

# The Legislative Framework: A Path to Peace in Ethnically Divided Communities in Warri Conflict Area

*Mathias Jarikre\**

## **Abstract:**

The literature on conflict interventions in Nigeria's Niger Delta region have shown profound interest in Government attempts to prevent ethnic fragmentations and the proliferation of armed militia groups. Legislative structures have often generated the multi-track approaches adopted by government to mitigate the conflicts. Though significant, the results of these efforts have remained unclear. The article explores the role of legislation in designing paths to peace in fragile, ethnically divided communities. Specifically, the article examines the Delta Development Administration Committee Law 2004. The legislative plan to promote the development administration law was to enable the executive, with participatory governance assistance, to implement key strategies for conflict transformation and peacebuilding. The article concludes that, contrary to the fears that the establishment of exclusive ethnic Community Development Committees (CDC) is a dreadful anachronism that will increase the dangers of ethnic exclusivity and offensive actions, the CDC will in fact generate conflict transformation and peacebuilding.

**Keywords:** Legislative Framework, Peace, Warri conflict area, Ethnically Divided, Community Development Committee, conflict transformation, peacebuilding

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\* Dr Mathias Jarikre is a faculty member in the Department of Peace Studies and Conflict Resolution, National Open University of Nigeria. He holds a Ph.D. in Peace and Conflict Studies from the University of Ibadan, Nigeria. He is also an alumnus of the Summer Peacebuilding Institute of Eastern Mennonite University and Summer Institute (Teaching Peace in the 21<sup>st</sup> century) of Kroc Institute of International Peace Studies, University of Notre Dame, both in the United States of America. His research interest is in the area of peacebuilding.

## Introduction

As the representation of the people in this democracy, you have the mandate to initiate the historic process. You have a duty to assist the Warri ethnic groups to embrace this peace process in order to find a lasting solution ... Government expects the outcome of your intervention without delay, so as to enable it through a legislative process design, a framework for achieving enduring peace and harmonious inter-ethnic relationship in the state (Gov. James Ibori 2004).

The above dictum is a charge by the then Executive Governor of Delta State, Chief James Ibori (1999–2007) to the Delta State House of Assembly to produce ‘the road map to peace’ in the ethnically divided Warri conflict area. At present, the area is reminiscent of the Hobbesian state of nature, when life was brutal, nasty, selfish and short; when the sovereigns’ edicts rather than any philosophy, positive morality, ethics or any other social process gave rise to some sort of orderly society. More like ‘the state of nature’, the spectrum of violent conflicts in Warri was as a result of the renewed hostility and agitation for exclusive ethnic local government councils by the Warri ethnic groups (Ijaw, Itsekiri and Urhobo speaking people of Warri). The conflicts, perennial in nature, appear formidable and pose exponential challenges which required/require multi-track diplomacy. Without prejudice to the other intervention efforts of government (military and panels of inquiry) and civil society, the issues in the Warri conflict were/are predominantly constitutional and simply beyond their competences. Irrespective of constitutional complexities in creating new local government councils at the national level, the state government felt one way to assuage the grievances of the ethnic groups was to evolve a legislative strategy for peace: creating along ethnic divides, Community Development Committees/Centres ‘for people sharing or having ethnic or linguistics association or other indigenous ties in the Warri area’ (CDC Law 2004). This is because, as Taylor (2005:105), observes, the legislatures are the guarantors of pluralism and can play a significant role in ensuring the proper workings of government while protecting the interests of minorities (Dutta et al. 2007).

The Delta Development Administration Committee Law 2004 is an enactment of the Delta State House of Assembly for the establishment of Development Committees and Centres as an interventionist agency for communities, villages and people having and sharing a common affinity in culture, values and language. It is aimed at confronting ethnic violent conflicts and the multifaceted socio-political challenges of the Warri area by transforming hostility into cooperation. Generally speaking, development administration is a model specifically designed to address development needs and challenges in highly complex situations with exponential difficulties. In this sense, special public institutions or organisations are sometimes created, or existing ones are restructured to appropriately address such development challenges. A functional perspective of development and the need to address ethnic hostility and sundry developmental challenges in the highly complex Warri area motivated the government to enact legislation for the creation of development administration.

