The smallness of this population stem from the sensitiveness of the issues corruption and conflicts being studied. Not many people are willing to participate in the study for safety reason and cultural practices. Some levels of conflicts were ongoing at the time of this study thus hindering my effort to reach larger number of people. Furthermore and most importantly, after interviewing the 50<sup>th</sup> participants, subsequent interviews I conducted yielded no new information from what previous interviews provided. In other words, I reached saturation point after interviewing the 50<sup>th</sup> person. Finally, there are three male and zero female adults from the MNOCs officials' category. The next table summaries educational background of participants.

Table 4.4:  
*Educational Qualifications of Participants*

<b>Highest Education attained</b>	<b>Number of Participants</b>	<b>Percentage</b>
Completed Elementary School	12	21
Completed Middle School	17	29
Completed High School	18	31
Completed College Degree	11	19
Total	58	100

According to *Table 4.4*, participants who completed Elementary School make up 21% of the sample population. Those who completed Middle School constitute 29%. Also, 31% of the participants completed High School. The remaining 19% completed College Degree. From my field note, most of the participants within the elementary and high school level are found in the youth population. Among the youth population, majority of the boys stopped at middle school level. Finally on the background information of participants, I sought to establish residency requirements of the participants by asking them how long they have lived in Bayelsa State. Next to educational qualification is the length of time participants resided in Bayelsa state prior to this study.

Table 4.5:  
*How Long Participants Lived in Bayelsa*

<b>Period Lived (Years)</b>	<b>Number of participants</b>	<b>Percentage</b>
5 - 10	3	6
11 - 16	11	19
17 - 22	10	17
23 - 28	13	22
29+	21	36
Total	58	100

In the question guide, the minimum residency requirement for participation in this study is 5 years. The percentage of the participants who have lived in the state for 5-10 years is 6. Participants who have lived in the state between 11-16 years constitute 19%. Those who have

lived between 17-22 years are 17%. For 22% of the participants, they have lived in the state for 23-28 years. Finally, 36% of the participants have lived in the state for more than 29 years. The data I collected from these participants were used to answer the main research question and to seek support of the hypotheses stated in Chapters 2 and 4 of this dissertation. Following the background information of participants is a discussion of the nature of data used in this study.

#### *4.8 Nature of Data*

Two types of qualitative data, primary and secondary data, were collected for this study. I collected primary data by triangulating focus group discussions, participant observation, and semi-structured interview. Secondary data were collected from the review of literature, specific court records on corruption convictions, government publications, newspapers and magazine articles, political party pamphlets, news release by militant groups, reports from international organizations, and other publications. The primary and secondary data complemented one another and reinforce the reliability and validity of the findings in this study. I discussed the procedure and technique used in collecting my primary and secondary data in the next paragraph.

#### *4.9 Procedure and Data Collection Technique*

*4.9a Semi-structured interview:* I traveled to Bayelsa State during summer of 2013 to conduct one-on-one semi-structured interviews with fifty-eight participants. Each interview took place at homes, school and religious buildings, and other places preferred by the interviewees. I traveled by boat or canoe depending on the location of the interviewee's preferred meeting point. On the average, each interview lasted approximately 45 minutes. Before each interview session, I sought and obtained informed consent, signed or thumb printed, from the

participants. Through semi-structured interviews, I obtained firsthand information about participants' perceptions of corruption in the collection and redistribution of the state's share of oil revenues. I equally obtained their views on the causes of conflicts in the state. Majority of those views helped to establish the connection between corruption and conflicts in the state. The connection between corruption and conflicts helped to demonstrate to some critics of greed and grievance theory who said that it relied heavily on quantitative data that the theory can rely on qualitative data. The questions used in the semi-structured interviews helped me to obtain a common set of data vital to this study such as:

- ❖ The origin, causes, and dynamics of conflicts in the state;
- ❖ Parties to the conflicts and conflict management strategies in the state;
- ❖ Sources of Bayelsa State's revenue and its redistribution;
- ❖ Perceptions about misuse of public resources in the state;
- ❖ Mechanisms for handling public resources perceived to have been misused;
- ❖ Inter-ethnic relations in the state; and
- ❖ Way participants wanted issues in the state to be handled in moving forward.

Conducting semi-structured interview in a conflict environment and on a sensitive issue like corruption comes with ethical and security concerns. My knowledge of the local language and experience in working in a related volatile environment in the country's middle belt region helped in this Bayelsa study. I saw semi-structured interview as best suited for this study because I had a little or no chance for a second interview with most of the respondents.

Meeting with some bureaucrats and politicians, in particular, for a second time might not be feasible because the nature of their offices put them in position to move from one post to another throughout the country. I believed semi-structured interview increased my response



rate, compared to a survey. I was able to get 58 responses out of the 76 participants I initially targeted.

The semi-structured interview allowed me to bring up new questions during the interview or probe for additional information following the interviewees' responses. Using this approach, I was able to ask questions relating to the various conflicts in the state and their causes. Information obtained was used to answer the main research question and to test the two hypotheses stated above. Next, I discuss another data collection technique known as participant observation.

*4.9b Participant Observation (PO):* In a work titled "Research Methods in Anthropology," Bernard (2006) defines PO as a process "which involves the researcher getting close to the people and making them to feel comfortable enough with your presence so that you can observe and record information about their lives" (p. 342). PO has different levels ranging from non-participatory to complete participation. I did my best to remain at the moderate PO level. At this level, a researcher is not neither a passive nor a very active participants in meetings, protests, and other conflict behaviors like the main parties involved in the conflicts. Moderate PO level allowed me to maintain a balance between "insider" and "outsider" roles thereby reducing a researcher's bias that could occur in a data collection technique of this nature (Dewalt, Dewalt, and Wayland, 1998).

During the PO, I observed the activities and meetings of some purposely selected community organizations like the men, youth, and women's groups. I attended a ward (district) meeting of one of the political parties as a youth wing member. At the meeting, we tried to manage conflicts within and between party members. I also observed signs of property or areas destroyed during violent conflicts or projects abandoned as a result of war or arson, illegal oil

bunkering and illegal refineries and their operators as they engage in those activities. An advantage here is that participants expressed their opinions or behaved naturally rather than acting to satisfy the researcher (Bernard 2006). PO helped address the issue of validity threats by providing a firsthand account from the participants and allowed me to develop rapport with various actors within the communities being studied. Finally, I supplemented the above two techniques with focus group discussions which I discussed in the next paragraph.

*4.9c Focus Group Discussion (FGD):* I ran a separate FGD with each of the two OICs, and OBCs. This brought the total number of FGDs I conducted to four. I invited twelve participants from each subunit of the two OBCs and two OICs to discuss some specific themes that were common among their respective groups during the semi-structured interview. This would have given me twelve participants per an FGD. However, in the two FGDs held for the two OBCs, five and four participants turned up for the first and second meetings. Similarly, during the two FGDs organized for participants from the OICs, only three and four participants respectively showed up.

Table 4.6  
*FGD Participants and themes discussed*

<b>FGD</b>	<b>Number of Participants</b>	<b>Actual Themes Discussed</b>
01 (OBC)	5	Kolokuma/Opokuma Strategy
02 (OBC)	4	Kolokuma/Opokuma Strategy
01 (OIC)	3	Stealing versus reparation, Special projects, Oil pipeline and illegal refineries, and Kolokuma/Opokuma strategy
02 (OIC)	4	Stealing versus reparation, Special projects, Oil pipeline and illegal refineries, and Kolokuma/Opokuma strategy

The FGD participants were picked from the members of the OBCs and OICs who did not participate in the semi-structured interview sessions. The reason for picking up non-participants of the semi-structured interviews include fact checking, collecting expanded opinions on the major theme being studied, and obtaining clearer understanding of themes that were confusing but common among participants who took part in the semi-structured interviews. For example, more than eighteen participants repeatedly referenced Kolokuma/Opokuma strategy during the semi-structured interviews. It was one of the topics I sought clarification about during the focus group discussion. Less than twelve people showed up at a time during the four FGDs. An advantage this low turnout provided was that it prevented the usual difficulty of managing a large group, like not giving each panelist time to speak. The rule of thumb in an FGD is between 6 and 12 participants to avoid one or two influential participants dominating the discussion or other participants not getting enough time to talk (Bernard 2006).

In addition to clarifying themes from the interviews, FGDs also provided me with an opportunity to generate an indigenous policy recommendation for addressing local issues. I triangulated these techniques, semi-structured interview, participant observation, and focus group discussions, to enhance the reliability and validity of findings that came from this study. Studies have shown that when several data collection techniques are used and the same results are produced, researchers are more confident of the validity of the findings.

My fieldwork was planned to last between 74-90 days based on an average calculation of 1-2 interviews in a day. It would have given me enough time to interview my original target of 76 participants. However, it lasted only 40 days. The most important reason I stopped at the

40<sup>th</sup> day was because I reached saturation point. Saturation point is a stage during the data collection process where any new data collected does not add new information on the issue being studied (Glaser and Strauss 1967). I reached this point after interviewing the 50<sup>th</sup> participants. Participants 51-58 mostly repeated information already provided by other participants before them. Secondly, some participants from the political, multinational, and bureaucrat clusters started canceling interview appointments scheduled earlier without committing to a new date. Another factor that shortened my fieldwork period was few occasions I interviewed 4 participants in a day. Those occasions doubled the average of 1-2 interviews a day I originally calculated. Other days that I did not have interviews schedule were spent searching other data sources such as government publications, news releases, and newspaper and magazine articles. In addition, four days were used to conduct the four FGDs. In the next paragraph, I discussed data analysis technique.

#### 4.10 *Data Analysis*

I did thematic and content analyses. I did thematic analysis by interpreting responses from the semi-structured interviews and focus group discussions on the major themes. Major concepts like bribery, looting of public funds, cronyism, kidnapping, forceful acquisition of property, inter-community conflicts, militant-government conflict, and conflict transformation efforts were coded. Common themes were analyzed and used to test the hypotheses postulated in this dissertation. The coding of these themes was done manually as coding software like the QSR Nvivo 9 is not compatible with my data. The incompatibility of the software with my data was caused mainly by the accent and languages captured in the majority of my data. The content analysis of court and other documents helped me to look for patterns and categories of

elected officials' involvement in acts of corruption. It also helped to compare how participants perceive the effectiveness of various anti-corruption measures and how they actually worked.

#### 4.11 *Ethical Considerations*

I submitted my research instrument to, and received approval from, the Kennesaw State University Institutional Review Board. I adhered to the Kennesaw State University IRB ethical code. Research in Nigeria, especially in the Niger Delta region, does not require national approval. However, I undertook the direction of a faculty at the Niger Delta University in Wilberforce. I earlier made contact with Dr. Edet in the Department of Sociology. Before starting the field, he updated me with the local research code that related to interviewing chiefs, women, and young men. Signed informed consent was collected from most of the participants who can read and write. I read and interpreted the consent form for few participants who could not read and write. I requested and obtained their verbal consent thereafter.

In this chapter, I have discussed the background of participants in this study and methods I used to collect, present, and analyze data. I now move to Chapter 5 where I present and analyze data on oil revenue redistribution and corruption in Bayelsa State.

## Chapter 5

### Oil Revenue Redistribution and Corruption in Bayelsa State

#### 5.1 Introduction

In this chapter, I focus on Bayelsa State's three sources; statutory allocations, 13% derivation, and 'excess' crude of oil revenues. Data sets from the state's 2011, 2012, and 2013 budgets are used in analyzing these three sources of oil revenues and the state's redistributions of accruals from them. The chapter also analyzes acts and/or the Bayelsans' perception of corruption in the redistribution of these oil revenues. The analysis of acts and/or perceptions of corruption are supported by data from court documents, EFCC, and other anti-corruption agencies, and fieldwork I undertook during the summer of 2013 in Bayelsa State. In doing the analysis, I present data first as a tables then I follow up the presentation with analysis and discussion of each data set. This chapter is important because it expands the explanations I discussed in Chapter 3 of the three oil revenues sources, which the government of Bayelsa State almost only depends on. It also reveals how much revenues accrue to the state from the three sources in 2011, 2012, and 2013. Furthermore, this chapter shows how the revenues accruing from oil over the three-year period were redistributed in the state and the perceptions of corruption among Bayelsans.

#### 5.2 Bayelsa State's Annual Petroleum Revenues

Below, I explain the three main sources of Bayelsa State's annual income from petroleum. As earlier stated, they are statutory allocations, 13% derivation, and excess crude. These are terminologies used and understood in the Nigerian political economy.

### *5.2a Statutory Allocations*

The constitution of Nigeria empowers the national government to collect and distribute revenue to different tiers of governments in the country. Indeed, Section 160, Subsection 2 of the Nigerian Constitution (1999) stated that “Any amount standing to the credit of the federation account shall be distributed among the federal and state governments, and the local governments of each state.” In Chapter 2, I pointed out that one of the justifications for the creation of Bayelsa State was to bring the Nigerian government nearer to people who live hundreds of miles away from Abuja, the seat of the national government. The FGN, in accordance with this constitutional directive, gives the statutory allocations to the thirty-six states of the federation as provided in the statute. The federal statutory allocation is a pool of all federally collected revenues that are shared among the three levels of government – federal, state, and local.

Extant literature in Chapter 3 revealed that Nigeria almost depends on a single commodity, petroleum resources, for more than 80% of its annual revenues (Ekpo, 2004; Obi, 2004; Ojatorotu, 2005). This is further confirmed by the Central Bank of Nigeria (CBN) 2000-2013 Federal Account Operation Data. For each of the fourteen years covered in the CBN data, crude oil accounted for more than half of all federally collected revenues. For example, in the 2011, 2012, and 2013 fiscal years, oil accounted for 79.6%, 75.6% and 69.9% respectively of the country’s revenues. Non-oil revenue sources, such as import and export duties, company taxes, and federal income taxes account for the remaining fraction.

Bayelsa, like other states of the federation receives statutory allocation which is made up of revenues from oil and non-oil sources. The FGN often does not separate total amount of funds remitted to states into oil and non-oil revenues. My study is on the oil revenue components alone. So to separate oil revenue from non-oil revenue in the statutory allocations (SA), I take the

percentage value of petroleum revenues in the federal budget for each year and subtract it from the SA Bayelsa received for that particular year (see *Table 5.2* below). The percentage of oil contribution to the SA in each fiscal year is provided by the CBN. For example, the total value of Bayelsa State's share of SA for the same 2012 was N25.283 billion (*Table 5.2*). The CBN's (2012) quarterly economic report revealed that oil contributed 75.6% of Nigeria's income for that fiscal year. The contribution of oil to Bayelsa State's revenues for the 2012 fiscal year was therefore obtained thus:  $75.6/100 \times 25.283/1$ . This gave me N20.22 billion which I added to the already determined 13% derivation and excess crude oil (again, see *Table 5.2*). The reason for doing this is because this study is examining revenues accruing to the state from oil sources alone. This process is summarized in *Table 5.2* below. Amounts received from statutory allocations are not stable because of fluctuations in oil prices and the allocations principles discussed in Chapter 3.

#### *5.2b 13% Derivation*

The 13% derivation is a calculated value of the total oil products given to an area from where the oil is derived. What this means is that when any quantity of oil is sold, 13% of the oil price is removed as an entitlement for the nine oil producing states including Bayelsa. An example is the 2012 oil export of 830,772,048 million barrels of crude oil (National Bureau of Statistical, 2012). Out of the proceeds from the sale of this quantity of crude oil, 13% was deducted for the nine oil producing states. From the pool of this 13%, each member state received a share based on the quantity of oil extracted from its territory. Bayelsa's 13% derivation value of N84.397 or about \$562.65 million using the 2012 exchange values of \$1 = N150 (*Table 5.2* below) for the 2012 fiscal year made it the third highest receiver of the 13% derivation after Akwa-Ibom and Rivers States.



### *5.2c Excess Crude Oil*

The Excess Crude Oil revenue is the marginal income that is derived from additional oil output after the original output figure is met. For example, let's say a daily output of 2.2 million barrels is the production cap. The value of any output above this 2.2 million cap is the excess crude oil. This additional money derived from extra output can fluctuate because of surge in oil prices, natural disasters, or man-made disasters. The CBN (2012) attributes surge in oil prices in the international oil market as a major factor responsible for increase in the monetary value of excess crude oil. To support its conclusion, the bank reported that surging oil prices almost increased the country's excess crude oil earnings by four-fold "from \$5.10 billion in 2005 to over \$20 billion by November 2008" (CBN, 2012, p. 14). This surge can make a government happy because it has discretionary money to spend on public works.

However, excess crude oil revenue faces a decline when oil prices fall in the international oil market. As crude oil is sold in barrels, producing above the 2.2 mbpd output, depending on how much the price fluctuates, will not increase the revenue generated from it. This decline has, according to the CBN (2012), led to huge drawdowns on the positive figures of surge in oil prices. The money generated from excess crude oil is usually deposited in a dedicated account known as the 'Excess Crude Account (ECA)' which was established in 2004. It is from the ECA that the FGN provides excess crude revenue to Bayelsa and other oil producing states. Like the 13% derivation, the amount each state receives from the ECA is determined by the quantity of oil derived from the state and the amount generated from the sale of the excess product.

But unlike the 13% derivation, not all money generated from the sale of excess crude is given to the oil producing states. After the producing states' share is deducted, the remaining balance in the ECA is shared to other states of the federation, Federal Capital Territory (FCT),

and FGN. In Table 5.1, the country's oil exports from where excess crude is derived are presented. It is cogent to note that the country's oil production is not always in excess. I have created a column in Table 5.1 that summarizes reasons given by the NNPC) to explain some of the major increases or decreases in oil exports between 2011 and 2013.

Table 5.1: *Annual Oil Export from 2011 – 2013*

<b>Year</b>	<b>Export (million barrels)</b>	<b>Increase/Decrease (million barrels)</b>	<b>Increase/Decrease Reasons</b>
2011	822,082,224	-42,619,877	vandalism, wear & tear, imports of refined petroleum products, labor unrest
2012	830,772,048	+8,689,824	New licenses, reduced disruptions in production, rise in international oil consumption
2013	762,045,201	-68,726,847	Effect of 2012 flood, vandalism, imports of refined petroleum products

Source: Nigerian National Petroleum Corporation (2013). Annual Statistical Bulletin

Reasons for the increase and decrease in oil output and by extension, the unstable revenues accruing to federal and state governments are many. According to the NNPC (2013) bulletin, sabotage of oil pipelines by criminals, disputes with oil bearing and oil impacted communities, and wear and tear associated with oil equipment usage and age of equipment constantly reduce the quantity of output. The negative figures in the 2011 and 2013 production figures showed the effects of these man-made obstacles to the actualization of oil production figures.

In addition to the man-made problems, natural disasters like the 2012 flood that submerged Bayelsa State also contributed to the decline in production. The unstable nature of oil prices on the international market also affected the total revenue from oil. A decrease in the price means that the same output fetches lower income while an increase fetches more. The next section presents and analyzes data on Bayelsa State's oil revenues for 2011, 2012, and 2013.

### *5.3 Summary of Bayelsa State's Annual Revenues from Oil Resources*

Except in 2011 when Bayelsa's receipts from ECA and SA were not available, receipts for 2012 and 2013 fiscal years are presented in *Table 5.2* below. As I mentioned in Chapter 3, Bayelsa is a mono-cultural economy. Out of over fifteen different natural resources provided in Chapter 2, crude oil (petroleum resources) generates most of the state's revenues. Therefore, Bayelsa State's annual budget like the national budget is mainly dependent on oil revenues. As a matter of fact, the CBN's account operation data (1980-2013) revealed that for more than four decades, oil (resources) revenues have accounted for more than 65% of Nigeria's annual revenue while non-oil revenue sources accounted for less than 35%. It is important to note that when figures are available, amounts received from the 13% derivation, excess crude oil, and statutory allocations are clearly stated like in the 2012 and 2013 fiscal years. I have earlier in this chapter explained how I derived the net percentage value of Bayelsa State's SA for each fiscal year.

The percentage value I took for each fiscal year is the fourth quarter. I took the fourth quarter value because that represents the final value of petroleum contribution to the federal revenue annually. It is also the basis the federal government uses in projecting revenue for the coming year. From the CBN's fourth quarter economic reports for 2011, 2012, and 2013, oil resource contributions to the federal budget were 79.6%, 75.6%, and 69.9% respectively. This process is summarized in *Table 5.2* below.

Table 5.2: A Three Year Contribution of Oil Revenues to the Overall Annual Budget of Bayelsa State

Year	Total Income (N billion)	Revenue from Oil (N billion)
2011	162 (about \$)	13% Derivation 133.77 Excess Crude Oil NA (79.6/100) of SA NA <hr/> Total <b>133.77</b> or (82.57%)
2012	206.509	13% Derivation 84.397 Excess Crude 31.193 (75.6/100) 25.283 of SA 20.226 <hr/> Total <b>131.816</b> or (63.83%)
2013	285.930	13% Derivation 160.706 Excess Crude 45.500 (69.9/100) 27.68 of SA 22.144 <hr/> Total <b>228.35</b> (78.16%)

Source: Bayelsa State Government Annual Budget Report (2013).  
Central Bank of Nigeria Fourth Quarterly Reports (2011, 2012, and 2013).

According to *Table 5.2*, in 2013, 78.16% of the state's total revenue of N285.930 billion, an equivalence of \$1.78 billion (at the rate of \$1 = N161) was derived from oil. A breakdown of the 2012 budget of the state showed that oil revenues accounted for 63.83% of that year's revenue of N206.509 billion or \$1.28 billion. Finally, the same oil revenues accounted for 82.57% of the state's revenue of N162 billion or \$1.04 billion @ \$1 = N156 (the exchange rate for 2011 was \$1=N156). *Table 5.2* shows a few things that are pertinent be noted. It shows inconsistency in the amount received per year. Another point is that the excess crude oil and statutory allocation values are missing for the year 2011. The government of Bayelsa State receives all these revenues on behalf of Bayelsans as provided in Appendix 2 (Concurrent List) of Nigeria's 1999 constitution. These revenues collected by the state according to national and state laws must be redistributed to citizens of the state. The table further confirms the fact that

Bayelsa State almost depends entirely on petroleum resources for its revenues. I now turn to the next section to discuss how the states redistributes its oil revenue accruals.

#### *5.4 Oil Revenue Redistribution in Bayelsa State*

The state government redistributes its revenues discussed in the previous section to the citizens and institutions in the state through many budget expenditure items such as human capital development, education, development infrastructures, and healthcare. The state's annual budget which is a statement of expected incomes and expenditures provides the means for the redistribution of oil revenues. As in every public accounting process, an annual government budget must be backed by a legislation passed by an appropriately constituted body. The constituted body that makes such legislation in the state is the BSHA. Appendix 2 of the Nigerian Constitution (1999) vests executive powers on the governor of a state. The governor may, subject to the provisions of the Budget Act made by the BSHA, exercise directly the redistribution of these oil revenues through the Deputy Governor, Commissioners, or other Commissions established for this purpose (Figure 2.4). In *Table 5.3* below, I present, from the 2012 state budget, a summary of government expenses paid for by redistributed oil revenues.

Table 5.3: *Selected Avenues Bayelsa State Government Redistributes Oil Revenue Based on the 2012 State Budget*

<b>Expenditure Items</b>	<b>Amount (N billion)</b>	<b>As a Percentage of Oil Revenue (128.23 b)</b>
Personnel	24.4	19.02
Urban and Regional Planning	04.0	3.11
Housing	03.7	2.88
Environment	02.1	1.63
Water supply	02.0	1.55
Manpower Development	00.54	0.42
Youths	01.00	0.77
Sports	04.9	3.82
Social Development	00.52	0.40
Information	02.5	1.94
Health	08.1	6.31
Education	23.7	18.48
Rural Development	00.00	00.00
Works	38.1	29.71
Transport	03.1	2.4
Commerce	00.00	00.00
Power	09.1	7.09
Industry	00.56	0.43
Fisheries	00.3	0.23
Forestry	00.18	0.14
Livestock	00.32	0.24
Agriculture (Crops)	03.1	2.41

Source: 2012 Bayelsa State Budget

There are twenty-one expenditure line items in the 2012 budget through which the state government spent a total of N128.23 oil revenues. The governor together with his assistants (*Figure 2.4*) supervised the implementation of these budgeted line items. From this data set, two line items, rural development and commerce, received zero naira during the fiscal year. The non-allocation of funds to those areas may stem from insufficient funds, other levels of government provided funds for or took direct responsibility for rural development, or rural dwellers may not have had a strong representation at the budget office to lobby on their behalf. The review of literature revealed that rural dwellers in Bayelsa State are impacted by lack of development

projects in the countryside. Whatever the reason, the rural development sector and those impacted by its development or lack of it are likely to feel neglected because they do not receive consideration like their counterparts in other sectors within the state. The neglect of rural development can explain the grievances such as unemployment, lack of healthcare, and access roads of rural dwellers against the government of the state (Ekpo, 2004). The line item that received the highest allocation of 29.71% of the total revenues was works which covers construction and maintenance of roads, waterways, bridges, and other infrastructural development projects. It was followed by education with 18.48% of the total allocations. Eleven other expenditure line items received between one and nine billion naira. The remaining six expenditure line items got less than a billion naira. Looking at *Table 5.3*, some systemic exclusionary behaviors targeting rural dwellers that make up more than half of the state population are quite noticeable.

The traditional occupation of the creek's (rural) dwellers as explained in Chapter 2, include fishing, crop cultivation, lumbering, and livestock rearing. It is not a coincidence that these traditional means of livelihood received little or no attention by the government because they yielded little revenue compared to what oil resources generated. It is also revealed in Chapter 2 that the oil wells and other oil infrastructure are located in the rural areas. I now turn to participants in this study and documents that demonstrate the behaviors of some governors and their associates who were responsible for redistributing the state's oil revenues for answers about why the rural areas are excluded.

