RESTRUCTURING THE GMOU APPROACH TOWARDS PEACE BUILDING IN OIL-BEARING COMMUNITIES OF THE NIGER DELTA.

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ABSTRACT

The Niger Delta region of Nigeria has been plagued with plethora of conflicts ranging from violence, sabotage, organized crime, cultism, pipeline vandalism arising from perceived disequilibrium in the distribution process of the surpluses accrued from oil exploration and environmental degradation. Consequent upon this ugly narrative, the paper reviewed the impact of Global Memoranda of Understanding (GMOU) a sustainable development vehicle introduced by Royal Dutch Shell in the Niger Delta area of operations as well as the active participation of Non-governmental Organizations (NGOs) to achieving peaceful ambience, social wellbeing and sustainable community development. The paper argues that the approach deployed to address the issue of underdevelopment has been counter-productive and largely unsustainable as it does not stimulate economic development of the area. However, the GMOU vehicle was effectively deployed with a broad-based collaborative structure; Communities, IOCs, Local and State governments and particularly the NGOs who made a significant impact in driving the process towards restoration of peace. The paper suggests the restructuring and emplacement of a more robust GMOU approach that incorporates the locals as critical stakeholders in the petrol Dollar business and initiating sustainable pro-poor based GMOU projects with only credible and competent NGOs engaged in its implementation. The paper also proposed that oil and gas companies and government authorities engage services of conflict experts and development agencies in achieving stable, peaceful and sustainable development in the region.

Keywords: Global Memoranda of Understanding, Conflict, Peace building, Sustainable development.

Introduction

There is scarcely any part of Nigeria that has not suffered one form of violent conflict or another. Certainly, there is no doubt that peace and safety are fundamental need and enabler for human existence and sustainable development. Therefore, every social group, community, organization or nation continuously establish and pursue strategies and measures to instill a harmonious and peaceful environment which is germane to social wellbeing of citizens living within the territory. Ironically, peace

has remained elusive in virtually every part of Nigeria in spite of multi-level stakeholders' efforts and advocacy for a tranquil environment. However, most of the social conflict experienced in Nigeria is either politically instigated or due to inability or failure of the state to deliver her own part of social contract to the citizens. It was in line with this position that Owugah, (2010) reported that at independence, the Nigerian state inherited from the British, the obligations of ensuring the peoples socio-economic wellbeing as well as their personal property and security are guaranteed. Owugah (2010) further argued that the state has been unable to fulfill its obligations of ensuring the people's socio-economic well-being in spite of the enormous earnings from the oil revenue. It could be further argued that Safety and security of life and property are essential aspects of social contract enshrined in the constitution with statutory responsibility reposed on the government at both state and federal levels. This is embedded in the fundamental objectives and directive principles of state policies. This implies that the State is statutory responsible for the maintenance of peace and security through policy formulation and execution of programmes that will stimulate economic growth and improve the standard of living of the citizenry. Peace building in any given society is a function of the adherence to the tenets of the principles of social contract and the political will of the State actors to drive the system in line with the aspiration of the people.

However, peace and stability seems illusive in the Niger Delta region as a result of perceived disequilibrium and neglect by the state and Oil multinationals. The resultant effect of this has been agitation and crisis which has made the area a typical hot spot for cyclic violence and hostile to activities of oil exploration in the last two decades. This development has serious implication on oil and gas business operation which is the main stay of Nigeria economy. The trio of violent acts, criminal activities and attacks on critical national oil and gas assets have been pointed at as the bane of the Niger Delta region portending serious concern to peaceful co-existence, sustainable development and business continuity by multinational companies and other local and multi-national investors. The persistent uncertainty and unconducive environment more specific to the Niger Delta geopolitical region has resulted to relocation and in some instances closure of some multi-national companies or their subsidiaries. According to Bisina (2004), the region has suffered environmental devastation, economic poverty, and constant conflict. To make matters even worse, political considerations, negligence or unbridled embezzlement perpetuated by some corrupt government official have kept many of the earnings from returning to the Niger Delta and which could have been utilized to restore the region's devastated environment. Invariably, since the discovery of oil and the production in commercial quantities in 1958, the people of the Niger Delta have known no peace.

