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Highlights

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Discovering Thoughts, Inventing Future

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Criminal and Unethical Behavioursin Organisations: Misuse of Assets and False or Misleading Advertising

By Maicibi, Nok Alhas & Yahaya Salisu Abdullahi

Abstract - Behaviours in organizations can either be adjudged to be unethical and even criminal or being above board. Criminal and unethical issues are one of the most difficult to handle in organizations; and they pervade all levels and activities in the organisation. Specifically however, this article examines and discusses the following critical criminal and unethical concerns which include corruption, misuse of organizational assets, and false or misleading advertizing in organizations. The data were collected through secondary sources. The article concludes that, human resource manager's and or organisation's ability to tackle and control these ethical concerns is very important in keeping the organizations healthy and competitive; otherwise the organizations will suffer enormous setback, sometimes risk failure and even attract criminal action.

Keywords : *corruption, misuse of organization assets, behaviour, misleading advertizing and ethical concerns.*

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Criminal and Unethical Behavioursin Organisations: Misuse of Assets and False or Misleading Advertising

Maicibi, Nok Alhas[α] & Yahaya Salisu Abdullahi [σ]

Abstract - Behaviours in organizations can either be adjudged to be unethical and even criminal or being above board. Criminal and unethical issues are one of the most difficult to handle in organizations; and they pervade all levels and activities in the organisation. Specifically however, this article examines and discusses the following critical criminal and unethical concerns which include corruption, misuse of organizational assets, and false or misleading advertizing in organizations. The data were collected through secondary sources. The article concludes that, human resource manager's and or organisation's ability to tackle and control these ethical concerns is very important in keeping the organizations healthy and competitive; otherwise the organizations will suffer enormous setback, sometimes risk failure and even attract criminal action.

Keywords : corruption, misuse of organization assets, behaviour, misleading advertizing and ethical concerns.

I. Introduction

Organizations are made up of individuals composed of shareholders, managers and other employees. These people work together by supporting one another in a mutual way for the betterment of the organizations. This mutual relationship is done vide behaviours which may be perceived and interpreted differently. The interpretation can subsequently end in approval of the behavior, its outright rejection, or even criminal prosecution. Therefore, putting the right behavior and taken the right actions do have a high potency to propel the organizations to the right direction of its mission and vision. On the contrary, when and where any group or individual engages in undesirable behavior and or actions, it has detrimental effect to the organizations wellbeing and sometimes goes to the extent of putting the going concern of the organisation in a trajectory or in a cul-de-sac. To avoid this negative impact, organizations need to take the following ethical concerns very critical: Corruption, Misuse of organizational assets, and False or misleading advertising. Let us examine the above issues one after the other.

II. Corruption

The issue of corruption has been gaining increasing attention in today's world. The World Bank has singled out corruption as the largest obstacle to economic and social development (Aguilera and Vadera 2007). In a search of the word 'corruption' in article headings in the Wall Street Journal in 2004, the word appeared 496 times. It is worth noting that much evidence suggests that corruption is as ancient as disloyalty and greed particularly in the context of politics (Aguilera and Vadera 2007). According to Burke, Tomlinson and Cooper (2011), corruption include embezzlement, insider trading, the padding of one's expenses, paying a bribe to get a contract, altering a financial document and individuals receiving money or being promoted for altering a financial document. To this end therefore, Ashforth, et al (2007) define corruption as the illicit use of one's position or power for perceived personal or collective gain. Organizational corruption is the use of authority for personal gain; therefore, different combination of opportunity, motivation and justification lead to different type of corruption. Habib and Zurawikki, (2002) also define corruption as the abuse (or misuse) of public power for private (or personal) benefit. Sherman (1980) defines corruption from the public institution point of view when he said it is the illegal misuse of public authority resulting in private gain for the agents involve in the acts. Ashforth and Anand (2003), while discussing how corruption is taking place in organizations, define organizational corruption as the misuse of authority for personal, subunit, and or organizational gain. Also in their attempt to clarify organizational corruption, Aguilera and Vadera (2007) define it as a crime that is committed by the use of authority within organizations for personal gain. Grieger (2005) contends that, asking what organizational corruption is all about; first of all it seems to be a kind of deviant behavior or evil action in organizations. Strictly speaking, it is about individuals or groups acting evil within an organizational context, rather than single evil actors carrying out solitary actions (Darley 1996). In order to indicate evil actions as corrupt, this definition stresses organizational context or, express in another terminology, the existence of organized social systems that serve as a nexus for formal and informal relationships between participants, (Grieger, 2005).

Based on the above opinions and in the context of this write up, corruption can be taken to mean a form of behavior which severely departs from ethics, morality, tradition, practice, civic virtue and particularly from laws

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that is aimed at undue advantage to an individual or group.

III. Forms and Types of Corruption

Corruption in organizations may take various forms. According to Coleman (1987) existing forms of corruption in organizations can be distinguished into corruption on behalf of the organization-which include: bribe, insider dealing, illegal price agreement etc, and corruption against the organization which include self dealing, theft, embezzlement, misappropriation etc. Another form of corruption is by looking at the actors involved in corruption. That is single person who acts corruptly within an organization and varied forms of collective corruption (i.e. evil act that calls for cooperation and interconnection among individuals (Brief et al 2001). However, the latter seems to be more problematic to organizations because of the interwoven cause of deviated action. This way therefore, corruption becomes a property of the collective- describing something like mafia type methods (creation of interdependency, blackmailing, fraud, secrecy and systematic bribery). In relation to Brief's view, Aven (2012) undertook an extensive research on the effects of corruption on organizational network and individual behavior. In the research, she described how different actors network themselves in a secret and dishonest manner to perpetuate corruption in their organizations. She also cited big corporate companies that were victims of these acts which include: fraudulent accounting practices by fortune 500 firms, Enron which publically admitted to overstating its earnings by $586 million and hiding $ 3 billion in debt, WorldCom,(in 2001) which is the second largest phone company in the United States misrepresented profits by $ 3.8 billion by improperly shifting certain expenses to capital funds, $ 550 million penalty against Goldman Sachs Group, the largest ever against a wall street firm for misleading investors in collateralized debt obligations. She therefore argued that, though these cases of accounting fraud abound, organizational scholars know relatively little about the implementation of organizational crime. At each of these large corporations, managers employed complex accounting methods to mislead investors about the financial health of their firms. But important thing to note is that, these financial misdeeds were not localized to a few executives in the firm; they required the involvement of many organizational members from various departments to implement such accounting malfeasance-organized crime.

Lange (2007) identify four types of corruption, based on; a) a focus on target-process or outcomes an emphasis transmission channels-administrative or socio cultural. Aguilera and Vadera (2007) when attempting to explain organizational corruption argued that, individuals who commit organizational corruption are likely to engage in one of these three types of corruption: procedural, schematic and categorical. They made this typification incongruence with the type of authority operating in the organization. Individuals in organizations with legal rational authority, and driven by individualistic motives will use rationalization as a psychological defense mechanism to engage in procedural outcomes of corruption; while those in organization with charismatic authority and driven by collectivistic motives will use socialization to engage in schematic outcomes and those in organization with traditional authority and those driven by rational motives will use ritualism to engage in categorical outcomes of corruption. It will not be out of place to make a brief on these.

Procedural corruption: This result either from the lack of formalized procedures or formal rules of business conduct in the organization, or from the violation of existing formal procedures for personal gain, implying that this type of corruption occurred where employees at all or some levels of the organization do not follow or are not mandated to follow (ethical) procedures of business conduct. On the other hand, Schematic corruption, according to Luo (2004), occurred when it is structured and is present uniformly throughout the organisation, implying that it results due to the simultaneous involvement of multiple organizational levels in corrupt acts and at multiple points in time. This repetitive act of corrupt acts is reinforced by mechanism that makes them seem normal and as if it is the organizational culture. It also results from norms of the organizational environment in which the organization is embedded. Finally, the Categorical corruption is the result of concentrated and delimited acts of corruption within the organization (Aguilera and Vadera 2007). It occurs mostly in decentralized organizations or in organizations with highly decentralized structures. Therefore, specific groups, subgroups, subunits or hierarchical levels may be corrupt due to strong environment pressure, pressures from the organizations and senior managers to meet some particular goals.

IV. Impact of Corruption

Corruption causes immeasurable costs on the humanity-individuals, organizations, society and nations, (Nofsinger and Kim 2003). Equally those individuals who are convicted of engaging in corruption or corrupt practices usually experience pangs of guilt and shame and faced penalties of varying degrees of harshness, including making financial restriction, serving various prison sentences, loss of reputation, loss of their means of earning a living and in some cases loss of family through divorce (Burke, Tamilson & Cooper, 2011). The impact of corruption in organization also is very significant which may include, threat on their life span,

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loss of reputation, loss of credibility, loss of money, loss of trust and chance among others. Also, organisations that are guilty of corruption face greater scrutiny and diminished future performance which may include decline in the quality of their network partners & their cohesion (Sullivan Hannschild 2007) as well as bankrupting in some instances. For clear example, see the case of Enron, Fortune 500, WorldCom and Goldman Sachs Group already cited. These companies, their employees and society suffered a lot as result of those anomalies they engaged in. The cost of corruption to the society is that the society loses trust in their institutions and in their elected officials leading to fewer young people pursuing their careers in these occupations (Burke, Tomlinson & Cooper, 2011).

Corruption also reduces economic growth, harms economic performance, lead to distortions in developmental programmes of a country and adversely affects private investment and national economic growth (Maicibi, 2005).

Further, the cost or impact on the countries or nations where corruption occur include: losing opportunities for investment and growth, loosing respect in the broader international community and their influence in making the world a better place (ibid).