### *5.5 Corruption in Oil Revenue Redistribution*

My main research question is: How does perception of corruption in oil revenue redistribution create and/or perpetuate conflicts in Bayelsa State? To provide answers to this

question, I examined state, court, and anti-corruption agencies' documents as well as publications from local and international sources, for cases of corruption. I interviewed Bayelsans during my fieldwork in order to ascertain their perceptions of corruption in the redistribution of the state's oil revenues. I cross-checked participants' perception of corruption in oil revenue redistributions with relevant documents on public officials in the state investigated and convicted or discharged in corruption cases. Forms of corruption have been discussed in the literature review (Chapter 3) of this study. The data I obtained from participants' general perception of corruption in Bayelsan is summarized in *Table 5.4* below. Note that the background information of these participants was provided in Chapter 4 of this study.

*Table 5.4: Participants' Perception of Corruption in Bayelsa State*

<b>Perceptions</b>	<b>Frequency of Responses</b>	<b>Percentage of Respondents</b>
A lot – that is why we cannot develop like others	56	100
Pervasive and prevalent through all the tiers of the state administration	54	96
Career civil servants and political appointees grant personal loans to themselves & never repaid them	49	86
Our traditional chiefs are corrupt	49	86
Our past and present politicians, families, and Friends are corrupt	38	68
Government and oil company contractors are corrupt	37	66
The court, investigators, and companies perpetuate corruption in the state	30	54
Multinational oil corporations introduced bribery in our communities	28	50
Nigeria's military is corrupting the communities	5	9
Corrupt communities always extort corporations	5	9
Corruption is only a conspiracy by the anti-governor's groups	3	5
Journalists in the payroll of opposition parties found corruption where There is None	2	4



The total number of Bayelsans who participated in this fieldwork was fifty-eight. Two participants from the MNOCs did not respond to this question. The non-participants said that redistribution of oil revenue in Bayelsa State was not part of their work. The data presented in the above table therefore came from only fifty-six participants. According to the data in *Table 5.4*, 100% (all the fifty-six) of the participants admitted knowing “a lot” about corruption in Bayelsa and attributed the state’s lagging behind in development to corruption. These participants have coded words such as ‘brown envelope,’ ‘kola,’ (a contraction for kolanut), and ‘torch’ for describing corruption. They also have the perception that money was used to buy positions of authority and those in authority embezzled public funds. Their perceptions confirmed World Bank’s (2008) conclusion on one of the forms of corruption I discussed in Chapter 3. In that conclusion, World Bank pointed that private parties could use bribes to buy many things provided by central or local governments while public officials seek bribes parties to supply those things sought by private parties.

One of the coded words, kola, used by participants to describe corruption confused because kola is a traditional symbolic fruit a host gives his or her visitor on arrival to show the visitor that his/her visit is highly appreciated. Thus associating such symbolic fruit with something as bad as corruption got me even more confused. I, therefore, asked participants to explain how giving or receiving kola has become a corrupt act. Most of the answers given to me by the participants are summed up in a single sentence made by Isu (pseudonym for one of the participants) during interview in 2013. According to him, “Kola is money (bribe) given to gatekeepers in any office you want to transact business with in Bayelsa State in order to have access to senior officials.” Most of the remaining participants echoed the same sentiment by affirming that that if you do not bribe your way pass the low level staff, your file may be missing

and/or effort to see the chief or any other senior staff may be blocked by those lower level officials.

Explaining the meaning of torch (flashlight), another participant in this study used an analogy to explain that “Middle managers in this chain of corrupt hierarchy are in the dark tunnel that you must pass through to get to the final authority. You need to flash your light (give bribe) in order to see your path to the final authority. If you fail to flash your torch, middle managers will turn you around until another person takes your position or wins the contract.” I was made to understand that the torchlight must be brighter than the kola. What this means is that if you give N100 (about 70 cents) to a gatekeepers, you must give N1000+ (about \$5.80) to the middle managers.

The brown envelope analogy represents bribes given to the top level managers or directors. Almost the size of USPS mailing boxes, brown envelopes in the manner some of the participants explained have to contain more (money) than white or official envelopes you can slip into the hands of lower level staff. Most of the participants claimed that winning a big contract depended on the size of your ‘brown envelope.’ Beyond the envelope is the sack, known by the funny name ‘Ghana must go,’ a reference to the time of forced repatriation of Ghanaians from Nigeria. Money in ‘Ghana must go’ bags show up in political meetings, as bribes meant for governors, commissioners and other top political appointees, and leaders of militant groups operating in Bayelsa State in order to win big contracts, secure top political appointments, and provide security for top officials of major oil companies operating in territories controlled by militia groups.

The opinion of 96% of the participants is that corruption is pervasive and prevalent through all the tiers of the state administration and its institutions. Bayelsa practices federalism

modeled like Nigeria's federal structure. Three levels of government, the state, local, and kingdoms exist in this model. Each governmental level has a chief executive, governor, local government chairman, and king. To administer their respective levels of governments, each chief executive uses state ministries and agencies, local government departments, and communities in the kingdoms.

In the opinion of 86% of the participants, career civil servants and political appointees grant personal loans to themselves with no intention of repaying. They further contend that the beneficiaries never repaid the loans. As a participant who works in one of the State's ministries (government's departments) pointed out, calling it a personal loan makes it sound legal. His position was that the purported personal loans are unspent public money that ought to have been retired at the end of a budget year. But instead of retiring the money, career civil servants and political appointees distribute it among themselves thus confirming what had been revealed in the literature that money flows into the state but disappears on arrival (Nossiter, 2012). Another 86% of the participants perceive that corruption in the state exists only among the traditional chiefs. Most of the youths in this category of participants provided evidence to support their assertion.

To collect a state identity card or local government of origin verification form, the youths claimed that a letter identifying such youths from the King and/or first-class chief of their community was required. Before the designated official gave such identification letters, the person requesting the identification is made to pay an illicit sum of money ranging from N5000 to N10,000 to the issuing official. They also claimed that no receipt was issued after payment to show that an official payment has been made and no explanation to what the money paid was used for. A youth showed me one of such letters he collected from a chief. The letter shown to

me bore the seal of the community's chief. I knew the seal because it was from one of the few chiefs I interviewed during my fieldwork, but I was unable to verify if any money or the claimed amount was actually paid.

There is no doubt that corruption in Bayelsa exists among elected officials and their associates. According to 68% of the participants, past and present politicians and their families and friends are corrupt. Their view is supported in the literature which revealed that two past governors of the state, Diepreye Alamiyeseigha and Timpreye Sylva, as well as their associates, corruptly enriched themselves with public funds (Ebipade, Bekewei, and Inainfe, 2012; StAR and World Bank, 2013). The knowledge of 66% of the participants about corruption in the state was that government and oil company contractors were corrupt. More than half (54%) of the participants believed that the court, investigators, and companies perpetuated corruption in the state.

Half of the participants claimed that their communities knew nothing about corruption until they started interacting with multinational oil corporations. A woman leader participant in this study, Mary (pseudonym), narrated how stealing, for example, was introduced in her community. Her narration is quoted verbatim below.

I remember when we were growing up in Okembiri (pseudonym) community in the late 1960s through 1970s. Our house we built without fence, doorposts were put in place to keep out wild animals, prevent cold entering into the rooms during harmattan (winter) season, and keep out occasional floodwater. There were never locks, burglary proof, or any kind of anti-burglary device in and around homes. If by accident you dropped any valuable on the way or in your house, any person who finds it will never sleep till he or she finds the rightful owner. Honesty was at the heart of our relationships within the family and in the community. Things changed when ABCK (psuedonym) came to our community on August 29, 1978 for geo-seismic survey. During that period, people we don't know where the company recruited them from started stealing and hiding geo-seismic equipment they stole in some of the community resident's home. After work, they will come back to reclaim those stolen properties and give large amount of money to those residents who kept those stolen items for them. From holding stolen property to learning what company officials do with stolen items, our youths and some seniors

started stealing from those of their friends who would bring items to them to keep custody of till when the company staff will return to claim them. When the company left after six months of survey work, there was no more equipment to steal. Easy ways to becoming rich which stealing and counter-stealing brought vanished. The amateur thieves or those that did not manage their ill-gotten wealth during the boom period started stealing from co-residents. Thus the art of stealing public and private properties was introduced in our community (July 28, 2013).

A few participants (9%) opined that the presence of Nigeria's military in their communities was a corrupting influence. They explained that the military units and personnel posted in the area used checkpoints to extort money from motorbike taxi operators; some other personnel engaged in illegal petroleum products deals, and even reported that personnel paid bribes to their commanding officers to influence transfers to Bayelsa communities. This group of participants accused the military of patronizing commercial sex workers, inciting communal violence, and arming militia groups. Another 9% of the participants claimed that corruption in the state originated from some local communities that extorted money from multinational oil corporations. According to this category of participants, residents of communities, especially the leaders, extort money from corporations by claiming outrageous damages to the community stemming from oil exploration activities, duplicating names of property owners, and even inciting residents against companies.

A small percentage (5%) of the participants, claimed that Bayelsa is a corruption free state. According this group, any perception or rumor of corruption was only a conspiracy by the anti-governor's group operating in the state. Such anti-governor's group consisted of members of the opposition parties or those within the same party but who had lost favor with the governor. Finally, 4% of the participants agreed with the 5% that said Bayelsa was a clean state. But, unlike the counterpart that laid their conspiracy theory on the anti-governor's group, the 4% participants stated that the so-called corruption in the state was the making of journalists on the

payroll of opposition parties who found corruption where there was none. It is evident from *Table 5.4* that most of the participants believed in the existence of corruption in Bayelsa State. My next step was to find, from the participants, specific acts of corruption that were perpetrated in the process of oil revenues redistribution in the state.

Building on the findings in *Table 5.4*, I tested participants' perceptions of corruption in the state's oil revenues redistribution. Answers to this question provided understanding about how corruption creates and/or perpetuates conflicts in the state. The specific question I asked each participant was: What do you know about corruption in Bayelsa State's oil revenue redistribution? The responses of participants are presented in *Table 5.5*.

*Table 5.5: Specific Forms of Corruption in Oil Revenue Redistribution*

<b>Participant's opinions</b>	<b>Frequency of Responses</b>	<b>Percentage of Respondents</b>
Budgeting items that never get implemented	56	97
Inflating contract costs and pocketing the excess	53	91
Asking for bribes before approving development projects in certain areas	51	88
Using ghost companies and NGOs to steal public money	45	78
Secretly granting scholarships to children of chiefs, parliamentarian, commissioners, Regional Development Committee Officials, and other wealthy people in the society	44	76
Awarding contract to associates and ethnic based companies	38	66
Diversion of our oil money to fund political groups in the name of women empowerment	21	38
No corruption in the state because we spent money as approved in the budget	3	5

All the fifty-eight participants responded to this question. The people's perception of corruption in Bayelsa's oil revenue redistribution varies and in some cases overlaps among the participants in this study. To ensure uniformity, I used the following acts of corruption: bribery,

stealing, cronyism, distortion of government contracts, and political patronage (Morgan 1986) already discussed in the literature review (Chapter 3) to analyze these varied and overlapping perceptions in *Table 5.5*.

One of the acts of corruption occurring in oil revenue redistribution was stealing of public funds. The redistributors of oil revenue according to participants, steal public funds in many ways. One of the ways was by intentionally budgeting line items that were never implemented according to 97% of the participants. The participants believed that money allocated to those line items in the budget are stolen by those who allocated the funds. Their reason for this conclusion was that the items such money ought to have been spent on were, in some cases, never started by some ghost contractors or were substandard if completed. What happened in the health sector of the state provides some insight. In 2008, the state government, as part of its healthcare plan for Bayelsans, approved \$200 million from the revenue that accrues monthly to the state from excess crude oil revenue (Nossiter, 2012). Nossiter (2012) further gave a breakdown of \$2.6 million supplementary budgeted healthcare line items as follows: \$2.6 million (an equivalent of N4.21 billion) for AIDS facility; \$2 million (N3.24 billion) for the renovation of a hospital at Igbogene; and \$3.3 million (N5.35 billion) for hospital construction in the state.

On paper, this idea to provide these healthcare facilities for the people was commended because of its potential to improve healthcare delivery in the state. Unfortunately, participants in this research believed that the idea was, with all intent, an avenue for oil revenue redistributors to steal a total of N12.6 billion or \$7.9 million of public funds. The literature supported participants' beliefs especially in Nossiter's (2011) article titled "*Riches Flow into Nigeria, but Are Lost after Arrival.*" Nossiter observed in the paper that there were no hospitals in Igbogene that needed renovation, and officials of the State Ministry of Health were unaware of the money

approved for an AIDS facility or construction of a hospital. There are many questions demanding answers when the intended beneficiaries claimed that such projects were never implemented.

According to 91% of the participants, another way stealing is perpetrated in the state is through the inflation of costs of government contracts. A government could award contracts for the construction of roads, bridges, new hospitals, schools, and other development infrastructures that could improve the life of the people it governs. Bayelsa State, as previously noted, lacks almost all of those infrastructures. In providing them, the government could use direct labor or contract the work to registered companies. Using direct labor implies that government officials would buy the materials and provide the manpower needed to execute the work and such manpower was available in the Ministry of Works or recruited directly as daily paid labor. It was always cheaper using this process, but the quality of work would not be guaranteed and also could take longer to complete. While using contractors could increase costs and lead to works being abandoned by dishonest contractors, this method has some advantages over direct labor. For example, the quality of work and timely completion of the work could be assured when honest contracts execute government work.

Participants are not necessarily against the use of contractors to renovate old infrastructural facilities or build new ones because of the inherent advantages of contractor-executed jobs over those completed by direct labor. The grievance expressed by 91% of participants above was that oil revenue redistributors who awarded the contracts inflated the costs of those contracts so that they could pocket the extra sum. According to these participants, oil revenue redistributors increased contract costs by conniving with contractors to mark up the original costs from 5-20% depending on the value of the original contract costs. For example, let us say the original contract cost for the construction or renovation of a dilapidated elementary



school is N8 million for the construction or N5.3 million for renovation. Those who award the contract may add the value of 5-20% of the N8 million or N5.3 million to the original cost. Some participants who claimed to be former and current government contractors among these participants provided more insight on how this practice works.

When asked to explain how oil revenue redistributors inflated the contract costs, a former government registered contractor obliged. He explained that he had a 'first-win' option for every contract bid in a government agency (name withheld). He enjoyed that privilege over other registered contractor because of an illegal business relationship with the manager of the agency he used to execute contract for. There was a stipulation in that business relationship (oral agreement) that the contractor would be awarded contracts at inflated costs of 20% over the actual value. The contractor shall deduct this 20% and hand it over to the manager as soon as he receives payment for executing that contract. Business was going well for two of them until they fell apart over what happened to be a 'miscalculated 20% value of cost.' He regretfully narrated how they bid on and won contracts. According to him, a successful contractor was one that had an influential person among the clique that redistributed oil revenues. When a contract opportunity arose, the oil revenue body would decide who among them got the contract. Then an invitation to bid would be thrown open for registered contractors to fulfill public bid protocol. After all bids are received, members will convene under the pretense of reviewing submitted bids in order to select the winner. The influential person would emerge as the winner of the contract. However, he/she could not use his/her name as the contractor because it is against the law for some who awards contracts to be a contractor to the same agency.

Continuing, he explained that a contractor favored by this influential person within the contract board would submit a contract review form after a long delay period claiming that the

inflation rate has increased between the periods the contract was tendered and when it was eventually approved. For example, a winning bid price of N3 million (about \$18,189) may almost double to N5.7 million (\$34,550). The reason given to the public for the increase, according to this contractor, ranges from an increase in the costs of materials to an increase in the value of property that needs to be destroyed to give way for the new projects. When the contract work is ‘completed’ and payment made, the contractor subtracts the excess cost and gives it to the influential person at the contract board. I put the word ‘completed’ in quotation marks because this contractor participant told me that contracts may not be completed before a complete payment is made especially if the big boss is about to leave office or needed the money for whatever reason. If the contractor fails to cooperate with this influential person, that marks the end of his/her business with the agency. He claimed that he lost favor not because he failed to cooperate but the big boss miscalculated the value of an extra 20% in the original contract cost. The boss accused the contractor of short-changing him and vowed not to transact any other business with him. This contractor concluded his narration by quoting the government official’s last statement to him thus:

Damian!! (pseudonym of the contractor), I took you as my brother and friend. I was totally committed to helping you feed your family, educate your children, and help your business grow. I gave you contracts that I would have given to other contractors who were even willing to show more appreciation than you have ever shown for my goodness towards them. What have I received in return for being good to you? A stab at my back. You have closed the door by yourself. As long as I live and remain in charge of this agency, you will never win another contract here.

After he quoted this government official, he sighed and said that he regretted cooperating with the official to inflate contract costs.

When I asked the contractor why he regretted cooperating in inflating a contract value, he replied “By conniving with him (referring to the government official), we took away money that

would have been used in providing goods and services to the public and placed it in the hands of an individual.” His second regret was that the society was structured in such a way that he could not survive if he did not follow such dirty play. Seven other local contractors corroborated his view by admitting that winning a contract is about giving at least 5% kickback depending on the value of the contract.

However, an interviewee who claimed to be a successful contractor with one of the government agencies countered the views of some of his former colleagues. According to him, there is nothing secretive about the bidding process. He also stated that he did not see anything wrong in giving tips to clerks in the office where transactions occur. When asked to clarify his comment, he obliged and started by commending the clerks at contract bidding offices.

According to him,

Those clerks greet you every time you step into the office. They help you file your documents correctly. They even provide you a seat if you have to wait long before you see the senior officials. How much do they receive at the end of the month as salary given the work they perform every day? Showing appreciation has nothing to do with contract costs.

This view expressed by the interviewee further highlights the difficulty of defining what constitutes corruption according to World Bank (2012).

His last rhetorical question, “How much do they receive at the end of the month as salary given the work they perform every day,” confirms what Montinola and Jackman (2002) stated that bureaucrats in developing countries like Nigeria and Argentina pay bureaucrats poorly. He did not answer the question of how much was too little or too small to give as a tip. He accused people who claimed contract cost inflation of either being out of touch with the rate of inflation in the country or crying foul because they could not meet contract bid requirements.

Another act of corruption perpetrated in oil revenue redistribution in Bayelsa State was bribery. According to 88% of the participants in *Table 5.5*, oil revenue redistributors asked for bribes before approving development projects in certain areas. A traditional ruler I interviewed during my fieldwork confirmed that it was no longer a secret that anyone who wanted to be attended to in any government offices in the state must pay bribes. He described how his delegation to the state's Ministry of Local Government and Rural Development was made to pay a bribe before his community project filed earlier and declared missing mysteriously resurfaced once the bribe was paid. The project was the renovation of a ten classroom block for students of the only elementary school in a community of 15,000 people. Two pictures (*Figure 5.1, A-B*) taken during my fieldwork showed the condition the ten-bedroom block and one of the classrooms in this particular block.

Figure 5.1 (A):  
*The Ten-Classroom Elementary School Building Needing Renovation*



Figure 5.1 B:

*A Classroom in Figure 5.1(A) where I held a Focus Group Discussion on 08/29/2013*



It was in this classroom that I held one of my four focus group discussions. Earlier in this chapter, a contractor hinted that tips or gifts voluntarily given to a government official for rendering prompt service, did not constitute bribery. I asked the chief whether what his community delegation gave to the Ministry official was not a gift in appreciation of his/her effort at finding their missing file. This chief took me on a tour of his community's gift giving protocol which is reproduced verbatim here.

When a visitor comes to our community, we welcome him/her. As a community that embraces strangers, we provide the best hospitality that includes cultural dance, local food, and a tour of important places in our community that symbolize who we are. On the last day of his or her visit, we send our visitor back with local crafts and blessings of our ancestors (prayer) usually performed by the chief priest. It is not in part of our gift giving to talk money in a sac or envelop to someone who did not visit our community. Even where you (referring to me) come from, gift is what comes from your mind not what you are forced to give out. You can see that there is no relationship between bribe we were forced to pay in that office and gifts my community gives to our visitors (August 10, 2013).

Some other participants told me that they paid bribes to get licenses for their small businesses, to register their companies, and some taxi cab operators even confirmed that any driver that wanted to get an instant Bayelsa State's annual taxi emblem only needed to pay a

bribe to the state Inland Revenue officials. This belief supports what TI (2013) confirmed that the cost of doing business in places like Nigeria and other corrupt countries of the world is increased by bribes paid to public officials.

Also, participants believe that oil revenue redistributors in the state continue to steal public funds using ghost companies and non-governmental organizations (NGOs). Those who made this assertion (78% of the participants) questioned the secret behind astronomical growth in the number of NGOs operating in the state and the type of work they were doing. This set of participants said that oil revenue redistributors float companies and NGOs not for legitimate business or rendering services to the public but as safe routes to further steal money coming into the oil revenue purse. These NGOs, as not-for-profit organizations, are tax exempt. To maintain their tax exempt status, the NGOs were not allowed to operate as business entities. But participants accused oil revenue redistributors of ignoring tax laws by using NGOs they founded, or on whose boards they served, to corner contracts as well as deny the government of taxes business entities would have paid. A youth leader knowledgeable in how bogus companies were used to corner contracts by their owners stated that “The big ogas (referring to top officials) have companies that exist on paper. What they do is to break down a given contract project into many parts with subtitles like main contractor, subcontractor logistics, subcontract clearing, and subcontractor community liaison. Under pressure, you will see the main contractor. The subs are ghosts” (July 10, 2013). These participants further alleged that the floaters of the ghost companies and NGOs felt safer stealing from the public with ghost companies because no one could trace their incorporated addresses or any ghost member of the Board of Directors.

To support his view, the above participant cited contracts awarded for elementary school rehabilitation, a water bore-hole, and a health center project, that were all abandoned in his

community after contracts were awarded to three companies. He said that nobody could trace the any of those companies. He said that the only visible work at those contract sites are erected billboards that have stood at the project sites for the past two year. There was no contactor information or address of the companies that won bids for the contracts. When we visited the health center site, I saw a 7 by 3 foot billboard that had almost completely been covered by bushes with the inscription “proposed site for the construction of modern health center for...” Other words in the billboard were missing. My guard cannot explain if the missing words were deliberately left out by the pseudo contractor or wiped out by rain, or eaten by termites. He jokingly said that “We have approximately two NGOs per person in Bayelsa State” (July 10, 2013).

This set of participants likened this activity of the oil revenue redistributors to an advance fee fraud commonly known as ‘419.’ The term ‘419’ is an acronym for Section 419 of the Nigerian Criminal Code. According to this criminal code, corruption is a crime punishable upon conviction to a fine and/ or prison term for anyone or any organization who defrauds people or the government of their money and property. Bosco (pseudonym), a member of one of the Regional Development Committees (RDCs) observed that,

In our community, the number of NGOs is greater than the entire number of residents. Ask me what they are doing? Nothing I know of besides sharing our community’s share of oil revenues. Some claim that they are empowering the people, peacemaking, creating awareness, environmental this or that and other incomprehensible jargons. The NGOs and their founders in the name of empowering our community defraud us of any little money given by MNOCs and government for our community development (July 15, 2013).

Another form of corruption used in oil revenue redistribution is cronyism and nepotism: Participants identified a pattern of corruption in oil revenue redistribution that favored families and associates of commissioners, parliamentarians, local chiefs, ethnic-based companies, and

other wealthy citizens of the state. According to 76% of the participants, oil revenue redistributors granted scholarships to children of chiefs, parliamentarians, commissioners, and other wealthy people in the society while families of the vast majority of poor families that needed educational financial assistance were neglected. A student activist who participated in this study had a lot to say about what he referred to as ‘scholarship magic’ in the state. This participant nicknamed ‘SSABS’ explained his experience. He gave himself the nickname in derision of the number of times he had applied for the Bayelsa State scholarship, hence Senior Scholarship Applicant of Bayelsa State (SSABS). He had been applying for the state’s scholarship to help him complete his bachelor’s degree in Engineering from the University of Port Harcourt located in Rivers State of Nigeria. Here is the transcript of our conversation.

Me: SSABS! You described Bayelsa State’s scholarship scheme as ‘scholarship fraud.’ Can you explain what you mean by that?

SSABS: Do you know what fraud is?

Me: No (feigning ignorance). Please explain to me ... (SSABS cut in before I could finish my sentence)

SSABS: The scholarship board is misrepresenting what we were told was the aim of the state’s scholarship fraud [scheme]. Bayelsans were told that the scheme is part of the government plan to assist low income families to send their children to school. To qualify, your family’s annual income should not exceed N40,000 (\$223 using the 2013 exchange rate of \$1 = N180). In addition, a beneficiary must score at least 180 points in the Joint Admission Matriculation Board (JAMB) exam (JAMB is like SAT in the United States). There are other paper work requirements like an identification letter from a traditional ruler and local government chairman.



Those who are already in colleges can still apply with supporting documents from college, community, and local government.

Me: Did you meet those requirements SSABS?

SSABS: How, then, did I become a SSABS?

Me: Why then were you not granted a scholarship?

SSABS: That is why I called it scholarship fraud. Each academic year, majority of us from the poor families that the scholarship was established to serve purchase the application form which costs N1000 (\$6). We fill it out and attach documentations as required. The only information we get when we submit our forms at the State's Ministry of Education, if we are lucky, may be an official statement that says "Successful beneficiaries will be contacted as soon as the board finishes screening all applications."

Me: If the board is conducting screening of applications, how then can it be accused of fraud?