In an effort to address the pervasive conflict scenario in the region, the federal government had always deployed strategies which are apparently not people-centric, not proactive, but reactionary. In most of the intervention approach, government had deployed the instrumentality of coercion and enforcement otherwise referred to as strong-arm-tactics, instead of persuasive engagement mechanism. Following the persistent agitations and conflict in the region, this approach has not recorded significant difference in dealing with the conflict rather they have worsened or escalated the situation with monumental consequences. A typical example is the genocidal Odi military invasion of November 1999 in Bayelsa State, the pre-amnesty militancy era in the Niger Delta from 2005 to 2009. In concurrence with these well reported conflicts such as that of Odi, Usoro, Ekpeyong & Effiong (2014) observed that the use of force by federal government to manage the Niger Delta imbroglios has always escalated the conflict or became counter-productive. In a bid to address some of these challenges and enhance harmonious social relation germane to sustainable development, the Global Memoranda of Understanding was initiated by some Oil Multinationals.

Sequel to this, the GMOU introduced by international oil companies (Shell and Chevron) in the mid 2000 has been acknowledged as a veritable peace-building platform which has been instrumental to achieving the level of tranquility and social development noticeable in some communities of Niger Delta where the oil giants operate, (O'Neil, 2013, Obiajunwo, 2015). The GMOU process established guiding principles of partnership, transparency, accountability, sustainability assurance, peace building, and project monitoring and evaluation. With this collaborative approach, people discovered common bonds. The two International oil companies (IOCs) have been commended for evolving this approach which has driven the

developmental needs of the community where they operate in a fashion that has contributed to relative peaceful and enabling environment for Nigeria state oil and gas dependent economy to thrive. In 2010 review of Shell GMOU model implementation, the Ecumenical Council for Corporate Responsibility (ECCR) concluded that while the model is a significant improvement on previous SPDC community engagement, rushed roll-out by the company has resulted in the essential participatory principles being ignored and so required improvement. In 2016, in its report Responsible Investment in Fragile Contexts, the World Economic Forum stated that the GMOU has established Chevron as an industry leader in social performance in Nigeria and has been adopted by other companies in the country (World Economic Forum, 2016). In spite of this measure, there is still discontent among the people resulting to persistent agitations and crisis, which is an indication that the framework is not achieving the desire result.

Statement of the Problem

For decades now, virtually every part of Nigeria has continued to experience one form of conflict or another ranging from ethno-religious, inter-communal, political, socio-economic, insurgency and outright civil disorder. Militancy and restiveness in Niger Delta, Boko Haram armed conflict in North East, Herdsmen attacks and killing in the middle belt, Western and Eastern zones of Nigeria. The vexing issues and fallouts is that conflict results to disappearance of peace and has led to displacement or sacking of people from their ancestral abode and communities, triggered hunger, introduced disease and health crisis, exacerbated poverty and arrested development. Previous research works on peace building in insurgence or conflict affected areas indicates that government or state or her agents has exclusively deployed strategies as measure to contain, quell or manage conflict.(Ajobo-Adebanjoko, 2017) This unilateral peace-building approach by the government has not been successful and sustainable over the decades, more so in the contemporary enlightened Nigerian society such as the Niger Delta region which has remained potentially restive and volatile. (Newson 2011)

Peace-building as an arduous task requires a functional approach or framework that involves stakeholder's collaboration, hence the search for sustainable approach for peaceful and harmonious environment in the Niger Delta remains a desirable and fundamental quest. However, several efforts adopted over the years geared towards addressing the persistent conflict ravaging the country and in the context of this paper, the Niger Delta have all ended in either complication or escalation of the instability. It then means that the intervention approaches which are usually exclusively designed and executed by government or agents of government to build peace in the region has been unsustainable and so peace have remained elusive. Conversely, the GMOU approach which is a concept that is an inclusive multi-level stakeholders' vehicle incorporating the Community, NGOs, Government and IOCs seems to be peace-building driven as remarkably observed in the communities where it is deployed. Therefore, the necessity of its restructuring to enhance a robust framework is inevitable towards peace-building in the Niger Delta.

Conceptual Clarification

Peace-building: There are many possible definitions of peace building and varying opinions about what it involves. The term peace building emerged in the last 30 years after the work of Johan Galtung, who called for the creation of peace building framework to promote sustainable peace by addressing the "root causes" of violent conflict and supporting indigenous capacities for peace management and conflict resolution (Ewubareh, 2014). Peace building is one of the United Nations cardinal models of peace process. The concept was made globally popular in Boutro-Ghali's *An Agenda for Peace*. Boutros Ghali wrote this paper in 1992, while he was the United Nations Secretary General. Peace building involves addressing not only the triggers, which are the immediate variables that mechanize the outbreak of any armed conflict (Boutros-Ghali, 1992). On his part, Albert, (2001) defined peace building as an art of repairing" relationships, institutions and social facilities and putting in place schemes that can help the disputing communities to be united once again. It consists of a wide range of activities associated with capacity building, reconciliation, and societal transformation. Peace building is a long-term process, which occurs after violent conflict has subsided or ended. It is that peace process that follows exhaustion of peacemaking and peacekeeping.