The charge by Governor Ibori is a precursor of the thrust and concern of this article. The article, therefore, interrogates the legislative branch of government and its role in conflict transformation and peacebuilding. Few studies have paid attention to how the respective arms of government make their input when a contentious matter is at stake. An attempt at disaggregating their roles according to the depth of involvement may add to an overall understanding of the contributions and interactions between the different arms of government as they deal with conflict transformation and peacebuilding. The broad objective of this article, therefore, is to disaggregate the legislative component from the democratic dyad – executive/legislative – and examine its role in transforming the violent ethnic conflicts accompanying territorial claims in the Warri area. Specifically, sixteen years after, has the legislative construct achieved its objectives of promoting paths to peace in ethnically divided Warri area? The article, therefore, examines the peace-inducing and conflict-inhibiting as well as the peacebuilding components of the legislative practices in order to track conflict trajectories and efforts to promote socio-economic and political development in the Warri conflict area.

The legislature is a significant component of democratic governance and studies exist to explain its role in conflict management. In fact, according to Egobueze (2016), the legislature is increasingly involved in conflict

management, hence creating political stability. Perhaps, one reason that appears to account for the trend is that legislative bills designed to address social disorder in society have predominantly emerged as government bills for legislative debate, rectification and passage, to be signed into law by the executive. In this sense, the two distinct arms of government (executive and legislature) are often treated within the peace studies and conflict analysis as one. Ostensibly, the thrust of this legislative construct was to adopt a development administration model to mainstream community development and peacebuilding anchored on tapping into the community resource and knowledge, as a key strategy for preventive diplomacy, conflict transformation and peacebuilding.

### **Assessing the Inputs of the Legislative Branch**

In democracies, the most significant index of political representation is often hallmarked by the legislature. The term 'legislature' in its narrowest modern usage in Nigeria denotes the enactment of rules of law by a specialised state institution like the Delta State House of Assembly and the National Assembly which comprise the Senate and House of Representatives, both invested with high authority and representatives of the general population. The term also denotes the rules that result from the process. This concept of legislation identified by democratic norms and by the participation of a representative body in the enacting process is given prominent position in the state's scale of norms. Several representational activities of the legislature share a connection between the legislative field and other public fields comprising the citizenry of the nation. They refer to one of the central characteristics of the legislature. Such that these institutions like the Delta State House of Assembly consists of elected officials whose role as elected officials is to act on behalf of the general public that elected them. It presupposes that elected officials actually represent people or citizens and it is one important factor among others, for ensuring that equity, justice, equality and fairness prevail.

Within the Nigeria context, there is a very low public opinion of the legislature which can be described in the words of Gordon Skilling (1966:116) as a 'rubber-stamp for decision taken elsewhere'. This is because most legislative outcomes are mere affirmations of executive decisions. It is important to note here that the legislature is the only arm of government introduced into Nigeria's governance space which can be

described as democratic. Prior to the civilian regime in 1999, the other two arms of government (executive and judiciary) had carried on the business of government without the legislature. Therefore, its inclusion through the election of representatives of electoral constituencies to formulate, debate and consider bills to enact laws has significantly transformed the governance process into democracy.

The question of a legislature's functions revolves around the fact that different institutions, which fit under the definition of a legislature, might perform very different functions depending on the political system in which they are found. Nonetheless, whatever the conceptual anchor of these many 'functions and roles', the activities can be grouped into three broad categories: policy making activities, representational activities, and system maintenance activities. A cursory look at these three broad categories shows that, when it comes to a legislature's policy making activities, the invention and enactment of public policy has been traditionally thought of as the main legislative function. In most cases, as Rosenthal (1999) argues, comparing legislatures is tricky. Nevertheless, the legislatures (state houses of assembly and national assembly) in Nigeria, however, have not been effective in this respect, which has led to the conclusion that most of them do not play significant roles in initiating policies.

