Government Joint Labour Industrial Relations and Development Committee: A Veritable Tool for Checking Youth Restiveness in the Oil Producing Communities in Akwa Ibom State, Nigeria.

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Abstract

The paper explored Government Joint Labour Industrial Relations and Development Committee; a Veritable Tool for Checking Youth Restiveness in the Oil Producing Communities in Akwa Ibom State, Nigeria. The activities of oil exploration in the Niger Delta region and Akwa Ibom State in particular have grave implication for the socio-economic wellbeing of the people in the region as it has led to the loss of source of livelihood of the people which are basically agriculture due to pollution emanating from oil exploration activities by Transnational Corporation. The theoretical framework adopted for the study was the rentier state theory propounded Hazem Beblawi in the 1980s. Secondary source of data was deployed for the study; it involves the collection of data from textbooks, journals, articles and conference papers etc. the paper argued and rightly too, that it is the weak and rentier status of the Nigerian State that hamstrings its operations and precludes it from acting decisively against the Oil Transnational Corporations. Also, the analysis lays credence to the fact that the shying away of the Nigerian State from its primary responsibility of providing socio-economic leverages for its people, especially the group that lays the golden egg has further deepen the misery of the people in the Niger Delta region. The study recommends that all contracts for the provision of labour service to all Company facilities in Akwa Ibom State, whether made directly by the Company or by its affiliates or Service Companies, is first advertised in the local newspapers circulating in Akwa Ibom State and that priority

consideration be given to those Companies whose members or principal members are indigenes of the core host communities.

Keywords: Labour; Government; Youth; Akwa Ibom State; Niger Delta.

Introduction

''*It may interest you to learn that between 1969 and 1998, Akwa Ibom Oil Bearing Communities were in the forefront of agitation (not military) for their right in oil production. We have tried to restrain our youths from military. It has not been easy and we cannot longer guarantee that they will continue to listen to us if the Federal Government continue to ignore us".*

- **Rt. Hon. (Chief) Nduese Essien, Former Minister of Lands, Housing and Urban Development (Nigeria).**

The above statement made by the irrepressible Chief Nduese Essien, while speaking, on behalf of the Oil Producing Communities in Akwa Ibom State, to the Ag. President of Nigeria, Prof. Yemi Osibanjo at the Town Hall Meeting in Uyo on March 2, 2017 did not only succeed in arousing my intellectual and mental curiosity, but it succeeded in challenging me to live up to expectation as a Social Scientist. As Social Scientists, we are rigorously trained to scientifically identify and analyse problems (even latent ones) in the society, with the ultimate aim of finding or proffering sustainable solutions to them. Therefore, my intention here is to present an argument to accentuate the position that, if nothing is urgently done to address the already aroused feeling of alienation, dejection, resentment and mass protestation in the oil producing communities of Akwa Ibom State, then the State should be thinking of having to contend with the birth of militancy in the nearest future.

The objectives of the study are to; examine state rentierism and the legitimization of corporate irresponsibility; a nexus; and analyse government joint labour industrial relations and development committee: harnessing the potentials

To effectively achieve the task of this paper and for the purpose of analytical fruitfulness, the work shall be compartmentalized into four sections. The first

section will attempt to state the problem(s) identified by the research and which if not urgently attended to, is capable of culminating into crises that could ground both economic and social activities in the oil producing communities of Akwa Ibom State. The second section focuses on the methodology of the study, theoretical framework and a review of related literature. The third section focus on result and discussion. Finally, the fourth section focuses on conclusion and recommendations.

Statement of the Problem

"The Niger Delta question remains one of the most delicate, crucial and vexatious issues in the political and economic history of Nigeria. In fact, no national and international discourse on the paradox of poverty and anguish in the midst of splendour can be adequately articulated without reference to the unfortunate dilemma of underdevelopment in the Niger Delta region of Nigeria".

- **Benjamin Okoba, 2005**

The Niger Delta region accounts for 90% of the nation's crude oil production which has made it the main revenue generating region in the country. Unfortunately, in the over 60 years of oil production, large areas of the Niger Delta have been left unusable for farming and fishing which is the main occupation of the people, due to oil spills, leakages and the effects of gas flaring or other accidents. Instead of getting compensation, the people of the Niger Delta have been economically marginalized, socially degraded and environmentally polluted. They have been deprived of basic needs like good roads, clean water and minimum level of dietary energy consumption etc.