Peace is an indication of safety and secured environment, although peace building as a pre-cursor to social stability and development is an arduous challenge. It is worth noting that there cannot be absolute peace but relative peace. In other words what we have as post-amnesty Niger Delta region is a coerced arm-twisted peace through the unilateral fiat, more or less a political proclamation and prosecution by the Federal Government. It is thus important to establish that Peace building is a process that facilitates the establishment of stability and where practicably possible prevent the recurrence of violence by addressing root causes and effects of conflict which the GMOU vehicle purports to deliver.

Non-Governmental Organizations (NGOs): Non-governmental organizations, or NGOs, were first called such in Article 71 in the Charter of the newly formed United Nations in 1945. While NGOs have no fixed or formal definition, they are generally defined as nonprofit entities independent of governmental influence. Although they may receive government funding, Non-governmental organization as the name implies is a non-profit and apolitical entity that came into existence over the decades. NGOs usually comprise of professionals and draws her human resources and funding from either a pool of volunteers who have acquired relevant skills and competence in their various field of endeavors or careers and donors from private funding sources or agencies other than governments. (http://outreach.un.org/ngorelations) Folger, (2018) defined non-governmental organization (NGO) as a non-profit, citizen-based group that functions independently of government. NGOs, sometimes called civil societies, are organized on community, national and international levels to serve specific social or political purposes, and are cooperative, rather than commercial, in nature. While the term "NGO" has various interpretations, it is generally accepted to include private organizations that operate without government control and that are non-profit and non-criminal. Other definitions further clarify NGOs as associations that are non-religious and non-military. World Bank identified two broad groups of NGOs as Operational NGOs, which focus on development projects and Advocacy NGOs, which are organized to promote particular causes. Certain NGOs may fall under both categories simultaneously.

Peace Building Efforts by the State in the Niger Delta

Historically, the Nigeria Government had introduced several forms of intervention to address issues of agitation and social conflict when they arise since independence. In response to heightened restiveness in the region arising from question of marginalization and demand for equity and infrastructural development commensurate with revenue derived from oil and gas exploration, the federal government established the Niger Delta Development Board (NDDB) in 1961 as an intervention agency. The next peace building effort was the establishment of the Niger Delta Basic and Rural Development Authority following the failure of the Niger Delta Development Board (NDDB). Furthermore, the Oil Mineral Producing Area Development Commission (OMPADEC) was established by decree No. 23 of July 1992 during the military regime of General Ibrahim Babangida. Similarly, in 2000, the government of Olusegun Obasanjo established the Niger Delta Development Commission (NDDC) and thereafter the ministry of Niger Delta Affairs. However, the establishment of all these agencies could not provide the required infrastructural and economic development in the region, rather agitations and crisis persisted. This informed the Alhaji Umaru Yar' Adua led Federal government to proclaim the amnesty program for armed militants in 2009. (Ubhenin, 2013)

The unfortunate narrative of the foregoing government fiat-driven approach is that these intervention agencies which were usually heralded with audacious applaud, media hype and pomp both locally and internationally, have been unable to address the core issues. Equally, the government also deployed the armed forces whose relevance and effectiveness fizzles out in no time or as soon as they are mobilized.

The inability of government intervention efforts to effectively and adequately address the agitation of the region and maintain relative social relation of production could be attributed to lack of political will and primitive corruption tendencies by state actors. Similarly, the seeming failure of the GMOU approach is not because its concept and principle were not properly articulated, but in most cases, the target recipients at the grassroots are not carried along at the conceptualization stage. In most clusters the projects are politicized and not sustainable and could not drive economic growth of the rural populace. According to

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Poroma, (2014) the continuous resistance in spite of increase funding is as a result of the failure of such projects to translate into pro-poor based. Most of the executed projects were just "window dressing strategy" to project the image of the company. Meanwhile, very few privileged people benefited. Babatunde, (2012) contends that Government conflict management strategies in the Niger Delta have been defective. An integrated bottom-up participatory process that secures the quality of life of the people and protects the environment is the path to sustainable peace and development in the Niger Delta. Sometimes unviable projects are approved and awarded to cronies of people in government who will later abandon them half way after collection of the contract mobilization payment.

In a critical evaluation of the State approach or otherwise response to deepening crisis of insecurity and intractable tension in the Niger Delta, Omotola & Patrick (2010), boldly argued that the failure of these government established platforms to mitigate the challenges in the region are deep rooted in the character of the Nigerian State which as at today remains pedestrian, predatory and self-seeking. The failure of these strategies could also be attributed to the lack of sincere political will to address the fundamental issues. Therefore, all attempt made could be seen as peripheral and lack the sustainable framework of driving the economic and social development of the rural people in the region.