A legislature's system maintenance is defined as activities that contribute toward the stability and survival of the political system, as well as activities that increase the support of the system from the public and significant political elites. Since members of the Delta State House of Assembly are representatives of most groups and interests in society, the assembly becomes a practical instrument for conflict management. Chief James Ibori, the Executive Governor succinctly captured this essence when he observed that "as the representative of the people in this democracy, you have the mandate to initiate this historic process. You have a duty to assist the Warri ethnic groups to embrace this peace process in order to find a lasting solution". In other words, the Delta State House of Assembly may be viewed as an institution that can tackle conflict. That is, it is an institution that keeps conflict within the system and within limits acceptable to policy making elites. As Puengpak and others (2007:2) noted, 'the legislature, as the representative body of government, has the potential to be an extremely effective institution for conflict management'. Furthermore, once the State House of Assembly is

successful in managing conflict, it directly contributes to the integration of the political, social systems and national elites. Since the Delta State House of Assembly has representation from the various ethnic groups and ideological viewpoints, it may assist in creating a greater sense of national identification and social integration for the corporate existence of the State and Nigeria as a nation.

In most democracies, legislation can be initiated as an executive, private, or civil society bill, etc., which the legislature examines, debates and amends. However, the final form is usually not fundamentally different from the original proposal. It must be stated here that whether a bill originates from the executive or the legislative arm, it must as a matter of obligation and due process, pass through many stages and be subjected to intensive and prolonged scrutiny. It stands a high risk of being killed or altered beyond recognition.

The only activity that the Delta State House of Assembly seems to be handling successfully in the fledging democratic system is its system maintenance activities. For instance, on assumption of duties in 1999, the House considered and passed the law relocating the headquarters of the Warri South-West Local Government Council from Ogidigben to Ogbe Ijoh, the present site. It is also on record that this was the first bill passed into law by the Delta State House of Assembly in the fourth Republic. In addition, the Delta State House of Assembly system maintenance functions extended to delineation of electoral wards spread across the entire state. It is worthy of mention that the Local Government elections for the three Warri Councils were deliberately delayed until such exercise of delineation of electoral wards to correct the imbalance, hence, a violence free election in December, 2004.

Finally, the question that may be raised is, what does the legislative arm of government such as the Delta State House of Assembly do to contribute to the adjustment and adaptation of the system that is in tandem with the maintenance of the system? Puengpak and others (2007:2) provide an answer to the above question when they observe that 'legislatures that perform the three functions of representation, law-making, and oversight have the greatest potential to effect meaningful conflict resolution and peacebuilding measures'. As stated earlier, the contentious issues of the Warri conflict area are beyond the competency of non-state actors. For instance, the creation of new local government councils is the exclusive

preserve of the Federal Local Government with its attendant constitutional requirements and complexities. But in the interim, as Iain Atack (2003/4:22) has noted, 'they need to acquire the capacity and the institutions to deal with conflict non-violently'. In this way, government should 'search for a model of governance and social relations that enables all groups in society to deal equitably and creatively with conflict' (Lerche 2000:74) and to address the root causes of the Warri conflict. In order to provide considered and rational judgments for the solution to these problems, it became imperative for the Delta State government to democratically legislate and construct the Delta Development Administration Committee Law 2004.

### **Warri Area in Perspective**

The Warri area is located in the western coast of the Niger Delta region, also referred to as the South-South geo-political zone. The span of land and sea covered by this area is approximately 1520 square miles. Politically, the area is delineated as one federal constituency (Warri Federal Constituency), four state (House of Assembly) constituencies and comprises three local government areas namely: Warri North, Warri South and Warri South-West. The area is predominantly a riverine area with a large expanse of mangrove forest which encompasses traditional farming Urhobo villages, seafaring Ijaws and Itsekiris who stayed in the rivers and creeks of the Niger Delta. Three groups – Ijaws, Itsekiri and Urhobo, according to William Moore (1970) are 'culturally and linguistically' very different though their economies are interdependent. Notwithstanding, it will suffice for this article to deliberately ignore the issues of origins of these people, as each one has significant oral traditions which seem to support their claims of ownership of the Warri area.