SSABS: Did you believe the board was actually screening applications? (Again, he did not give me chance to answer him before he continued).

By advertising the sale of scholarship forms, the scholarship board defrauded us of the little N1000 (\$6) each of us has. The members before starting the purported screening exercise have ready-made names composed of sons and daughters of those in high places. Those names will be given the scholarship while our forms may be stacked at a corner in the boardroom or incinerated. Ask the so-called board if they do publish the result of their screening exercise. I am not the only one telling this story. Ask the Ministry to show you the number of those who apply for the scholarship each year. Of course it will not show you. But as a senior applicant, I can tell you from experience that it is declining. My conclusion is based on the fact that the sales and end dates for the purchase and submission of completed forms in recent years are extended more than four times. Does this mean that the number of poor people in Bayelsa State is declining? I will say no. Look at me for example. After parting with my N1000 for more than three times without a common explanation as to why I have consistently failed to make the list, I gave up trying. I am sure that is also the case with other people like me who have nobody to speak for them. Do you know why they refuse to publish the names of the beneficiaries? It is because publishing it will expose their deceitful acts. The names will also confirm what we already know, the commissioners, parliamentarians, and other names in high state offices.

SSABS' story validated Joseph's (2014) view on clientele and prebend politics in Nigeria. He stated that "In Nigeria, an individual seeks the support and protection of an *oga* or a 'godfather,' while trying to acquire the basic social and material goods – loans, scholarships, licenses, plots of urban land, employment, and promotion" (p. 56). It is evident from this dialogue with SSABS that he had no *oga* to support and protect him hence he did not get the scholarship after repeated trials.

In a participant's opinion that further supported SSABS', this practice contributes significantly to the 80% uneducated rural population in the state. The NDCB, a coalition of several civil society organizations in the region, confirmed this participant's view. In the organization's (2012) review of how Bayelsa State's fisherman education scheme is performing, it discovered that the educational scheme has collapsed. It further noted that there was no comprehensive record showing student graduation rates, no proper account of the billions of naira budgeted each year for the scheme, and no conscious effort to recruit teachers and other administrative personnel.

Shedding more light on the perpetuation of cronyism and nepotism in the state, 66% of the participants said that oil revenue redistributors awarded contracts to themselves and close associates especially co-ethnic-based companies. Participants said that a publicity stunt known as 'local contract content' intended to give contracts not exceeding N3,000,000 (\$20,000.00) to low level contractors in the state irrespective of their ethnic origins was narrowly interpreted along ethnic lines. Participants claimed that if one is a low level contractor but is not from the same ethnic group with the leader of a group awarding the contract, that person cannot get the contract. Even participants among the low level contractors from the same ethnic group where the project is to be executed, claimed that one needed to be a family member or connected to power brokers

before one could win any oil revenue funded contracts in the area. By this claim, participants are affirming what Joseph (2014) described as ‘an exchange relation role’ in which power brokers provide benefits to clients who in turn, reciprocated by offering general support and assistance to the power brokers. I was unable to substantiate these claims made by participants as my request to interview officials of one of the agencies that four participants accused of ethnicizing local content contracts was turned down.

Another group of participants (38%) said that political patronage was another form of corruption used in oil revenue redistribution in Bayelsa State: According to this group of participants, oil revenues are diverted to fund political activities including hosting party delegates and conventions and funding the activities of the women and youths’ wings of the ruling Party, PDP. Participants stated that the state’s micro economic empowerment scheme was an extension of the PDP membership drive. The aim of setting up the micro economic empowerment scheme is to provide economic empowerment to women in the state by granting them soft loan to run their trading, craft, farming, and other small businesses (Bayelsa State Micro Economic Bureau, 2012). But instead of making the program unconditionally available to all Bayelsa women, this set of participants claimed that for a woman to get loans, she had to be an existing or new member of the PDP.

Finally, 5% of the participants said corruption does not exist in Bayelsa States oil revenues redistribution as those charged with the management of all revenues accruing to the state from the oil sector are used in accordance with the state’s budget guidelines. According to one of the participants from this group, anybody crying and alleging corruption in the state must be among those we (referring to those that manage Bayelsa’ oil revenues) did not allow to use the state’s resources for their personal purposes.

The foregoing presentation and analysis of oil revenue redistribution and corruption in Bayelsa State revealed how much the state depends on oil resources for its revenue. It further showed how the state spends the money it realizes from oil. The perception of most of the participants was that bribery, stealing of public funds, cronyism, and political patronage among other acts of corruption were prevalent and pervasive in the distribution of the state's oil revenues.

### 5.6 Effects of Corruption in Bayelsa Communities

Participants' opinions show how deeply the challenges of corruption are felt in Bayelsa. When I asked them to describe how corruption affects their communities, most of the participants stated negative effects of corruption in their communities. There were a handful of participants who presented a positive image of corruption. The various views of participants are presented in *Table 5.6*.

Table 5.6  
*The Effects of Corruption*

Responses	Frequency of Responses	Percentage of Responses
Justice in the state is for the highest bidder	42	72
Destruction of our traditional values	38	66
Made corrupt official to live above their income	37	64
Created a greedy class	23	40
Improved inefficient bureaucracy	21	36
Caused Ethnic conflicts	21	36
Violent land disputes	17	29

From *Table 5.6*, corruption in the redistribution of oil revenue in Bayelsa State has had several major effects in the state. As a result of corruption, majority of Bayelsans have lost faith in the justice system. According to 72% of the participants, justice in the state is for a very few who can afford to buy it. These participants said that they pray every day not to get into conflicts

with the state's wealthy class who holds the state's courts in their pockets. A participant told me his personal encounter with an adviser to current Governor Henry Dickson. His story seems to suggest that either he did not pray hard or his prayer not to get into conflict with Bayelsa State's wealthy was not answered. This participant and the said governor's adviser (names withheld) were in conflict over a piece of property. In this case as narrated by the participants, the participant had his Certificate of Occupancy (C of O) dated 1994 – two years before the state was created in 1996 – to prove that he was the rightful owner of the property. The adviser, through a means this participant could not explain, obtained a C of O on the same property dated 2012. The 1994 and 2012 C of Os were tendered as evidence by the participant and the adviser. Note that the adviser retained an attorney while the participants had none. He said that the court ruled in favor of the governor's adviser. He further stated that the presiding judge in his ruling stated that “The 1994 C of O was revoked.” When was the C of O revoked? Why was it revoked? Was the revocation communicated to the owner? These and more related questions were not answered by the court.

The participant thought he knew what happened. He said “My land was taken from me because of the power of money and connection. The political adviser has more money and connection to influence the judge. A poor man like me has neither money nor connection.” I went to verify his story at the State High Court in Yenagoa where he said the case was heard. The Court Registrar told me that I can only obtain a copy of the ruling if (a) I am a party to the case, (b) an attorney representing one of the parties, and (c) an order from a higher court requiring him to release any information related to the case I have interest in. I was unable to contact the governor's adviser as the participant did not give me his contact information.

He has vowed to fight to the end. Fighting to the end does not mean taking his case all the way to the Supreme Court. He has lost faith in the law courts and Department of Land and Rural Development, a government agency that issues C of O. His alternative choice, according to him, is to go traditional. I later learned that 'going traditional' means using juju (voodoo) and/or engage in physical fight with the political adviser until either he or the adviser surrenders or one party eliminates the other. This participant's determination to see to the end of the property conflict with the political adviser reaffirms what Coser (1964) in Chapter 3 of this work described as the goal of opponents in conflicts. Coser's said the aims of opponents in conflicts are to "neutralize, injure, or eliminate the revivals."

On how it affects traditional values of the people, more than half (66%) of the participants said that Bayelsans of old valued honesty and hard work; women were highly respected and our good names were religiously protected. These participants, however, regretted that those old values have been abandoned for less honorable ones. Some examples that participants provided to support some of the values they described as less honorable include women who were highly respected turning to prostitution; citizens of the state who abandoned honesty and hard work to pursue easy wealth through corruption; and young people who show no respect to seniors. Furthermore, participants noted that community members no longer stand for one another. The desire for money has changed that culture. Cases of community leaders and uneducated and powerless property owners resurfaced. According to the participants, in the old Bayelsa, whether you were educated or not, and whether rich or poor, nobody took advantage of another. Rather, the society worked as a body to ensure that the interests of everyone were protected.

The new Bayelsa lost these old values according to the participants. This group of respondents also said that the expanding conflicts between community leaders and owners of property get dirtier when a new property owner wishes to develop his property. He/she must pay off traditional leaders before any development can take place on the property. This unspecified amount doubles if the property owner is not an indigene of the community. If the property happens to be located near an oil facility, the property owner faces constant financial exploitation from the leaders because of the expectation of big compensation package from the oil companies. Some other traditional rulers govern from outside their kingdoms. Participants mentioned two first class-chiefs, one second class-chief, a host of other lower ranking chiefs, and members of the regional development communities who left the countryside to live in the cities. The participants said that relocating is not too serious an issue but the problem is that these absentee chiefs (mostly first- and second-class chiefs) debase their highly respected seats by shuttling between one oil company offices and another office begging young managers who ought to be their great grandchildren for contracts. The behaviors of these Royal Fathers before the company officials encourage the latter to treat the community's customs and traditions with contempt.

As part of the decay in the Bayelsa State, corrupt officials no longer hide their misconduct as shown in their lifestyle. The way those corrupt officials show off their ill-gotten wealth prompted 64% of the participants to declare that corruption made officials to live above their incomes. A participant who worked at a constituency office queried how a BSHA clerk with an annual income of less than N750,000 (\$5,000) per annum could have a sum of N3.5 million (\$23,333) lodged in her account and two additional choice properties valued at over N20 million (\$133,333) in Yenagoa. Four other participants from this 64% group went a step further

to reveal that flaunting of wealth among low level civil servants in the state had become a bragging right. In 2013, an interviewee puts it this way:

An administrative assistant who was my neighbor borrowed N100 (\$0.4) to attend an interview for her present job six months ago is now super rich. Only two months on the job, she purchased a house and moved in. She has started developing a commercial property which she intends to rent out upon completion. In addition, she bought a BMW 3 series which she cruises around the city. (August 8, 2013)

Administrative assistants, gatemen, messengers, and most public servants below grade level 05 are usually low level public servants in Nigeria. It would be impossible for a low level civil servant who earns a low income to attain such level of investment within a short time except he/she has other sources of income. However, Oduma (2012) as noted in Chapter 3 of this study revealed that in Bayelsa state, a low level civil servant could use corruption to achieve these investments. The author categorically stated that “In Bayelsa, it is common to see treasury officials of low-grade level erecting huge residential buildings. This category of workers also own massive estates in and outside Yenagoa and live a lifestyle that is arguably above their legitimate earnings as civil servants” (p. 100). This kind of life style could potentially spell doom for a society like Bayelsa.

The cases of former Governors Alamiyeseigha and Sylva further showed how public officials in the state live above their incomes. Former Governor Timipre Sylva served the state from 2007 to 2012. Assuming his annual salaries as governor was N12, 000,000, he would have earned N60, 000,000 over the course of five years he spent in the Government House in Yenagoa. This estimate contrast with the way he lived and properties he acquired during this five-year period. We should not lose sight of the fact that he was temporarily removed as governor in 2008 as shown in *Table 2.2* of this dissertation. *Table 5. 7* below summaries his *additional* properties that the EFCC seized in 2012.



Table 5.7: *Former Governor Timipre Sylva's Fresh Bayelsa Loot Seized by EFCC*

<b>Property Type</b>	<b>Property Value</b>
A Duplex at Cachez Estate, Mpape, Abuja	N310,000,000 (about \$2,066,667)
A Mansion at Ademola Adetokunbo Crescent, Abuja	N700,000,000 (about \$4,666,667)
Total	N1.1 billion (about \$6,667,333) Base on \$1 =N150 in 2012.

Source: *ThisDay Newspaper* (2012): EFCC Uncovers Fresh Bayelsa Loot.

One can easily see the wide gap between the governor's income and the value of new ill-gotten properties he owned. It is instructive to note that these two properties in *Table 5.7* are different from previous properties EFCC impounded from Sylva when he was first arrested in 2012. Even when I estimated the annual salary of governor Sylva to be N100 million (which is highly unlikely) per annum, it will take him 20 years as governor of Bayelsa State to make a billion naira. The actions of Sylva in *Table 5.7*, the administrative assistant who had been in office for only six months, and other high and low public servants in the state are consistent with Collier and Hoeffler's (2006) definition of greed discussed earlier in Chapter 3. The authors define greed as "elite competition for the control of natural resources rents" (p.97).

In the attempt to maintain this kind of lifestyle and for other people wanting to measure up to those living a livelihood above their income, a new greedy class, according to 40% of the participants, emerged in Bayelsa State. Greediness is exhibited in behaviors like lack of concern for the welfare of others and insatiable desire to grab every available resource at expense of others entitled to a share of such resource. It is greediness that Collier and Hoeffler (2006) noted in the theoretical framework of this study that resulted from gains rebel leaders made from resources located in territories they controlled that motivated them to reject efforts to end conflicts. Similarly, Joseph (2014) in the literature review section of Chapter 3 affirmed the

culture of selfishness among officeholders in Nigeria through the manner those individuals and their clique exhibit prebendal behaviors. Agbibo and Maiangwa (2012) in the literature explained this behavior thus “State offices are regarded as prebends that can be appropriated by office holders, who use them to generate material benefits for themselves and their cronies” (p. 117). It is important to note that the few office holders and their cronies who display these greedy behaviors do not constitute half the population of Bayelsa which according to the NPC is 1.7 million people. Consequently, the actions of those who constitute less than half of the state’s population left a majority of the Bayelsans persistently in penury (Joseph, 2014).

In the opinion of 36% of the participants, corruption has helped to improve the state’s inefficient bureaucracy. Certain bureaucratic processes, like approving construction sites, and granting different forms of permits are delayed in many instances. The delay is explained by the deliberate effort of bureaucrats to earn extra income outside of their official engagement (Mbaku 1996). Some of these participants explained the difficulties aspiring entrepreneurs face before they can get permission to establish small scale businesses, establish private school, and other employment generating businesses. The fastest way to eliminate the delay, the participants stated, is to offer ‘brown envelopes’ to the people working on your file. Brown envelopes are a nice way to say bribe. It means to put some money in a brown envelop and hand it over to the person you are seeking a favor from. The people working on a person’s file in this context were the career bureaucrats. These positive remarks that participants made on corruption agree with two positive things about corruption revealed in this study’s literature and theoretical framework.

The first positive side of corruption is that it improves social welfare by reducing cumbersome regulations (Leff 1964). The lamentation of a retiree in Bayelsa State civil service and one of the participants in this study supports Leff’s conclusion. According to the participant,

collection of pension entitlement when one retires from the state civil service is like going through a hell fire. The volume of paperwork, endless wait and frequent visits to pension office, and inability of officers who oversee pension scheme to do the work for which they are paid have resulted in retirees dying before drawing any money from their pensions. He said that some pensioners who succeeded in receiving their entitlements approved on time did so by reaching an ‘understanding with pension fund managers.’ This understanding with pension managers, paying them bribes, removes any obstacles such as paper work, endless waits and frequent visits to pension office as well as inducing managers of pension scheme to remain on their seats, that would have delayed the approval of one’s pension entitlement.

The second positive effect of corruption as revealed in Chapter 3 of this study is that it rewards poorly paid bureaucrats by providing them a complementary income (Montinola and Jackman, 2002). The authors’ conclusion is that developing countries, like Nigeria and Argentina, underpay workers. For these lowly paid workers to meet up with inflationary trends in their respective countries, another kind of income must be available for them. In Nigeria where it may not be too easy to hold two jobs, corruption may be a secondary source of income available to its low income bureaucrats.

According to 36% of the participants, corrupt acts such as cronyism, political patronage and bribery caused ethnic conflicts in the state. The chapter on literature review showed these acts of corruption alone and in conjunction with one another created and/or perpetuated conflicts. For an example, Amuwo (2012) while contributing to the link between distortion of government expenditures and conflicts posits that “Public servants and elected officials can cause delays so that they could get opportunity to extract bribes, individual bribers can improve their individual situations at the expense of the polity, the net losers” (p. 173). Amuwo’s reference to individual

briber takers and the net losers (the society) demonstrates the existence of divisions in a society which, in this case, are the gainers and losers. Divisions within a society create conflicts (Johnston, 1996).

Bayelsa State is a heterogeneous ethno-linguistic society (Chapter 2, Pp. 39-40). The ethno-linguistic groups could be individualized. Individual ethnic groups could use their point persons in government offices to distort government expenditures by doubling expenditures of government programs that benefit their group while at the same time, cutting expenditures for other ethno-linguistic groups served by the same government. The ethno-linguistic groups whose government expenditure programs were slashed would definitely feel deprived should they perceive that their ethno-linguistic counterpart denied them of such entitlement. Consistent with justice seeking or grievance according to Collier and Hoeffler (2006), groups seeking justice occasionally use violence to draw attention (Pandit, 2009). This position is further explained in the next chapter where I discussed corruption and conflicts.

Finally, corruption is responsible for violent land disputes according to 29% of the participants. Bayelsa State is 95% swamp land. The remaining 5% is fiercely competed for by the state's population of 1.7 million people. One of the attributes of a fiercely contested object like land is that competitors mobilize every means available to win. The incident described above, between a participant in this study and an adviser to the governor of Bayelsa shows how conflicts over land can be explosive. Next I explored more the implication of justice being for the highest bidder as expressed by 72% of participants in *Table 5.1* above.

My curiosity was aroused by opinions expressed by 72% of the participants who said that one of the effects of corruption is the commercialization of justice (justice is for the highest bidder). I sought to find out what effect such expression has on the state's zero corruption

tolerance policy. I ask them, if justice is for the highest bidder, how does it affect the Bayelsa State's claim of a zero tolerance for corruption?

Table 5.8: *Effects of Justice for the Highest Bidder on the Bayelsa's Zero Tolerance for Corruption*

Responses	Number of Respondents = 58	Percentage of Responses
Resulted in several cases of contempt of court by rich people	40	95
People lost faith in the judicial process	36	86
Jungle justice became an alternative to the court system	36	86
Increased in the stealing of public funds	19	45
Zero tolerance applies to people who cannot pay for justice	14	33

From *Table 5.8*, one of the effects of justice in the state being for the highest bidder according 95% of the participants is that it enabled rich people to be in contempt of court without consequences. Participants stated that rich people use their ill-gotten wealth power to influence the transfer, demotion, and, or dismissal of judges that ruled against them. Thus creating fears among judges and magistrates as they stand to lose their jobs for crossing path with those enriched by corruption.

Accompanying the above-the-law status of those enriched by corruption is the public's loss of faith in the judicial process according to 86% of the participants. These participants queried the rationale of going to court if one knows that an opponent is untouchable by the law and its administrators. A participant went as far as defining justice as "the process of giving to the rich people what belongs to the poor people." This situation applies to rich and poor communities or communities that have connections to those in power and other communities that

do not have such power network. Thus in Bayelsa, it is common practice for rich communities to use their connections and money to encroach on properties of the poorer communities.

Participants opine that all it takes a rich community is to find and annex a weak community's property especially where such property lies on a crude oil belt. Who can speak for the weak community? From where will it mobilize fund to finance a protracted court case against a more powerful neighbor? When the cost of seeking for 'justice' that hardly passes for a justice is greater than the gain, the affected community will give up. These participants claimed that rich communities and individuals bought justice leaving their poor opponents frustrated and angry. In their anger, the losing parties sought for alternative ways of settling scores with their more prosperous opponents.

The alternative and less expensive form of justice poorer communities and individuals resort to in a corrupt environment is 'jungle justice' according to 86% of the participants. Jungle justice is a situation in which people take the law into their own hands by shaming, beating or killing people for alleged crimes or offence they may or may not have committed. This is an alternative forced on the people by the commercialization of justice. The Anti-Corruption Internet Database (ACID) agrees in its 2013 article entitled "*Modern Corruption in Nigeria's Judiciary-Case of Justice Ayo Salami and Justice Katsina-Alu.*" The organization stated that "that the judiciary is not the defender of equity and justice, at least, not for those without the means to procure judgments that reverse the ills of the society." Also in agreement with this view is the FFP (2011) in its article titled "*Unlocking Nigeria,*" noted that jungle justice is not only used by communities and individuals but also by the Nigerian Police Force. The organization observed that in Nembe L.G.A of Bayelsa that , "there were several reports of impunity on the part of the security outfit code-named "*Famou Tagbei,*" in which suspects were tortured and

killed without due process of law” (p. 10). Police often complain that when they risk their lives to arrest criminals, the law courts set the criminals free or impose very lenient punishment on them. Such actions by the law courts put the life of the policemen that arrested the criminals in danger. That explains why the police anti-crime unit known as ‘*Famou Tagbei*’ also uses jungle justice. The danger of this alternative court system is that more innocent people can get hurt, killed, or denied justice than the court process.

The view of 45% of the participants is that selling of justice has increased the rate and amount of public funds stolen. The rate here refers to the frequency with which public money is stolen while the amount refers to the figure value of the stolen money. These same participants stated that corrupt individuals have realized that if you steal more money, you can use it to buy justice and, even if you lose your case, you still have a large amount of money to spend later. Therefore, it is a shame to steal only one million naira when you can get praises for stealing ten times that amount. The case of James Ibori who stole \$250 million of public fund in Delta State and Ighodalo who stole a \$245.00 worth of Sony Ericsson phone (Odesola 2013 and Tran 2012) is instructive. The former governor got a 13-year jail term for stealing public fund while Ighodalo got a 45-year jail term for stealing a private phone that is not worth one-millionth of \$250 million.

It is the view of 33% of participants that the zero tolerance policy of Bayelsa applies only to those who cannot afford to pay for justice. The cases that involved former Governor Ibori and the person who stole cellphone above provide a concrete evidence of how Bayelsa and the Nigerian society preach and practice zero tolerance policy. Similarly, upon all the documented convictions of former Governor Alamiyeseigha Diepreye over corruption in Bayelsa, Nigeria, and Britain, he spent only two years in jail and received a state pardon (EFCC, 2013; UN StAR,

2013). This former governor remains a free and clean courtesy of the state pardon. These contrasts with poorly paid bureaucrats in the state who may be serving longer jail terms for stealing or embezzling N20,000 public funds. Some people in the state may have been jailed for a longer term for exposing top officials who stole public funds.

*Tables 5.6 and 5.8* have shown effects of corruption in Bayelsa. Those effects of corruption have, according to participants, fueled grievances that include anger, frustration, disappointment, and helplessness in Bayelsa State and among its communities. These findings are consistent with Oduma (2012) who posited as noted in Chapter 3, theoretical framework section, that “In Bayelsa, it is common to see treasury officials of low-grade level erecting huge residential buildings. This category of workers also own massive estates in and outside Yenagoa and live a lifestyle that is arguably above their legitimate earnings as civil servants. This is one of the factors that increase the anger of pensioners” (100). In what ways have Bayelsans communicated these grievances? I move to the next chapter to discuss corruption and conflicts in Bayelsa State.



## Chapter 6

### Conflicts and Corruption

#### 6.1 *Conflicts and Corruption in Bayelsa*

In the preceding chapter, I presented and analyzed the people's perception of corruption in oil revenue redistribution in Bayelsa State. In the present chapter, I will present and analyze data on the impact of the various perceptions of corruption on conflicts in Bayelsa State. The results of the analysis in this chapter will be used in two ways. In the first place, they will be used to answer the main research question: How does corruption in oil revenue redistribution influence conflicts in Bayelsa State? In the second place, the results are used to support or reject hypothesis #1: Perception of corruption create and perpetuate conflicts in Bayelsa. I start by looking at common conflicts in Bayelsa State

#### 6.2 *Common Conflicts in Bayelsa State*

In Chapter 3, I discussed extant literature on dominant conflicts such as intra- and inter-community conflicts, host community and oil corporation conflicts, and government and militia groups' conflicts in Bayelsa State (see pages 82-91). I asked participants in the semi-structured interviews to describe most common conflicts they experienced in the state. My intention for asking this question was to see whether the participants' experiences agreed with those forms of conflicts discussed in the literature chapter. Starting with individual participant's personal knowledge of conflicts in this state, I asked specifically: *In your opinion, what are the most common forms of conflicts in the state?* The common themes in their responses are listed below in *Table 6.1*.

Table 6.1: *Responses on the Most Common Conflicts in Bayelsa State*

Responses	No of Respondents = 58	Percentage
Conflicts are between the communities and oil companies	55	95
Conflicts in the state are only in the communities	53	91
We have clashes between the Joint Task Force (JTF) and Militants	51	88
Conflicts among ethnic groups	51	88
Criminal gangs clash among themselves	50	86
Youths clash with government occasionally	32	55
Conflicts in the state is between political parties	31	53
Peace loving Bayelsans are in conflict with enemies of the state	15	26

Data from *Table 6.1* shows an almost unanimous agreement on most of the conflicts participants perceived as common in Bayelsa State. The most common conflicts in the state reported by 95% of the participants are those involving oil companies and the host communities. Host communities are the areas where crude oil and oil exploration infrastructures are located. One of such areas is Olobiri. Olobir was Nigeria's first crude oil discovery site in 1958. Other oil-bearing communities include Nembe, Sagbama, and many other communities that host several oil wells, drilling equipment, oil pipeline networks, and operational bases for most of the multinational corporations operating in the state (see *Table 2.3* for summary list of communities in Bayelsa State that have crude oil deposits). Where things functioned properly, the presence of oil operations in these Bayelsa communities brought benefits such as employment, infrastructural development, and improved healthcare facilities. The MNOCs are conscious of the effects their oil operations have on the communities. Consequently, they undertake, in collaboration with the government, to provide compensation to communities for properties and means of livelihood

destroyed. Equally, they take steps to control the effect of hazardous substances that result from oil drilling, refining, and distribution that devastate host communities.