V. Managing Corruption

The issue of corruption happens worldwide in government and in organizations irrespective of continent, nation, race, or size of organization and culture (though some cultures provide more ground and tolerance of corruption than others). Now the issue is what are those measures that can be put in place to reduce and or control corruptions? The following measures can be used to mange corruption by reducing and controlling it:

a) Individual volition: In an organization, individuals may choose to reduce corruption by sharing their concerns with supervisor, trusted co-workers or simply become whistle blowers. At the extreme end, they may seek legal or ethical counseling and advice from outside.
b) Training in ethical issues to be undertaken by providing training to managers and employees on ethics. This will assist much in helping employees to identify and avoid illegal and unethical behaviours and conduct in themselves.
c) Ignore any pressure from above and exercise professional competency in the discharge of their duties. Pressure from above induced many people to act illegally and unethically. For example, when Kervel an employee of society general a French bank squandered $ 5 billion through rough betting in 2007, and was charged with forgery and breach of trust, and unauthorized computer use in 2009, and faces fine of $ 375,000 and five year in prison if convicted, he claim that he acted in tacit knowledge and with the agreement of his superiors (Burke, Tomlinson & Cooper, 2011).
d) Organizational control: There should be an imposition of organization control system whereby the organization should have adequate and sufficient internal controls that can prevent unethical and un authorized activities.
e) Corruption can also be controlled by reducing the opportunities for corruption through better oversight, monitoring and controls; reducing the pressures individuals feel they are under to make the numbers at all costs.
f) Corruption related to rationalization and socialization should also be reduced by training and sensitization of the processes through discussions, training session and by encouraging inspection into how employees do their daily jobs and identifying ethical implications that emerge from their conduct.
g) Creating ethical organizational environment. There should exist ethical environment within the organization within which employees conduct themselves.
h) Top management should lead by example; that is they should serve as ethical role models from which other employees can emulate.
i) The Association of Certified fraud examiners indicated that expense account abuse accounted for 13% for all fraud in the US in 2008. Therefore increasing number of employers are now carefully monitoring their employees expense claims (Burke,
j) The employee selection process, using affective tests, should be more strategic and objectively based to allow for employment honest and dedicated candidate who are ethically sound in order to reduce the potentiality of employing applicant with questionable character.
k) An organization should have a code of ethics that will assist in reducing and preventing corruption and other unethical activities. This is because code of ethics provides firms with a legal self defense by making it clear to employees what behaviors are unacceptable (Steven, 2009).
l) Ethical leadership should be encouraged in organization in order to assist in providing basis of ethical behavior devoid of corruption.
m) However, in his attempt to analyze corruption action systems, Grieger (2005) hypothesize the following.

- As a general condition, corruption in organizations only occurs if individuals are given control rights to act or to make decisions on behalf of the organization.
- Corruption may occur if these individuals misuse or abuse the kept control rights to 1) achieve organizational objectives by using illegal means or 2) to achieve objectives for private enrichment at the

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expense of achieving organizational objectives 3) in particular, a hybrid farm of the conditions above- using illegal means to achieve objectives for private enrichment at the expense of the organization- can be considered to be a very frequent one if regarding corruption in organizational life.

- The potentiality of committing the act of corruption in organization will be proportional to 1) the extent of control rights kept by individuals 2) to the degree of discretion and arbitrariness allowed in the application of these control rights 3) the expected likelihood of detection and penalty associated with the abuse of these control rights and 4) to the professional ethical values of the individuals who keep these control rights.
- Corruption in organization is expected to be mediated by groups. Meaning the stronger and more cohesive group is the more influence they exert on the suppression or on the encouragement of both individuals and collective deviant behavior.
- The main orientation of groups towards evil doing or corruption-approval and encouragement versus disapproval and suppression-depends on multiple factors. Among them are both characteristics of influences of the organization (as part of structure) and those of dominant members who get others to agree (as part of action).

He, therefore, argued that these five hypotheses together may provide some indications that serve as a guidance for an analysis of the interaction and interdependence between elements of action and elements of structure in the emergence and perpetuation of collective corruption.

n) Importantly, Maicibi generic formula for fighting crime (corruption is a crime) needs to be understood and applied. See the formula in the recommendation sub section of this write up.

VI. False or Misleading Advertizing

According to Consumer Association of Singapore (2008), misleading advertisements under Consumer Protection (fair trading) Act, states that, it is an unfair practice for a retailer to make false or misleading claims. Likewise, one of the general principles of the Singapore Code of advertising practice is that of 'truthful presentation.' Determining whether an advert is misleading continues to prove difficult and controversial (Russo, Metcalf and Stephens 2001). Naturally, advertisers and consumer advocates rarely agree on whether a particular advert is misleading. More disappointing however is the failure of researchers to agree on a broadly applicable definition of mis-leadingness or a procedure for identifying it (Gardner 1975). In their analysis on misleading adverts, Russo, Metcalf and Stephens (2001), define an advertisement as misleading if it creates, increases, or exploits a false belief about expected product performance. In the same vein, Wikipedia (2011) explains false advertizing, or as they call it, 'deceptive advertising' as the use of false or misleading statements in advertizing. Further, according to Wilson (2000), the United States actual Statute on false advertizing defines false advertizing to mean:

> "advertisement other than labeling, which is misleading in a material respect; and in determining whether an advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the commodity to which the advertisement relates under the conditions prescribed in said advertisement, or under the conditions as are customary or usual".

This therefore means, an adverts must not conceal any material fact about a product/ service or the conditions under which the product/service should be used, and by implication, where any of these occur, it constitutes false or misleading advertisement

False advertizing in the most blatant of contexts is illegal in most countries. However, advertisers still find ways to deceive consumers in ways that are technically illegal but unenforceable. The criminal acts of this falsehood have unquantifiable negative consequence to human beings. For examples, according to the Australian Competition and Consumer Commission (2011) misleading job and business opportunity advertisements cause job seekers a great deal of hardship and difficulty. Even worse, some scams are dressed up as job opportunities and can actually cost job seekers money. Consequently, in the attempt to checkmate the adverse effects of misleading advertisements, Singapore Code of Advertizing Practice (SCAP) emphasize "Truthful presentation" which stated that; advertisements should not mislead in any way by inaccuracy, ambiguity, exaggeration, omission or otherwise. More specifically, SCAP 11, principle (5) provides the following: (5.1) that, advertisement should not:

a. Misrepresent any matter likely to influence consumers' attitude to any product, advertiser, or promoter.
b. Misrepresent any information to misleading consumers into believing that any matter that is not true, such as the source of the product, quality of the product, obligation (or non-obligation) in using a trial product and others.
c. Mislead consumers about the price of goods or services
d. Under estimate the actual total price to be paid

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e. Mislead consumers to overestimate the value or mislead consumers regarding the conditions on the terms of payment such as hire purchase, leasing, installment sales and credit sales. Or
f. Mislead consumers regarding the terms or guarantee, delivery, exchange, return, repair and maintenance and mislead consumers regarding the extent of benefits for charitable causes.

Secondly, (5.2) provides that if a presentation (such as speech, documentary and newsreel) is substantially an advertisement, it should be clearly stated as an advertisement.

VII. Ways Advertisers Mislead Consumers

It is important to expose, at this juncture, how to look for misleading advert. Russo, Metcalf and Stephen (2001) identify three ways which advertisers use as approaches to mislead consumers:

a. **Fraud**: This focuses on the advertiser and assumes a deliberate intent to create false belief about the product. It is however impracticable since the requirement of proof of intent makes it out rightly impossible to take action against the adverts.
b. **Falsity:** This refers to the existence of claim - fact discrepancy. This can be in terms of price of the product and availability of the product. However, to demonstrate falsity, in advertisement, one must be able to verify the existence of a discrepancy. Standardization of meaning enhance falsity approach if regularly institution has power to standardized critical words meaning. But the difficulty here is how issues of falsity claim can be resolved, such as issue on 'nutrition' because even the worst junks food has some nutritional value and experts have not agreed on what constitute nutritious food. Therefore, standardization of meaning removes ambiguity and potential misleadingness of such firms (ibid). Although falsity approach is efficient, but it is neither sufficient nor necessary to prove that an advert is misleading. What matters is customers believe. That is, a false claim does not harm consumers unless it is believed and a true claim can cause great harm if it generates a false belief (ibid).
c. **Misleadingness:** This approach focus to a greater extent on consumer beliefs. To demonstrate misleadingness in an advert, it requires the observation of false consumer beliefs in conjunction with the exposure to the advert. Therefore, one stricken difference between falsity and misleadingness is that, while falsity refers to a claim fact discrepancy, misleadingness refers to a belief fact discrepancy.

Therefore,the procedure for detecting misleadingness of an advertisement include; first establishing that the consumer belief of false claim, second, established that there is increased belief in a false claim after exposure to an advertisement, and thirdly, less misleading false beliefs for corrected than for original advertisement (Ibid).

Although false/misleading/deceptive advertizing is unethical and illegal, however advertisers still use many ways to deceive and mislead consumers about their product which may be insufficient to prove before a court of law. Wikipedia (2011), identify several ways advertisers perform this act which include:

a. Hidden fees and surcharges: This is a situation where for example service providers often tack on the fees and surcharges that are not disclosed to the customers in the advertized price.
b. Misuse of the word 'free': Advertisers use the word free (which its normal meaning means without any cost obligation or implication) which is included in the overall price. For example the advert saying "buy one, get one free. Therefore the second item is not free since for you to get it you must pay the first in full.
c. Manipulation of measurement units and standards: This is where the advertisers manipulate standards to mean something different than their widely understood meaning.
d. Fillers and over sized packaging: This where the product are sold with fillers which increase its legal weight of the product with something that cost the producer very little compared to what the consumer thinks that he or she is buying. E.g. food –meat can be infected with broth and brine (up to 15%).
e. Manipulation of terms: This is where some meaning that are not legally define were abused e.g. light food. This often seriously abused by advertisers because it may mean many things like: low in calories, sugars, carbohydrates, salt, texture, thickness or even light in color.
f. Incomplete comparison: Advertisers always fail to list the ways in which they compared product or service (price, size, quality, test etc) with other. However they always used the word better and best to compare their product but without specifying with what they are comparing to, competitors, old version of their product. etc
g. Inconsistent comparison: This is where advertisers compare their product or items with many others, however only compared with each on the attributes where it wins.
h. Misleading illustrations: This is where illustrations were used to mislead the consumer. Example serving suggestion pictures on food product boxes which show additional ingredients beyond those included in the package. This may make consumer to incorrectly assume that all the items illustrated or depicted are included.