The pre-existing ethnic groups in the Warri area include; Warri Ijaw, Itsekiri and Urhobo. The Warri Ijaw form an integral part of the Ijaw ethnic nationality classified as the fourth largest ethnic group in Nigeria that spreads across six states of the Niger Delta region which include Akwa Ibom, Bayelsa (with the largest concentration), Delta, Edo and Ondo States. For the purpose of clarity, the area covered in this study is the Western Niger Delta also known as the Warri Ijaws. The Ijaw lived on the lands and islands of Escravos, Forcados, and Ramos rivers. All names reflect Portuguese interactions and activities with the area. The homeland of the Itsekiri is the Western area of the Niger Delta and the estuary of

the Benin River. The Itsekiri ethnic nationality and culture is unique due to their early contact with and subsequent impact of the Portuguese. The Urhobos in Warri are found on the landward edge of the mangrove swamps where the British traders and consular officials also occupied. They are predominantly farmers with a large amount of pepper and palm oil. Undoubtedly, they were the producers of the palm oil marketed by the Itsekiri middlemen. The Trans-Atlantic economies and early contact with Portuguese merchant ships along the coast of western Niger Delta in the 1840s were pivotal in the development of the cosmopolitan Warri – oil city.

The oil and gas rich Warri conflict area accounts for about thirty percent (30%) of Nigeria's crude oil deposit. The cosmopolitan city of Warri popularly known as the oil city is a meeting point for Ijaw, Itsekiri and Urhobo. The city was a British settlement. According to Lloyd (1970), 'the British traders and consular officials built their own settlement on the landward edge of the swamps and this has grown to embrace pre-existing Itsekiri, Urhobo and Ijoh settlement to comprise the modern Warri (n.p.)'. As a British settlement, cosmopolitan Warri served as a transit route of the trans-Atlantic world economies between the European nations and the people of the hinterland of the Niger Delta. Thus, the city attracted much physical development and evolved to be the colonial provincial headquarters and district administrative headquarters of the defunct Mid-Western region. However in 1990, the city ceased to be the headquarters of the Delta province with the creation of Delta State but continued to serve as the headquarters of Warri South Local Government Area.

Prior to the Warri Conflict in 1997, the city proudly offered diverse attractions in the areas of a breath-taking coastline and container port (Nigeria Port Authority – Warri Port) and world class investment opportunities which had already convinced a number of leading international players – like Shell Petroleum Development Company (S.P.D.C), Chevron, Elf, Agip and different oil and gas exploration support services – to make Warri, their global base. This was in spite of the conflicts in the area. Warri had the potential to facilitate private endeavours in several fields that offered excellent commercial growth opportunities and profit potentials. These potentials attracted both foreign and local investors of other ethnic groups like the Isoko, Hausa, Igbo, Yoruba, and Edo, which are not amongst the conflicting groups of



Ijaws, Itsekiri and Urhobo. The dreadful punctuation marks of violent conflict still hindered harmonious relationships of these three ethnic groups in Warri, and no doubt hindered security and development. The Warri area, like many others in the federation, has had a fair share of the destruction of lives and properties which in turn affects revenue generation.

### **Conflict Profile**

The violent conflicts that engulfed the Warri area at the turn of the 21<sup>st</sup> Century (1990s–2000s) were the climax of age-long rivalry and animosity between the three ethnic groups – Ijaws, Itsekiri and Urhobo who were hitherto dwelling amongst themselves in tolerance and peace. The history of the Western Niger Delta is fraught with struggle for land ownership and control of political power and economic resources among the three major ethnic groups in the Warri conflict area. The conflictual relationship amongst them since the colonial authority's creation of Warri Province in 1914, manifests in the form of ethnic animosity and is characterised by agitations, petitions and litigations. These court cases buttress the antagonistic relationship of unabated animosity, rivalry and tension upon which the later crescendo of violence was built.

In 1991, the Federal Military Government created new Local Government Areas. In Warri area, two Local Government areas, namely, Warri North and Warri South Local Government areas were created. The Ijaw protested against the creation and perceived it as a calculated political, social and economic exclusion strategy by the Federal Military Government. The Federal Military Government, in response to their cry, redirected their relocation to Warri South. The Itsekiri contested the Federal Military Government relocation in court, 'a posture that the Ijaws perceived to be geared toward their economic exploitation, political oppression and cultural extinction' (Peretomode 2000:1).

In October 1996, the Federal Military Government created new local government areas. Warri South-West Local Government area with its headquarters at Ogbe Ijoh was announced but five months later, the gazette of the Federal Military Government Decree No 36 of 1996 creating new states and local government areas, was released. On the contrary, the gazette had Ogidigben, an Itsekiri community, as its headquarters. The relocation of the Local Government headquarters

from Ogbe Ijoh to Ogidigben as contained in the gazette was perceived to be teleguided and influenced by the Itsekiris, their archrival. 'The action created misgivings amongst the Ijaws who were hitherto pursuing their course of agitations for separation through peaceful means to exert pressure on the Government to redress the issue and threatened to fight if that was not done' (Peretomode 2000).