Put squarely, the Niger Delta is Nigeria's least developed region, which is why the World Bank puts it per capital income at below 280, despite its high population (World Bank, 2006). According to the report, the region is characterized by extreme poverty, with a large portion of the population living below the poverty line (World Bank, 2006). Poverty is widespread; roads are in constant state of disrepair; power outage is frequent; the water available is of poor quality and is often contaminated; schools are almost non-existent; hospitals and clinics are under-equipped or short staffed or both.

Paradoxically, while the Niger Delta is richly endowed with resources, the degree of unemployment among the people is alarming, a situation the World Bank describes as unemployment in the midst of plenty (World Bank, 1996). In other words, the issue of unemployment in the Niger Delta has become chronic and intractable and is, in fact, the brain behind youth restiveness. The 2006 World Bank report noted that high levels of unemployment, especially among youth, were a key driver of social unrest and militancy in the region. The high unemployment rate has fuelled militancy, crime, and conflict in the region, as unemployed youth join militant groups to demand a share of oil wealth (World Bank, 2006).The few and insignificant employment opportunities that are muscled from the OTNCs are most times mismanaged by the Government Joint Industrial Relations and Development Committee. It is common to see employment slots that are meant for the youths of host communities being diverted and sold to non-indigenes.

In recent times, youths of Eket Federal Constituency (the Core Host Community of ExxonMobil in Akwa Ibom State) have used peaceful demonstrations to draw the attention of the Federal Government and ExxonMobil to their poor living standard but in return, promise is all they get. It appears the Federal Government of Nigeria is has failed to learn from previous experiences; the conditions (which include the feeling of being cheated and the underestimation of peaceful agitations) that culminated to the Ogoni crisis, the Asari Dokubo led revolution and the various other militant groups that emerged in other parts of the Niger Delta.

The point being made is that the failure of the Nigerian state to execute its primary responsibility of providing socio-economic leverages for its people, especially the group that lays the golden egg, is invariably responsible and, in fact, is what provides the latitude for OTNCs operating in the social formation to do same. With this attitude, the standard of living in oil producing communities is made very low, while on the other hand, the cost of living is very high. To make matters worse is the issue of unemployment which is not just responsible for the recent increase in societal vices, but also responsible for the avoidable increase in protests and blockades of oil facilities. The "government joint labour industrial relations and development committee" that is set up to coordinate labour related activities

further worsens the matter by not living up to expectation. The committee's coordination has so far been marred by high corruption and gross mismanagement of slots and other benefits accrued to the "core host communities".

The inability of the Federal government of Nigeria and OTNCs to address the socio-economic condition of the people in the Niger Delta Region especially oil producing communities in Akwa Ibom State has raise problem for insecurity

Methodology

The historical research design was adopted for the study. It involves studying past event so as to under present events in other to be able to predict future events. Secondary source of data was utilized for this study. Secondary source of data refer to the set of data collated or authored by another person, archives, in the form of documents collected for a purpose other than the present one in which it is being used (Asika, 2006). Selltiz et al (2008) declared that the usefulness of secondary sources of data lies in the fact that information of this sort is collected periodically. Also, gathering of information from such sources does not require the cooperation or assistance of the individual about whom information is being sought. The sources of data for the study includes: magazines, newspapers, textbooks, articles, journals and seminar papers among others. The content analysis was adopted as the method of data analysis.

Theoretical Framework

The rentier state argument developed as an explanation for why democratization did not occur in certain polities. During the 1960s and 1970s, modernization theories of democratization came under fire because certain resource-rich states were not "evolving" in the manner this theory dictated that they should. In particular, the political systems in such states appeared to be stagnant, as there were no movements toward democracy as in other modernizing states around the world (Ozyavuz & Schmid, 2015). Rentier state originated in the early 1970s, first to explain the case of Iran (Mahdavy, 1970) and later the oil-producing monarchies of the Arabian Peninsula (Beblawi, 1987).

A rentier state has the following characteristics, according to Puranen and Widenfalk (2007); first, only a small fraction of the population is directly involved in the creation of wealth. As a result, modern social organizations associated with productive activities have been developed only to a limited extent. Second, the work-reward nexus is no longer the central feature of economic transaction, where wealth is the end result of the individual's involvement in a long, risky, and organized production process. Wealth is rather accidental, a windfall gain, or situational, where citizenship becomes a source of economic benefit ((Beblawi, 1987).