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i. False coloring: This is a form of deception where color is used to make people assume that food is ripe, fresher or otherwise healthier than it really is.
j. Angel dusting: This is where ingredient that needs to be beneficial is added in an insignificant quantity which cannot serve any benefit to consumers.
k. Bait and switch: This is where advertiser advertized non-existent product and when customer come to buy, he is been sold with similar product.
l. Guarantee without a remedy specified. This is where the company does not specify any remedy in case of the product failure to meet expectations. They are therefore free to do little because of the legal technicality that provides that a contract cannot be enforced unless it provides a basis not only for determining a breach but also for giving a remedy in the event of a breach.
m. No risk: This is a situation where advertisers claim there is no risk trying their product. However where clearly there is, the risk here is you may not get the product at all or you may be billed for things you did not want. You may also incur expenses in calling the company for refund. Lastly, shipping and handling cost you paid may not be refunded.
n. Acceptance by default: Example here is where a subscription automatically renews unless the customer explicitly requests it to stop.
o. Undisclosed dishonest business practices: This is for example where banks deliberately create overdraft. For example where withdraw and deposits are done simultaneously, the bank can treat withdraw first to create over draft. They can also reorder charges to maximize number of over draft.

VIII. Misuse of Organizational Assets

According to Albrecht, Kranacher and Albrecht (2009) define asset misappropriation (misuse) to include those frauds in which a perpetrator employs trickery or deceit to steal or misuse organizations resources. In these cases, specific assets of the organizations are taken to directly benefit the individual committing the fraud. Those individuals committing asset misappropriation may be either employees of an organization, customers or vendors of an organization or even individuals unrelated to the victim organization. The distinguishing elements of assets misappropriation therefore are that organizations assets are taken through trickery or deceit, rather than by force and the act of asset theft, concealment and conversion must all be present (Abrecht, Kranacher and Albrecht 2009).

Further, in another dimension Association of Certified Fraud Examiners (2002) on their report define misappropriation/misuse otherwise known as fraud as "the use of one's occupation for personal enrichment through the deliberate misuse or application of the employing organizations resources or assets.

Equally however, Brenda B. Moore (2013) a U.S. department trained human resources professional in her attempt to explain the problem of assets misappropriation examine the popular term " elephant meant" which is a Jargon used in Liberia to describe the issue of wasteful resources both in private and public offices. She said "Sadly in many ways, we all practice the elephant meant mentality and this sort of attitude can be counterproductive and expensive to management and can be manifested in so many ways, like theft of the organization's stationery or blatant misuse and waste of resources deliberate slow responses to customers' needs, poor quality of work, destruction of property, coming into work late and leaving early etc." She however maintains that, in many instances these are some of the reasons Liberian run companies and corporations don't succeed. It is therefore evident that all what she listed constitute misuse of organizational assets.

Lastly however Kernel (2011) approaches misuse of organizational assets or resources from ICT perspective. He examine how employees abuse their freedom to work by engaging in non productive activities thereby engaging in chatting, face booking, surfing or even social networking among others which by extension, each of this activities diminish their productivity. He however maintain that the time spent by employee over internet and other personal activities always cost a lot to any company.

Equally, in their Essay titled, 'Ethical Misconduct of Senior Leaders-Counter productive Work Behaviour,' Louise and Foldes, (2006) argued that, misuse of organizational resources means wrong doing that involve the inappropriate use of any of the organizational resources, including money, time, physical property and or intellectual property. They however maintain that, it can take place in the following ways:

a. Misappropriate funds by using contractors for personal projects and charging expenses to the organization.
b. Purchase personal real estate with company funds.
c. Expense a personal trip under the pretense of it being business related.
d. Use intellectual property from the employing organization and supply it to senior leaders external consulting practices.
e. Direct investment of funds to ventures in which the senior leaders has a personal financial interest rather than to ventures in the best interest of investors.

From the above definitions and explanation it is clear that misuse of organization assets or resources take place in various ways and dimension, and it throw a huge challenge for organizational and societal development. We can simply define misuse of organizational assets or resources as any assets or

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resources which is either put to personal use, or which is wasted without put to proper use.

It is however important to note that, organizational assets can be tangible or intangible assets. In general it can be cash; equipment, employee time, and any other thing that can be refer to as assets or resources.

IX. Types and Circumstances of Misuse of Organizational Assets

Abrebtch, et al. (2009) in his attempt to explain misuse of organizational assets through theft provides the following circumstance under which asset theft can occur.

1) Before they are recorded in the books and records of an organization (otherwise known as skimming)
2) While assets are currently held by the organization (for instance larceny, or misuse of equipment, inventory, supplies, cash etc)
3) During the process of purchasing goods or services (e.g. billing, expense reimbursement, payroll schemes). But in this last scenario, the organization pays for something it should not pay for or pays too much for purchased goods or services. He maintain that research indicate fraud involving purchases as by far the most common throwing huge expenses on organizations.

Further, classical fraud theory spelt out what motivate employees towards assets misappropriation. The theories hypothesize existing of the following (3) conditions for fraud to take place.

1. The perpetrator must perceive or experience pressure
2. The perpetrator must perceived opportunity to commit the act.
3. The perpetrator must be able or find ways of rationalizing his actions/ behavior as acceptable.
4. See the conclusion for Maicibi generic formula for fighting corruption which is very applicable and important for fighting corruption.

X. Prevention of Assets Misuse or Misappropriation

Assets misappropriation is a great challenge in organizations. The following measures can assist in reducing or preventing it.

1. Organization must have a strong internal control which is capable of reducing asset misappropriation and unethical behavior. Organization with weak internal control is vulnerable and susceptible to assets misappropriation. Albrecht (2009) therefore recommend the following:
   a) Clear and unambiguous segregation of duties
   b) Strong physical safeguard of assets.
   c) Proper authorization
   d) Proper documentation and recording systems.

Additionally however, the following will be very important in strengthening the internal control of an organization and in reducing misuse of organization assets.

   a) Adequate accounting and auditing systems
   b) Proper monitoring system
   c) Effective supervision
   d) A good communication system
   e) Independent checks and examination
2. Eliminate any opportunity that will warrant fraud or misappropriation.
3. There should be employee assistance program that are effective and efficient enough to reduce assets misuse
4. Create a conducive and positive work environment
5. Develop and put in place code of ethics that specify behaviors
6. Create transparent and honest culture in the organization
7. Have effective recruitment and selection system that will give emphasis on competency and honesty.
8. Institute and tolerate a system of whistle –blowing
9. Sensitizing employers about the danger of misappropriation through workshops and seminars.
10. Develop effective reward system that rewards hard work and honest as well as ethical behavior.

XI. Conclusion and Way Forward

Ethical concerns are very important in organization. The ways they are handle determine the credibility and success of an organization. Improper handling of issues like corruption, misuse of organization assets, conflicts of interest, excessive receipts of gifts and misleading adverts have cost organizations much in the past and still threatening and shaking others foundation presently. Therefore, organization should put all effort possible to tackle these ethical concerns diligently. More importantly however Maicibi generic formular is very crucial. In the formula he clearly spelt out benefit that will be accrued to the criminal(the person committing the crime) which include, monetary and economic benefits, psychological and physiological benefits, sociological benefits and ease and level of success in committing the crime. On the other hand, he also specified the cost the criminal will face which include monetary and time to commit the crime, fear and probability of being apprehended and arrested, probability of conviction and its harshness and lost opportunities and stigmatization. However the formula is adapted and stated clearly below:

XII. Maicibi Generic Formula for Fighting Crime

$$B < C$$

Where:

B=> Benefits

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Mb –monetary and economic benefits to the criminal
Pb –psychological and physiological benefits to the criminal
Sb – sociological benefits to the criminal
Ec – ease and level of success in committing the crime

C=> Costs

Mt – monetary and time to commit the crime
Fa – fear and probability of being apprehended and arrested
Pc – probability of conviction and its harshness
Lo – lost opportunities and stigmatization

Key: B Vs C

B > C: Mb+Pb+Sb+Ec>Mt+Fa+Pc+Lo means that benefits outweigh the costs.
B < C: Mb+Pb+Sb+Ec<Mt+Fa+Pc+Lo means that costs outweigh the benefits
B>C has a slim chance of deterring crave to commit crime
B<C has a greater chance of deterring crave to commit crime
**Target and strategy should be to increase the Cs and decreases the Bs.

For the purpose of this write up, crime which undoubtedly comprise corruption is substituted in all places where crime is used.

Maicibi argued that where the benefits is greater than the cost (Bs>Cs) the situation will not deter corruption in the organization. That is, people will be tempted to commit the act of corruption, as such the corruption will increase, while where the benefits is less than the costs (Bs<Cs) people will not be tempted to be corrupt. That is people will fear the negative consequences to commit the act of corruption, as such the crime will reduced. He concludes by emphasizing that, target and strategies should be always geared towards increasing the costs (Cs) of corruption and decreasing the benefits (Bs) of corruption so that pupulation will be deterred from temptation to be corrupt or misuse any organization assets or engage in false/ misleading advertising.

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Participação Da Sociedade Civil Na Política Ambiental Do Governo Lula1

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Abstract - This paper analyzes the diversified set of forms of participation of civil society organizations within the environmental policy during the government of Luiz Inacio Lula da Silva between 2003 and 2008. It takes into account aspects of effectiveness of participation and the democratization of debates on environment. It is based in qualitative research, with documental sources and interviews. Conclusions show the existence of a highly organized civil society that makes use of multiple mechanisms of participation to reach most effectiveness. It suggests, also, that effectiveness as well as democratization are intimately linked to the existence of institutional warrants, without which it is very difficult to oppose to economic interests..

Keywords : *civil society, political participation, environmental organizations.*

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Participação Da Sociedade Civil Na Política Ambiental Do Governo Lula[1]

Cristiana Losekann

Resumo - O trabalho analisa um conjunto de formas de participação de organizações civis na política ambiental durante o governo de Luiz Inácio Lula da Silva, entre os anos de 2003 e 2008, levando em consideração aspectos da efetividade da participação e da democratização dos debates acerca do meio ambiente. Fundamenta-se em pesquisa qualitativa, com fontes documentais e entrevistas. As conclusões apontam para a existência de uma sociedade civil altamente organizada e que utiliza múltiplos mecanismos de participação visando um alcance maior para a sua efetividade. Sugere, também, que tanto a efetividade quanto a democratização estão ligados à existência de garantias institucionais, sem as quais dificilmente é possível contrapor-se aos interesses econômicos.