Participants claimed that most of the MNOCs refused to acknowledge that their activities degraded their environment, contributed to people losing their main source of livelihood – farmland, fish, and crafts, and concentrated oil revenue benefits in the hands of very few elites in the society, as well as other forms of hardship the communities suffered. Renner (2002) in the literature review chapter agreed that the profiteers of oil revenue benefits were few domestic and foreign few elites by positing that, “In many developing countries, the economic benefits of mining and logging operations accrue to a small business or government elite and to foreign investors” (p. 8). For example, participants stated that when the compensation packages were paid, they were inadequate. In other instances, compensations paid passed through many intermediaries such as chiefs, governmental and non-governmental organizations, and some remote oil corporation officials before reaching the intended communities. A participants answering a question on why compensation packages have to pass through many hands before reaching the communities said that:

The individuals and organizations that claim to be intermediaries between our communities and oil companies are nothing but deduction points and publicity machines of the oil companies. Any amount of money oil companies, individuals, and organizations publicized as have been given to any of our communities never got to us as announced. Each individual or organization involved in the chain of delivering the announced compensation packages ducts at source certain amount before passing the remaining to the next person/organization within the line. These deductions the justify by using terms like administrative, collection, and contract fees which an uneducated people hardly understand or questioned. When the money finally reaches the communities, we may be lucky to get half of the total amount announced.

One of the outcomes of unfair distribution of benefits in a society could be that only few privileged individuals and groups benefit at the expense of the populace as Renner (2002)

confirmed above and affirmed by other writers such as Obi (2010), Ojo (2012), and Shaxson (2007). Concentration of societal benefits in the hands of a few could create and/or sustain grievances in a society. Aggrieved people could engage violence as a means of communication their grievances.

A participant summed up the view of his colleagues by arguing that, “We cannot fold our hands and remain silent while our children and women starve, our means of livelihood removed from us and used in enriching people who do not feel the impact of the operations of oil corporations in our land. We have learned in a bitter way that these companies can only respond to our needs when we use violence against them.” Indeed, Pandit (2012) agreed that grievances can motivated deprived groups to fight against perceived injustices by postulating that “A key grievance motivating many fighters has been lack of access to education.” The violent responses by host communities’ perceived benefits deprivation were not instantaneous. Many of the participants in this group acknowledged that violence was a last resort for them following long period of the authorities (oil corporations) concerned not listening to their peaceful demands. An example was the 1990 Ogoni Bill of Rights which contained 20 broad perceived grievances the ethnic groups continued to suffer in their association with other ethnic nationalities in Nigeria. The Ogoni Bill of Rights was non-violent when compared to the militancy of the 1998 Kaiama declaration by the Ijaw Youth Council (IYC).

An analysis of the views expressed by the 95% of participant’s in this dissertation over conflicts between host communities and oil companies revealed four stages that developed from non-violence to violent confrontations. I identified from this analysis four main stages in the conflicts between host communities and oil corporations. The stages are road blockage and

demonstrations, disruption/stoppage of operation, vandalism/destruction of oil facilities, and hostage taking.

*Road blockage and demonstrations:*

Host communities often block entrance to oil exploration facilities and deny access to company officials. The issues in conflict at this stage include grievances such as environmental pollution, threat to life and property of communities, disregard of community customs and traditions by oil and government officials, and threats to their traditional occupations. Anikpo (1998) provided an informative summary of causes of host community vs MNOCs conflicts by postulating that

Oil production, like all vigorous capitalist enterprises tend to deepen the matrix of social inequality and to destroy – not just the local economy or material conditions of existence but also the entire cultural cosmos within which communities define themselves, perceive their collective interests and derive their social cohesion (p. 6).

In environments where these issues highlighted by Anikpo exist, conflicts are likely to arise between perceived victims and their victimizers. Discarded tires, broken pots, placard, and forming human shields are mostly used to block roads and display some of these deepening grievances like destruction of host communities' economic bases and debasement of communities' cultural norms. For instance, fishermen who earn their living by fishing in Bayelsa State waters lost their means of livelihood because of the construction of superstructure of a liquefied natural gas plant and fuel storage tanks that moored their fishing waters (O'Neill, 2007). The conflict at this stage is mostly peaceful as exemplified in *Figure 6.1* below where Izon women protested half naked against what they claimed was 'disrespect of women' by oil workers who patronize commercial sex workers in the state. Among the many effects of this patronage of commercial sex workers in Bayelsa, according to Ekine (2005), Jike (2004) and

Odoemene (2011), is women's sexual exploitation by Bayelsa men, state officials (security agencies), and petro businesses officials.

Figure 6.1: *Bayelsa Women Protesting Rise in Prostitution in Yenagoa*



Source: [www.google.com/womenprotest\\_chevronng/url.html](http://www.google.com/womenprotest_chevronng/url.html).

*Disruption/stoppage of operation:*

At this stage of MNOCs-host community conflicts, community members move beyond blocking entrances to actually going into the facilities to occupy them. Such occupations often prevent oil workers from doing their jobs. Supervisors may be forced to close down operations for safety reasons. The NNPC cited disruption/stoppage of oil operations as one of the reasons Nigeria's excess crude oil revenue decreased sometimes in 2011, 2012, and 2013 (see Chapters 3 and 5 of this dissertation).

*Vandalism/destruction of facilities:*

The conflicts become more serious and violent here. Facilities are burnt down or vandalized. Some criminal elements within the protesters often capitalize on an occasion such as this to assault company workers and vandalize oil facilities. The NNPC in the literature review chapter

of this study (p. 91) identified vandalism as one of the factors that reduces the country's total oil output. The communities often blame the destruction of oil pipelines on greedy company officials who want to make illegal money by siphoning petroleum products to sell at the black market. The companies in turn blame oil bunkerers in the communities for the sabotage of facilities.

*Hostage taking:*

Community youths and other groups in Bayelsa's creek areas took oil company officials hostage as one of the ways to express their grievances. In effort to rescue their workers, companies solicited help from the Nigerian security forces. The security forces could might negotiate with the hostage takers or use force to free the hostages. Negotiation may end up with ransom being paid to the groups that hold the hostages especially if they were taken for ransom. But where those hostages were not taken for ransom or corporations and countries of origins of the hostages have policies that prevented them from paying ransom to terrorists, then security agencies could storm known or suspect places where hostages were kept. Storming militia group's hideout usually exacerbate the conflicts because militants may attempt a rescue operations for their colleagues captured by security agencies. If that fails, they may take new hostages as bargaining chips for the freedom of their captured colleagues. There were many instances where hostages have died in attempted rescue operations or when individual hostages attempt to flee from their captors. In his book titled "*International Terrorism*," Shanky (1999) summed up this stage of conflicts between host communities and oil corporations by reporting that in 1998, six hundred oil company officials were held hostage in Nigeria's Niger Delta region. Some of the hostages could be released after some kind of negotiated agreements between the hostage takers, government, and/or MNOCs.

In addition to potential death of hostages, hostage takers, and security personnel involved in the operation could also die. I could not confirm the exact number of hostages, security personnel, and hostage takers who may have died in Nigeria during such rescue operations. The reason is because such numbers are difficult to obtain. During a focus group discussion with participants from the OICs, most of the participants who were dismayed by the criminal intentions of some community members described how hostage and kidnapping strategy were orchestrated in their communities.

To them, kidnapping was not their communities' way of life. Kidnappers take field staff working in the oil companies as bait to lure the top officials of the companies to come to the communities with the aim of negotiating for the release of their workers held hostage. When the top officials arrive for the negotiations, the lower level hostages are released while their bosses are held in their place. Participants said that ransom paid on low level staff is not as big as what might be paid per boss, especially expatriate bosses. Therefore, kidnappers increased the original amount of ransom that must be paid before the top officials were released. The participants said some company and government officials as well as innocent community members caught in the cross fire during rescue operations to free those kidnapped have been known to die. They could not give accurate account of the number of people who died as a result of kidnappings.

Another common conflict in Bayelsa State according to 91% of participants in *Table 6.1* is community conflicts. In my chapter on literature review and theoretical framework (p. 82), I discussed two major types of community conflicts, intra- and inter-community conflicts. The first is intra-community conflict, i.e., among the parties within the same community. For the purpose of this dissertation, I stratified Bayelsa State in OBCs and OICs in Chapter 4: 109-110. A conflict confined within an OBC or OIC is an intra-community conflict. The case of conflicts



among indigenes of Kolokuma/Opokuma served as an example. The conflict within this OBC arose over improper deals in property ownership, leadership positions in the regional development committees, and other internal issues bordering on due process. These conflicts resulted in the deaths of many people (FFP, 2013).

The other type of conflicts are inter-community conflicts, which involve two different communities in the state. Such conflicts involving Izon v Atissa, ethnic groups, oil-bearing and oil-impacted communities, electorates and politicians, and other different communities in the state served as examples of inter-community conflicts. Like intra-community conflicts, inter-community conflicts resulted in the death of many people, destruction of property, and kidnapping of community leaders and ordinary citizens (Nwachukwu and Uzoigwe, 2004).

Yet, Bayelsa State's conflicts are not confined within and between communities. According to 88% of the participants, the Joint Military Task Force (JTF) and militants in the state were engaged in violent confrontations. The JTF is composed of personnel drafted from Nigeria's Navy, Air Force, Army, and Police to protect oil facilities and restore order in the troubled Niger Delta region (Chiluwa, 2011). The JTF was established in 2006 by the Olusegun Obasanjo and Abubakar Atiku administration. Most of their conflicts according to the participants are over the sharing of proceeds from their illegal enterprise they run through roadblocks. According to participants sympathetic to the militants, the JTF officials are greedy. They said that JTF officials and militants set up roadblocks and collect security fees from passersby. Through the security fee travelers pay per trip to the creeks, the collectors (the militants) hand over the proceeds to their criminal enterprise partners (the JTF officials). Mutual mistrust exists among these partners based on the testimonies from participants. The JTF accused militants of not returning all security fees collected and militants accused JTF of not giving

accurate account of all the money handed over to them. A constant result of this mutual mistrust according to participants is violent conflict that resulted in deaths among members of this criminal association over the sharing of the illegal fees collected. A few other participants stated that some of the taskforce members belonged to the illegal oil cartel that stole oil products and sold them in the black market. According to this few participants, sharing proceeds from such illegal deals was a major source of conflicts among members of the cartel. A member of the taskforce who spoke on the condition of anonymity, said that the involvement of any member of the taskforce in any illegal oil activities was part of series of sting operations to capture the masterminds of illegal oil businesses.

I personally witnessed how this criminal enterprise flourished and caused conflict among the partners. During my fieldwork in August 2013, I was traveling for a boat to an interview appointment when the following ill-tempered dialogue ensued between an off-duty Nigerian police officer and a militant who, I was made to understand, was collecting security fees for later sharing between the JTF and the militant's group. My source told me that the MEND, one of the main militant groups in Bayelsa State controlled that territory.

*Militant: Oga!! wey ya money? (Pay your security fee)*

*Off-duty officer: Which kan money? (Which kind of security fee are you demanding?)*

*Militant: No open eye for me or I go bolo ya eye. (Do not act stupid or I'll kill/maim you)*

*Off-duty officer: You sabi de person you de talk to like dat? (Do you know who you're addressing in such manner?)*

*Militant: Weda you be Goodluck (referring to Nigerian president) you go pay and if you no pay wetin happen you for creek no call us. (Even if you are Goodluck, you must pay. If you refuse to pay, whatever happens to you in the creek, do not call us for help)*

*Off-duty officer:* I be indigene and a policeman. Na we dey provide security (I'm an indigene of Bayelsa and a policeman. We are the ones that provide security not your group)

*Militant:* Na so una go talk. Wen yawayi commot you go run. Wen we suffer collect money, una go say we no give una all. (That is the way you policemen talk. When a problem arises, you will be the first to run. When we (referring to his group) suffer to collect money, your group (the JTF) would want us to return every amount we collected)

*Off-duty officer:* Police no collect money from you and government no say make you collect money from people. (Police does not collect money from you and the government did not authorize you to collect money from people passing through this way)

*Militant:* As you talk am now, we don take am. Na dis go come bring fight between we and una tomorrow if any JTF say make we bring am money. (We have taken it as you said. But there will be trouble tomorrow if the JTF demand that we give them money we raised from the security fee collection exercise)

As the dialogue continued and temper flared between the two, another militant asked the one collecting money to leave the stubborn policeman and collect from other people. The militant proceeded to collect money from other travelers. I observed sometimes when this militant will glance threateningly in the direction of the off duty police officer. Each time he glanced in that direction, he would shake his head in a way that may mean 'we will get you later.'

The 1990s saw significant escalation of militant activities that disrupted oil production in the Niger Delta region. Such disruptions affected Nigeria's oil revenues (NNPC, 2011, 2012, and 2013). Following those disruptions, Nigerian petroleum industry became according to Odoemene

(2011), “a perfect conduit for corrupt government officials of successive administrations and petro business executives to enrich themselves” (p. 126). The JTF team was deployed in the state by the FGN to help restore law and order like preventing resource control protesters, militants, and other criminal gangs from disrupting oil exploration and production activities. But the objective of deploying them seems to have been abandoned for other unlawful activities as the conversation above revealed. The argument here is that the JTF’s official duty is to provide security for Nigeria’s economic resources, citizens, and foreigners in the region. Illegal taxation of people in the form of security fee is not part of its official duty. Engaging or partnering with militants to exploit the people and government constitutes a deviation from its normal duty which, in itself, is corruption (Osoba, 1996).

Inter-conflicts among Bayelsa State’s ethno-linguistic groups are common according to another 88% of the participants. A sixty-five year old traditional ruler in one of the oil-bearing communities admitted that conflicts between the Izon ethno-linguistic group and its Atissa counterpart started before he was born. According to stories he claimed his father told him, the two groups were the first settlers in what is today called ‘Bayelsa State.’ From what he was told by his father, the Atissas were welcomed and given some plots of land to settle and farm by the Izons who were the first to arrive. He further said that during the early years the two ethno-linguistic groups co-existed, peace reigned among the two groups. Conflicts emerged when the Atissas started encroaching on lands belonging to the Izons. At the early stage of those conflicts, the groups observed minimum restraints. But today (referring to his generation), he said, conflicts between my people and the Atissas have taken a more violent turn. In terms of history, this traditional ruler’s account of ethnic conflicts confirms revelations from the literature review chapter, especially the work of Anikpo (1998) entitled “*Communal Conflicts in East Niger*

*Delta: A Cultural Matrix.*” According to the author, communal conflicts in the Niger Delta region is historical predating the discovery of oil.

Also, 86% of the participants said that clashes among criminal gangs were common as at September 2013. There were oil bunkerers, drug cartels, and militia groups who specialized in hostage taking, thugs doing the dirty jobs of their political godfathers, and those who specifically sabotaged oil installations in order to steal oil products. Participants said that these groups often clash among themselves for various reasons, ranging from territorial control to fighting for lucrative private security protection contracts awarded by oil companies. Those who did not win contracts stage attacks against the interests of the militia groups that won the security contracts (Servant 2010). Such attacks fuel counter attacks on the personnel and property of the gangs. A case in point, which occurred in Rivers State in 2006, involved territorial control and chieftaincy of Okrika community conflicts between the Bush Boys militia group and the Niger Delta Volunteers (NDV) (Peterside, 2007). The Bush Boys and their sponsors, having been defeated by the NDV, lost Okrika as their base but relocated, according to Peterside, “Okuru-ama, an out-post Okirika community, from where it launched regular attacks on NDV positions in Okirika” (p. 8). Peterside reported that fighters from the NDV militia group invaded Okuru-Ama in 2001 and burnt down the community as a punishment for harboring the Bush Boys.

It is common in Bayelsa State for the youths and government to clash over oil revenue benefits like employment, scholarships, development projects, and environmental issues according to 55% of the participants. Youths from the OBCs and OICs believe that government does not redistribute these benefits fairly in the state. Most participants in this group believe that government officials responsible for oil revenue redistribution placed familial, clique, and personal interests over the collective interests of Bayelsans in the redistribution process. An

example was the case of SSABS in Chapter 5. SSABS applied for the state scholarship several times to enable him finish his education. His story demonstrated that only students of chiefs, commissioners, and other students connected to powerful individuals in Bayelsa State received scholarships.

When youths held peaceful protests against such perceived corrupt act, government responded with JTF deployment. This manner of government response to civil actions confirmed views expressed in the literature review chapter by scholars such as Ikelegbe, (2006), Obi, (2010), Ojatorotu (2005), and Omotola, (2006) on Nigerian government's quick resort to the use of force in handling peaceful protests in Nigeria's Delta region. Ikelegbe (2005), for example, used his work titled "*The Oilification of Niger Delta Conflicts*" to show how the government deploys Nigerian soldiers to communities even in situations that would have been resolved through dialogue. Those soldiers killed, raped, and destroyed property in the region. HRW (1999) reported that Nigerian soldiers deployed by the Obasanjo administration in Bayelsa's Odi community massacred more than 3,000 villagers, raped women and little girls, and burnt the community. Such use of more than proportionate force may cause peaceful protesters, especially youths, to abandon their non-violent approach and take to violence as a means of communicating their grievances.

Peterside (2007) aptly describes the behavior of Niger Delta youths when they cannot induce the government to curb corruption within its establishments like ministries and members of various taskforces who used their positions to engage in illegal deals in petroleum products or win concessions through peaceful means. In his work titled "*On the Militarization of Nigeria's Niger Delta.*" Peterside opined that, "Having failed to win concessions through peaceful means, the youths have been inexorably excited to militantly protest" (p. 4). Thus the militarization of

the area failed to achieve the government's primary objective of providing security but added to the corruption of JTF officials and militants. It also added to the existing grievances such as unemployment, marginalization, and inequality thus setting the stage for constant government and youth clashes.

In the opinion of 53% of the participants, conflicts among the multiple political parties in the state are rampant. The political parties compete for control of the state's government knowing that any party that controls the state government controls over oil resources and rents derived from this enterprise. Finally, 26% said that common conflicts in the state are not among any particular group within the state, but are the collective responsibilities of peace-loving Bayelsans to retaliate against 'enemies' of the state who are out to cause trouble. The perception of participants discussed up to this point demonstrated a general awareness of the most common conflicts in the state. The next section discusses the link between these conflicts and corruption in oil revenue redistribution.

I wanted to find out how these conflicts identified by the participants are linked to corruption in oil revenue redistribution. I asked participants to explain the factors that fuel these forms of conflicts. Their responses are presented in *Table 6.2* below. The responses obtained from this probe was used to answer the main research question: How does perception of corruption in oil revenue redistribution create and/or perpetuate conflicts in Bayelsa State? The responses are also used to seek support or rejection of hypothesis #1: Acts and/or perception of corruption create and perpetuate conflicts in Bayelsa.

Table 6.2: *Conflicts Types and Links to Corruption in Oil Revenue Redistribution*

<b>Conflict Type</b>	<b>Link to Oil Revenue Redistribution</b>	<b>Number of Respondents = 58</b>	<b>Percentage</b>
Conflicts are between the communities and oil companies	Cronyism in employment practices, bribes, and other compensation packages	51	88
Conflicts in the communities	Mismanagement, theft, imposition of leaders, exploitations, and bribery	42	72
We have clashes between Joint Task Force (JTF) and Militants	Greed, theft, bribery, and patronage	42	72
Conflicts among ethnic groups	Diversion of projects, stealing, bribes, property lines, greediness, and cronyism	36	62
Criminal gangs clash among themselves	Territorial control, theft of petroleum products, greediness, and oil company and political elite patronages	36	62
Youths clash with government occasionally	Imposition of leaders, militarization of the state, cronyism and nepotism in employment practices, distribution of loans, and other youth benefits	33	57
Conflicts in the state is between political parties	electoral frauds, imposition of leaders on communities, and struggle to control oil resources	31	53

How is each conflict type linked to corruption in oil revenue redistribution? Participants in this study have expressed so many ways they perceived the spate of conflicts in Bayelsa State were linked to corruption. according to 88% of the participants in *Table 6.2* above, the conflicts between host communities and MNOCs are because of various acts of corruption perpetrated by



many of the MNOC officials. The perceived corrupt behaviors include cronyism in employment practices, bribery, and embezzling other compensation packages. Participants said that some Nigerian staff members of the MNOCs employ their family members and close associates whenever a position becomes available even when the newly employed may not be indigenous of the host communities. They further stated that MNOCs promote members of some ethnic groups into management positions at the expense of their own ethnic men and women. For example, promotions in the work place were based on who you know and membership of the major ethnic groups in Nigeria according to an electrical technician who works for one of the MNOCs operating in the state. Explaining why cronyism and other forms of corruption create and perpetuate conflicts between host communities and MNOCs, a participant during my fieldwork explained thus

I have worked in THK Oil Company (pseudonym of an oil company) as an electrical technician for the past eight years. We were four (interviewee mentioned names of all four of them) recruited May 20, 2005 as electrical technicians. Two of us, Steven and myself, are from here. The remaining two came from Abia and Kano States. While me and Steven (Steven is a pseudonym) have remained in the same position since the past 8 years, Stanley and Abdullahi (pseudonyms) have received double promotions. It is not as if they work harder than us. I can vow that those two of co-workers got their promotions through the influence of our personnel manager and operations manager who are their relatives. Now that they got their promotions through the back door, they no longer treat us as their mates but as messengers they can send on any mean errand. It got to a point I had to confront Abdullahi last month when he directed me to wait at the gate for an expatriate who was to visit one of our field plants. I refused to carry out such directive because it was an act of humiliation to my own person and also, I was not employed as a gateman. He wrote me up for insubordination and the company suspended me for over two months now. I am at home with no salary to feed my family while he is collecting his own salary. Do you think that if the resources here are in Kano that Abdullahi and his people will allow any us to rise to the top or boss them around? Unless I do not return after my suspension period. If I do return, that place will not be conducive for him and me (Interviewee, August 3, 2013).

If this interview's account is true, Stanley and Abdullahi's promotions were as a result of cronyism which Joseph (2014) in the literature review (p. 67) described "A strategy of both

survival and upward mobility in Nigeria.” As a form of corruption, cronyism according Johnston (2008) “produces divisions and conflicts, both among those involved in corrupt enterprises and between those who are included and those left out” (Pp. 71-72). Indeed, line nine of the interviewee’s account above reveals such division. The conflict that followed such division and the resolve of one of the opponents to continue the conflict could be gleaned from the last four lines of the interviewee’s account. As with most conflicts, the goals of a party or parties’ to the conflicts include to injure or eliminates the opponent (Coser, 1967). The dialogue below between the interviewee and myself shows the technician’s perception of why some company workers get promoted ahead of others.

In an attempt to see if the participants can separate ethno-linguistic perceptions and company official work practice, I asked these participants whether their family members or ethnic men and women were more qualified or have the skills required for the positions for which they were overlooked by the MNOC officials. Majority of them claimed that they have more qualified indigenes for such positions but were overlooked because they had nobody at the management position to speak for them. Having nobody at the management position to speak for them could translate into two things. The recruiting manager or panel recruited people based on family or friendship relationships (cronyism) rather than on qualification. The manager or panel recruited new staff based on ethnic affiliations (ethnicism). While it may be easy to prove a case of cronyism by determining the relationships between the recruiter(s) and the recruited, it might be difficult to prove a case of ethnicism especially in a panel recruitment system. As I discussed in Chapter 3, this act of cronyism contrasts with rule-based practices because it puts relationships below rules and regulations guiding the conduct of official activities (Hooke, 2008). The rule-based hiring requires a manager to hire best qualified hands to fill existing vacancies (Reh,

2013). I was not able to get any information on MNOCs' recruitments between 2011 and 2013 because those corporations do not provide information on their personnel practices to a researcher.

A few other participants did not answer my question but asked me how many of the community candidates I thought were more qualified than the alleged cronies of the MNOC officials – a typical Nigerian way of dismissing the obvious. Some MNOC participants among this 88% group also linked conflicts between their communities and MNOCs to the bribes community leaders demanded from the MNOCs. If the companies refuse to offer bribes to those leaders, they would incite their communities against the companies. Those officials stated that whenever a company refused to give bribe, those leaders incite their youths to attack oil installations, steal materials, and kidnap or wound workers forcing company to call on Nigerian government for security protection. Participants from communities denied this bribery claim by company officials, and counter-claimed that the companies were the ones trying to corrupt them by offering bribes to their leaders in order to allow them to cheat host communities.

Another form of corruption that creates and/or perpetuates community-company conflicts identified by this 88% of participants is stealing of public funds. They said that this form of corruption in oil revenue takes away development funds and put them into private hands thus keeping the affected communities in Bayelsa underdeveloped and creating hostilities between communities and companies. A case of N35,000.00 (about \$2,333.00) monthly gas money one of the MNOCs used to pay to two neighboring communities (an OBC and an OIC) was narrated at four different interviews by participants from the two communities. This money is part of the obligations of the MNOC (name withheld) under the GMOU between the company and the two communities where the company had oil production and distribution facilities. This MNOC

usually pay this money to the communities through an NGO. Jack (pseudonym) had this to say about the money and the NGO,

For four months, September, October, November, and December, 2012, Regional Grassroot Empowerment (RGE) (pseudonym of the NGO) collected our gas money from ABZ (pseudonym for the MNOC). Not a naira (Nigerian currency, N) was remitted to our community. We used our own money to buy gas with which to operate the electric generator that provides light in this community and to guard oil equipment so that they were not stolen by thieves. We (referring to the community) did not know that our neighboring community where the founder of the NGO came from connived with their member (owner of the NGO) to share our own portion of the gas money. We only learned that they cheated us in January this year (2013) when we marched to the office of the MNOC to demand for the payment of the arrears of gas money it owed us. When we sent a delegation in February to our community neighbor to demand for our money held by them in the past four months, they attacked members of our delegation with machetes and burnt two cars that conveyed our delegates to the community. The case is pending in the state high court at Yenagoa (capital of Bayelsa State) (Jack, July, 2013).