Because of this unconventional disconnect between wealth creation and those who work to create it, under RST, the state used "external rents" to create artificial employment opportunities and hand outs to citizens to gain support or legitimacy, resulting in political stability. This exchange of rents for legitimacy arguably represented a social contract between the state and its citizens in which citizens exchange their loyalty for economic benefits (Toledo, 2013).

Major proponents of the theory are; Hazem Beblawi; as one of the founding figures of rentier state theory, he co-authored a seminal paper in the 1980s that outlined the theory. Others are G. Michael Phillips and F. Gregory Gause III.

Review of Related Literature

The term industrial relations (IR) according to Deetz, (2012), refer to the whole field of relationship that exists because of necessary collaboration of men and women in the employment process of modern industry. Industrial relations are nothing but an 'Employment Relationship in an industrial setting. It includes all the laws, rules, regulation, agreements awards of court, customs, traditions as well as policy framework laid by the government. Thus, IR involves a study of the conditions of work, mainly the level of wages, security of employment, social conflict, cultural interactions and legal aspects of disputes under laws etc. (Deetz, 2012).

According to the International Labour Organization (2010), industrial relations deal with either the relationship between the state and employers and workers organizations or the relation between the occupational organizations themselves.

According to Dale (2011), Industrial Relation is a relationship between management and employees or among employees and their organization that characterizes and grows out of employment. According to Armstrong (2009), IR is concerned with the systems and procedures used by unions and employers to determine the reward for effort and other conditions of employment to protect the interests of the employed and their employers and to regulate the ways in which employers treat their employees.

Industrial relations are anything that affects the relationship of the individual workers or group of workers with the employee(s). According to Akpala (2012), it is the regulation of employment relations in any employment situation by the employer/management or their organization, the worker's organization and a third party, the private sector and/or government acting as an umpire or a controller, the purpose of which is joint decision making for establishing job rules and job values and for cooperation of manpower resources for the attainment of the enterprise's objectives, the trade union, and of course the state.

Results and Discussions

State Rentierism and the Legitimization of Corporate Irresponsibility: A Nexus

To ensure a meaningful discourse and for the purpose of analytical fruitfulness, we shall start by defining the key words/phrases that are employed in this section. By way of "decomposing the problem'' (to use C. O. Bassey's phraseology), a "rentier-state'' refers to a state that does not engage in any concrete production activity but depends on mineral rents from external sources **(**Bassey, 2006). In this work, the word is used to describe the Nigerian State which does nothing more besides the granting of Oil Prospecting Licenses (OPL) to Transnational Companies and collecting rents from them in return. The Nigerian State does not have the technology to engage in direct production (extraction and refining) nor is it prepared for such long term and seemingly time consuming activity.

"Corporate irresponsibility" is used here to imply not only the gross neglect, dereliction and abdication of OTNCs of their moral, but primary obligation to provide basic socio-economic amenities like gainful employment, good roads, electricity, portable water and schools to communities affected by their business activities but also the wilful damage to the ecosystem of the people through

spillage, expropriation of peasants' lands, intimidation of local people and in a sense, the dislocation of a people's culture and traditional health behaviour.

It is not the intention of this paper to give a blow-by-bow account of State Legislation in the oil industry but to show, in clear relief, the basic interest of the state in specific legislation. For instance, a critical analysis of the 1969 legislation which vested all revenue accruing from oil mineral rights on the Federal Government of Nigeria revealed that the latent motive of the Decree was not merely to emasculate the secessionist "Biafran'' regime but to punitively reward the people of the Niger Delta for asking for their right to self-determination. The image of a people deprived of their natural endowments and gagged from asking for a share of the proceeds from it is better imagined than experienced.

As if that was not enough, the General Olusegun Obasanjo's regime, following the success of the 1969 Gowon Decree, enacted two more obnoxious Decrees; the 1975 Anti-Sabotage Decree prescribing death penalty for any person caught cutting oil pipelines or unduly obstructing the activities of the Oil Companies; and the Land Use Decree (now Act) of 1978 vesting ownership and control of all lands and resources therein in the Federal Government, thereby securing and "pacifying" the oil fields of the Niger Delta for the nation's compradoral bourgeoisie and their transnational overloads.