GMoU Model as Peace Building Vehicle in the Niger-Delta

In 2006, SPDC introduced a new way of working with communities called the Global Memoranda of Understanding (GMOU), which has continued to be used successfully by other oil companies. A GMOU is an agreement between SPDC and a group (or cluster) of several communities. Clusters are based on local government or clan/historical affinity lines as advised by the relevant state government. The GMOU brings communities together with representatives of state and local governments, SPDC and nonprofit organizations, such as development NGOs, in a decision-making committee called the Cluster Development Board (CDB). Under the terms of the GMOUs, the communities decide the development they want while SPDC on behalf of its joint venture partners, provides secure funding for five years, ensuring that the communities have stable and reliable finances as they undertake the implementation of their community development plans. The GMOUs or agreements represent an important shift in approach, placing emphasis on more transparent and accountable processes, regular communication with the grassroots, sustainability and conflict prevention. For example, Chevron adopted the Global Memoranda of Understanding (GMOU) which, for the first time, firmly places the responsibility for local development at the doorstep of those that will benefit. Chevron's five-year Niger Delta Partnership Initiative attracted support from the US Agency for International Development (USAID) and with another NGO, International Foundation for Education and Self Help (IFESH) called The Western Niger Delta Development Program also focused on bringing benefits to host communities, while Statoil Nigeria partnered with Pro-Natura (Nigeria) to develop a model of participatory development, peace and stability in areas of operations (Onwuemenyi, 2010)

The Global Memoranda of Understanding (GMOU) sets out community-driven mechanism for delivery of social benefits. It aims to achieve more equitable distribution of project benefits, community empowerment and enables each community to manage their development at their own pace. The mechanism also ensures that projects are duly completed to avoid legacies. Key elements of the delivery strategy under GMOU include:

- Framework for implementing sustainable development and social investment initiatives in communities.
- Agreement based on available funding for community development programmes in support of steady state operations and guidelines for specific project spikes in the funding.
- Agreed funding deposited in a dedicated account jointly managed by the communities and SPDC.
- Community decides sustainable development projects/ programmes to be funded from the account based on priorities identified through PRAs and set out in the CDP.
- Capacity building for communities to manage their development processes. (Shell Sustainability report 2011)

The overall objective of the GMOU process is to build the capacity of the local communities with the help of NGOs, to negotiate with the oil companies for development funding, and then manage the process of choosing and implementing the development projects in their communities which to a large extent is a veritable opportunity for the youths to be engaged instead of them resorting to unproductive agitation and restiveness. For instance, Leadership Initiative for Transformation and Empowerment (LITE-Africa) has been involved in the GMOU processes with both Chevron Nigeria Limited (CNL) and Shell Petroleum Development Company (SPDC). As a first step, LITE-Africa successfully conducted the Sustainable Livelihood Assessment (SLA) in each GMOU community, which is designed to collect information on the assumption that the community development plan should complement the GMOU implementing process. The GMOUs have been signed with communities in their operational areas, and Niger Delta Professionals for Development (NIDPRODEV) functions as the implementing NGO, ((LITE-Africa, 2014). The significant impact of the GMOU implementation in these communities is that it has helped in diverting the attention or reducing the preponderance for agitation and restiveness in these communities and so has been a veritable vehicle for social stability and peaceful co-existence among the communities and their neighbor's and the operating oil and gas company and contributed to national economy. So, the fragile prevalent relative peaceful but unstable situation witnessed in the Niger Delta may be attributable in a sense to the Global Memoranda of Understanding (GMOU) model approach, which involves multi-level stakeholders.

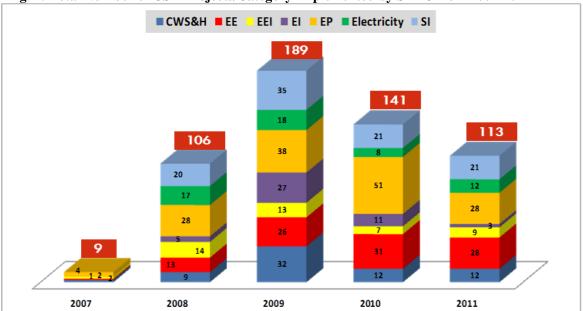


Fig. 1: Total Number of CSR Projects/Category Implemented by SPDC from 2007-2011

(Source: SPDC Sustainable Community Development Management Information System (SCDMIS, 2012)