Palavras : chave: sociedade civil; participação política; organizações ambientalistas; governo lula.

Abstract - This paper analyzes the diversified set of forms of participation of civil society organizations within the environmental policy during the government of Luiz Inacio Lula da Silva between 2003 and 2008. It takes into account aspects of effectiveness of participation and the democratization of debates on environment. It is based in qualitative research, with documental sources and interviews. Conclusions show the existence of a highly organized civil society that makes use of multiple mechanisms of participation to reach most effectiveness. It suggests, also, that effectiveness as well as democratization are intimately linked to the existence of institutional warrants, without which it is very difficult to oppose to economic interests.

Keywords : civil society, political participation, environmental organizations.

I. Introdução

No Brasil, desde a redemocratização, acompanhamos o surgimento de muitas experiências de participação política, combinadas com a emergência e ampliação de movimentos sociais e organizações em proporções e formatos não vistos antes. Grande parte dessas experiências de participação foi realizada em nível local e, também, estiveram fortemente ligadas às prefeituras e governos do PT (Partido dos Trabalhadores) (DAGNINO, OLVERA, PANFICHI, 2006; FARIA, 2010). Recentemente, a partirda eleição de Luiz Inácio Lula da Silva [1] para a Presidência da República, em 2002, observamos uma ampliação dos espaços de participação em nível nacional e, como decorrência, a expectativa da efetivação de demandas históricas da sociedade civil na agenda do governo (FARIA, 2010). Neste sentido, do ponto de vista teórico, crescem as preocupações em analisar qual o impacto dessas experiências para os regimes democráticos, avaliando a efetividade da participação na construção das políticas governamentais. Ou seja, até que ponto os processos participativos conseguem influenciar as decisões políticas (AVRITZER, 2011).

No que se refere à construção da política ambiental, também é possível problematizar as formas de participação estabelecidas entre Estado e sociedade civil, e a capacidade de efetivação das demandas ambientais. Sobretudo, levando-se em consideração que o aludido governo abriu novos canais de interlocução com a sociedade civil na área ambiental, como é o caso da Conferência Nacional de Meio Ambiente; manteve espaços constituídos, como o CONAMA, e a prática já existente de recrutamento de ambientalistas da sociedade civil para cargos do Ministério do Meio Ambiente (MMA). Além disso, atendeu a uma das principais demandas das organizações ambientalistas, a nomeação de Marina Silva como Ministra do Meio Ambiente (MMA).

Sendo assim, o presente trabalho analisa a participação de organizações ambientalistas brasileiras na política ambiental do governo de Lula, entre os anos de 2003 e 2008, problematizando as relações entre a sociedade civil e o Estado. O objetivo central é identificar e analisar canais institucionais e não-institucionais de participação vis-à-vis, suas capacidades de influenciarem na política ambiental e nas decisões políticas mais amplas do governo e seus efeitos sobre a democratização dos debates acerca do meio ambiente, entendida como a capacidade de incluir sujeitos neste debate.

Foram analisados especificamente: o Conselho Nacional de Meio Ambiente (CONAMA), espaço institucionalizado de participação desde a década de 1980 e as Conferências Nacionais de Meio Ambiente (CNMA) criadas no governo Lula. Além desses, consideramos, como uma forma de participação não-institucionalizada, a atuação direta de militantes de organizações ambientalistas da sociedade civil no Ministério do Meio Ambiente (MMA), ocupando cargos norteadores da política ambiental. Por fim, como uma forma de participação "retificadora", consideramos a propositura de Ações Civis Públicas de forma direta por

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[1] A partir daqui será chamado "Lula".

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associações civis ambientalistas ou através do Ministério Público[2].

Estas experiências de participação são problematizadas a partir do conceito de "instituições participativas" na formulação de Avritzer (2008), mas também tendo em vista a recente produção brasileira acerca do tema. Como um aspecto que afeta a efetividade da participação e o alcance da própria política ambiental são levadas em consideração outras forças presentes na política brasileira que complexificam os processos de tomada de decisão e caracterizam a heterogeneidade do Estado. Para fundamentar esta análise levamos em consideração a noção de Estado e sociedade civil heterogêneos, nas contribuições desenvolvidas por Dagnino, Olvera e Panfichi (2006) e O'Donnell (2011). Como variáveis que afetam na democratização e na efetividade da participação, analisamos cada tipo de participação, tendo em vista: o seu desenho institucional (ou a ausência dele), a composição interna da sociedade civil (quem participa?), e a percepção de influência dos atores.

A pesquisa, que viabilizou as análises aqui apresentadas, foi realizada no período de 2006 a 2009, utilizando metodologia qualitativa e buscando múltiplas fontes de dados. A questão central coincide com o objeto de análise deste artigo, em que pese ter um escopo mais abrangente[3]. Como trabalho de campo, foram realizados os seguintes procedimentos: (1) levantamento e análise de dados documentais, digitais e impressos cedidos por instituições estatais e organizações civis; (2) realização de entrevistas presenciais ou por telefone. A maior parte das entrevistas foi realizada durante cinco dias em Brasília (em julho de 2007), e algumas ocorreram por telefone no decorrer dos anos de 2007 e 2008 em função da impossibilidade da presença física junto aos entrevistados. Foram realizadas 17 entrevistas com sujeitos representantes de setores envolvidos na política ambiental da época.

A estrutura do trabalho está organizada da seguinte forma: iniciamos abordando aspectos conceituais da retomada do conceito de sociedade civil no século XX e a crítica latino-americana que atenta para a heterogeneidade das esferas (DAGNINO, OLVERA, PANFICHI, 2006). Na sessão seguinte, apresentamos a proposta conceitual de "instituições participativas" elaborada por Avritzer (2008) e fundamentamos os aspectos que serão analisados nas experiências empíricas em questão. Posteriormente, analisamos cada uma das formas de participação do ambientalismo no governo Lula já referidas anteriormente.

II. Sociedade Civil e Estado – Formas de Interação e a Heterogeneidade Das Esferas

Um dos trabalhos mais importantes das últimas décadas que retoma e rearticula o conceito de sociedade civil é a obra de Cohen e Arato, Teoria Política e Sociedade Civil (2000), na qual, abertamente influenciados por Habermas, os autores afirmam a importância da sociedade civil para a democracia. Também sustentam que o aspecto central para analisar as relações entre Estado, sociedade civil e mercado em contextos democráticos, está na autolimitação necessária entre as três esferas "condição para a realização das funções específicas de cada esfera e a garantia do regime democrático. No desenvolvimento da noção de autolimitação, os autores sugerem que: "o papel político da sociedade civil por sua vez, não está relacionado diretamente com o controle ou a conquista do poder, senão com a geração de influência mediante a atividade das associações democráticas e a discussão não restrita à esfera pública cultural[4]" (p. 9). A possibilidade de influenciar nas decisões políticas dependeria, neste sentido, de mecanismos de mediação entre a sociedade civil e o Estado. Caso contrário, os autores reconhecem, seu papel político torna-se "difuso e ineficaz" (ibidem, p. 9).

No Brasil, o conceito também ganhou espaço no debate acadêmico sendo objeto de muitas análises das últimas décadas [5] 6. Entretanto, diversos pesquisadores latinoamericanos têm chamado à atenção para o fato de que a separação rígida das esferas não é realista. Neste sentido, Dagnino, Olvera e Panfichi (2006), apresentam argumentos de que a heterogeneidade das esferas, no que se refere aos contextos latino-americanos, implica em relações muito mais ambíguas e complexas do que aquelas projetadas pelas teorias normativas, sobretudo, pela teoria da sociedade civil sustentada por Cohen e Arato (2000).

O ponto central da argumentação está na crítica à ideia advogada pelos autores de que à sociedade civil caberia uma influência indireta sobre o Estado, através de uma esfera pública pensada como "caixa de ressonância" produtora de "opinião pública", mas sem poder de decisão. Além disso, para Arato e Cohen, a sociedade civil deve ser distinguida da

[2]Os tipos de participação aqui considerados são aqueles que foram citados nas entrevistas com representantes de organizações e do governo quando questionados sobre as formas através das quais a sociedade civil influenciou ou buscou influenciar na política ambiental do governo Lula.

[3]Pesquisa realizada para tese de doutoramento em ciência política. Para mais informações ver: http://www.lume.ufrgs.br/handle/10183/15904.

[4]Tradução nossa.

[5]O conceito de sociedade civil já foi tema de diversas publicações recentes no Brasil de forma que seria redundante apresentar amplamente este debate aqui. Para compreender importantes aspectos da discussão sugerimos: Avritzer (2002), Dagnino (2004), Lavalle (2003), Warren (2001), entre outros.

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sociedade política. A primeira é entendida como uma dimensão institucionalizada do "social", composta por uma esfera íntima (família), associações, movimentos sociais e "formas de comunicação pública". A segunda seria composta pelos partidos, organizações políticas, e "públicos políticos" (referidos como o parlamento). Além destas, os autores também diferenciam a sociedade econômica, formada por organizações de produção e distribuição, empresas, cooperativas, etc. (p. 9). Destas três, cabe apenas aos atores da sociedade política e da sociedade econômica participar diretamente do poder do Estado.

Na perspectiva de autores latino-americanos (AVRITZER, 2002; DAGNINO, OLVERA, PANFICHI, 2006), ao separarem dicotomicamente a "sociedade civil" e a "sociedade política", Cohen e Arato deixam de perceber como, através de ligações entre as duas, outras formas de influência política são possíveis. Neste sentido, um modelo de análise fundado meramente na "clivagem estrutural" não seria capaz de explicar os "trânsitos" entre Estado e sociedade civil, deixando de ter em consideração que: "[...] com todas as suas diferenças de ordem estrutural e organizacional, sociedade civil e sociedade política, em sua heterogeneidade interna, estão ambas atravessadas por distintos projetos políticos, que constituem um terreno fundamental das relações entre elas" (DAGNINO, OLVERA, PANFICHI, 2006, p. 15).