Since then, legislations have followed; the Petroleum Decree of 1991; the Osborne Land Decree (No. 52) of 1993; the National Inland Water Ways Authority Decree (No. 13) of 1997; and not too recent, the 2002 Supreme Court Judgement on On-Shore/Off-Shore dichotomy (CFRN, 1999 as amended). The import of all these is the perpetual alienation of the Niger Delta people from their God-given endowments on the one hand, and the unwitting provision of an official leverage for the OTNCs to neglect their corporate responsibility to the people in the area, on the other hand.

Apart from the above, successive regimes in Nigeria have attempted to woo the people in the oil producing communities through emergency legislation that hardly gab the primordial interest of the ruling class. Examples are the Oil Minerals Producing Areas Development Commission (OMPADEC) established by

the Gen. Ibrahim Babangida regime; the Petroleum Tax Fund (PTF) of Late Gen. Sani Abacha; the Niger Delta Development Commission (NDDC) which was first established by the administration of President Olusegun Obasanjo; and the Petroleum Industrial Act (PIA) which was signed into law in 2021. The Act seeks to provide legal, governance, regulatory and fiscal framework for the Nigerian Petroleum Industry. The PIA seek to achieve among others; upstream operations, downstream and services, marginal field operations and local content development, midstream operations - liquid oil / refining etc and host community relations, sustainability and the environment etc. The single thread that runs through all these government policies/commissions is that they were inaugurated by a rentier state that receives oil revenues from the Oil Companies to which it is supposed to deliver stability or law and order such as is required for the continued production of oil. Hence, the policies/commissions were supposed to provide palliatives or to serve as a carrot-and-stick instrument dampening the juridical consciousness of the oppressed people of the area and hence allowing rent accumulation to proceed unhindered.

However, mass docility and unquestionable acquiescence to this incipient socio-economic rape did not last for long. In 1984, ten thousand (10,000) women in Ogharefe, Delta State used the tool of stark nakedness to protest the damage a Transnational Oil Company had done to their environment (Turner; 1997). As if that was the needed tonic, the people of Umuechem in Etche ethnic nationality of Rivers State in November, 1990 took their destiny in their hands and peacefully demonstrated against decades of neglect; harrying away of their farmlands and environmental devastation by the oil giant, Shell. And for daring to threaten the rental sources of the state, they were duly "rewarded'' by the state officials; 90 protesting villagers were killed, while 500 homes were razed down by anti-riot Policemen drafted to ''keep the peace'' (Onyeagucha; 1997). This ugly prospect, however, did not deter the people of Ogoni ethnic nationality from coming together for their collective survival under the umbrella of ''Movement for the Survival of Ogoni People (MOSOP)'' and following it up by issuing a Bill of Rights to the Nigerian Government in which they chronicled their tale of having received nothing in return for their over thirty (30) years of handsome contribution to the Nigerian State.

Needless to say, Shell with the covert support of the government ignored their ranting and, in January 1993 (26 months after the issuance of the bill and one month after an ultimatum to Shell to leave their land), the people of Ogoni peacefully launched a positive protest against Shell for not being alive to its corporate social responsibility. The government's response was very swift. It immediately set up and dispatched to the area an internal security task force under the command of a misanthropic, Col. Paul Okuntimo (later replaced, due to local and international outcry, by Col. Obi Umahi) who is reputed to have boasted that there are twenty-one (21) ways to kill a man and that he has only tried 5 on the Ogonis. Sad enough, the climax of the disaster the security task force meted on the Ogoni people was the November 10, 1995 judicial murder of Ken Saro-Wiwa and eight other MOSOP leaders by the Nigerian State in a desperate move to make the terrain safe for Shell to return to its rich oil fields (Ogoni Trials and Travails, Civil Liberties Organization; 1996).

The story is the same in all the oil producing communities in the Niger Delta; alienation from their God-given resources, deprivation of requisite socio-economic infrastructure as a compensation for their socio-psychological and environmental loss and, worse of all, the intimidation by the state and even OTNCs, both of whom are in a diabolical league to traumatize them.