Considering the perceived marginalisation and exclusion experienced by the Ijaw communities of Ogbe – Ijoh, Isaba, Gbaramatu and Egbeoma in an Itsekiri-dominated Warri Division, it was obvious that the least provocation could fertilise the seed of wild oats sown on fields of marginalisation. For instance, on 25 March 1997, some Itsekiri youths in a premeditated and pre-emptive action attacked some illustrious sons of Ijaw extraction in Warri metropolis, burning down their houses and properties. Reaction and retaliation from the Ijaw caused an escalation of the crisis in the riverine communities (Peretomode 2000). The violence that ensued lasted for three months between March and May, 1997. Similarly, the ethno-political dimension of the Warri conflicts became more apparent as a result of the zero-sum and winner take-all nature of the legislation. The local government council election of March 1997 was marred by massive rigging and electoral fraud to sustain the political status quo of gerrymandering. There were mass protests against the electoral malfeasance which recorded the loss of many lives and properties worth millions of naira. Also, at the traditional level, when the Oro-Suen of Okere-Urhobo Warri was installed and given the staff of office as the paramount traditional ruler on 17 April 1999 against the Olu's strong opposition and unsuccessful contention in court, the Itsekiri unleashed unprovoked bloody attacks on the Udu Urhobo area of Okere – Urhobo, and the palace of the Oro-Suen was razed to the ground by arsonists. He was fortunate to have escaped with his life.

On 29 May 1999, a democratic government was put in place in Nigeria. This ushered in some measure of peace. It began with the mediatory role of Chief James Ibori, then Executive Governor of Delta State, who embarked on extensive consultations and constructive engagement with critical stakeholders. His efforts mediated the first legislative path on the peace process with the relocation of the Council headquarters to Ogbe-Ijoh. He thereafter managed to impose a curfew with a heavy presence of security operatives, while receiving additional support from civil societies' interventions. The worst outbreak of violent conflict occurred

in March 2003, when six soldiers, one policeman, a contractor and three employees of a multinational oil and gas company were killed. The violence escalated with the razing of several Itsekiri villages and an attack on the company aircraft which was evacuating displaced persons and employees of the company.

With somewhat of a resolution to the contentious issues of the Warri conflict by the state government, the militant youths of the three ethnic groups did not immediately sheath their swords; rather, they re-directed their energy and arsenal to confront the multinational oil and gas companies operating in the area. Ostensibly, they transformed into militant groups and camps like Tompolo's Camp 5, which constituted the supporting structures for renewed Niger Delta violence and insecurity – until the proclamation of the presidential amnesty programme in 2009. The likelihood that societies emerging from violent conflict can relapse into violence cannot be overlooked. For instance in 2013, Ijaw militant youths were reported to have attacked Itsekiri creek communities in Warri North Council Area, unleashing terror and completely sacking Ajamita, Udo, Gbokoda, Obaghoro and Ayerode-Zion on the Benin River axis. The attack was provoked by the fear that the Egbema people would imminently be denied the position of the Chairman in the forth-coming local council elections (Jarikre 2014).

### **Delta Development Administration Committee Law, 2004: A Path to Conflict Transformation**

In examining the legislative construct (law) as a path to peace or a strategic platform for conflict transformation, this first section is devoted to exploring the linkages, nature, goals, theories and definitions against the backdrop of the content of the law and the functions of CDC. Also, using the conflict transformation lens as elucidated in Galtung's (2000) Transcend Method, the second section examines the activities, potentials and outcomes of the CDC law as an agent of conflict transformation.