A second participant acknowledged that both the OBC and OIC were involved altercation over a missing amount of money the two communities owned jointly but denied that the concerned OBC connived with any organization or person to embezzle or steal money belonging to the two communities. I asked this participant how the money jointly owned by the two communities got missing. The answer I got was that RGE told the community that ABZ was yet to pay gas money for the past four months as there was a computer glitch in their accounts office. The OBC community believed what RGE said and was waiting patiently knowing that ABZ would pay any outstanding debt the moment they rectified the computer glitch. This participant further said that it was while they were waiting on the ABZ that the neighboring OIC came with two truckloads of youths and attacked the OBC without any provocation. However, a participants without referring to the altercation between the OBC and OIC stated that a contractor organization through which ABZ paid gas money to the two communities was

involved in embezzlement of fund. He said that most of the problems MNOCs faced were created by them because of the way they patronize all sorts of companies and individuals.

Agreeing to this assertion, Ajayi (a pseudonym), a member of one of the RDC particularly criticized the practice of giving community benefits through a secondary medium instead of directly to the communities and individuals directly affected. Ajayi further questioned the rationale in giving such items to known criminals who parade as leaders. Talking in an angry tone, he pointed to the case of former Governor Alamiyeseigha Diepreye. In a heightened tone that sounded angrier than when he started, he said that,

A small part (N1.4 billion in local currency and \$1.3 million in foreign currency) of our state's oil revenue the EFCC recovered from Alamiyeseigha and other unaccounted amount lodged in private bank accounts in the United Kingdom, United States, France, and other western countries would have greatly lifted the state from its underdeveloped status were such amount actually given directly to our communities. Can you tell me if Alamiyeseigha, one of our former governors, is a community? If he (Alamiyeseigha) is not a community, why then should he be given oil revenue meant for communities?" This is one of the reasons you hear youths burning houses belonging to all these thieves who steal our money. Sometimes, some idiots who were given N2 or N5 by these thieves would attempt to stop our youths from demanding the return of the money looted by the likes of Alamiyeseigha.

Ajayi's sentiment did not include the summary judgment granted in the U.K. civil proceeding against the same former Governor Alamiyeseigha and his company in which the sum of N3 billion cash and properties worth another N3 billion (StAR and World Bank, 2013) were recovered by the FGN and transferred to Bayelsa State Government.

The assertion Ajayi and other participants made is consistent with the work by Watts, Okonta, and Kemedi (2004) entitled, *"Economies of Violence: Petroleum, and Politics and Community Conflicts in the Niger Delta, Nigeria,"* which I highlighted in the literature review chapter of this dissertation. The authors succinctly stated that "Conflicts at the local level (intra-community conflicts) emerge from challenges to customary forms of community governance,

precipitated by the presence and activities of oil operations” (p. 3). It is the conclusion of Anikpo (1998) that such challenges to local custom destroy a community’s cultural cosmos including hospitality to strangers, respect for seniors, and other moral values.

To 72% of the participants, corrupt acts such as mismanagement, theft, exploitation, bribery, and imposition of leaders to manage oil revenue redistribution created and/or perpetuated violent conflicts such as assassinations, robbery, and arson within the communities in Bayelsa. An assassination attempt on one of the traditional rulers that led to the death of one of his bodyguards and the cancellation of an interview appointment I scheduled with him stemmed from allegations of embezzlement of the community’s share of the oil funds. Similarly, a scan of the literature on intra-community conflicts would show that the Ogoni Four (of neighboring Rivers State) allegedly killed by the Ken Saro-Wiwa faction of the MOSOP were accused of taking bribes and betraying the Ogoni cause. Their death resulted in the then military government of Nigeria rounding up Ken Saro-Wiwa and eight other Ogonis also known as the “Ogoni-Nine.” They were tried and convicted of killing the Ogoni Four. The military tribunal that tried the Ogoni Nine sentenced them to death by firing. The plea by the local and international community for the Ogoni Nine’s death sentence to be commuted to a life sentence or a lighter jail term was never heeded. They were summarily executed the next day.

Concerning conflicts JTF and militant groups in the state, 76% of the participants link the conflicts to greed between the two criminal enterprises. Most of their conflicts according to the participants are over the sharing of proceeds from their illegal enterprises such as renting arms and ammunitions to militants, directing militants to collect illegal fees from travelers, and the direct sabotage of oil infrastructure. On renting of arms to militants, participants pointed to the amnesty program initiated by the late President Yaradua in 2009 and continued by President

Goodluck Jonathan, which took away arms from militants in exchange for cash, training, and resettlement and re-integration of ex-militants who accepted the amnesty initiative. Such program, they said, removed military and other high caliber weapons from militants. Some of the recovered weapons that were in useable conditions were given to government security agencies like police and members of the JTF. Participants claimed that some unscrupulous JTF members rent their official weapons to militants who use them to commit armed robbery, kidnapping, and other acts. In the process of committing these violent acts, participants said that militants clashed with vigilante groups set up by communities to guard oil facilities and the communities.

Thus, some JTF members and other criminal elements cooperate and share proceeds from Nigeria's criminal oil enterprise. This assertion was supported in Ross (2012) investigative report on Nigeria's booming illegal oil refineries. Quoting one of his informants, Ross said that, "We settle the army people. If they see money in your hand they will take that. If not they will take products (petroleum products) from you. If we have 10 drums we give them two. It's normal." So, the source of the JTF and militia gangs' cooperation was also a cause of conflict for them.

Participants concluded that those militants and criminal gangs may return borrowed weapons with cash. But some militants or gangs may return borrowed weapons without paying the agreed rental fee claiming that they were unsuccessful in the operation for which the weapons were borrowed. According to participants, returning borrowed weapons without the agreed rental fees earn such groups detention at a JTF facility until such rental fees are paid. While in detention, group whose members were detained may plan and execute a rescue operation which mostly ended up with deaths on both sides. I was unable to immediately verify this participants' conclusion.

Through the security fee travelers pay per trip thorough the creeks, the collectors (militants) hand over the proceeds to their criminal enterprise partners in the JTF. There exists mutual mistrust between these partners over the actual amount collected and accounted for at the end of every operation. In the participants' view, conflict emerged when the JTF officials give militants a small portion of the proceeds from the security fees collected. Militants usually refuse such small amount given to them because of the level of insults security fee payers and even some security personnel (see dialogue between a militant and an off duty police officer in pages 7 and 8 of this chapter) hurled at them. In refusing the amount given to them by the JTF officials, participants continued, they (militants) demanded at least 50% of the total proceeds from collecting security fees.

The ethnic versus ethnic conflicts among the ethno-linguistic groups—, Izon, and Isoko, according to 62% of the participants, are caused by the diversion of development projects funded with oil revenue, stealing of land, money, and other oil benefits that oil revenue confers on a given ethnic group, offering bribes to deny an ethnic group its share of the oil revenue, and other practices like giving an ethnic group's employment quota to another group or cronies of the person or group making the employment decisions. In the theoretical framework (greed and grievance) section of this dissertation, Collier (2000) explained that the intensification of objective grievances, diversion of development projects, giving an ethnic group's employment quota to another ethnic group, and stealing of public funds, create and/or sustain conflicts because affected groups believe that their struggle for justice is a worthwhile cause.

Most of the participants who have listed many of the grievances that create and/or perpetuate conflicts among Bayelsa's ethnic communities exonerated the MNOCs operating in the state of creating such conflicts because, as they stated, those ethnic groups have been fighting



each other before the discovery of oil in 1958 and subsequent coming of MNOCs into the area. However, they blamed the MNOCs of perpetuating the conflicts by inciting an ethnic group against another, providing arms for ethnic youths militias, and using them to intimidate opponents. Ebosa (2014) report titled “*Bayelsa Oil Community Accuses Agip of Fueling Communal Clashes*,” supported the above assertion by participants. Quoting a leader of one of the kingdoms in a conflict over an oil spill cleanup contract awarded by the Nigerian Agip Oil Company (NAOC), one of the MNOCs operating in Bayelsa State, the author writes:

The company was using divide and rule tactics in resolving issues associated with oil spill incident which occurred in the area on February 16. NAOC had deployed a contractor to clean up the site with 20 ‘armed-to-teeth security operatives and over 50 Agrisaba youths.’ Agip has in its custody documents which indicate that the impacted area belongs to the host, Okoroba Kingdom (p. 2).

Two main conflict ingredients from NAOC’s action in the above quote may have created or sustained conflicts between Bayelsa’s two sub ethno-linguistic communities. The two conflict ingredients are: (1) Diversion of contracts to Agrisaba, which under a Local Content Agreement, ought to be awarded to an Okoroba based contractor. And (2) Using 20 armed security operatives. I could not verify if the security operatives were members of the JTF or a private security company. Recall that in the literature review chapter, weapons given to party thugs by their patrons were not always retrieved when patrons and their clients ended their relationship. Past experience of what abandoned thugs do with unretired weapons can help in understanding the fears of Okoroba kingdom whose community is hosting armed security operatives and youths from another kingdom.

In the views of another 62% of the participants, conflicts among criminal gangs are influenced by a struggle for territorial control, theft of petroleum products, and patronage of the gangs by the government, political elites, major redistributors of oil revenue, and oil companies

themselves. Supporting the views of these participants is the work of Ibaba and Okolo (2008) titled “*Resolving Militia Conflicts in the Niger Delta: The Role of Mediation.*” The authors noted that oil companies and governments of the Niger Delta states use the militia groups to secure oil operations. The money attractiveness of filling the security gap on behalf of government and the handsome reward accompanying it encourages violent competitions among these groups. The end goal of the conflicts is to subdue other groups and become the most powerful gang in the area (Ibekwe and Ewoh, 2012).

On the conflicts between youths and government, 57% of the participants put the cause on acts of corruption such as imposition of unpopular leaders on them and, cronyism and nepotism in employment opportunities created with oil revenue. Some leaders annoy the youths especially by using their family members to fill most important positions. To make matters worse, development projects and environmental issues dear to the hearts of the youths are overlooked hence the youths are engaged in violent protests, destruction of government property, and in some extreme cases, the killing of government officials. The Odi killing of twelve policemen in 1999 is an example.

Conflicts between the political parties, raised by 53% of the participants, are caused by electoral frauds, the struggle to control oil revenue, and the imposition of leaders on communities. Nigeria’s elections like in the United States tend to be winner-take-all. In a plurality decision or winner-takes-all, Coleman, Goldstein, and William (2014) posited that, “The candidate that receives the most votes wins the seat being contested; all other candidates lose” (p. 308). It is not only the seat that is lost here. The accolades that follow the seat like determining who gets what, where, and when of the oil revenue are won and lost by contestants. Participants further said that corrupt politicians use their ill-gotten money to sponsor thugs,

paramilitary, and militia groups to foment trouble in the state. One of the politicians in this group and a contestant in the state's 2012 violent election year said of the thugs and their sponsors:

During elections, incumbent political office holders used public funds they stole to recruit jobless youths, arm, and set them loose on political opponents. These thugs will intimidate, maim, and sometimes assassinate their patrons' opponents and voters. After elections in which the politicians stole victory, these youth thugs are abandoned by the patron. These thugs when harassing opponents failed to realize that once the election is over, they will be abandoned by their patrons then they'll face some of the relatives or those people they kicked, punched, knifed, and shot thereby creating a dangerous revenge environment.

The political environment in communities polluted by the actions of thugs and their patrons becomes volatile once an electioneering period is over. While winners celebrate, losers may go home to plot revenge on the death of their loved ones killed by thugs of the winners or to make governance difficult for the victorious party. The desire by losers to make governance difficult in Bayelsa may have combined with corrupt behaviors of elected officials in creating and/or sustaining political instability in the state which I depicted in *Table 2.2* of this dissertation.

The past governors of the state who, by virtue of their positions, sat at the top of the oil redistribution hierarchy could have had their eyes set on the oil benefits judging from their records and the manner in which they left office. For example, former governors Alamiyeseigha and Sylva have by their behaviors told Bayelsans that they came to power not to serve the people but to loot the state's treasury. In the case of Alamiyeseigha, the amount of public funds he looted which the EFCC have recovered as at 2012 stood at \$10 million (StAR and World Bank, 2013). Sylva is in EFCC's custody facing embezzlement charges related to the sum of N650 million (about \$3.94 million) belonging to Bayelsa State (Ebipade, Bekewei, and Inainfe, 2012). Issues related to the repatriation of those funds belong to Bayelsa State are the sources of the ongoing litigation war between the EFCC and Governor Dickson's administration (Oyesin, 2014). Before addressing the implication of *Table 6.2* on the main research question and

hypothesis #1, I want to sort out participants' opinions on the effects of these conflicts on their communities. Their views are presented in *Table 6.3* below.

Table 6.3: *Effects of Conflicts on the State and its Communities*

Options	No of Respondents =58	Percentage
Destruction of life and property	56	97
Underdevelopment of the state	54	93
Increased rate of corruption	53	91
Division in the state	50	86
Drive away investors	49	84
Damage to the state's image	47	81

Conflicts in the state have multiple effects as shown in *Table 6.3* above. The most significant perceived effect related to the outcomes of conflicts is the destruction of life and property as attested to by 97% of the study's participants. A woman participant who worked with a MNOC resigned from her job and relocated to another community after her ordeal in 2009 when protesting youths stormed the MNOC's field office where she worked as a cleaner. This participant painfully recalled that incident and how it left her mentally and physically wounded.

Here is an extract from her story.

It was around 9.00 am on September 5, 2009. My coworkers and myself have settled for a normal day work at the office. We heard some commotion outside. Initially, we thought that the security guards were having some misunderstanding with some visitors to the company. It was when the noise became louder and some of the words such as burn, kill, and drag being uttered by the crowd gathering at the gate that we became apprehensive of what was coming. Angry youths had invaded our workplace. The security men were outnumbered and overpowered. The entrance and exit routes were blocked. We were all trapped. The protesting youths headed to the administrative block. We thought for a second that they were not after us but the management of the company. This thought did not entirely remove the fear that overtook us but it did momentarily gave us a little relief. For reasons I cannot explain because I had no clue of what happened at the administrative building, the mob left the administrative building and headed our way. As protesting mob entered our building, office equipment such as tables, chairs, fan, and other portable items were either destroyed or carried by them. We did not stop them because we have no power to do so. This was the extent I could recollect before the worst happened to me. It was four days later at a hospital bed that a doctor told me that I was gang raped.

This participant at this point could not control her tears. She stopped talking to me and sobbed for about five minutes. I offered her a facial towel from a pack I had in my small bag to wipe her tears. I patiently waited for her to calm down. After another interval of ten minutes, she apologized to me that she cannot continue with the interview because of the trauma she was going through. The only decision she made after she was discharged from the hospital was to resign from her job and leave the city where this incident happened. She vowed never to return or pass through that city where her world changed for the worse until she departs ‘this wicked world.’

Indeed, information from the literature also showed that Bayelsa conflicts have resulted in thousands of lives lost including the Odi massacre where 3,000 lives were lost and, the Odioma Nigerian Soldiers operation that left 1500 dead – to name only two examples (HRW, 1999; and International Crisis Group, 2006).

Conflicts have contributed to the underdevelopment of the state according to 93% of the participants. Participants said that during conflicts situation, people’s houses, cars, public properties are destroyed, and people’s blood are spilled. Those killed could have been those who would have developed our communities. A community leader among this 93% of the participants stated that,

When my community (referring to the community he led) was attacked by people from Etoremeigh community (pseudonym) on December 2, 2012, they destroyed our farmland, stole our livestock, and burned down my people’s houses. The government refused to help us rebuild. Look at how my community is looking like a ghost city. It will take us several years to get to the level we were before the senseless assault on us by the people of Etoremeigh

Tokpo (2012) study confirms that the state lacks development projects, no functional health services, low education, and other development infrastructures. Consistent with the

literature, some of the ultimate goals of violent conflicts include injuring, maiming, and eliminating opponents; and destruction of schools, hospitals, roads, and other development infrastructure (Wilmot and Hocker, 2006). Historically, war has fostered development. As a result of conflicts, the rate of corruption in the state increased in the opinion of 91% of the participants. According to the theory of greed and grievance, greedy officials regard their offices as lootable resources that can generate benefits for themselves and their cronies. Among the greedy office holders therefore, their inordinate clamor for private accumulation of public funds is unfettered. Accumulation of Bayelsa's oil revenues by few privileged Bayelsans has left a majority of the citizens of the state chasing the few resources that are left over. The depleted resources of the state like few jobs, scholarships, and political offices chased by the majority of the citizens of the state increase their grievances against those office holders who appropriate the state's wealth. Thus violent conflicts like armed robbery, kidnappings, and intra and inter group conflicts, and violent political competitions abound.

The case of former Governor Tamipreye Sylva who ruled the state between 2007 and 2011 is instructive. The former governor followed the footsteps of his predecessor, Alamiyeseigha Depreye, by looting Bayelsa State's money. Sylva misappropriated N627 million (\$4.18 million) while in office. As of 2012, a year after Sylva left office, the EFCC uncovered new criminalities of the former governor. In an October 2012 report titled "EFCC Uncovers Fresh Bayelsa Loot," *ThisDay Newspaper*, one of Nigeria's daily Newspapers, stated that,

Peace of mind is still far from the home of the immediate past Governor of Bayelsa State, Chief Timipre Sylva as the Economic and Financial Crimes Commission (EFCC) has swooped on him again making more startling discoveries in the investigation of the looting of Bayelsa State treasury by the former Governor... Among the new discoveries linked to the former Governor include, a duplex valued at N310 m situated at Cachez Estate, Mpape, Abuja. Another is a mansion valued at N700 m located off Ademola

Adetokunbo Crescent in highbrow Wuse 2, Abuja. The Wuse mansion was allegedly acquired in the name of Marlin Maritime Limited, a company owned by Timpre Sylva (p. 1).

Fast forward to 2013, Bayelsans and current Governor Dickson seem to be fighting to recover a remaining part of Sylva's loots.

According to 86% of the participants, conflicts have divided the Bayelsa society.

Participants claimed that when they once lived together in peace, the various communities and neighbors built bridges to link one community to another. They further stated that annual ceremonies were held between neighboring communities to celebrate peace. Those joyous ceremonies, participants claimed, have been overtaken by intermittent attacks on one another.

Here is how a senior citizen recalled what he called 'the peace days of our fathers.'

When we were growing up, our parents would take us to the bank of the ocean on the second week of November each year to observe a week long fishing competition. Fishermen from our kingdom and our neighboring Nembe kingdom (real name) would jump into their fishing canoes with the fishing gears and sailed into the deep ocean to catch fish. Some rules for the competition included: 1) no fishing canoe should be two miles near each other; 2) you must rush to rescue a canoe near you if it is in a distress, and 3) no fishing net should be left in the water overnight. At the end of each day's competition which ended towards the going down of the sun, fishermen will anchor their canoes by the bank of the ocean, repair or replace their nets for the next day's competition. Fish caught by each group was judged by retired fishermen. The judges, at the end of the week long competition, would announce the kingdom whose group made the biggest catch. Meanwhile, spectators including this participants will be cooking and enjoying the fish caught by the competitors. The competitions not only unite the kingdoms involved but also taught fishermen and spectators how to cooperate in times of trouble. It also created opportunity for match making and inter-kingdom marriage and cementing of peace among neighbors. Such was our world growing up. Things have changed today. We do not hold fishing competition anymore. We now sell our brothers, neighbors, and communities to oil companies and government to make money for ourselves. We do not see ourselves as one but different individuals and groups out to do whatever it takes to get rid of one another.

The sentiment echoed by this senior citizen is consistent with views expressed by conflict scholars like Johnston (2008) and Coser (1967). In Chapter 3 (Pp. 71-72), Johnston (2008) concluded that corruption divides a society and produces conflicts. Coser (1967) in the same

chapter (p. 79) contended that in a divided society, opponents competing over values and claims to scarce status, power, and resources aim to neutralize, injure, or eliminate the rivals. The theoretical framework, greed and grievance theory (Collier and Hoeffler, 2006), further provides link between corruption and conflicts by expanding the violent competition for scarce resources necessary for the attainment of parallel goals of the greedy few and their aggrieved counterparts.

In their discussion of causes of civil war, Collier and Hoeffler identified two main groups of actors seeking control and access to scarce natural resource rents with which to achieve their opposing goals in a country experiencing civil war. Pandit (2012), characterized the two opposing groups as “loot-seekers (greed) and justice-seekers (grievance) (p. 1). Greedy elites plunder natural resources and use their control of state security apparatus to keep justice-seekers out of their lootable resources (Pundit 2012). I discussed stealing or laundering of public funds in Chapter 3, page 66, as a form of corruption through which few greedy public officials enrich themselves with public funds at the expense of the general public. Greed begets grievances by creating unequal oil revenue benefits redistribution between the greedy elites and the aggrieved public. This unequal oil revenue benefits redistribution motivates the relatively justice-seekers to engage in conflicts. This is especially true in conflicts between militia groups and government in Bayelsa State (see Chapter 3: 83-92). *Table 6.2* further summed up the various conflicts and their association with many forms of corruption. Such conflict as antagonism between the JTF and militants, youths and government, and the rest of the stakeholders in the Bayelsa conflicts and inter-communities resulted from a combination of two or more perceived corrupt behaviors of public officials at various points of oil revenue redistributions.

According to 81% of the participants, Bayelsa conflicts created negative images of the states. Some participants among this 81% claimed that people and organizations outside the state



refer to Bayelsa as the kidnapping capital of Nigeria. Some other participants say it is a state where any character can become governor and help himself to state funds without hindrance. Some of the participants said that the Bayelsa State of old was a society of decency; its people valued honesty and hard work; women were highly respected and the people's good names were religiously protected. But this set of participants sadly noted that corruption has destroyed those great traditional values of their communities. For example, women that were highly respected have turned to prostitution; citizens of the state have abandoned honesty and hard work to pursue easy wealth through corruption; and young people show no respect to seniors.

Again, a subgroup among this 81% added that the bad reputation the state has acquired added to the economic woes of the state. Potential investors who would have contributed to the rapid development of the state withdrew because of safety concerns for their lives and investments according to participants. Shell BP, one of the major MNOCs operating in the state, sold its onshore shares to a consortium for \$102 million after several years of cat and mouse game with the Bayelsans (Eze, 2014). Such giant company pulling out of oil operation in the state could potentially lead to other major MNOCs to pull out of Bayelsa State's oil fields.

At this stage, I return to *Table 6.2* to answer the main research question and seek support or rejection of hypotheses #1. It is evident that bribery, looting, cronyism, and other forms of corruption create and/or perpetuate various conflicts in Bayelsa State. These conflicts include intra- and inter-community conflicts, host community-MNOC conflicts, Militant-JTF conflicts, youth-Government conflicts, and conflicts among political groups. The first stage of corruption creating and/or sustaining Bayelsa State conflicts is by dividing the state into dichotomous groups of greedy elites and aggrieved groups or loot-seekers and justice-seekers (Collier and Hoeffler 2005; Pandit, 2012).

This agrees with a conclusion in the literature review chapter in which Johnston (1998) asserted that “Corruption brings divisions and conflicts in a society.” Also, the theoretical framework, greed and grievance theory, states that greedy behaviors leads to grievances. Pandit (2012) listed many grievances that emerge in a society dominated by greed to include economic inequality, political exclusion and repression, unemployment and lack of opportunity. Indeed, the privatization of public funds by past governors and other few other privileged individuals and groups in Bayelsa State have increased grievances such as unemployment, lack of development projects, and a lack of educational assistance for poor people in Bayelsa as *Table 6.3*, SSABS’s dialogue, and other such experiences in Chapters 5 and 6 have proved. Greed and grievances have goals that are incompatible, a conclusion supported by Wilmot and Hocker (2006) definition of conflict as, “An expressed struggle between at least two interdependent parties who perceive incompatible goals, scarce resources, and interference from others in achieving their goals” (p.11). Analysis of collected data and revelations from the literature and theoretical framework show that corruption in oil revenue redistribution create and/or perpetuate conflict in Bayelsa State by dividing its communities; concentrating the state’s oil revenues in the hands of very few individuals like governors, top government officials, political godfathers, chiefs, and their cronies; and creating a majority population of who feel grieved because they do not get what they perceive as their entitlements (employment, development, and education to mention just a few) as members of Bayelsa society.

In support of hypothesis #1, this analysis of collected data and revelations from literature review support the hypothesis that, – people’s perceptions of corruption in Bayelsa State’s oil revenue redistribution create and/or perpetuate conflicts. Many authors in the literature review chapter such as Adebayo (2012), Johnston (1998) and Osoba (1996) concluded that corruption is

a deviation from accepted ways of doing things in the society. The dialogue between a militant and an off duty police officer which I reported in pages 7 and 8 of this chapter, and participants' perceptions on the various causes of conflicts in Bayelsa in *Table 6.2* indicate how JTF officials, elected officials, and political appointees as well as career civil servants, chiefs, community leaders, contractors, etc. deviated from acceptable ways of performing their duties. Such deviations, including bribery, stealing of public funds, and acts of patronage and cronyism contributed to the emergence and/or perpetuation of various forms of conflicts plaguing the state. In the face of these conflicts, Bayelsans are relying on laws and institutions in the country and in the state to curb corruption and conflicts it created and/or sustained. The next chapter examines some of those laws and institutions.