This then brings us to the crucial question of why the Nigerian State is condensing to the exploitation and expropriation of its citizens by the OTNCs. The answer has already been enunciated, although in an abbreviated manner, in the preceding analysis. It may, however, be necessary to regurgitate it here in order to reinforce our argument. As a rentier state, the Nigerian state enjoys a paradoxical existence; the source of its strength is also the source of its weakness. With the enormous wealth at its disposal (mainly gotten from rents), it is able to sponsor some gargantuan development projects, maintain a bloated retinue of state officials and embark on massive importation of goods, services and technology from abroad, among other things. In this case, any demand by individuals or groups on the OTNCs is seen as a direct attack on the very source of the wealth of the Nigeria state and is, therefore, brutally resisted. Put succinctly, the collection of oil rents which consolidates the position of the compadoral elements in the rentier-state also make the Nigerian State to be very brutal, repressive, and violent and, above

all, intolerant to even legitimate demands from the productive class, in this case the oil producing communities. Omoweh (1995:139) puts it this way ''for the Nigerian State that is less than an actor in the production of crude oil but more of a collector of proceeds from Shell among other oil companies, the restive oil communities are constituting a major threat to its source of wealth, hence its adoption of various strategies to contain the unrest in the area''.

The implication of the above scenario for our present study is that collection of statutory rents from the Oil Transnational Corporations is mandatory in order to pursue developmental projects, meet local and international contractual obligations and, more importantly, lubricate the edges of the internal class struggles. The consequences of all these are obvious; (i.) the state must pander to the wishes of some internal forces like the local transnational corporations that do the investments and supply the needed technology; and (ii.) because of the flowing rents accruing to the state, it becomes the focus of the struggle for power, very violent and intolerant. This is only logical because, since it depends on the rent for its reproduction, it cannot broach any attempt by its nationals to disequilibrate the status quo.

Government Joint Labour Industrial Relations and Development Committee: Harnessing the Potentials

The Governments of each of the Core Host Community in the Local Government Areas (that is, Ibeno, Eket, Esit Eket and Onna) usually constitute what is popularly known as ''Labour Committees'', and these committees are mandated to effectively manage labour recruitment issues and community development relations between ExxonMobil (including its affiliates and Service Companies) and their respective Local Government Areas. However, in order to be more effective, these independent Labour Committees nominate, at least, four representatives (their Chairmen, Secretaries, Public Relation Officers, Heads of Task Force) to be part of a combined team tagged- *government joint labour industrial relations and development committee* (hereinafter simply referred to as ''Committee''). It is this joint committee that is empowered and mandated by the people (through their Local Government Chairmen) to formally interface between them and ExxonMobil (including its affiliates and service Companies), with regards to labour and other development related issues.

Traditionally, the committee is set up to ensure that benefits like employment quotas that are due to host communities are obtained and shared to each of the "core host community" Local Government Areas, in consonance with the generally agreed sharing formula (that is, Ibeno-30%; Eket- 26%; Esit Eket- 24% and; Onna- 20%). This traditional mandate implies that the committee first ensures that the percentage of the total number of workforce in any project/work/service that is due to the core host communities is obtained. In other words, the committee must see to it that, at least, the 30% employment quota that is due to the core host communities for non-highly specialized services are not just obtained but maximally utilized. With this, the onus lies in first determining the total number of workforce to be used in executing a particular project before talking about what 30% will amount to. Put differently, the committee is not expected to merely sit in a meeting and accept as hand-outs whatever employment slots are given to them for the community. They are expected to take a step further to ascertain the total number of workforce to be engaged in a particular project, so as to know the exact number of slots due to the community.

Also, the committee must, in all they do, design a plan to identify all the Companies that are at all times servicing ExxonMobil (in Qua-Iboe Terminal and their Off-shore Locations). This is necessary as it has been exposed that so many Companies clandestinely render services to ExxonMobil without the knowledge of the community (sometimes, even without the knowledge of the Public Affairs Department in QIT).

It is also the traditional mandate of the committee to ensure that Service Companies plough back a certain percentage of the value of their contract service into Community Assistance Programmes aimed at contributing to the development of their host communities. This is another way of saying that the committee is empowered to monitor and ensure that ExxonMobil (with its affiliates) and its Service Companies make a yearly provision of adequate funds in their budget for the execution of development projects in the core host communities.