The role of government in the management of community (ethnic) conflict is not limited to using the instruments of force to reduce violence, but also includes mobilising state resources for conflict prevention, peacemaking and peacebuilding. Considering the escalated violent conflicts exacerbated by exogenous factors such as political marginalisation and exclusion from the benefits of the oil and gas

extractive industry amidst the relocation of council headquarters, the then state governor charged the state legislature to evolve into an instrument to enable government to address the complex situation in the Warri area. One window of opportunity open to the state government for overcoming the constitutional complexities and challenges of creating new local government councils was the option of establishing development administration committees and centres within existing local government areas. Puenhpak and others (2007:2) observe that the essence of development administration is to redesign the institutional architecture of the state in order to address structural deficiencies that contributed to the conflict. Similarly, Albert (2001) proffers that, it is more important for the government to invest more in the establishment of state institutions and put in place physical structures and democratic processes that can reduce the inter-group conflict. In this case, there is a need for separate administrative units (community development centres) that could bring government to the grassroots as well as provide opportunities for participation in the socio-economic planning and development. In a democratic space, the legislature is the competent organ of government that has the constitutional mandate to redesign state institutional architecture. The Development Administration and Committee Law 2004, therefore, articulated government's desperate quest for conflict transformation and peacebuilding through a legislative construct. This would hopefully address structural deficiencies that exacerbated the conflict.

The nexus between the development administration and conflict transformation lies deeply entrenched in the goals of conflict transformation theories, as elucidated by Simon Fisher and others (2001) in *Working with Conflict: Skills & Strategies for Action*. According to them, conflict transformation theory 'assumes that conflict is caused by real problems of inequality and injustice expressed by competing social, cultural and economic paradigms'. They enumerate the goals of conflict transformation as: '(i) to change structures and framework that causes inequality and injustice including economic redistribution; (ii) to improve longer term relationships and attitudes among the conflicting parties; and (iii) to develop processes and promote empowerment, justices, peace, forgiveness, reconciliation and recognition.' (Simon Fisher et al. 2001:8). This dialectic nature of conflict transformation explains the interconnectedness between development administration and conflict

transformation. As stated elsewhere, the CDC members' forum which meets at the Community Development Department (CDD) level is often used to brainstorm and build synergy to facilitate joint problem solving in relation to CDC activities, welfare, and remuneration of members. This process has engendered organic solidarity, re-orientation of values, goals and opportunity for social interactions (Jarikre 2014). The development administration with its community development committee as interventionist agency sets out to alter the course of violent conflict trajectories by a deliberate erection of peace building structures to correct inequality, injustice and economic redistribution. It can be argued that the community development committee in its function is designed to redirect the energy of parties from violent manifestations to mobilisation for development and peacebuilding – through empowerment of youths and women, promotion of harmonious relationships, and infra-structural development and maintenance. These are some of the unassailable goals of conflict transformation.

According to Argyris (1970: 15), intervention means 'to enter into an on-going system of relationship, to come between or among persons, or objects, for the purpose of helping them'. Similarly, *A Toolkit: Peace Practice in Nigeria*, explains that 'conflict intervention is a response mechanism and a process that helps conflicting parties to confront the roots of that conflict and restore harmony, using different approaches and methodologies'. It further elaborates that conflict intervention is the tail of a peace action whereby information collated from conflict tracking is thoroughly analysed and pulled into practical action to alter conflict dynamics.

Governance is conflict management (Zarman 1997). This is particularly so because the state is a central actor in ethnic conflict management. This is more so in Africa where the state is the producer and distributor of resources amongst competing groups (Osaghae 1994). Undoubtedly, the escalated trajectories of ethnic violent conflict in Warri can be ascribed to government mismanagement of grievances. By mismanagement, we mean government strategies or policies that are complacent in addressing ethnic grievances in a multi-ethnic society like the Warri area. In fact, government complacency and mishandling of ethnic grievances was a major factor that exacerbated violent conflicts. Borrowing from Duchackeck (1977), 'the management of ethnic conflict is the devising of strategies to reduce the disruptive effect of such conflict

to the barest minimum to transform irreconcilable conflicts into conciliable relations'. The state is the central actor in governance issues, and therefore it became imperative for the state to devise conflict transformation and peacebuilding strategies to reduce the disruptive tendencies of the conflict. In this way, the legislative framework is carefully designed to prescribe strategies through the functioning of the Community Development Committees/centres, which place a premium on mobilisation of local capacity for security and peacebuilding. The key strategies include non-violent approaches to acts/issues of ethnic provocation, inhibition of mutual hostility, youths and women empowerment, protection and promotion of cultural values, and participatory development.