## Chapter 7

### Anti-Corruption Laws and Agencies, and Conflict Prevention

#### *7.1 Nigeria's Anti-Corruption Laws and Agencies, and Conflict Prevention in Bayelsa State*

In Chapter 6, this dissertation showed how Bayelsans' perceptions of corruption created and/or perpetuated conflicts in Bayelsa State. In the present chapter, I examine some of the laws and institutions put in place to fight corruption. Participants' opinions on the effectiveness or otherwise of the laws and institutions discussed here are used to test hypothesis #2 which states that "Anti-corruption laws and institutions do not prevent conflicts in Bayelsa State." From the literature review and theoretical framework, I have presented empirical support that corruption in public affairs is not only contrary to legal and moral norms, it undermines the capacity of the state to secure the welfare of all its citizens (Collier and Hoeffler, 2005; Osoba, 1996; TI, 2013). Osoba's view is supported by Moustafa (2013) who posited that "corruption is now recognized to be one of the world's greatest challenges. It is a major hindrance to sustainable development, with a disproportionate impact on poor communities and is corrosive on the very fabric of society."

In *Table 3.2*, a ten year cumulative average score of Nigeria according to TI's index showed that indeed corruption is one of the greatest challenges facing the country and its subunits like Bayelsa. For example, Nigeria in the course of those ten years remained among the most corrupt countries in the world. On a scale of 0-10 of CPI where 0-4 means that a country is highly corrupt and 8-10 means that a country is very clean, Nigeria's most improved record was in 2008 when its score was 2.7 (*Table 3.2*). Attempt to make further progress in the fight against corruption prompted the country to enact new anti-corruption laws and amended existing laws to

keep up with the complexities of modern corruption. Looking at some of Nigeria's anti-corruption laws one can see the following:

## *7.2 Selected Anti-Corruption Laws and Institutions in Nigeria*

### *7.2a Anti-Corruption Laws*

The Nigerian Criminal Code has many important chapters and many subsections devoted to corruption. Chapter 12, Sections 98-111: "*Corruption and Abuse of Office*," makes it a crime for public officials to steal, solicit, offer, and/or receive bribes. It prohibits public officials and private individuals and organization from engaging in an unauthorized buying or selling of any public property, engaging in acts of extortion, and other acts deemed to be corrupt practices. During the period of regionalism, the Northern and Southern regions of the country had laws intended to prohibit any form of corruption. The national and subnational laws operate within their jurisdictional areas. In case of a clash between the regional and national laws, the national laws stand supreme over the regional ones.

The Chapter 38 of the Nigerian Criminal Code: "*Obtaining Property by False Pretenses*," prohibits individuals and organizations from cheating. The most popular section in this chapter is Section 419 A-B. What made this section popular is a criminal action through which fraudsters illegally obtain money and other material benefits from victims by making them pay money in advance and never supply or fulfill any part of an agreement for which an advance was given. In the international arena, it is known as 'Advance Fee Fraud' but in Nigeria, it is called '419,' an acronym for Section 419 A-B of the Criminal Code.

Other chapters in the Criminal Code, such as Chapters 43, 44, and 45, make it a criminal offence for anyone to commit forgery of certificates, signatures of public officials, monetary documents like checks and currency as well as other related materials. The Nigerian parliament

has passed new laws since the beginning of the 4<sup>th</sup> Republic in 1999 aimed at modifying or adding new sections to the various anti-corruption laws. For instance, Act No 5 of the National Assembly entitled “*Corrupt Practices and other Related Offences of 2000.*”

A section of the 2000 Act of the National Assembly that covers modifications and updates in the anti-corruption effort is titled “Offences and Penalties.” This section has nineteen subsections starting from Subsection 8-25 which I have summarized in *Table 7.1*

Table 7.1: *Summary of Sections and Corruption Offences in the 2000 Act*

<b>Sections</b>	<b>Offences</b>
8	Accepting Gratifications
9	Giving or Accepting Gratification through Agent
10	Acceptor or Giver of Gratification notwithstanding that Purpose was not carried out or Matter not in Relation to Principal’s Affairs or Business
12	Fraudulent Acquisition of Property
13	Fraudulent Receipt of Property
14	Offences Committed through Postal system
15	Deliberate Frustration of Investigation by the Commission
16	Making False Statements or Return
17	Gratification by or through Agents
18	Bribery of Public Officer
19	Offence of using Office or Position for Gratification
21	Bribery in Relation to Auction
22	Bribery for giving Assistance etc in regard to Contracts
23	Duty to report Bribery Transactions
24	Dealing with Property Acquired through Gratification
25	Making False or Misleading Statements to the Commission

Source: Nigeria Law Organization (2013).

Successive military regimes such as Ironsi (1966); Murtala/Obasanjo (1975-1979); and Babangida (1985-1993) promulgated decrees that targeted corruption. The Decree No. 5 of 1966 titled “Investigation of Assets,” empowered the head of state to require public officers to declare their assets before and after leaving office. The purpose was to identify and prosecute those who

may corruptly enrich themselves. The promulgation of this decree led to the establishment of military tribunals to try public officials and their associates who violated the law. Any person convicted by the military tribunals of violating this decree could not participate in politics or hold public office (Agbese, 2004). That military regime that enacted this decree did not last for a year before a counter coup removed it from power. Despite the fact that not much was recorded on this decree's effectiveness, it served and remained as one of the anti-corruption laws until 1989 when the Babangida regime amended it with Decree No. 9 of 1989. The 1975 Decree of Murtala/Obasanjo regime extended the scope of anti-corruption measures by establishing the Assets Investigation Panel with power to investigate serving military governors, federal commissioners, and other high-ranking officials.

These anti-corruption laws, executive orders, military decrees as amended or changed provided a legal framework to fight corruption. The Nigerian National Assembly (NAAS), made up of the Senate and House of Representatives, took a step further to ensure that these anti-corruption laws are effective in curbing corruption and restoring domestic and international trust in the country by establishing new institutions to help enforce these laws. I now examine institutions established to help in the fight against corruption in Nigeria.

### *7.3 Anti-Corruption Institutions*

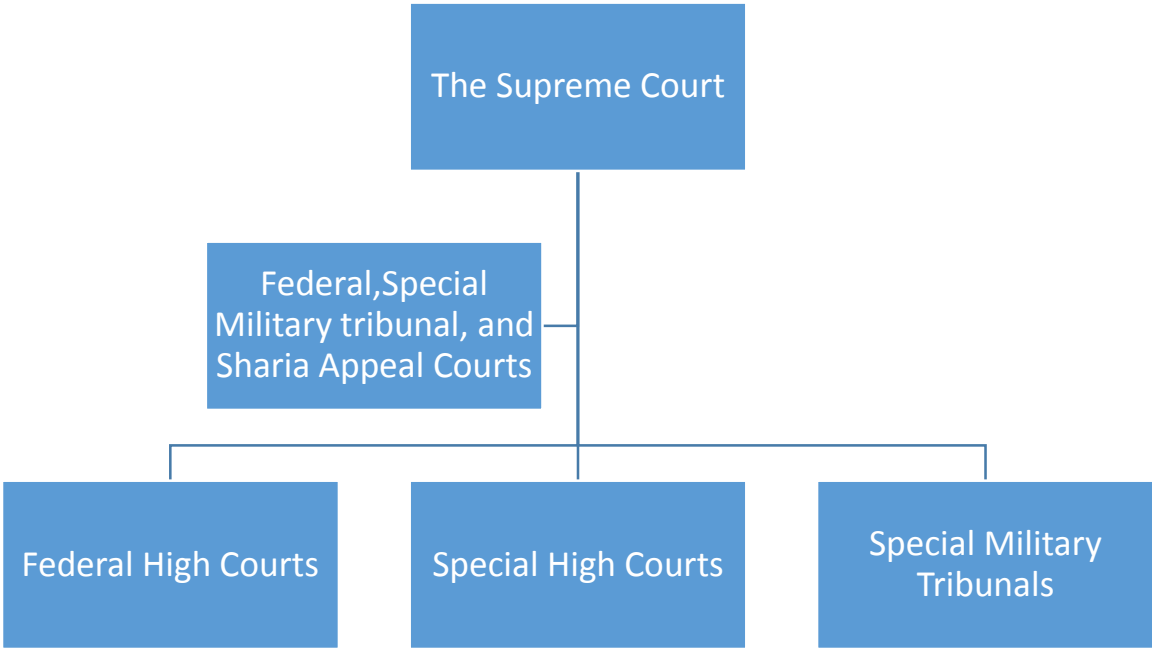
The major institutions this study examined are the law courts, ICPC, and the EFCC. Both the ICPC and EFCC were established in this current Nigeria's 4<sup>th</sup> republic. The courts have been existing even during the colonial period.

#### *7.3a Nigerian Courts*

The law courts in Nigeria are hierarchically structured. At the federal level in order of ranks are the Supreme Court (highest court in the country), Courts of Appeal and a Sharia Court

of Appeal in Abuja, and Federal High Courts. Some of the federal high courts spread in the six geopolitical zones of the country are courts of first instance where those involved in corruption and financial crimes are prosecuted. The structure of the Nigerian judicial system is summarized in *Figure 7.1*.

Figure 7.1: *Hierarchical Structure of Federal*



The Federal High Courts are where the two main anti-corruption agencies, ICPC and EFCC, which I will discuss later in this chapter, prosecute accused corrupt individuals and organizations. The federal high courts are trial courts for federal crimes and other offenses and civil actions relating to the constitution of Nigeria. The Sharia Appeal Court in Abuja handles interstate related Islamic cases. The special military tribunals and appeal courts handle military related cases only. The constitution clearly outlined the type of cases each of these federal courts can entertain. Corruption of any kind can originate from a federal high court and go through the



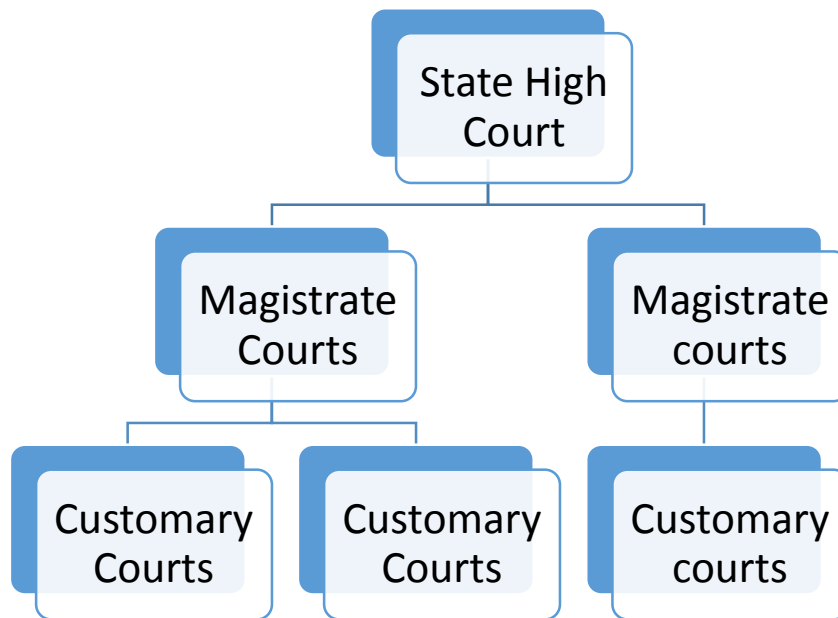
Appeals Court in case of an appeal on the ruling in the federal high court, and finally to the Supreme court. At the state level, the State High Court is the highest court that deals with issues within the jurisdiction of a state.

Some predominant Muslim states in Nigeria have Sharia Courts instead of High Courts. Appeals from the Sharia courts are made to the Sharia Court of Appeal in Abuja. Below the state high or Sharia courts are magistrate courts and customary courts.

#### *The Bayelsa State Court System*

In keeping with the federal structure of Nigeria, states have their own judicial structures which deal with cases covered by state laws. As stated in the preceding paragraph, the highest court at some states is known as the “State High Court.” A state with predominant Islamic culture can in place of the High Court operate a Sharia Court. The constitution provides choice for non-Muslims to request for cases involving them to be heard in High Courts. Below the state High/Sharia Courts are Magistrate and Customary Courts that deal with minor corrupt acts that do not exceed N80,000 and N20,000 respectively (\$485 and \$121) (Babalola 2012). Bayelsa State judicial structure is depicted in *Figure 7.2*.

Figure 7.2: Bayelsa State Judicial Structure



Note that the traditional rulers of the state perform some limited judicial functions. They can settle property line conflicts, traditional marriage, and other conflicts arising from traditional practices. However, the performance of these limited judicial functions is based on the consent of the parties. Their decisions are not binding but may be admitted as evidence in formal courts especially in farmland conflicts. This practice may compare with non-court mandated mediation in the United States. Nigerian courts have prosecuted many corrupt officials brought before them by other anti-corruption agencies like the ICPC and the EFCC. In July 2007, Diepreye Alamieyeseigha, for example, pleaded guilty before a federal high court in Lagos to six corruption charges (Nigeria Crime Database, 2014). Following that plea, the court sentenced him to a two-year jail term on each charge. The courts have equally dismissed corruption cases against individuals and organizations where prosecutors cannot prove cases against the accused

persons and individuals beyond a reasonable doubt. In the next sections, I discussed other anti-corruption institutions (i.e. the ICPC and EFCC).

### *7.3b The ICPC and EFCC*

Act #5 of 2000 established the Independent Corrupt Practices and other Related Offences Commission (ICPC). The mission of the ICPC is “to rid Nigeria of corruption through lawful enforcement and preventive measures” (ICPC, 2001). The establishing Act empowers the agency to investigate, arrest, and prosecute any individual(s) and organization(s) that violates any or all parts of the Nigerian Constitution relating to corrupt practices (Act 5 of 2000:1-63).

The second agency established to fight corruption especially in the financial sector is the Economic and other related Financial Crimes Commission (EFCC). Established under the Economic and Financial Crimes Commission Establishment Act 2004, the mission of EFCC is to prevent, investigate, prosecute, and penalize economic and financial crimes as well as enforcing the provisions of other laws and regulations relating to economic and financial crimes, including:

Economic and Financial Crimes commission Act (2004)

The Money Laundering Act 1995

The Money Laundering (Prohibition) act 2004

The Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act 1994

The Banks and other Financial Institutions Act 1991; and

Miscellaneous Offence Act (EFCC 2013).

As at 2011, seven years after EFCC was established, the agency arraigned thirty prominent Nigerian politicians and other individuals on various corruption charges. Within the same period, only four out of the thirty politician arraigned have been convicted (HRW, 2013). The remaining twenty-six politicians’ cases are still in court as at 2013. However, EFCC

recorded a higher rate of convictions for economic and other crimes in 2013. According to the agency, it obtained 117 convictions in 2013 but did not give the figure of pending prosecutions or cases lost. Some selected cases handled by these anti-corruption agencies are summarized on *Table 7.2*.

*Table 7.2: Selected Nigerian Politicians Prosecuted for Corrupt Practices between 2005 and 2011*

<b>Defendant</b>	<b>Office Held</b>	<b>Charges and Date</b>	<b>Judicial Decision</b>	<b>Remarks</b>
Tafa Balogun	Police IG	Money Laundering 2005	Convicted, Assets worth \$150 million seized, and jailed 6 months	Ordinary Police Corporal may serve 10 years for collecting about \$200 bribe
Diepreye Alamieyeseigha	Governor of Bayelsa State	Money laundering, theft, bribery, and abuse of office 2005	Bargain deal, Assets at home and abroad seized, refunded about N5 billion in foreign and local currencies, 2 years jail term but released for time spent on detention	A Local Government Chairman, Umar Shugaba Gan, in Bornu State was sentenced to 7 years for stealing N1.05 million (we can draw some ethical lessons from the two cases)
Timpreye Sylva	Bayelsa State Governor	Abuse of office, looting and mismanagement of public funds worth about N660 billion	Pending, been in and out of EFCC detention	Other prominent politicians like him use their loots to buy time by stalling prosecution

Sources:

- 1) HRW (2011). Corruption on trial? The Record of Nigeria's Economic and Financial Crimes Commission.
- 2) Madu, H. (2009). Court Convicts Chairman of Monguno Local Government on corruption.

#### 7.4 Anti-Corruption Measures in Bayelsa State

In addition to these laws and institutions discussed in the preceding sections, Bayelsans have utilized other measures that help them to fight corruption. The measures as identified by participants are presented in *Table 7.5*.

Table 7.3: *Anti-Corruption Measures*

Measures	No of Respondents = 58	Percentage of Responses
Use of jungle justice	40	69
Recovery of oil revenues and materials acquired illegally	34	59
Reporting corrupt individuals to ICPC and EFCC	19	33
Maintaining transparency and accountability in oil revenue redistribution	16	28
Appointing credible officials to manage oil revenues	10	17
Dismissal of offenders	5	9

From *Table 7.3*, 69% of the participants said that their communities used many forms of ‘jungle justice’ especially public shaming of local corrupt officials like community leaders who embezzled community funds, chasing away contractors who were executing substandard jobs, publicly denouncing and forcing traditional rulers to abdicate for abusing traditional offices, and seizing properties of corrupt officials as measures against acts of corruption. In extreme cases accused persons were either beaten to death or burned alive. Akwagbe (pseudonym), a participant in this study, provided an evidence on two rapists who were burned alive for violently raping an 8-year old girl and her mother by positing that,

It was around 12.00 pm on the em! em! em! I have forgotten the exact day but it was in the month of December, 2012. We heard several gunshot sounds in the neighborhood. Everyone in my household clutched together because we normally know what follows such gun shots. After about 30 minutes later, we heard sound of our community’s wooden gong (a wooden gong is musical instrument as well as a mass communication symbol widely used in rural communities). The sound of the wooden gong was an

invitation to assembly at the community center. It was accompanied by the voice of our town crier (a foot broadcaster or local press secretary) announcing the capture of rapists who raped a community member and her 8-year old daughter while they were in the forest fetching firewood. They rapists were caught by some members of our community vigilante unit. Some people assembled at the village square while some others stayed at home fearing that they may be attacked if everybody leaves home at the same time. I could not say whether the vigilante group that captured the suspected robbers or the first group of villagers who arrived at the square tied up the two young robbers and set them ablaze with used car tires and fuel. On arrival at the square, I witnessed for the first time a horrible scene of humans burned alive with used car tire and fuel. I threw up and was helped home by my neighbors (August 18, 2013).

Those burned alive according to some other participants who claimed to have witnessed this form of jungle justice included people accused of armed robbery, kidnappers, and murder. Where people have confidence in their justice system, an accused person or persons do not necessarily receive mob justice. A common understanding in due process is that, “An accused person is deemed innocent until proved otherwise in the court of law.” There is no room for presumption of innocent in a mob or jungle justice. Indeed, a case of suspected robbers who received jungle justice in Bayelsa was reported by Wosu (2011). Reporting in the *Daily Champion Newspaper* under the title “*Nigeria: Angry Mob Burn Two Robbers in Yenagoa,*” Wosu reported that two armed robbers caught by youths in Yenagoa alleged to specialize in bank robbery were set ablaze by the youths. Actually some participants from among this 69% group cited two alleged corruption cases involving a traditional ruler and a local government area chairperson. According to the participants, those two public officials were chased out of their positions for allegedly stealing and embezzling public funds entrusted into their care. A participant in a frustrated tone and body language that suggested support for continued use of jungle justice stated:

There is no reason to waste our time and risk our lives to arrest these criminals in our society and hand them over to law enforcement officials. In many instances, the law enforcement officials release the criminals we arrested after a short time. Some were even

given names of community members who reported the criminals or handed them over to those law enforcement officials. The criminals upon release targeted some of us in the community. But if we judge them (this participant was implying using jungle justice) by ourselves, they will not live to harass us or our communities again (August 16, 2013).

Returning to the corruption case of a traditional ruler and chairperson of a local government, the participant said that the governor of Bayelsa State reinstated them and accused communities that chased them out of office of political vendettas.

The repossession of oil revenues and materials acquired illegally helps to minimize corruption in the view of 59% of the participants. Participants said this measure reduced the amount of money and properties some of those criminals misappropriated at any time because they know that the community was watching and could take it back. Edoni (pseudonym) stated that, “an influential member of our RDC who served three terms in the committee converted to his personal use an electric generator, a water pump, and motor cycle donated by the Government of Bayelsa State to our village to help in operating our borehole. We mobilized our youths, marched to his house, and repossessed our properties” (September 1, 2013).

According to 33% of the participants, the state and communities reduce corruption by swiftly reporting officials involved in corrupt practices to the appropriate agencies like the ICPC and EFCC. According to the opinion of 28% of the participants, the state and communities maintain a high level of transparency and accountability in the redistribution of oil revenue as a means to check corruption. These participants who were bureaucrats pointed to the state’s annual budget that always shows income and expenditure reports to prove the existence of transparency and accountability in the process of redistributing oil revenues. Furthermore, 17% of the participants identified the appointment of credible officials to manage oil revenue redistribution as an anti-corruption measure. Finally, a small percentage (9%) of the participants stated that the

Bayelsa State reduced corruption by dismissing convicted corrupt officials. Dismissing officials convicted of corrupt practices was, according to these participants, in keeping with the state's zero corruption tolerance policy. Indeed result has shown that the state and its communities have some measure in place to handle incidents of corruption. However, it is puzzling to note that corruption remains high in the state.

One of the answers to this puzzle comes from the 2005 Budget Bill former Governor Alamiyeseigha presented to the BSHA before he was impeached the same year. In the budget bill, the former governor was reported in the *Guardian Newspaper* of December 2004 to have said that "Government is determined to restructure, re-professionalize and fortify public institutions, eliminate waste, inefficiency and ensure greater transparency, accountability and efficiency in the delivery of services" (pp. 1-2). The same governor was later convicted of corruption and removed from office, although later pardoned by President Jonathan. To find more answers to why the anti-corruption and by extension conflict prevention mechanisms are not controlling the social challenge in the state, I asked participants for their opinions.

I posed a question on the effectiveness of various anti-corruption measures to the participants. Using a close-ended question that has three options – effective, ineffective, and difficult to say, I asked participants to provide their overall assessment of those anti-corruption measures. The assessment given by the participants are shown in *Table 7.4*. The analysis of participants' assessment was used to confirm or reject hypothesis #2, "Nigeria's anti-corruption laws and institutions do not prevent conflict in Bayelsa State."



Table 7.4: *Assessment of Effectiveness or Ineffectiveness of Anti-Corruption Measures in Preventing Conflict*

Options	Number of Participants	Percentage of Responses
Ineffective	41	71
Effective	12	21
Difficult to Say	5	8
Total	58	100

In *Table 7.4* above, 71% of the participants said that the anti-corruption measures are ineffective while 21% of the participants said that the measures are effective. I asked questions to find out why the anti-corruption were ineffective in curbing corruption. Some explanations were given to me. An explanation I considered appropriate here related to the use of jungle justice (*Table 7.3*) as provided by the participant who threw up at the sight of accused rapists being burned alive with used car tires and fuel. Responding to my question on why the accused rapists were not handed over to law enforcement agencies in the state, that participated answered “The community does not believe that the police and the law courts can punish the accused to the fullest of the law. The police and the court collected money from the criminals and set them free. Some of the freed criminals even returned to attack the victims again (August 18, 2013). However, 8% of the participants said that it was difficult to say whether the measures were effective or ineffective. By this result in *Table 7.4*, hypothesis #2 is supported. Since corruption is the major creator and perpetuator of conflicts in Bayelsa (Chapter 6) and the laws and institutions put in place to control it are ineffective, it makes sense then to understand why they could not prevent conflicts. Based on the support for hypothesis #2, I asked participants further questions to know why the anti-corruption laws and institutions were ineffective. From the participants’ opinions, the following points which are supported by some ideas in literature review chapter on the Nigerian anti-corruption laws and agencies emerged:

Table 7.5: *Factors Affecting the Effectiveness of Anti-Corruption Laws and Institutions*

Factors	No of Respondents = 58	Percentage
Corruption and lack of job security	37	64
Lack of resources	10	17
Restrictions imposed by the establishment Acts	8	14
Out dated laws	3	5
Total	58	100

From *Table 7.5*, anti-corruption laws and institutions are ineffective. According to 64% of the participants, it is because, like many other things in Nigeria, corrupt officials in the justice agencies, for fear of losing their jobs, play along. According to some of these participants, agencies like the ICPC and EFCC only go after political opponents of the ruling class or members who have fallen out of favor with the kingmakers within the political elites. The unwritten rule is that any member of the ruling elite that has not lost favor of the kingmakers could get away with any corrupt act. For example, in one case, a complaint was made against two PDP chieftains, Deputy Senate leader, Ibrahim Mantu and Deputy Majority leader, Zwingina, who demanded N54 million bribe from the Minister of FCT nominee, Mallam El-Rufai, in order not to block his nomination (Ologbenla, 2007). The social status of the two senators and the PDP, according to TI, ensured that the ICPC did not investigate them.

A celebrated case was an investigative panel the FGJ set up in 2001 to examine the decay in the now defunct Nigerian Airways Limited (NAL). Four people that had interests in the investigation sent the sum of N3.5 million to the panel through Mika Anache, a member of the ruling PDP and the Presidential Committee that reviewed Nigeria's 1999 Constitutions (Tokpo 2012). When the ICPC stepped in to investigate this corrupt act, the case remained stalled in the

court and one of the principal actors, Adeyemi Omowunmi, who gave the money to the PDP chieftain, Alhaji Mika Anache, mysteriously escaped from police custody. The government subsidized the defunct NAL money derived from petroleum products which accounts for more than half of the government's annual revenues (Chapter 5).