A história do Brasil mostra que a sociedade civil sempre esteve muito ligada à sociedade política e ao Estado. Observamos isto, por exemplo, na grande proximidade entre movimentos sociais e associações com os partidos de esquerda, com destaque para o PT. Fator histórico agravante neste país foi o processo ocorrido em período democrático anterior (1945-1964) no qual importantes atores sociais, como sindicatos, foram criados pelo próprio Estado. Não obstante, o próprio ambientalismo tem um desenvolvimento, no Brasil, fortemente marcado por trânsitos entre sociedade civil e sociedade política e, também, com o Estado (OLIVEIRA, 2008; LOPES, 2006; ALONSO, COSTA, MACIEL, 2007). Um exemplo disso é a migração de militantes de partidos de esquerda para o movimento ambientalista durante a ditadura militar (ALONSO, COSTA, MACIEL, 2007).

Por conseguinte, a estruturação da burocracia também precisa ser levada em consideração. Nas últimas décadas, no Brasil, com a criação de novas estruturas burocráticas e com a renovação dos quadros existentes, setores e sujeitos da burocracia têm estabelecido vínculos com movimentos sociais e organizações civis em função do compartilhamento de bandeiras e lutas (ROSA, 2008). Esses laços, muitas vezes estabelecidos por relações pessoais de amizade ou histórias compartilhadas de militância, abrem passagens diretas das demandas da sociedade civil para o Estado (SILVA, OLIVEIRA, 2011; ABERS, BÜLLOW, 2011).

Neste contexto, um conjunto variado de outras instituições são capazes de interferir no processo de decisão política. Além, evidentemente, do poder legislativo e executivo, gostaríamos de destacar o Ministério Público (MP) e o poder judiciário. Isto porque a sociedade civil, a partir das suas prerrogativas legais, resguardadas na Lei nº 6.938/81, tem a possibilidade de acionar esses poderes para contrapor decisões legislativas ou do executivo e, para conter efeitos dessas decisões no meio ambiente.

Além dos trânsitos entre a sociedade civil e o Estado precisamos admitir que esta fluidez também se expressa nas relações existentes entre a sociedade econômica e a sociedade política (BOSCHI, DINIZ, 2000) e, também, nos trânsitos existentes entre a burocracia e a sociedade política e a sociedade econômica, marcas indeléveis na formação do nosso Estado (FAORO, 2000). Essas ligações entre as distintas esferas e suas lógicas próprias, conferem ao Estado a característica de heterogeneidade. Assim, em alguns aspectos (e instituições) o Estado é determinado pela sociedade econômica, em outros pela sociedade política, e em outros, ainda, pela sociedade civil. Ademais, O'Donnell (2011) chamou a atenção para o fato de que o Estado está permeado por formações institucionais superpostas e por leis contraditórias (O'DONNELL apud DAGNINO, OLVERA, PANFICHI, 2006, p.19), nas quais coexistem práticas clientelísticas, corporativistas e participativas.

Nesse sentido, para entender a participação da sociedade civil e a capacidade desta de influenciar efetivamente no curso de decisões políticas, é fundamental observarmos os níveis e tipos institucionais alcançados pelo processo participativo "corte analítico horizontal" em referência à O'Donnell (2011), e o poder efetivo que essas instituições têm na produção das decisões políticas mais amplas. Logo, no que se refere à influência da sociedade civil na política ambiental, é necessário ter em vista sua participação na formação da agenda do MMA, mas, também, se este Ministério consegue cumprir sua agenda política ou, se perde poder quando entram em concorrência interesses antagônicos. Como afirmam Dagnino, Olvera e Panfichi em relação à América Latina: "[...] a combinação, em muitos países, de um sistema presidencialista acoplado a um sistema multipartidário que não permite criar maiorias parlamentares estáveis, coloca crescentes desafios à governabilidade e torna mais complexo o cenário dos encontros entre sociedade e o Estado e das relações entre sociedade civil e sociedade política (Ibidem, p. 35)".

No governo Lula, especificamente, o desafio esteve na necessidade de incorporar as bandeiras e demandas de diversos grupos constituídos na sociedade civil, mas sem, contudo, romper os elos com

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setores que tradicionalmente ocupam e dominam boa parte das decisões políticas brasileiras. Portanto, levando-se em consideração esse contexto de heterogeneidade, nossa proposta é de que a efetividade, entendida como a influência nas decisões políticas (AVRITZER, 2011), não pode ser tomada como um processo linear, mas precisa ser pensada levando-se em consideração o seu alcance institucional. Sugerimos, portanto, pensar a efetividade como o grau de alcance que o processo participativo, concernente à política ambiental, atinge em uma conjuntura marcada pela ampla concorrência entre demandas antagônicas.

III. Formas de Participação Política- Espaços Institucionais e Não-Institucionais

Avritzer (2002) também rompe com a perspectiva habermasiana que requer, tal qual Cohen e Arato (2000), uma separação estrutural das esferas, sugerindo que as "instituições participativas" são os meios através dos quais a sociedade civil influencia nas ações do Estado. Mas, além disso, ele propõe a construção de uma tipologia da participação, a qual servirá de base inicial para a análise (AVRITZER, 2008).

O conceito de "instituições participativas", proposto pelo autor, busca extrapolar o entendimento acerca de "instituições políticas", as quais, em uma interpretação estreita, estão restritas às regras formais e legalmente constituídas (FUNG, WRIGHT apud, AVRITZER, 2008) e que, normalmente, excluem as experiências de participação. Sendo assim, ele sugere pensarmos as práticas participativas a partir do conceito de "instituições participativas", o qual é entendido como "formas diferenciadas de incorporação de cidadãos e associações da sociedade civil na deliberação sobre políticas" (AVRITZER, 2008, p. 45).

O autor identifica, pelo menos, três maneiras possíveis para a participação no processo de decisão: "desenhos participativos de baixo para cima" na elaboração das formas institucionais e pela ampla inclusividade do público que participa; desenhos institucionais de partilha do poder entre o Estado e sociedade civil, constituídos pelo próprio Estado e, onde existem leis que garantem o processo de participação; "desenho institucional de ratificação pública", onde a sociedade civil participa ratificando uma decisão que já foi tomada. Internamente a cada um desses desenhos institucionais, o autor analisa três variáveis: "iniciativa na proposição do desenho, organização da sociedade civil na área em questão e vontade política do governo em implementar a participação" (ibidem, p. 46). Conclui que existem diferenças importantes entre os formatos institucionais, com implicações diversas na capacidade de democratizar o governo. Na análise de seus casos específicos observa que é a interação entre essas três variáveis que determina o sucesso do processo participativo. Assim, diferencia os tipos de participação quanto à "capacidade de aprofundar práticas democráticas" e quanto à "capacidade de tornar o desenho efetivo na determinação da política pública em questão".

Porquanto, tendo em vista estes dois últimos aspectos, vamos analisar alguns tipos de participação na política ambiental do governo Lula. O primeiro aspecto está relacionado à ampliação do público que participa. Ou seja, a capacidade que cada tipo de participação tem para incluir cidadãos e ampliar o espectro da discussão ambiental (ABERS et al., 2009). O segundo aspecto será analisado observando a existência de instrumentos legais para garantir o cumprimento das decisões emergidas nos processos participativos, e levando-se em consideração a percepção dos próprios atores em relação à efetiva influência na política ambiental.

Com relação aos desenhos institucionais analisados por Avritzer (2008), realizamos algumas adequações aos casos analisados neste trabalho, quais sejam, consideraremos "instituições participativas" conforme a proposta de Avritzer, apenas: a CNMA, o CONAMA e a Ação Civil Pública. A ocupação de cargos de influência no MMA será considerada "participação não-institucional". Isto porque, não apresenta, do ponto de vista institucional, um padrão minimamente estável que produza um "desenho" e garanta um processo de constituição de um público propriamente dito. Entretanto, desconsiderar este mecanismo como uma forma de participação, seria negligenciar o impacto na política ambiental de uma importante rede de relações que se estabelecem entre militantes da sociedade civil, lideranças partidárias e, também, entre sujeitos da estrutura burocrática do Estado. Por outro lado, o que difere esses vínculos das relações de clientelismo e nos permite considerá-los como forma de participação, é o fato de terem como determinante a causa coletiva e não simplesmente o interesse particular, individual.

A proposição de ações civis públicas e denúncia no MP serão consideradas não um desenho "ratificador" como no caso do Plano Diretor Municipal, analisado pelo autor, mas como um desenho "retificador", pois visam, sobretudo, no caso analisado, a rever decisões propostas pelo governo e entendidas como atos que contrariam os processos participativos.

IV. Conferência Nacional de Meio Ambiente (CNMA) – Alta Inclusividade e Baixa Efetividade

A primeira Conferência desse tema foi realizada em 2003 e a segunda em 2006. Contudo, apesar de o meio ambiente estar ingressando nesse modelo de participação das Conferências, vale lembrar que elas já

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existiam em outras áreas e inclusive antes do governo Lula; entretanto, ganharam volume na primeira gestão deste governo (PINTO, 2006).

A I CNMA foi tomada por seus idealizadores como uma iniciativa que alargaria o debate sobre meio ambiente para a sociedade como um todo e traria legitimidade às ações do MMA junto à sociedade. Entre os objetivos da I CNMA estavam os de: "mobilizar, educar e ampliar a participação popular na formulação de propostas para um Brasil sustentável" (I CNMA OBJETIVOS, 2003). Nos objetivos da II CNMA aparece mais claramente a intenção de "firmar a CNMA como uma instância de tomada de decisões orientadoras das Políticas Públicas Ambientai" (II CNMA OBJETIVOS, 2005).

Assim, chama a atenção, na I CNMA, a intenção clara de fomentar a participação, mas destacamos a ideia de educar, pois significa o reconhecimento de um público participante não especializado. Já na idealização da II CNMA, está mais explícita a expectativa de formulação de políticas públicas e, também, de fortalecer a CNMA como o espaço para a participação e para a tomada de decisão política. Isso denota tanto a intenção de estabelecer essa participação quanto o reconhecimento da CNMA como o espaço destinado a isso.