The law as a legislative framework is an assemblage of peacebuilding priorities such as community development, empowerment, community mobilisation of local resources and capabilities that are germane to cooperation and collaboration in joint problem solving models. This is one of the senses in which Luc Reyhler (2001:90) describes peace building efforts as 'compilations of one-dimensional measures ... a clear and compelling vision of peace we want to create, a comprehensive assessment of what is needed to realise this peace, a coherent plan, an effective implementation of the plan.' As Jarikre (2014) has noted, the CDC which is a creation of law, promotes community roles in peacebuilding through community mobilisation and participation. It facilitates cooperation and development at community level to enhance security (Jarikre 2014).

The principles of conflict transformation, according to Johan Galtung's Transcend Method Conflict Transformation theory and practice, and process/es comprise:

- Map the conflict formation: all parties, all goals, and all issues;
- Negotiating overarching goals acceptable to all parties;
- Describing the tasks for all parties to implement those goals; and
- In these dialogues identifying acceptable goals in all parties (Galtung 2000:4).

The forces and factors that make a society more prone to intense violent conflicts are prevalent in the Warri area. In other words, in a multi-ethnic society where the socio-economic and political context is characterised by marginalisation, deprivation and gerrymandering, violent conflicts are inevitable. The structure of the Warri conflict is characterised by group mobilisation for political aims through ethnic and communal identities. It is in this sense that Ronmi Suberu (1999) aptly describes as ‘... new ethnic minorities who are adept at giving coherent expressions to communal grievances and mobilising their communities in response to changing political development and opportunity’. Violent conflicts may ensue as the ethnic groups attempt to alter or sustain the course of the socio-economic and political imbalance in their favour. For instance, for the Itsekiri, it is considered as an affront when Ijaw and Urhobo settlers and customary tenants to ask for separate Local Government or refuse to accept the over lordship of the Olu of Warri. Given the political context of the above scenario, the legislative framework (CDC Law 2004) provides a practical problem solving measure for transforming relationships between the ethnic groups. The minority opinion is that it is merely a government calculated attempt to empower Ijaw and Urhobo settlers in Warri by providing them the opportunity to share in the wealth and politics in areas where they do not belong. The CDC law 2004, however, identifies minority disposition as part of the conflict trajectory by making provisions to address their fear, frustration, and exploitation. The general consensus is that the legislative construct brings government nearer to the communities and avails to all the ethnic groups an opportunity to take part in the decision making process and, ultimately, the development of their area. But it must be quickly stated that the Itsekiri vehemently opposed the establishment of the Development Administration and the creation of Community Development Centres in the Warri area. In fact, they challenged it through a court process which delayed the inauguration of the Centres. Also, it does explain the mindset of the Itsekiri, who would not support any plan to accede any part of their land to any ethnic groups in Warri. Their contention is that Warri is the home land of the Itsekiri while the Ijaws and Urhobo are settlers and customary tenants. Therefore, their quest for separate administrative units is an affront because Itsekiri are settlers in other local government areas of the State, yet have not requested an exclusive separate administrative unit.

The law depicts government's deep understanding of the existential needs of the various ethnic communities in Warri, the capacity of each ethnic group to prevent the other from realising its goals, and how none can achieve its own goals without the co-operation of the other. The CDC law 2004 not only identifies the historical perspective, sociological dichotomy, structure and trajectories that sustained the ethnic hostilities, but also addresses them with the structure, functions and composition of community development committees/centres. Considering the complex mix, the CDC law 2004 provides for the existential needs of the various ethnic communities in Warri. The contentious issues in the Warri conflict reside more in the incompatibility of individual and collective goals, and this is a challenge to the core objectives of the CDC initiative. The goals vary from natural resources (land and its resources – oil wealth) to political power, and are essential to human existence in Warri. To this end, determining who holds political power and who controls the land and its resources is the *casus belli*. The CDC law 2004 has altered the structure of the conflict by providing opportunities for participatory administration and development of the area by the people.