Another example of the politicization of the agencies and laws is case with former governor of Bayelsa State, Depreye Alamiyeseigha, who was impeached in 2005. Alamiyeseigha stole the state's money and was also involved in money laundering not only in Nigeria but also in London and the United States (Daniel, Bacarese, and Hatchard, 2011; United Nations Organization 2013). Until his impeachment by the BSHA in 2005, indictment by the EFCC, and conviction by the courts in Nigeria and London, he was a member of the PDP (Daniel et al, 2011; Global Witness Organization, 2010; StAR-World Bank, 2013). The governor brought international disgrace to Nigeria especially by jumping bail in London where he was charged for money laundering and returning to Nigeria dressed as a woman with forged documents (Carroll, 2005). Many local and international media showed pictures of him wearing women's dresses. For example, Offiong (2013) in his article titled "*Nigeria: the Hall of Shame*" published a picture of Alamiyeseigha in a woman's dress which he used to escape London and returned to Nigeria as shown in *Figure 7.3*.

Figure 7.3: Governor Alamiyeseigha Escapes London Dressed as a Woman



Source: Offiong, J. (2013). Nigeria: the hall of shame.

He later spent only two years in jail after being convicted in Nigeria where he may have received preferential treatment by prison officials. The incumbent Nigerian president, Goodluck Jonathan, granted him a state pardon and he has been reinstated as a chieftain of the PDP. Alamiyeseigha's successor, Tamipreye Sylva, followed the footsteps of his predecessor and misappropriated N450 million (\$2.8 million) between 2005 and 2012 (EFCC 2013). He is in jail while awaiting prosecution by the EFCC. An unemployed youth who stole a Sony Ericsson phone worth \$250 belonging to a state governor was prosecuted by the EFCC and sentenced to 45 years in prison. One can wonder if such youth were a ruling party faithful whether his offence would have been headline news on the EFCC website.

Concerning job security, the establishment acts of both the EFCC and the ICPC empowered an incumbent president to remove the chair of any of these agencies should he/she be considered incompetent to perform the duties of the office. Since a chair knows that he/she

could be removed at any time, such individual may use extreme measures, such as selective prosecution of political opponents, pressuring subordinates to muddle up investigation of cases involving close associates of an incumbent, and keeping blind eyes at wrong doings by the president, in order to keep his/her job. The measure of selecting and prosecuting political opponents of a sitting president by the chair of any of the anti-corruption agencies could achieve a win-win situation for the chair and the incumbent president. For the chair, he/she is assured of job security since the incumbent president has the power to appoint and/or dismiss the agency's chair.

For the incumbent president, an opponent being investigated for corruption could have political and economic damages inflicted on him/her. The society could spend more time scrutinizing the candidacy of such person thereby diverting attention from the incumbent's own wrong doings. The opponent could divert money he/she would have spent on campaign tours educating the electorates on why he/she is better candidate than the incumbent to hiring top lawyers to defend and clear him/her of any wrong doing. For instance, Frida Wada, former chair of the EFCC wrote to former President Olusegun Obasanjo to prevail on the current President to re-appoint her as the chairperson of the EFCC. A copy of this letter is attached here as *Figure 7.4*

Figure 7.4: An Exhibit of Frida Wada's Letter to former President Olusegun Obasanjo



## ECONOMIC & FINANCIAL CRIMES COMMISSION

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24th June 2011

His Excellency  
Chief Olusegun Obasanjo GCFR  
Former President  
Federal Republic of Nigeria  
Ota  
Ogun State

Your Excellency,

I have to write you since I am not able to call you by phone for security reasons, please bear with me.

I sincerely want to thank you for your assistance and support to me during my nomination by late President Umaru Yar'adua and my confirmation by the senate. Since my appointment I have tried my best to keep up the fight against corruption, but have always met with stiff opposition from those loyal to President Goodluck Jonathan. These persons see me as a Yar'adua supporter and have done everything possible to pull me down.

I am writing this letter to you to seek your indulgence to compel President Goodluck Jonathan to reconfirm me for a second term as Chairman of the EFCC. My tenure will expire in May 2012.

I am already working on the modalities to bring Ex Governor Gbenga Daniel to account for his atrocities and insult on your good self. It is the evil machinations of Gbenga Daniel that made your daughter to lose her election which is an insult to your personality in Ogun State.

I hope that you are satisfied with the treatment meted out on Dimeji Bankole for the insults on your revered person. How can a little boy want to hijack Ogun State politics just because he got the opportunity to become a speaker of the Federal Republic?

I will be most grateful if you can talk to President Goodluck Jonathan to retain me.

Chief (Mrs) Farida M. Waziri OFR. AIG (Rtd).  
Executive Chairman

The fourth and fifth paragraphs of *Figure 7.4* revealed two important things that I must point out. The first thing is cronyism. In Chapter 3, Joseph (2014) perceived cronyism as “a strategy of both survival and upward mobility in Nigeria. It is not dismissed by the persistence of affluence for a relative few and penury for the many” (p. 59). Putting a public official in a position or retaining such official in a position based on familial or other links to powerful oligarchs undermines the effectiveness and efficiency of such individual and the organization he/she leads (Osoba, 1996; World Bank, 2013).

The second thing in *Figure 7.4* derives partly from first item above. That is, misuse of public resources in pursuit of personal goals. Paragraph five made no pretense on such diversion in order to achieve two goals. The first goal was going after perceived enemies of former President Olusegun Obasanjo whose crime in the eyes of the former EFCC boss was denying Obasanjo’s daughter political victory. But the agency was established and funded with tax payers’ money to fight corruption and not to secure political victory for daughters of former presidents of Nigeria. The second goal was to secure her position in the agency and possibly use it to deal with those she described in paragraph two of her letter. Each of these goals were never the purpose for which EFCC was established. The content of this letter supported conclusion of participants that anti-corruption agencies were ineffective in tackling corruption.

Another factor that has hindered anti-corruption efforts by the high courts, ICPC, and EFCC and other institutions is the lack of personnel, equipment, and office spaces for these agencies. This is the view of 59% of the participants. The ICPC, for example is empowered under Section 3(12) of the Act to appoint, place, and perform other management functions of its personnel. Yet, the agency depends on personnel from other government agencies including the law courts and police departments. In some state offices, the agency shares offices with courts

and other state agencies. These problems compromised the work of the agency especially the security of cases under investigation and the ability of the agency to work independently. The problems added to the delays in prosecuting suspects. An example is the case of former governor Sylva who has remained in EFCC's custody since 2012. He was yet to be tried as at September 2013. The constitutive Acts pegged the period the agency can investigate and prosecute suspects at 90 days. However, the agency may apply for extension of the period on reasonable ground.

In the opinion of 50% of the participants, the restrictions imposed by the establishment Acts make the agencies handicapped. Section 6A-F of the ICPC establishment Act provides narrow definition of corruption and requires the agency to act only on complaints from the public and organizations. The message here is that the agency cannot initiate any corruption investigation if it did not receive any complaints. Also, it has to seek advice from the Attorney General's office before starting investigation as well as prosecuting a suspect. One can imagine how serious an agency and law that are so restrictive can function in a country with large uninformed population and divisive political practices.

According to 45% of the participants, anti-corruption laws are not keeping pace with the modern sophistication of corruption: the advance fee fraud aka 419 Act became a bad brand, giving Nigeria a bad image, especially under the military administration of retired General Ibrahim Babangida. The 1963 Republican Constitution of Nigeria that first criminalized corruption was not explicit enough. Recent updates in the Nigeria's Criminal Code, Acts and agencies created such as the Miscellaneous Offence Act (EFCC 2013), The Economic and Financial Crimes commission Act (2004), the Money laundering (Prohibition) act 2004, the Money Laundering Act 1995, the Failed banks (Recovery of Debts) and Financial malpractices in Banks Act 1994, the Banks and other Financial Institutions Act 1991; and have done very



little to plug the loopholes in the law that can stop fraudsters from undermining the economic growth of the country.

The amount of money involved in corrupt deals is another major factor affecting the effectiveness of laws and institutions according to 36% of the participants. Ministers, parliamentarians, governors, top military officials, and other well connected Nigerians in the corrupt enterprises are always hitting it big. *ThisDay Newspaper* (2003) reported the case of a Permanent Secretary in the Defense Ministry who embezzled N420 million (\$2.8 million). The Newspaper reported that on the intervention of the then Minister of Justice, the Secretary and his accomplices were set free by the court. In 2010, the ICPC took the former Chairman of the PDP, Chief Vincent Ogbulafor and two other accomplices to court for fraud that amounted to N2.3 billion (Ige and Nnochiri, 2010). The case registered as ICPC/2010 is still in court as at July, 2013 and the accused persons were granted bail in the sum of N5 million (\$31,056). Had each of the amount involved in the few examples here been given to these agencies, they could have used them to improve on their effectiveness. Another issue with the amount of money involved in the fraud is that the suspects use part of their loots to stall the case in the court as they hire prominent lawyers that specialize in obtaining court injunctions and indefinite adjournments. The Chairman of the EFCC admitted in 2013 that the agency he leads is hampered by the large amount of money corrupt individuals steal. He further stated that such amount is used in undermining the investigation of suspects and prosecutions.

From the discussions above, it is clear that Nigeria's anti-corruption laws and institutions have failed to curb corruption thereby deepening conflicts in the country and Bayelsa State in particular. The result in *Table 7.6* supported hypothesis #2. The conclusion in Chapter 6 was that corruption was the major creator and perpetuator of conflicts in Bayelsa. Now *Table 7.2* is

showing that the laws and institutions put in place to control those acts of corruption that created and/or sustained conflicts are ineffective. It makes sense then to understand why they cannot prevent conflicts.

I now move to Chapter 8 to summarize the major findings in this study. Based on these findings, I will recommend policy measures that if properly implemented will curb corruption and make the management of conflicts in the state much easier.

## Chapter 8

### Conclusion

The theme of this dissertation is motivated by my concern for corruption and violent conflicts in Bayelsa State which, is one of the major oil producing states in Nigeria. Bribery, stealing of public funds, cronyism, and political patronage have created and/or perpetuated violent conflicts in the state. The perceptions of Bayelsans is that corrupt behaviors by those who redistribute oil revenue have concentrated oil revenue benefits in the hands of a few elites at expense of the majority of Bayelsans. Oil revenue benefits include but not limited to employment opportunities, scholarships, access to political offices, and other related benefits. Collier and Hoeffler (2006); Joseph (2014); and Pandit (2012), among other writers pointed out that such concentration of benefits in the hands of few in the society is a recipe for the emergence of aggrieved masses in a society. At the intersection of grievances and greed, is conflict between groups of gainers and losers in the society. I conclude this study by summarizing major findings, providing policy recommendations based on the findings, and stating the study's limitations. I equally stated in this chapter ethical issues and direction of future studies which I would use to improve on some of the limitations contained in this first study.

As evidenced from the preceding chapters of this dissertation, corruption in oil revenue redistribution has had significant effects on conflicts in the Bayelsa State of Nigeria. The effects of corruption have sustained existing conflicts such as intra- and inter-community conflicts (*Table 6.2*). Other effects of corruption in oil revenue redistribution created new conflicts such as the rise of militia groups and militancy as well as the use of jungle justice and commercialization of justice (Chapter 5), and weakening of conflict management laws and institutions in the state

(Chapter 7). In this chapter, I summarize the findings in the study and provide policy recommendations on how to manage various acts of corruption in Bayelsa State. These recommendations should strengthen anti-corruption laws and institutions with the potential to ultimately reduce conflicts in Bayelsa State. I also examine the limitations to this study and suggested future research on corruption and conflicts in the remaining eight oil producing states in the Nigeria's Niger Delta region and other natural resource-rich countries that are plagued by corruption and conflicts.

Evidences from Chapters 5, 6, and 7 have shown that Bayelsa State is a divided society especially between the vast majority of the state's population and a very few privileged group who redistribute the state's oil revenues. The literature review chapter earlier revealed that corruption brings division in a society (Johnston, 1986). Each group in a divided has goals that are different from its competitor. Recognizing the differences in goals and the fierce competition that follows opposing goals, Coser (1967) succinctly stated that "The aims of the opponents are to neutralize, injure, or eliminate the rivals" (p. 67). Since the goal of the few elites who redistribute oil revenues was to loot, based on the evidence in *Table 5.7*, and the goal of the vast majority of Bayelsans, fair share of the state's resources, who depended on the oil resources of the state are incompatible, conflict between the two groups is inevitable. As shown in Chapters 3, 5, 6, and 7, the same factors that created and/or sustained violent conflicts (illegal behaviors or corruption) in the state have weakened the institutions and laws that would have helped to manage them. I strongly believe that any approach needed to manage violent conflicts plaguing Bayelsa State requires reviewing the conditions that promote corruption in the state and strengthening the mechanisms that can help in the management of all forms of conflicts in the state.

The main objective of this dissertation is summed up in the main research question, which is: “How does perception of corruption in oil revenue redistribution create and/or perpetuate conflicts in Bayelsa State?” To answer the main research question, the greed and grievance theory was used to provide a framework for explaining how corruption in oil revenue redistribution creates and/or sustains conflicts in Bayelsa State. From the theoretical framework, two hypotheses were formulated. These were, #1: Perceptions of corruption in oil revenues redistribution creates and/or perpetuates conflicts in Bayelsa State and #2: Nigeria’s anti-corruption laws and institutions cannot prevent conflicts in Bayelsa State. The summary below shows the results of the hypotheses and in turn, answered the main research question.

### *8.1 Summary of Major Findings*

In *Table 6.1*, I presented evidence indicating that there had been conflicts in Bayelsa State before oil revenue redistribution. In that table, 88% of the participants admitted that conflicts among Bayelsa State’s ethno-linguistic groups are common. It is further supported in the literature review with the Anikpo’s (1998) work. According to Anikpo, communal conflicts in the Niger Delta region is historical, predating the discovering of oil but perpetuated by clashes between MNOC and host communities’ cultures.

#### *8.1a How Corruption Creates and/or Perpetuates Conflicts in Bayelsa State*

I adopted Morgan (1988) classification of corruption into bribery, cronyism, distortion, political patronage, and theft. These acts of corruption in oil revenue redistribution create and/or sustain Bayelsa’s conflicts by creating divisions and conflicts among stakeholders in the state. This is further confirmed by my fieldwork and theoretical framework. One of the products of corruption Johnston (1986) asserted is that it “produces divisions and conflicts, both among those

involved in corrupt enterprises... and those left out” (p. 464). Analysis of qualitative data in this dissertation especially in Chapter 6, *Tables 6.1* and *6.2*, demonstrated through participants’ perceptions of the existence of different forms of corruption that the various type of conflicts in Bayelsa State were created and/or perpetuated by bribery, cronyism, political patronage, and other forms of corruption.

The results from Chapter 6 supported hypothesis #1. Though it was asserted in the literature that corruption can help reduce cumbersome bureaucracy and serve as alternative sources of income for lowly paid civil servants (Leff, 1964; Montinola and Jackman, 2002). My data analysis did not find much support for such assertion except an inference that may be drawn from a contract’s attempt to distinguish between tips and bribes.

For instance, bribery reduced waiting time in some government offices in Bayelsa State and facilitated the discovery of missing files as evidence in *Table 5.5*. The explanation of ‘tips’ given by a successful contractor in one of Bayelsa State Government’s agencies which I reproduced below, further points to the ability of corruption to serve as supplementary income to poorly paid civil servants and a means of overcoming wait times.

Those clerks greet you every time you step into the office. They help you file your documents correctly. They even provide you a seat if you have to wait long before you see the senior officials. How much do they receive at the end of the month as salary given the work they perform every day? Showing appreciation has nothing to do with contract costs.

Helping to file documents correctly, offering seats to visitors, and the question of how much bureaucrats receive at the end of the month support claims that corruption, at least in the context of Bayelsa State, is not entirely a source of violent conflicts. But when tips are bribes such facilitation or appreciation would change. World Bank in the literature review chapter not only defined bribe but also emphasized its effect by positing that bribery is “an offering of

something of value in return for some action. It impacts the poor in the society and creates violence” (p. 6). The impact World Bank is alluding to here related to grievances which majority of the populace in a society bear against the greed few who monopolized natural resources rents in a society (Collier and Hoeffler, 2006; Pandit, 2012). Thus, two broad groups (greedy elites and aggrieved masses) emerge in Bayelsa State that is almost only dependent on petroleum resources (*Table 5.2*) for its survival.

My analysis of data in *Table 6.2* confirmed the World Bank’s conclusion that bribery and other forms of corruption as perceived by participants in this study created and/or perpetuated violent conflicts in Bayelsa State. Also, Watts, Okonta, and Kemedi (2004) concluded that bribery, as one of the challenges to customary forms of governance, contributed to conflicts in the Nigeria’s Niger Delta region. Similarly, misappropriation of natural resources rents (oil revenues in this case) by a few greedy elites exacerbated grievances in the state. The above conclusion drawn from participants’ perceptions of corruption as creator and perpetuator of conflicts was vigorously supported by Collier and Hoeffler (2006) greed and grievance theory.

Bayelsa State, like any other society in developing countries suffers what Collier and Hoeffler described as ‘natural resource dependence.’ Greed, defined by Collier and Hoeffler (2006) as “elites competition for control of natural resources rents, thrives in any natural resource dependent society.” Aggrieved citizens who Pandits (2012) in the literature review chapter described as ‘justice seekers,’ resorted to violence as their grievances increased (Obi, 2005; Ojatorotu, 2005; Ross, 2012). This was the case in the Ogoni Bill of Rights and the Kaiama Declaration. I consider the Ogoni Bill of rights to be a non-violent communication of grievances because the MOSOP as at 1990 used mostly non-violent approach in protesting its perceived corruption of the elites. I cannot make the same claim for the Kaiama Declaration of

1998 because it contained threats of violence that was actually used extensively by various militia groups in the area from 1998 through 2009.

The Kaiama Declaration #4 states “Ijaw youths in all communities in all Ijaw clans in the Niger Delta will take steps to implement these resolutions beginning from 30<sup>th</sup> of December, 1998, as a step towards reclaiming the control of our lives” (Ijaw Youth Council, 1998). Following this declaration, MEND, NDV, Bush Boys, NDVF, and many other militia groups took up arms against perceived enemies of Ijaw people such as government of Nigeria and various MNOCs. The Human Rights Watch (1999), for example, reported the death of 3000 people in the 1999 clash between Nigerian security personnel and militia groups in Odi, Bayelsa State. What changed since 2009 was a reduction in the intensity of conflicts in Bayelsa State.

In line with hypothesis #1, corruption behaviors such as bribery, cronyism, political patronage, and theft of public funds are prevalent in Bayelsa State; and they collectively create and/or sustain intra- and inter-community conflicts in the state. It is troubling to observe that public officials in Bayelsa State devised means of demanding bribes like deliberately declaring contractors’ files as missing, making visitors to their offices to wait longer than necessary to transact whatever business that brought them there, and awarding government contracts to contractors who gave bigger brown envelopes. These civil servants’ tactics support Amuwo (2012) assertion that “public servants and elected officials can cause delays so they could get opportunities to extract bribes, individual bribers can improve their personal situations at the expense of the polity, the net loser” (p. 173). Bayelsans, who are the net losers in this case, become more aggrieved by the actions of public servants who they perceived as obstructing their enjoyment of the benefits of being members of Bayelsa society.



There are two main impacts bribery has on the execution of official duties by public officials according to the United States Institute of Peace (USIP) (2012). The first impact is on the poor, the net losers, who have no resources to compete with those able and willing to pay bribes. The second impact is on the society where it unleashes violence as a means of choice to settle disparities between ‘the haves’ and ‘the have-nots’ (p. 6). Indeed, *Table 3.3* and the result of data analysis provided in *Table 6.2* in Chapter 6 associated bribery with violent conflicts. According to *Table 6.2*, bribery was among one of the major factors that created and/or perpetuated violent conflicts such as those between host communities and MNOCs, conflicts in the communities, and clashes between militants and the JTF, just to mention three examples in Bayelsa.

On the problem of theft or looting of public funds, Nigeria’s Criminal Code Chapters 12, 34, 35, 38, and 43 among other related chapters classified stealing, obtaining by tricks, conversion of public property like cash, cars, and other properties as criminal. They have, however, not deterred past public officials of Bayelsa State from stealing public funds generated through various official sources. Nossiter (2011) aptly summed up this looting culture by positing that “Riches flow into Nigeria, but are lost after arrival” (p. 2). Nossiter’s work is one of the many indicating how Bayelsa State’s official revenue sources such as statutory allocations, 13% derivation, and excess crude account that yield billions of naira to the state have been looted by a few privileged people in the state, in violation of relevant chapters of the Nigerian Criminal Code. As detailed in Case Control Number 42 of the Stolen Assets Recovery Initiative and World Bank (2013) document, former Governor Diepreye Alamiyeseigha was prosecuted and convicted of embezzlement of state funds, fraud, and abuse of power.

All these charges and convictions stemmed from 1999-2005 when he was serving as governor of Bayelsa State. By virtue of his position, he was in charge of Bayelsa State's oil revenues accruing from the three major sources as discussed at length in Chapter 5. His actions created conflict between Nigeria's anti-corruption agency, EFCC, and the Bayelsa State Government over the return of recovered stolen funds to the state government. According to Oyesina (2014), Bayelsa State filed a suit in a federal high court in Abuja against the EFCC, seeking to recover N1.4 billion and \$1.3 million in local and foreign currencies recovered from Alamieyeseigha.

Analysis of data in *Table 6.2* also showed that stealing and looting of public funds in Bayelsa State created and/or perpetuated conflicts in the community, clashes between officials of the JTF and militants, conflicts among ethno-linguistic groups, and conflicts among criminal gangs operating in the state as perceived by more than half of the participants. The emergence of criminal gangs such as illegal oil cartels, drug traffickers, the MEND, NDVF, and Bush Boys further showed how acts of corruption created conflicts. Their activities include kidnapping for ransom, killing of government officials, MNOCs' officials, and ordinary citizens, oil bunkering, and eliminating opponents of their political godfathers in Bayelsa State. In addition, many violent organizations that emerged after the creation of Bayelsa State were formed and funded with oil revenue by politicians in the region (Servant, 2006). Though some of these violent criminal gangs spread their operations throughout all of the Niger Delta States and once in Abuja, but most of their deadliest operations have been in the creeks of Bayelsa State (Asuni, 2009; Igwe, 2010).

The Odi massacre of 1999 stands out. Odi is one of the oil cities in Bayelsa State. It started with criminal gangs kidnapping and murdering twelve officers of the Nigerian Police

Force (HRW, 2000; Ibekwe and Ewuh, 2012; Servant, 2006). The civilian government of President Olusegun Obasanjo sent in troops that scorched Odi, killing more than 3,000 people, raping women and children, and looting livestock (HRW, 2000). Bayelsa remains a volatile area even after the 2009 amnesty program initiated by late President Musa Yar'Adua and continued by President Goodluck Jonathan. Even during my 2013 fieldwork in the state, I witnessed an incident of militants collecting illegal fees, and there were reports of militant attacks and kidnappings.

Furthermore, cronyism, a widely practiced act of corruption, favors friends and relatives of those in power (USIP, 2010). It has been praised for providing room for supervisors to bring in people they know and trust to do a piece of work well. However, it has failed equal opportunity tests in pluralistic societies like Bayelsa State as Bayelsans who are not relatives and friends of those in power are denied opportunities in government jobs, contracts, and even scholarship for students. In Bayelsa State as revealed by the work of Ebipade, Bekewei, and Inanife (2012), former Governor Timipre Sylva used his position to bring in his cronies. The former governor and his cronies then combined to loot the resources of the state. Parts of these funds stolen by the former governor and his cronies were among those properties and money *ThisDay Newspaper* reported in 2012 that the EFCC confiscated from the governor.

Majority of the participants (88%) in *Table 6.2* of this study stated that cronyism as practiced in Bayelsa combined with other acts of corruption to create and/or sustain various violent conflicts in Bayelsa State. The conflicts participants associated with cronyism included ones between host communities and MNOCs, conflicts within communities, and between government and Bayelsa youths, to mention but three such conflicts. Cronyism is what Joseph (2014) referred to as 'prebendal politics.'

As Joseph (2014) observed, “prebendalism is based on the treatment of state power as a congeries of offices which can be competed for, appropriated, and then administered for the benefit of individual occupants and their support groups” (p. 63). How the appropriation and administration of state power occur is summed up in Jensen and Wantchekon (2012) work entitled “*Resource Wealth and Political Regimes in Africa.*” According to Jensen and Wantchekon, “The key mechanism linking authoritarian rule and resource dependence, both in democratic transition and in democratic consolidation, is an incumbent’s discretion over the distribution of natural resource rents” (p. 3). Bayelsa State as revealed in Chapter 5 depends almost entirely on a single resource (crude oil) for its revenue. Politicians in the state and their political godfathers are the receivers and redistributors of Bayelsa State revenues and other benefits derived thereof. The monopoly of a state’s resources and their redistributions by whoever holds the state power has made competition for state power so attractive and violent. Those who hold it want to maintain it at all costs using many tactics such as political patronage, recruitment and funding of thugs, and buying favors from voter groups like women groups (e.g., women’s wing of political parties, religious organizations, and professional groups). The motivations of political office contenders in Bayelsa State, given the perception of a majority of its citizens and their experiences with past and present politicians, are to loot, steal, and divert projects that would have benefitted the majority of Bayelsans rather than to serve private interests (*Table 5.5*).