While it is admitted that the above stated traditional objectives of the committee, if fully achieved, could help reduce unemployment and check youth restiveness

in core host communities, it is however, the strong position of this paper that much more could be achieved by the committee, if its potentials are optimally harnessed. In other words, it is the humble submission of this paper that the committee should not only concentrate on carrying out their traditional responsibilities but should, rather, expand their responsibilities to include implied ones, which the author has attempted to state below. That is to say, In addition to perceive responsibilities of the committee earlier stated, it must at all times ensure the following:

1. That before carrying out any work for Exxon Mobil (hereinafter referred to as Company) in Akwa Ibom State, a Service Company, Contractor or Sub-contractor be made to produce evidence of due compliance with the provisions of sections 25, 26, 27, 28, 29, 30 and 51 of the Nigerian Oil and Gas Industry Content Development Act, 2010.
2. That without prejudice to the powers of the Nigeria Content Development and Monitoring Board under the Nigerian Oil and Gas Industry Content Development Act,2010; the Committee certifies in writing under their hands, that a Service Company, Contractor of a sub-contractor has duly complied with the relevant sections of the Nigerian Oil and Gas Industry Content Development Act, 2010, particularly the one that compels them to have a project office within the core host communities in Akwa Ibom State.
3. That the Certificates of Due Compliance mentioned in the preceding paragraph is duly endorsed by the Chairman and Secretary of the Committee, and that it must be produced by the Service Company before the commencement of project work for the Company in Akwa Ibom State.
4. That in so far as an indigene of the core host community has a Rig, a surface or sub-sea vessel in his name or in the name of his Associates/Company, a Fabrication Yard or any such Equipment(s) for the exploration and/or exploitation of Crude Oil and Gas in Akwa Ibom State, the Company gives him or her the Right of First Choice Consideration in the award of relevant contracts or in the hiring of the services of his/her Rig, Surface or Sub-sea vessel, Fabrication Yard or equipment(s).
5. That the Company, its affiliates and Service Companies award, at least, 80% of the contracts that do not require NNPC's approval to capable and competent indigenous contractors from the core host communities.

6. That all indigenes contractors who have bided for contracts are given a level playing field and an equal opportunity to compete favourably with other non-indigenous contractors.
7. That the Company promotes vocational/business training programmes for indigenes of the core host communities so as to enable them gain employment with the Company, its affiliates/Services Companies or be otherwise gainfully employed.
8. That, at least, 50% of industrial attachment placements in the Company, its affiliates or Service Companies are reserved for indigenes of the core host communities.

However, beyond the expansion of responsibilities, it is most important to advice that the Chairmen, while appointing members of the committees in their various Local Government Areas, put into serious consideration the integrity of these men/women. They must carefully select men/women that are not just knowledgeable but men/women that are communistic in their disposition. That is to say, they must ensure they bring on board people whose integrity is proven and who will be willing to kill their selfish interest for the overall interest of the people.

Conclusion

In the preceding analysis, we have attempted an overview of the problems bedevilling Oil Producing Communities in the Niger Delta Region (in this case, Akwa Ibom State), and we have established the fact that the failure to urgently attend to these problems could culminate into crises which could, in the long run, ground both the economic and social activities in these communities. The major problems which are identified as militating against the full realization of the potentials of the government joint labour industrial relations and development committee to addressing the perennial and the twin problem of unemployment and youth restiveness in the Oil Producing Communities of Akwa Ibom State are well noted in the paper, and it will be tautological to recount them here. Same with the possible solutions which are also well stated. The proffered solutions, it is believed, if adopted, will go a long way in significantly reducing unemployment and youth restiveness in Oil Producing Communities of Akwa Ibom State.

Recommendations

1. That all contracts for the provision of labour service to all Company facilities in Akwa Ibom State, whether made directly by the Company or by its affiliates or Service Companies, is first advertised in the local newspapers circulating in Akwa Ibom State and that priority consideration be given to those Companies whose members or principal members are indigenes of the core host communities.
2. That the Company, its affiliates or Service Companies reserve all contract jobs requiring no special skills in its operations or job execution for indigenes of the core host communities who can safely and effectively perform such contracts.
3. To ensure industrial harmony in the oil and gas sector, oil and gas companies operating in the Niger Delta region should adhere strictly to established labour laws. This will help ensure justice and fairness in the sector.

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