The above chart shows the total number of projects executed by SPDC in its host communities in Rivers State from 2007 to 2011 through GMoUs (including pre-GMoU projects). From the chart, the following seven categories of projects were executed: Community water, sanitation and health (CWSH), Economic empowerment (EE), Economic empowerment infrastructure (EI), Education infrastructure (EI), Education programme (EP), Electricity (E), Social infrastructure (SI). It can be seen that a total of 533 projects were executed within the period of 2007-2011 with three categories of project dominating CSR investment in the State. They are education programme (EP), Economic Empowerment (EE) & Social Infrastructure (SI). This further highlights the preference for human capital over infrastructural development in the State. However, there are obvious gaps in CSR projects that tend to spark up grievance

amongst community stakeholders. Some of these projects are considered paltry for instance in Rivers Industrial Area cluster the following economic empowerment projects were initiated in 2007/2008, Skill Acquisition on Microsoft Certified System Engineering for 7 persons. In 2010, Macro Credit Scheme in Agric Farming for 3 persons, Skill Acquisition for 1 person in Musical Training (Shell CRS projects in Rivers State for 2007-2011). These kinds of projects cannot create any significant impact on the economic development of the people and will not stimulate any significant economic growth. What is the percentage of the beneficiaries in relation to the population of unemployed people in the cluster area?

By the end of 2010, according to Shell Report (2009), SPDC has signed and implemented agreements with 24 clusters, covering 244 communities, about 25% of the local communities around the business operations in the Niger Delta. A total of \$65 million in funding was provided. Six of the 24 CDBs according to the report have grown to become registered foundations now receiving funding from indigenes in the Diaspora. In March 2010, the Industrial Area cluster in Rivers State launched Nigeria's first privately subsidized community health insurance scheme using 24 million Naira (approximately \$160,000) of GMoU funds provided by SPDC. Indigenous community people pay a N3, 600 (approximately \$24) yearly premium, while others from outside the cluster communities can get the same benefits by paying a higher premium of N7,200 (approximately \$48) annually.

The insurance scheme is managed by a non-profit organization-Health Care International, which provides access to health care services delivery at the Obio Cottage Hospital in Port Harcourt. At full capacity the cluster development board estimated that the insurance scheme will cover more than 15,000 people. By the end of 2010, over 7, 000 people had enrolled in the scheme, with more set to enroll. Similarly, there was a significant increase in SPDC and SNEPCO contribution to community development projects in 2010 to the sum of \$71.4 million (Shell share \$22.9 million). (Shell Sustainability Report 2010)

However, in spite of this colossal amount allocated for community projects, there is no significant improvement in infrastructural and human capital development in the area. Therefore, to enhance efficient utilization and implementation of community development projects, the current GMOU approach needs to be restructured in line with the economic reality and social status of the rural people with a view of stimulating economic development.

Conclusion

Several approaches have been deployed in prevention and resolution of conflict in Nigeria. The efforts are usually an arduous venture particularly in an environment of worsening instability or where there is complete breakdown of law and order as it is the situation in several parts of Nigeria. Peace as a public commodity remains a necessity and enabler for social wellbeing, economic prosperity and sustainable development, particularly in the Niger Delta region of Nigeria. However, while it is recognized that government has the statutory responsibility as spelt out in the constitution to ensure peace and tranquility in the land, the approach deployed to address the issues has been counter-productive and largely unsustainable. Therefore, the GMOU approach which incorporates critical stakeholders' governance structure which embeds people-centric measures such as poverty alleviation, human capital and skill acquisition, economic empowerment, infrastructural development engenders peaceful and harmonious co-existence should be initiated. The NGOs remains very significant component for conflict resolution and sustenance of peace and so the role they play in conceptualizing and implementing the GMOU is relevant in the era of instability and restiveness. However, before GMOU or any peace building initiative is embarked upon, a proper social need assessment should be conducted to ascertain those projects and programmes that is capable of stimulating sustainable development in the area. Finally, since the development challenge has become more complex and intractable, it requires multi-level stakeholders approach via a well-articulated and realistic governance framework which captures the roles, responsibilities and accountabilities of each component stakeholders such as is embedded in GMOU vehicle rather than the one-sided approach hitherto deployed by government to address the issues as is evident of the flaws and failures recorded across the geo-political region.

Therefore, the restructuring of a more robust GMOU approach that incorporates the locals as stakeholders in the petrol Dollar business and initiates sustainable pro-poor based projects with

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only credible and competent NGOs engaged in its implementation. The oil and gas companies and government authorities should engage services of conflict experts and development agencies in achieving stable, peaceful and sustainable development in the region.

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