The looting of Bayelsa State’s funds by former governors of the state first polarized the state between the beneficiaries of the corrupt behaviors of the former governors and those left out in the sharing of the loots. The impeachment of Alamiyeseigha, former governor and one of the most corrupt officials of the state, aptly showed division and conflicts in the State

Assembly where 17 members of Assembly supported his impeachment while 7 members opposed it (Nwajah, 2005). The former governor was impeached in 2005 for looting the states funds. In the streets of the state, mainly Ijaw population and a few other people that benefitted from his corrupt regime supported their kinsman. Some even took up arms to guard his home and delayed his arrest by law enforcement agents (Amaize and Oyadongha, 2005). Other ethnic groups and a small number of his political opponents within the Ijaw ethnic group engaged in confrontation with the ex-governor's supporters.

As Chapter 2 revealed, Bayelsa is blessed with more than fourteen other natural resources including lumber, clay, and fish. But since its creation in 1996, the state has relied heavily on oil for its subsistence. Based on the 13% derivation formula, the state is the third highest earner behind Akwa-Ibom and Rivers States of the derivation fund. In *Table 5.4*, this study showed that oil revenue accounted for more than 80% of the state's annual revenue. This is consistent with existing literature such as Adebayo (1993), Ekpo (2004), and Obi (2005) who each stated that over 80% of Nigeria and its federating units' annual income is derived from crude oil. Though the topography of the state is such that most of its communities are found in the swamp, its population size of 1.7 million people (NPC, 2006) and the little areas not in swamp should have developed more than other oil producing areas of Niger Delta region that have larger populations and less incoming funds.

However, as a special case of the 'paradox of plenty,' majority of its citizens live in poverty while a few elites in the state strategize to corruptly enrich themselves by looting public funds as exemplified by former Governors Alamiyeseigha and Sylva who ruled Bayelsa from 1999 to 2012. The high level of conflicts in the state are largely a result of acts of corruption. The state's oil revenue benefits are so tempting that they provide escape routes for anyone who

can gets in a position to make decisions about who gets what, where, and when (Obi, 2012; StAR and World Bank, 2013). The past and present governors, chiefs, and other ruling elites of the state hold the state's cake and knife. They dish out a greater part of Bayelsa's treasury to themselves, families, friends, and cronies who are proxies for their corrupt enterprises.

Corruption in the state's oil revenue redistribution has engendered violent conflicts between host communities and MNOCs; government and militia groups; ethnic versus ethnic; and intra- and inter-communities in the state. Records from the EFCC, ICPC, local courts, and the court in London as well as the United Nations Stolen Assets Recovery Initiatives and the World Bank (2013) revealed that more than 85% of the state's oil revenue has been embezzled by few individuals. The UN's Stolen Asset Recovery Initiative file (2013) revealed that Diepreye Alamiyeseigha's loots of Bayelsa funds recovered from Cyprus, Demark, South Africa, United Kingdom, and United States as at 2013 was \$10 million. The EFCC's records showed choice properties in Abuja seized from former Governor Sylva which he bought with money stolen from the state's oil revenues.

Following the polarization of the state between the few managers of the state's wealth and the masses on whose properties and sweat the state's wealth were produced are violent intra- and inter-community; ethnic versus ethnic; multinational corporation/community, and other related conflicts plaguing the state. Findings from the field work showed how these conflicts have devastated the state. *Table 6.3* for example, showed that 97% of participants said that these conflicts emerged in the state because of looting of public funds, taking bribes, and diversion of oil revenue to finance political activities.

Divisions among the Bayelsans created by bribery, cronyism, political patronage, and other related acts of corruption resulted in groups fighting one another. Expanding on the

incitement of a Bayelsan groups against one another, HRW (2003) reported on how the extensive use of political thugs in PDP's primary elections in the state resulted in the death of dozens of people in Nembe L.G.A. Political thugs and jobless youths recruited by those who looted oil revenue are assigned to do the dirty jobs of their recruiters such as destroying through arson and falsification of records of any evidence that could implicate their paymasters; intimidating and killing political opponents of their bosses and any other persons or groups that stood between them and their corrupt enterprises. A participant during the fieldwork aptly summarized how oil revenue redistribution influences conflicts by postulating that "during elections, incumbent political office holders used public funds they stole to recruit jobless youths, arm, and set them loose on political opponents. These thugs will intimidate, maim, and sometimes assassinate their patrons' opponents and voters" (Nossiter, 2012).

The goal of intimidating and eliminating political opponents is to capture the state's oil revenue by winning elections which in turn confers the power of incumbency on the winner. This study has earlier found that Bayelsa like other states in Nigeria depends on oil resources for sustenance. The incumbent governor has discretion over the redistribution of the benefits derived from oil resources which Bayelsa State almost exclusively depends on for survival. Indeed Jensen and Wantchekon (2012) view such discretion as a key that links authoritarian rule and resource dependence in a democratic transition. Recall that Nigeria in general and Bayelsa in particular, started democratic transitions from over a decade of military rule in 1999. The past and present governors of Bayelsa State enjoy this power of incumbency in the redistribution of oil revenues and corrupt attitudes associated with it (StAR and World Bank, 2012). The theoretical framework explained that the greediness of these corrupt entrepreneurs denies other members of the state their share of the oil revenue generated benefits thus increasing the

oppressed group's list of grievances such as inequality, lack of jobs, and ethnic and religious divisions against the oppressive group (Collier and Hoeffler, 2004; Obi, 2010; Omotola, 2006).

Further findings from the fieldwork indicate that the state's oil revenue redistribution benefits very few corrupt entrepreneurs such as chiefs, militia leaders, government officials, and other people who selfishly desire to control job opportunities, money, and other oil revenue generated benefits of Bayelsa at the expense of other members of the state. Former governors, traditional chiefs, and other extortionists in the state who formed the greedy class have goals that are incompatible with the goals of the legitimate owners (the 1.7 million people) of the state's oil revenue benefits. The differences in the goal (control of oil revenue for their group's interests) of the corrupt entrepreneurs and the goal (fair share of the oil revenue) of the larger aggrieved Bayelsa population resulted in the intra- and inter-community conflicts plaguing the state.

#### *8.1b Anti-Corruption Laws and Institutions cannot Prevent Bayelsa State Conflicts*

Another major finding is that Nigeria's anti-corruption laws and institutions are not effective in preventing conflicts in Bayelsa State (*Table 7.6*). I have described in Chapter 7 of this dissertation some of the anti-corruption laws, decrees, criminal codes, and institutions put in place by Nigeria and its federating units (i.e., States) to fight corruption. Through those laws, some high ranking public officials in Bayelsa State like former Governors Diepreye Alamieyeseigha and Sylva Timpreye have been convicted of violating anti-corruption laws of the state and Nigeria by engaging in such acts as bribery, fraud, looting, and money laundering (EFCC, 2012; StAR and World Bank, 2012). Their convictions, seizure of properties, and prison terms ought to have deterred current and future leaders in the state from engaging in any act of corruption. However, there seems to be little change in attitude towards corruption as



shown in the 2012 report by the FFP. In the report, FFP stated that violent conflicts erupted in the state following the dismissal of most of the eight elected Local Government Council (LGC) Chairmen in the state by current Governor Dickson Sariake. According to Folaranmi (2012), Governor Dickson appointed his former aides to replace those elected council chairmen he sacked. This governor's action as reported by Folaranmi (2012) is akin to cronyism and violates Section 16(A-D) of the 1999 constitution of Nigeria.

Relevant sections of the Nigerian Criminal Code stipulated penalties upon conviction of any person involved in corrupt acts. They include Chapter 38, Section 419 A-B, Chapters 41, and 43. Other relevant anti-corruption mechanisms included the laws courts and two new agencies, ICPC and EFCC. These two agencies were established by the 2000 Act known as the ICPC Establishment Act and the 2003 Act establishing EFCC. These agencies have power to investigate, arrest, and prosecute those involved in corrupt behaviors. This dissertation found that some greedy elements in the society took advantage of the opportunity of their positions as governors, militia leaders, and local chiefs to loot the resources of the state. The looters used their ill-gotten wealth to buy justice, hinder the investigative institutions, and buy ethnic and militia support bases that sometimes committed arson in order to destroy evidence of their corrupt acts.

In Chapters 5, 6, and 7, participants in this study held as 'unsatisfactory' the performance of anti-corruption laws and institutions such as "Section 419" of the Criminal Code, the EFCC, ICPC, and law courts. Specifically, they commented that the court system put justice on sale. Moreover, the EFCC is unable to prosecute people because of the large amount of money stolen by suspects and how they use those stolen monies to stifle EFCC's work (EFCC, 2013).

The weaknesses of the law and these institutions are exploited by corrupt officials to perpetuate corruption. Also, the theoretical framework showed that corruption and greed have both direct and indirect relationships. As Collier and Hoeffler (2004) have demonstrated in the greed and grievance theory, the opportunity (control of strategic territory or natural resource) to do well in war motivates a rebel leader to continue the struggle. Corrupt officials and those who can afford justice capitalize on the opportunities provided by corruption to weaken institutions like the law courts and the EFCC to steal larger amount of public funds. The EFCC (2013) observed that, “The amount of money stolen hinders the agency from effectively prosecuting corrupt officials. These persons who stole public funds use it to hire the best lawyers. The lawyer use various tactics including ‘asking courts to adjourn cases for a long period, not requesting for and ensuring that defense witnesses appear in court during trials.’ Similarly, money realized from illegal petroleum sales help the local and international oil cartels to consolidate their operations and eliminate any threat to their illegal business. The views expressed in the literature, reinforced by the theory, and supported by my fieldwork, confirmed that the anti-corruption laws and institutions in Nigeria cannot prevent conflicts in Bayelsa State. The effects of this scenario on the Bayelsa society include polarization of citizens, increasing use of jungle justice, and increased conflicts.

On the inability of anti-corruption laws and institutions to prevent conflicts in Bayelsa State, I found that Nigeria has Criminal Codes, Decrees, Acts of National Assembly, and institutions that can reduce incidents of corruption, the main cause of conflicts in places like Bayelsa State. In the case of laws, decrees, and acts, the intended purposes include ensuring that the state economy is prosperous and efficient, dynamic and self-reliant for the benefit of every citizen on the basis of social justice and equality of status and opportunity (see Section 16,

Subsection 1-4) of the Nigeria Constitution (1999). When taking oath of office, public officials vow to defend the laws of the land. What is obtainable after the ritual of taking oath of office is a flagrant abuse of those laws they vowed to protect. Former Governor Diepreye Alamieyeseigha took the oath of office and then proceeded to steal N50 billion (about \$800 million) of the state's revenues. His successor, Timipre Sylva, also looted N660.45 billion (about \$4.403 billion) of public funds (Chapter 1). Violation of oath of office is not limited to the governors who stole public funds. Some leaders of anti-corruption agencies who perverted the course of justice or used their offices for personal vendetta directly or indirectly contributed to conflict emergence and/or continuation. For instance, *Figure 7.4* provides a clear evidence of a head of an anti-corruption agency (EFCC) abandoning the agency's mission (fighting corruption) and taking on what I would describe as political protection. Imagine a chairperson of EFCC spending tax payers' money pursuing political opponents of former President Obasanjo and his family instead of going after those few greedy Nigerian elites who stole the country's wealth and put tax payers and the country into perpetual pains.

Given the manner of abuse of these laws and institutions by public officials, the general perception of most of the participants (71%) in this study was that the various anti-corruption measures have been ineffective in controlling corruption in Bayelsa State (*Table 7.6*). The ineffectiveness of anti-corruption agencies like the Court system, EFCC, and ICPC in preventing conflicts means that corruption, the main cause and/or sustenance of conflicts, is stronger than the measures put in place to curb it (*Table 7.5*). In the case of the court system, the commoditization of justice created and/or sustained existing conflicts like the use of jungle justice (*Table 7.1*). It also increased the level of grievances in the state (*Table 7.5*).

### 8.1c *How did corruption undermine the effectiveness of laws and institutions?*

Corruption undermines the effectiveness of anti-corruption laws and institutions in three major ways. First, the establishment acts and/or decrees of those laws and institutions provided political interpretation and control of anti-corruption laws and institutions. For instance, the EFCC Act 2000, Section 3(2) says that “A member of the Commission may at any time be removed by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct or if the President is satisfied that it is not in the interest of the Commission or the interest of the public that the member should continue in office.” The political implication of this subsection of the act cannot be overemphasized. Ribadu Nuhu, the first chairman of EFCC from 2003-2004, was removed from his post by the former President Olusegun Obasanjo who appointed him to that position as provided by the establishment act. According to HRW (2011), Ribadu’s removal was not based on incompetence but for daring to arrest and prosecute former President Obasanjo’s loyalists like Peter Odili, Bode George, and James Ibori for violating Nigeria’s Criminal Codes Chapters 12, 17, 37, and 48. It may also be that his removal was justified by the clause that, “it is not in the interest of the public that member [Ribadu] should continue in office.” Can one conclude that the interests of those few suspects the EFCC was going after constitute the interests of all Nigerians?

Also, the EFCC establishment act requires the agency to get the approval of the Ministry of Justice headed by the Attorney General of the Federation (AGF) before anyone can be prosecuted. The AGF is a political appointee who, in the Nigerian context, is not apolitical. The required clearances from the AGF may have been a reason the EFCC did not investigate and prosecute Mrs. Patience Goodluck Jonathan, wife of President Jonathan over \$13 million

she was accused of laundering (Sahara Report, 2011). A Nigerian civil society organization, Coalition against Impunity and Illegality (CAGIL), sued the EFCC for failure to prosecute Mrs. Jonathan over the \$13 million money laundering allegation. To date, CAGIL and other interested Nigerians have not received any explanation as to why Mrs. Jonathan was not investigated.

Secondly, the agencies, either because of structural control by the Presidency and Ministry of Justice or a combination of other acts of corruption such as cronyism, political patronage, and bribery, have engaged in selective prosecution, which has further weakened their ability to perform well. Lessig (2013) agrees to a link between corruption and ineffectiveness of institutions when he concluded that “corruption weakens the effectiveness of public institutions.” In a 2011 HRW report titled “*Corruption on Trial? The Records of Nigeria’s Economic and Financial Crimes Commission*,” the agency noted how interferences from Nigeria’s political establishments like the Presidency and the AGF’s office are affecting the EFCC’s effectiveness.

Thirdly, though the court system, as part of the anti-corruption institutions, tried in prosecuting and convicting or agreeing to bargain deals with such ex-convicts like Alamiyeseigha, Tafa Balogun (former Inspector General of Police), and Joshua Dariye, its judicial decisions have encouraged corruption to flourish.

The conclusion of this dissertation therefore is that bribery, looting, cronyism, and other perceptions of corruption created and/or perpetuated conflicts in Bayelsa State. Those corrupt behaviors weakened Nigerian anti-laws and institutions established to fight them. Thus, their inability to reduce corruption further compromised their ability to prevent conflicts in Bayelsa State.

## 8.2 Recommendations

Based on the findings and conclusions of this study, I make the following policy recommendations for implementation in managing corruption and conflicts in Bayelsa State:

- ❖ Bayelsa State economy should be diversified
- ❖ BSHA should enact new laws to an incumbent's discretion over the redistribution of oil revenues
- ❖ Bayelsa State should establish effective means to recover and re-invest in the state all misappropriated resources
- ❖ A sincere re-orientation of all stakeholders in the state in order to restore public confidence in the society
- ❖ Anti-corruption laws and institutions need to be constantly updated to keep up with modern sophistications of corruption.

First, Bayelsa State should diversify the state's economy to reduce its almost near dependence on petroleum products. Chapter 2, *Table 2.2* of this study reveals fifteen other natural resources of the state excluding oil. It is confirmed in Chapter 5, *Table 5.4* that Bayelsa depends almost entirely on crude oil revenue for its survival thereby neglecting the other fifteen natural resources found in the state. The NNPC's annual report and reports from other energy sources consistently show that price of oil fluctuates. The state should invest some of the revenues from oil toward the development of these alternative resources. I believe it will help reduce over reliance on oil for the state's revenue.

Second, the BSHA should consider enacting new laws that will reduce the incumbent's discretion over the redistribution of oil revenues. As presently practiced in the state, the state governor receives the state's share of oil revenues consisting of statutory allocations, 13%

derivation, and excess crude oil (Chapter 5, *Table 5.4*), and determines what, how, and when other stakeholders in the state get their shares through the annual budget. Though the governor submits the budget proposal to the BSHA for approval, there is no proper monitoring or reporting system to ensure that what the Assembly approved was actually implemented. An annual report of a Nigerian Niger Delta region based non-governmental organization that reports on government accountability in the Nigeria's Niger Delta region, the NDCB Report (2009), revealed this lack of monitoring of BSHA approved budget when it posited that:

At the state level, a Motherless Babies' Home was budgeted at N200 million. However, by the end of 2008, NDCBP discovered that there was nothing to show an attempt or intention to build a motherless babies home at the proposed area. Investigation carried out showed that officials of relevant government ministries claimed lack of knowledge of the project even where it was clearly spelt out in the budget for 2008 (p. 25).

This NGO further claimed that the same BSHA approved another N100 million for the same project in the 2009 Bayelsa State budget even when it was clear that the amount approved in 2008 was never spent on the project. Fast forward to 2013, The incumbent Governor Dickson Sariake Henry, was accused of deceiving Bayelsans by claiming that his administration has more than N28 billion in savings out of over N400 billion allocations that accrued to the state between 2012 and 2013 (Kpodo, 2013). Kpodo's deception accusation against Governor Dickson surfaced when the governor and BSHA took a 60 million euro (about N353 million) from the Polish Government. His argument is that if the governor's N28 billion savings claim is true, why then borrow with interest N353 million when you can use the state's savings of N28 billion without interests. A rational question BSHA could have asked the governor before approving this 2013 loan would have been when and what did we spent the N28 billion savings on.

Any proposed new law should do among other measures ensure that an independent non-partisan committee is established to receive all allocations, a similar committee should select line items where all the accruals will be spent, and a professional audit agency that will audit all receipts and expenditures and report on the performances of all the two committees. The audit report once adopted by the Assembly should be put in the public domain.

Third, since bribery, lootings, cronyism, political patronage, and other forms of corruption have been prevalent in the redistribution of the Bayelsa State's crude oil revenues thereby denying majority of Bayelsans their entitlements and in the process created and/or sustained conflicts among different stakeholders in the state, there should be effective means to recover and reinvest in the state all misappropriated resources. This step can restore public confidence in institutions and also reduce the list of grievances perceived by the aggrieved groups.

Fourth, a sincere re-orientation of all persons and groups in the Bayelsa society is greatly needed at this time in the life of the state. The content of such re-orientation should include the art of governance at all levels and followership. Many government policies and programs in the state tend to have favored political godfathers of the state and their cronies as shown in Chapters 6 and 7 of this study. For that reason, most Bayelsan like the SSABS have lost hope in the ability of the state to, among other things, guarantee their civil rights and civil liberties as provided in the constitution. With such hopelessness comes a decline in the level of patriotism required of a citizen. Ethnic or narrow interests supersede statewide and national interests. I strongly believe that the re-orientation of every stakeholder in Bayelsa State is necessary for the survival of the state, improved governance, and better followership.



Fifth, on the inability of anti-corruption laws and institutions to prevent conflicts in the state, this study believes that the age of the laws; restrictions imposed by the establishment Acts of the institutions; and the same corrupt behaviors of the managers (i.e., government officials, political party godfathers, and other related managers) of the institutions such as the EFCC, ICPC, and Law Courts are the reasons these laws and institutions cannot prevent conflicts. I recognize that some of the Nigerian criminal codes are about fifty decades old but they are not older than the codes of less corrupt countries like the United States. Title 18 of the US Code, Mail and Wire Fraud Status of 1872, Racketeer Influenced and Corruption Organizations Act of 1972, and the Foreign Corruption Practices Act (FCPA) of 1977, among other related codes (Cornell Law, undated), are not younger than the Nigerian Criminal Code and the 2003 EFCC and the 2000 ICPC establishment acts. However, criminals are always find loopholes in existing codes to perpetrate their criminal acts. For example, oil revenue redistributors use non-governmental organizations they founded (*Table 5.5* of Chapter 5), to steal public funds. I believe that updating the codes can help to keep up with the complexities of modern corrupt practices.

Additionally, the Nigerian Presidency needs to be divested with the power to appoint and remove chairmen of these institutions especially the EFCC and ICPC. Doing so will prevent the politicization of these agencies and reduce incidents of selective prosecution of political opponents of whoever is the incumbent president, governor, and such other top officials. Officials of the agencies need to be professionals as is the case in the United States, Sweden, and other less corrupt societies. Professionalization of the agencies can ensure efficiency and improve their effectiveness in curbing corruption and conflicts in Bayelsa State.

Also, the agencies should be independent of the AGF. I said this because the AGF is a political appointee. Chapter 7 of this study contains some insights into what the AGF's office can do when some influential members of a political party that appoints the office holder are involved in corrupt behaviors.

The discretion of the governor to redistribute oil rents and other benefits encourages bribery, lootings, cronyism, political patronage, and other forms of corruption in the state. The effects of these illegal behaviors of state officials and their cronies have resulted in violent conflicts, driven away potential investors in the state, debased the state's culture, and weakened the ability of its laws and institutions to prevent conflicts among individuals and institutions in the state. I recommend in this regard that the State Assembly work with other State Assemblies to modify the current South-South anti-corruption laws as well as making the modifications available to the current National Constitution Review Committee sitting in Abuja for possible incorporation into the new national constitution that will emerge in 2015. Such modification should include among others the removal of immunity for public officials involved in corrupt practices; on conviction, all stolen assets must be recovered and the convicts must be banned from holding public office for life. Also, the new laws should guarantee protection for whistleblowers. It is because there is no constitutional protection of this important group in the society that corrupt individuals are encouraged to act with impunity since nobody can expose them without consequences.

### *8.3 Limitations of the Study and Ethical Issues*

#### *8.3a Limitations of the study*

There some limitations in this dissertation. The first limitation pertains to the sensitiveness of the problem (corruption and conflicts) and data collected. The practice of

corruption is culturally sensitive and involves entering the personal space of participants in order to understand how they perceive it. I interviewed 58 participants across various sections of the Bayelsa society (*Table 4.1*). During my interaction with those participants, I come to understand how sensitive the subject matter is to them. Due to this sensitiveness, some of the participants expressed fears and were selective in expressing their perceptions.

The second limitation is the sample size of 58 participants made up of youths and adults drawn from oil bearing and oil impacted communities, politicians, bureaucrats, and officials of MNOC in Bayelsa State. This number is not large enough for the whole Bayelsa State with a population of 1.7 million people (NPC 2006). Other communities and companies not directly involved in oil resource related activities were dropped. In some communities, because of real threats to my life and the life of potential participants in such areas, interviews, discussions, and observations were abandoned. Information that would have been collected from such became unavailable. The perceptions of a small sample population who participated in this study may not reflect a fair state of corruption in the entire Bayelsa State, but they are the reality especially in OBCs and OICs from where participants were drawn from. It was the reality in those areas that this study focused on.

I took steps to minimize the effect this small sample size may have on my study. First was to make the six local government areas covered in this study as homogeneous as possible by stratifying them into two communities of OBCs and OICs. I then used simple random sampling to select two OBCs and two OICs (see Chapter 4). Another step I took was to ensure that only people who have experience of the issues being studied such as youths, women, men, bureaucrats, oil company officials, and politicians in Bayelsa State were interviewed. Therefore,

I am highly confident that the findings from this dissertation is generalizable in groups and states that share the same conditions as those communities in Bayelsa State.

The third and final limitation, although less significant but critical to this study, was language issue. I am fluent in Izon, Atissa, and Epketiama languages that made it easier for me to collect information using semi-structured interviews, focus group discussions, and participant observation from these ethno-linguistic groups. However, gathering information from other ethno-linguistic groups like Biseni, and Ogbein remained critical.

### 8.3b *Ethical Issues*

For ethical reasons, I ensured that all participants in this study were not be below 18 years at the time. Participants' consents either in writing or oral were obtained before involving them in this study. Any identifying information of participants I collected were coded and stored in my field journal and tape recorder. I used pseudonyms instead of real participants' names in my reports. I never granted anyone access to my field journal or tape recorder at any time during this research. All data collected through the semi-structured interviews, focus group discussions, and participant observations were confidentially handled. Before I returned a tape recorder I borrowed from the International Conflict Management (INCM) program, I deleted every data I stored in it. At the end of writing my report, I destroyed every data that may connect my participants and/or their communities. I observed all other IRB's protocols on the conduct of research. I took all these measures in order to ensure my participants' confidentiality.

### 8.4 *Future Research Efforts*

Based on these limitations, further researches are needed on corruption in oil revenue redistribution in Bayelsa State and other states in the Niger Delta region of Nigeria. My future research interests are on economic diversification, national and regional security, minority rights,

and conflicts in multi-ethnic societies in Africa, Latin America, and Middle East. A society that is dependent on a single resource face serious challenges. Do states have untapped resources? How are they utilizing their current resources? How can the untapped resources be tapped? What are the citizens' inputs and benefits in the exploration, production, and use of these resources? What are the impact of a mono-cultural economy on a state and regional security? How citizens of a state participate in the exploration, production, and management as well as how much benefits they derive from these activities can control corruption and reduce conflicts in that society.

Another vital area requiring some research efforts is the looting of public funds in Bayelsa State by its governors. How do we handle the conditions that enable the state governors to steal or loot public funds? Can Bayelsa and other states where public officials openly steal public funds enact new laws and establish new institutions that can deter whoever that may be elected as governor from engaging in corrupt behaviors? Some researchers like Adebayo (2012), HRW (2013), and Osoba (1996) have raised question on the ability of public officials to live above corruption. Questions posed in my dissertation for future research have not been answered. I will research on these questions in future and hope to find answers that can help states diversify their economies, reduce corruption in public service, and manage conflicts in their states and across nations for the benefit of everybody.

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