A Conferência é por excelência um espaço para as bases populares. É estruturada a partir dos municípios, passando pelos estados e chegando, por último, em nível nacional. A representação é feita por delegados escolhidos desde a instância municipal por meio de votação. Os delegados são eleitos preenchendo os seguintes requisitos: o respeito à proporção de 30% de participantes do setor empresarial, 20% do setor governamental, 5% de povos indígenas, 5% de comunidades tradicionais e 40% da sociedade civil. Cada setor deve respeitar a cota de 30% de gênero e o critério populacional disposto no regulamento (CNMA I TESE FINAL, 2003). Além dos delegados que são eleitos, todos os membros de conselhos da área ambiental são automaticamente delegados. Podem candidatar-se a delegados quaisquer pessoas, independentemente da sua atuação em organizações ou não. A CNMA, portanto, pode ser considerada em seu desenho institucional, um espaço partilhado de participação e convocado pelo Estado.

Na primeira Conferência participaram ao total, contando com as etapas municipais e estaduais, cerca de 65 mil pessoas. Na etapa nacional participaram 912 delegados eleitos e mais 165 delegados conselheiros do CONAMA e do Conselho Nacional de Recursos Hídricos (CNMA I TESE FINAL, 2003). Participaram da segunda CNMA 1.337 delegados. Esses números expressivos de pessoas participantes sugerem uma alta inclusividade, e um desenho institucional que se estrutura em um sistema complexo de representantes eleitos em vários níveis. No entanto, notamos que suas deliberações precisam ser problematizadas quanto à efetivação.

A dificuldade de efetivar as deliberações da I e da II CNMA encontra três explicações: a primeira diz respeito à dificuldade que as reivindicações ambientais têm, de um modo geral, de serem atendidas quando contrariam interesses econômicos. A segunda diz respeito ao caráter consultivo e não vinculante das decisões, ou seja, não há nenhum instrumento legal que obrigue o governo de implementar aquilo que foi decidido. O terceiro aspecto diz respeito à percepção dos atores em relação à qualidade das deliberações, ou seja, as condições reais que as deliberações têm de serem executadas. Vamos nos ater com mais atenção ao terceiro aspecto.

As percepções dos entrevistados, representantes de ONGs, indicam uma baixa qualidade nas deliberações relacionada ao desconhecimento dos delegados em relação àquilo que já existe na política ambiental. Isto se refletiu na produção de deliberações redundantes ou inexequíveis, por estarem fora da competência do MMA, e que, portanto, esbarravam nas orientações de outros ministérios. A redundância ocorreu em função do desconhecimento dos delegados em relação às leis e políticas ambientais já existentes. No trecho abaixo isto fica é exemplificado:

> [...] havia recomendações tais como: "MMA tem que instituir um programa nacional de educação ambiental". Já existe! "O MMA tem que promover a criação de Unidades de Conservação". Já são processos instituídos. Quer dizer, pela desinformação dos delegados você tinha um conjunto de recomendações e de discussões que eram atrasadas, entre aspas, do ponto de vista daquilo que a política ambiental já tem de avanço (representante do ISA – Instituto Socioambiental)[6].

Um aspecto gerador deste problema é a baixa participação das grandes e médias organizações ambientalistas às CNMA. Isto ocorreu, em primeiro lugar, pela forma de recrutamento dos delegados para as Conferências, que está amparada, sobretudo, na atuação local. Portanto, é de fundamental relevância, para se elegerem, que os delegados tenham inserção nas redes de relações estabelecidas em nível local. Este fator torna, em muitos casos, inviável que organizações de atuação nacional ou mesmo estadual tenham sucesso em conquistar posições como delegados nas Conferências.

Assim, aquelas organizações que têm, ao longo dos anos, conquistado um acúmulo de conhecimento e atuação junto à área ambiental no Brasil e internacionalmente, acabam participando de

[6]Todas as entrevistas foram realizadas pessoalmente, em Brasília, no ano de 2007, e possuem registro sonoro e transcrição.

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forma muito discreta desse espaço. Das organizações entrevistadas neste trabalho, somente uma ONG (ISA – Instituto Socioambiental) tinha participação como delegada. De qualquer forma, esta era decorrência da vaga ocupada no CONAMA. Além desta, encontramos apenas o FBOMS (Fórum Brasileiro de ONGs e Movimentos Sociais para o Meio Ambiente e o Desenvolvimento) atuando na própria organização das CNMA.

Dessa forma, as próprias organizações são muito críticas em relação às CNMA, em função da baixa "qualidade" das deliberações e pela consequente dificuldade em suas efetivações. Entretanto, ainda assim, avaliam esse espaço como potencial canal deliberativo para o futuro, importante por sua capacidade de difundir as discussões ambientais e criar uma oportunidade para a aprendizagem sobre aquilo que existe na política ambiental, suas instituições e os desafios nesta área. Isto converge com o entendimento dos representantes do MMA que sugerem a CNMA como uma possibilidade de criação de uma base social para as causas ambientais. Sobre isso o secretário executivo do MMA diz:

> A Conferência resolveu um problema histórico para o setor ambiental no Brasil que é o seguinte: o setor ambiental é um setor sem lastro social. Era, historicamente, um setor sem lastro social. Ele é assim, o governo e um movimento de vanguarda que não tem um nível de representação de massa. (Secretário Executivo do MMA 2003-2007)

Nesse trecho percebemos que o objetivo do governo não era realmente alcançar a participação das ONGs com a Conferência. Até porque estas já participam de outros canais, seja em conselhos ou por meio de influência direta dos seus quadros no Ministério, como veremos adiante.

A I e a II Conferências, então, não tiveram um impacto do ponto de vista da efetivação de suas deliberações, mas sim, no sentido de ampliação e formação de cidadãos. O caráter educativo da participação política em um sistema democrático é observado por Lüchmann (2007) e Jacobi (2002), que apontam para a dimensão pedagógica existente entre os defensores da democracia participativa. Assim como Pateman (1992) manifestam a importância dos processos participativos na formação e no fortalecimento da cidadania. Sendo assim, em que pese a CNMA ser muito mais um espaço de educação, informação e recrutamento de bases, ela não deixa de ter uma importante função no processo democrático.

Portanto, o espaço inaugurado pela Conferência pelo seu próprio desenho institucional, que parte do nível local até o nível federal, tem um alto caráter democratizante, na medida em que possibilita a inclusão, no processo de discussão da política ambiental, de pessoas que anteriormente não se vinculavam a esta causa. Além disso, cria um espaço de diálogo da sociedade civil com o Estado, que pode se constituir como um canal de instrumentalização dos cidadãos para a ação em outros espaços de participação e que cria uma conexão entre as preocupações locais com as políticas nacionais. Segundo Abers et al. (2009) as desigualdades de "conhecimento técnico", também, são percebidas como fatores que dificultam processos democráticos nos Comitês de Bacias (ibidem, p. 125). Nesse sentido, as Conferências podem contribuir para diminuir futuramente as "assimetrias de informação" (JACOBI, 2002, p. 331) que ainda são obstáculos para a qualidade das resoluções.

Mas, este aspecto está ameaçado na medida em que não há legislação que garanta a realização das Conferências, ficando a própria ocorrência do evento dependente da iniciativa do MMA. Assim, a Conferência está muito dependente da vontade política dos governantes (AVRITZER, 2008). Isto já se manifesta na medida em que ocorreu, nos últimos anos, uma descontinuidade nas CNMA: a primeira ocorreu em 2003, a segunda em 2005 e a terceira em 2008. O período coincide com a gestão de Marina Silva e, não por acaso, já que a participação da sociedade civil estava entre as suas principais plataformas políticas. Contudo, a descontinuidade compromete aquele que é o maior potencial deste canal por enquanto: a formação de bases sociais para ascausas ambientais.

V. Conselho Nacional de Meio Ambiente – Conama – Desenho Institucional de Participação Compartilha, com inclusividade Limitada e Alta Efetividade

O CONAMA foi criado pela lei 6.938 em 1981. Além deste, existem outros conselhos e instâncias colegiadas[7] onde há participação e deliberação no âmbito do MMA, entretanto, é este que se destaca na fala de vários atores. Entre as organizações ambientalistas, todas entendem o CONAMA como um espaço importante de participação. Não é difícil entender "o porquê", já que este é um espaço garantido em lei, com caráter consultivo, deliberativo e normativo. Ele estabelece resoluções, recomendações e decide sobre multas aplicadas pelo IBAMA (JACOBI, 2002).

[7] Conselhos, comissões e instâncias vinculados ao Ministério com representação da sociedade civil: Conselho Nacional de Meio Ambiente – CONAMA (1981); Conselho Nacional de Recursos Hídricos – CNRH (1998); o Fundo Nacional de Meio Ambiente – FNMA (1989); Conselho de Gestão do Patrimônio Genético – CGEN (2001); Comissão Nacional do Programa do Cerrado Sustentável – CONACER (2005).

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Esse Conselho é um colegiado representativo de cinco setores, a saber: órgãos federais, estaduais e municipais, setor empresarial e sociedade civil. Tem, portanto, um desenho institucional de poder partilhado entre vários setores. Compõem o Plenário, além dos vários representantes do governo, do setor empresarial, do Ministério Público e da Câmara dos Deputados, 22 representantes de entidades de trabalhadores e da sociedade civil (PORTARIA nº 168, 2005).

No entendimento do seu Diretor Geral[8] é uma "arena de debate e embate" própria para a manifestação de conflitos. Sua organização estrutural interna prevê a manifestação do dissenso, mas também o encaminhamento de decisões a partir de uma série de espaços internos. Assim, os Grupos de Trabalhos são as instâncias iniciais das resoluções, não têm caráter deliberativo, constituindo-se de base para manifestação do consenso e do dissenso. Contam com a presença das áreas técnicas no MMA, do IBAMA, da ANA (Agência Nacional das Águas) e do Serviço Florestal Brasileiro; do setor empresarial; dos municípios e das ONGs. Os técnicos, contudo, não têm poder de decisão, eles encaminham a matéria por "consenso ou dissenso" (palavras do Diretor Geral do CONAMA) para as Câmaras Técnicas de acordo com o assunto.