The CDC law 2004 can be considered as a constructive conflict transformation mechanism for the way it facilitates an effective co-operative problem solving process. The CDC fulfills the conceptualised aims of increasing contact, and developing harmonious interethnic relations. Ethnic mistrust and animosity should wither away as the parties share the same basic institutions that offer sociological and developmental support for the Warri. This process is capable of engendering organic solidarity, a re-orientation of values, and creating the goals and opportunities for social interactions. This is also capable of creating a significant measure of understanding and mutual respect for one another. There is improved and increased relations amongst the groups. The membership was comprised of committed and selfless members of the communities and the operational framework assisted them to galvanise a peace process. The author gathered that most of these members had been deeply involved in conflicts in defense of their communities. This also explains why the CDC membership is overwhelmingly male. The operational framework at the CDD includes CDC members' forum where they meet to synergise, deliberate and brainstorm for joint problem solving, and reduce violent behaviours to least provocation.



Prior to the enactment of the CDC Law 2004, the argument was that government lacked the political will and was not committed to follow the path of truth, justice and fair play in dealing with the contentious issues of the Warri conflict area. The circumstances supporting this assertion was government's inability to either release or implement the findings of its numerous panels of inquiry and develop the area in spite of the huge wealth accruing to the nation from the area. The CDC law 2004 proved to be a deliberate attempt to address the earlier positions and failures of the Government to fulfil its constitutional responsibilities. Though the CDC is a Delta State government creation which does not have constitutional legitimacy as a tier (federal, state, local) of government, it did afford the people a sense of participatory administration for development.

The CDC law 2004 underscores a comprehensive blue print to mainstream the state government political and socio-economic engagements within the communities for sustainable development and conflict transformation. Ostensibly the Itsekiri were opposed to the establishment of CDC in the Warri area because of the other ethnic groups in Warri who they termed as settlers. Conversely, the Ijaw and Urhobo, the perceived victims of marginalisation, political and economic rights, were also opposed to the establishment of CDC. To them, the CDC option does not resolve their quest for own Local Government Area and political emancipation from the dominance of Itsekiri. It further explains the notion that each ethnic group was poised to circumvent the plans of the other from achieving its goals, even when none can achieve its own objectives without the co-operation of the opponents. Here is where some broader viewpoint is necessary, and Lederach's (2004:87) postulation that 'conflict transformation represents a comprehensive set of lenses' becomes apt. In spite of the opposing interests as manifested in their different postures mentioned earlier, the State Government was undaunted and went ahead to establish the CDC, affirming its desire to enthrone peace in the troubled Warri.

## **Conclusion**

The intractable domestic conflicts in the Western Niger Delta between the Ijaw and Itsekiri on the one hand and between Itsekiri and Urhobo on the other hand over the ownership of Warri constitute a challenge to peace and development in the area. Equally intractable are issues around

who controls the political affairs and economic activities, the placement of the Olu over the other ethnic groups in Warri, relocation of Council headquarters and denial of rights of employment and attractive political offices to some ethnic groups. It explains why multi-track diplomacy was deployed to track and resolve the conflicts. The use of multi-track diplomacy also explains the employment of the various conceptual frameworks designed to reflect the activities, policies and programmes as well as capabilities of interveners that contributed to the peace process.

Although, the contentious issues of the Warri conflict are deeply entrenched in the constitutional authority of the federal government, several civil society groups (including faith based) and non-governmental organisations contributed immensely to the achievement of peace. These include: The Academic Associates Peace Work (AAPW), the International Foundation for Education and Self Help (IFESH), and the Niger Delta Professionals (now known as Lite Africa) These interventions have revealed that 'the expertise to successfully deal with the multidimensional issues of the Warri conflict does not reside solely within the instrument of government'. Rather, as Diamond and McDonald (1996:2) noted, citizens from a variety of backgrounds and with a variety of skills have something to offer and can make a difference.

So far, the success of the CDCs proves wrong the expectation and apprehension that the establishment of exclusive ethnic community development committees is a dreadful anachronism which portends the dangers of ethnic exclusivity and provides ample opportunity for easy mobilisation of offensive actions. The legislative framework that encouraged the path to peace in ethnically divided Warri area tacitly and overtly settled the issues of ownership of the area. The salience of the operational framework lies in its potency for inhibiting conflict, inducing peace, and providing an early warning system. In this way, it has aggregated empowerment and mobilisation of local capacity, co-operative problem solving, and community ownership as strategic tools for conflict transformation, security and peacebuilding.

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