As Câmaras Técnicas são "instâncias encarregadas de desenvolver, examinar e relatar ao Plenário as matérias de sua competência" (PORTARIA nº 168, 2005[9]). Existiam, no período, onze Câmaras Técnicas divididas por temas, dez Câmaras de Mérito Técnico e uma Câmara Jurídica. Cada Câmara tinha sete conselheiros com função de debater as matérias e votar. Destas Câmaras saem minutas, contendo os dissensos definidos preliminarmente, e que são encaminhadas para a Câmara de Assuntos Jurídicos, para serem avaliadas nos aspectos de constitucionalidade, legalidade e técnica legislativa. Depois da avaliação na Câmara de Assuntos Jurídicos, a matéria vai ao Plenário para decisão final. Portanto, quando a matéria chega ao Plenário ela já foi debatida em, pelo menos, três instâncias preliminares.

Nesse, reúnem-se todos os conselheiros. Ainda segundo informações do Diretor do CONAMA, compareciam em média, no período, um número entre setenta e oitenta conselheiros de um total de cento e sete conselheiros, entre os quais, três convidados que não têm direito a voto. Conselheiros votantes são, portanto, cento e quatro conselheiros. O quórum mínimo para o CONAMA debater e aprovar a matéria, na época, era de cinquenta e três conselheiros. Sempre há, destarte, um número bastante superior àquele que seria o necessário, o que pode ser tomado, também, como indicador da importância atribuída ao espaço (ABERS et al., 2009).

Além disso, da mesma forma como analisaram Abers et al. (2009) acerca dos Comitês de bacias, todo esse procedimento implicado no CONAMA sugere um processo bastante semelhante àquilo que foi desenvolvido pelas abordagens deliberativas, uma vez que produz efetivamente uma decisão e que esta é debatida com ampla participação dos atores envolvidos em condição de igualdade (DRYZEK, 2010).

Sendo assim, com relação ao desenho institucional, é possível perceber que este conselho tem um alto grau de institucionalização, inclusive legal, com um complexo sistema de funcionamento, permitindo vários espaços internos de debate e decisão. Além disso, constitui-se em um "espaço partilhado", conforme a tipologia de Avritzer (2008), produzindo decisões conjuntas. Em relação à composição interna, também é possível perceber um sofisticado entendimento de "sociedade civil", no qual estão incluídos povos indígenas, comunidade científica, povos tradicionais, sindicatos, entre outros (PORTARIA nº 168, 2005). Os critérios de escolha das organizações são previamente estabelecidos e possibilitam um acesso aberto a qualquer organização na participação do cadastro de entidades ambientalistas. Embora, ainda assim, implique em uma participação restrita da sociedade civil, através de representantes.

Portanto, apesar de notarmos que a estrutura de composição do conselho é ampla e estabelece critérios claros de legitimação das suas representações, lembramos que se trata de uma instância de acesso bastante difícil para a maior parte da sociedade em geral. Além disso, como lembra Lüchmann (2007), conselhos se caracterizam por uma participação representativa, ou seja, essas organizações estão representando a sociedade civil, e não somente se apresentando enquanto tal. Isso significa que há um limitador ao acesso da população às decisões produzidas ali, e ainda, que requer um alto grau de organização da sociedade civil.

Entretanto, concordamos com Dryzek (2010) que existem diferenças entre as representações de pessoas e interesses e as representações de discursos. No caso do CONAMA, a representação da sociedade civil parece combinar a representação de pessoas (trabalhadores rurais, populações tradicionais e grupos indígenas, por exemplo), interesses (centrais sindicatos e profissionais, por exemplo) e discursos (entidades ambientalistas[10]), de forma que ganha um potencial altamente democratizante e inclusivo mesmo sendo um tipo de "participação representativa" (LUCHMANN, 2007).

[8]Diretor geral do CONAMA em 2007. Entrevista concedida em julho de 2007, pessoalmente, em Brasília. Possui registro sonoro e transcrição.

[9]A Portaria nº168 de 2005 do Ministério do Meio Ambiente, que definia as competências e funcionamento do CONAMA foi substituída pela Portaria nº452 de 2011, também do MMA. Ocorreram algumas alterações no que se refere ao quantitativo de conselheiros e das Câmaras, por isso, usamos o tempo verbal no passado.

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Conquanto, depende de uma sociedade civil previamente organizada (AVRITZER, 2007, 2008). Em relação ao aspecto da efetividade, já observamos que se trata de um conselho com poder de implementar as suas decisões e, ainda, que tem poder de normatização. Sendo assim, ele apresenta uma importante capacidade de efetivação. O CONAMA decide, especificamente, acerca de multas e infrações e cria resoluções que estabelecem "diretrizes e normas técnicas, critérios e padrões relativos à proteção ambiental e ao uso sustentável dos recursos ambientais". Também pode determinar, "se julgar necessário, a realização de estudos das alternativas e das possíveis consequências ambientais de projetos públicos ou privados [...]" e "determinar, mediante representação do IBAMA, a perda ou restrição de benefícios fiscais concedidos pelo Poder Público, em caráter geral ou condicional, e a perda ou suspensão de participação em linhas de financiamento em estabelecimentos oficiais de crédito" (PORTARIA nº 168, 2005).

Mas, existe outro indicador da efetividade deste espaço que consiste na percepção dos atores. Conforme Tatagiba (2005) salienta, é fundamental pesquisarmos acerca da importância conferida pelas organizações da sociedade civil aos Conselhos como forma de concretizar demandas ou influenciar a política. Neste sentido, a percepção de eficácia, expressa em palavras ou traduzida na presença concreta (alto quórum) das organizações em todo o processo que envolve o trabalho do Conselho, aponta para a alta efetividade do CONAMA.

Esse aspecto também pode ser analisado a partir da elevada presença no processo de tomada de decisões do CONAMA, daqueles que são os tradicionais opositores aos ambientalistas, como, os representantes do Ministério de Minas e Energia, por exemplo. Ocorre que, para os setores ligados às atividades econômicas, esse Conselho também é tomado como uma instância com grandes poderes. No trecho abaixo percebemos a importância dada pelo entrevistado à participação do MME nas reuniões do CONAMA:

> [...] para nós é sempre importante a participação tanto no CONAMA como no CNRH, que é o Conselho Nacional de Recursos Hídricos e o Conselho Nacional de Meio ambiente. Porque não é que os estados sejam obrigados a seguir estas normas, elas de certa maneira servem como uma referência nacional. Servem como uma referência nacional para as políticas ambientais (Secretário de Mineração do MME em 2007).

A percepção do setor de mineração do Ministério de Minas e Energia (MME), por exemplo, é de que as decisões do CONAMA interferem diretamente nas suas atividades, podendo até prejudicar ou mesmo impedir as atividades econômicas ligadas à mineração. Vale notar a ênfase dada à ideia de que nesse espaço criam-se normas que orientam a execução da política ambiental e servem como referência para outros órgãos ambientais, estaduais, mesmo quando não há obrigação legal para seguir as decisões do CONAMA.

VI. Ocupação de Cargos no Mma – Participação não-Institucionalizada Dentro da Estrutura do Mma com Efetividade Média

A análise da influência da sociedade civil nos rumos da política ambiental, no período, torna-se mais complexa a partir da observação de um tipo de relação estabelecida entre organizações da sociedade civil e Estado que tem um impacto inegável na capacidade de influência nas decisões políticas e, por isso, será tratada aqui, também, como um tipo de participação. Trata-se um tipo diferente de participação, informalizada, sem desenho institucional específico.

Em sentido semelhante, Tatagiba e Teixeira (2006) notaram, em pesquisa na cidade de São Paulo, a existência de redes de relações sociais que possibilitam um tipo de "participação" e acesso informal aos tomadores de decisões políticas e que, em muitos casos, se mostram mais fáceis e eficazes do que os complexos processos de participação formalizados. O que as autoras notam é que existe uma forte tendência naquele contexto de combinar formas de encaminhamento de reivindicações ao Estado (Ibidem, p. 231).

Na área ambiental, observamos que existe uma grande rede de relações pessoais que envolvem organizações, quadros partidários e o Ministério do Meio Ambiente. Este, historicamente, sempre dependeu da presença de membros das ONGs para sua atuação (OLIVEIRA, 2008; ALONSO, COSTA, MACIEL, 2007). A maior parte dos quadros do Ministério, incluindo seus órgãos ambientais, era, antes do governo Lula, composto por pessoas vinculadas a programas internacionais e pagas por meio da cooperação internacional; não se tratavam, então, de funcionários concursados do MMA. Dessa forma, o Ministério sempre teve um braço ancorado na sociedade civil. Isso fica explícito no seguinte depoimento:

> Até 4 anos atrás (2003), o Ministério tinha meia dúzia de funcionários, o restante eram todos contratados via projetos, em sua grande maioria, de cooperação internacional. Para fugir da impossibilidade de abrir concursos se contratavam pessoas através de consultorias, só que

[10]Caberia, ainda, a partir de Dryzek (ibidem) uma análise acerca dos discursos ambientais representados pelas entidades que compõem esse grupo. Esta tarefa, entretanto, extrapola os esforços dessa pesquisa.

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consultorias de médio e longo prazos (Assessor de Assuntos Indígenas e Socioambientais do INESC).

Podemos perceber, através dessa fala, que a origem das relações estabelecidas entre o Ministério e as organizações civis está, entre outros fatores, na própria ausência de estrutura burocrática desta pasta. O mesmo pode ser observado no IBAMA onde, no ano de 2002, 92% do pessoal técnico lotado na atividade de Licenciamento Ambiental era de "consultores" não concursados[11]. A ocupação de cargos do MMA por pessoas oriundas de organizações civis ocorria, portanto, em uma lacuna estrutural da burocracia.

Nesse sentido, houve uma mudança importante no governo Lula. Em 2006, o número de consultores da área de Licenciamento Ambiental do IBAMA caiu para 11%. Já o quadro de servidores desta área, que em 2002 era de seis funcionários concursados, passou para cento de vinte em 2006. Com relação ao próprio MMA, apesar de não termos chegado a um número exato em função da inacessibilidade aos dados oficiais; segundo informações do site do Ministério do Planejamento[12], em 2003, "no Ministério do Meio Ambiente, [...] 95% da força de trabalho era estranha ao quadro, que funcionava com trabalhadores terceirizados, temporários ou comissionados". No trecho abaixo, o secretário de relações institucionais do MMA indica que, em 2003, em todo o Ministério, havia em torno de vinte funcionários de carreira:

> [...] o MMA, em 2003, ele devia ter uns 20 funcionários de carreira deum universo de 800 funcionários. Então era um Ministério simplesmente calcado em cargos de comissão, do pessoal que estava na cooperação internacional, empréstimos (Secretário de Relações Institucionais do MMA em 2007).

Quando nos referimos, portanto, a participação não-institucionalizada através da ocupação de cargos no MMA, não estamos nos referindo à substituição da estrutura burocrática, mas à ocupação de cargos do primeiro e do segundo escalão, ou seja, posições que são, fundamentalmente, definidoras de políticas. No ano de 2007, por exemplo, do total de seis secretarias constantes no organograma do MMA (MINISTÉRIO DO MEIO AMBIENTE, 2007), quatro estavam sob o comando de quadros oriundos da sociedade civil.

Este é o caso de um dos principais articuladores da política ambiental no período de Marina Silva, João Paulo Capobianco (ex-secretário executivo de 2007 até a saída da Ministra em 2008), que foi membro fundador da Rede de ONGs da Mata Atlântica e participante do ISA – Instituto Socioambiental. O trecho abaixo trata, justamente, da entrada de Capobianco no Ministério:

> Quando o Capobianco foi para o governo nós fizemos uma discussão interna – até mesmo antes de haver o convite – de como o ISA reagiria a eventuais assédios aos seus quadros. E na época do primeiro mandato a gente fez um acordo de que o melhor quadro que a gente teria naquele momento em condições de contribuir com a política governamental era o Capobianco. Então, fizemos essa discussão, e foi o Capobianco. Todas as vezes que quadros nossos saíram, [...] nós tínhamos uma pauta daquilo que o ISA defendia que, para nós, justificava aquela pessoa ir (representante do ISA – Instituto Sócio-Ambiental).

Esta fala evidencia a expectativa do ISA em colocar um membro seu no Ministério como forma de influenciar na política ambiental. A presença de várias pessoas originárias de ONGs indica, também, que boa parte da inteligência do setor ambiental está nas organizações da sociedade civil. Mas, o fator fundamental para considerarmos este trânsito de ONGs para o Ministério como uma forma de participação está na análise da fala da representante da organização que apresenta esta prática como estratégia da organização, debatida coletivamente, tendo em vista um projeto coletivo, e que significa a chance de influenciar diretamente na política ambiental.

Em relação à efetividade, a participação em quadros do MMA tem um alcance médio, uma vez que ela possibilita a influência direta no MMA, mas, não é capaz de garantir que as orientações do MMA sejam cumpridas quando envolvem um antagonismo com setores econômicos. Além do mais, podemos considerar este mecanismo como uma estratégia de participação pragmática, não institucionalizada, sem regras pré-definidas e, portanto, de acesso restrito a certas lideranças. Mas que, no entanto, não pode deixar de ser considerado uma vez que se apresenta como uma ação concreta da sociedade civil neste cenário de participação.

VII. Ação Judicial Como Recurso de "Retificação" e Efetividade do Processo Participativo

O movimento ambiental consegue influenciar de uma maneira ou de outra. Nem que seja através da força. E quando eu falo força é ir para a justiça, fazer grandes passeatas, essas coisas assim. Agora, essas nossas ideias, elas já estão dentro do que a maioria das pessoas pensa lá dentro. Só que elas não se mexem pra fazer executar. (representante do Núcleo Amigos da Terra).

A fala da representante da organização ambientalista é reveladora e constitui-se em um indício

[11]Os dados foram extraídos do "Relatório das Atividades da Diretoria de Licenciamento Ambiental - DILIC – 2006" disponibilizado pelo Diretor de Licenciamento Ambiental do IBAMA. Uma cópia do documento está disponível em: http://www.lume.ufrgs.br/handle/10183/15904

[12]http://www.servidor.gov.br/publicacao/boletim_contato/bol_contato_06/contato_52.htm

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importante sobre os mecanismos de ação que vêm sendo utilizados pelas organizações para efetivar sua participação. Ela fala de uma percepção de influência do "movimento ambiental" na política, sugere que esta ocorre através da "força", aponta a "justiça" como meio da "força" e, finalmente, revela-nos que não se trata de construção de "ideias" uma vez que estas já são percebidas como compartilhadas entre movimento ambientalista e governo, trata-se, portanto, de executá-las. Na fala, está explicita uma demanda por efetivação.

Os tipos de participação analisados até aqui, tomados em conjunto, dão conta de forma bastante contundente de produzir um debate ambiental amplo, com espaço para o dissenso e que possibilita a inclusão de cidadãos nos debates, extrapolando a participação através de organizações. Existe, portanto, no período, um entendimento razoavelmente compartilhado entre sociedade civil e MMA acerca do que se deseja em termos de política ambiental para o país. Mas, este entendimento encontra resistências grandes quando se busca extrapolar os limites do MMA, e interferir nos interesses econômicos do próprio governo e de setores empresariais.

Na tentativa de extrapolar sua influência para além das fronteiras do MMA, as organizações têm feito uso de outros instrumentos importantes, a saber, a ação civil pública, e as denúncias ao Ministério Público. No período estudado, duas organizações tiveram uma contundente atuação junto ao MP, usando a via judicial. Tanto Greenpeace, quanto a organização AS-PTA – Agricultura Familiar e Agroecologia realizaram oposição via judiciário às políticas governamentais que contrariavam posições consensuadas no âmbito ambiental, mormente, os conflitos em torno da liberação dos transgênicos.

Nos espaços participativos, já havia um entendimento compartilhado entre atores do MMA e da sociedade civil de que a liberação da pesquisa e comercialização de Organismos Geneticamente Modificados (OGMs) para a agricultura precisava ser feita com muita cautela, e isto não ficava garantido na Lei de Biossegurança nº 11.105, que propunha a regulamentação e liberação dos transgênicos no Brasil. Essa posição foi definida em deliberação na I CNMA e amplamente acordada no próprio MMA. No CONAMA, também uma Resolução (Nº 305) em 2002, dispôs acerca dos requisitos para empreendimentos desse tipo, incluindo o controle do órgão ambiental e acesso às informações pertinentes para a população. Além disso, a Ministra Marina Silva assinou o Protocolo de Cartagena, a partir do qual o país se comprometia a resguardar uma série de procedimentos em relação à biossegurança.

Mas, a Lei de biossegurança foi encaminhada pela Presidência da República e aprovada no Congresso em 2005. Nesse processo, além de uma série de brechas deixadas na legislação (o que tem levado as ações até o Supremo Tribunal de Federal), a competência para julgar e conceder a liberação dos transgênicos saiu do MMA e foi transferida para o Ministério de Ciência e Tecnologia sob alçada da CTNBio (Comissão Técnica Nacional de Biossegurança) espaço que não prevê a participação da sociedade civil com a justificativa de que se trata de uma comissão meramente técnica. Para agravar a situação, nas reuniões da Comissão ficava proibida a presença de qualquer pessoa que não integrasse seu quadro de representantes, sob a justificativa de resguardar o interesse comercial dos processos em jogo ali.

Este último aspecto foi fruto de uma ação conjunta entre Ministério Público Federal e organizações ambientalistas "bem-sucedida'' visando garantir a possibilidade da presença de qualquer cidadão nas reuniões da comissão. Além dessa, desde a aprovação da Lei de Biossegurança, uma série de ações civis públicas têm sido impetradas pelas próprias organizações com o objetivo de barrar processos de liberação dos transgênicos. Essas ações recorrem: ao direito do consumidor, para garantir a rotulagem dos produtos que contêm transgênicos (também bem-sucedidas); às próprias leis ambientais, sobretudo, ao princípio constitucional de precaução (art, 225, § Iº, IV, CF/88) para impedir a aprovação das pesquisas e plantio das sementes transgênicas e reivindicando o direito à biodiversidade.

O meio ambiente é o tema inaugural da normatização dos direitos difusos no Brasil, através da Política Nacional de Meio Ambiente, Lei 6.838 de 1981. Portanto, naquilo que se refere ao desenho institucional, a ação civil pública é garantida em lei[13]. Estas podem ser promovidas, pelo Ministério Público, pela União, estados e municípios, autarquias, empresas públicas, fundações e sociedades de economia mista e por associações com mais de um ano de existência e que incluam a proteção ao meio ambiente, ao consumidor e/ou patrimônio histórico e cultural entre suas finalidades.

Na ação civil pública ambiental não se coloca em discussão a legalidade do ato em julgamento, mas o dano ou potencialidade dele aos bens ambientais. Nesse sentido, ela se torna um instrumento de ação direta sobre um ato que cause um possível dano ambiental, mesmo quando o ato é respaldado em uma decisão legítima, como no caso dos transgênicos. É por essa razão que sugerimos que a ação civil pública seja entendida como uma ação "retificadora", pois visa contornar, em muitos casos, os efeitos de decisões já produzidas legitimamente pelo poder público. Também pode ser entendida como a busca pela efetivação de

[13]Em 2009 organizações da sociedade civil junto com o Ministério da Justiça entregaram ao Congresso um projeto de lei, PL 5.139/2009, que propõe alterar a legislação em vigor.

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um processo de participação ambiental para além do MMA, como percebemos no caso dos transgênicos.

No entanto, apesar das possibilidades abertas de acesso à justiça e de participação, as associações usam pouco o recurso da ação civil pública de forma direta, dando preferência à representação junto ao Ministério Público para que este promova a ação (ARANTES, 1999). Existem poucas pesquisas e, nem o judiciário, nem o MP possuem dados seguros acerca das ACPs. Além disso, o uso desse instrumento demanda um conhecimento técnico jurídico para sua instrumentalização. A associação precisa saber da existência desse instrumento legal, contar com conhecimento jurídico e advogados para realizar tal ação. Na perspectiva de nossa análise, portanto, a ação civil pública não propicia um amplo acesso ao público, ao contrário, é restrita aos grupos mais organizados e com grande conhecimento acerca da legislação. Não obstante, o que sugerimos aqui é que, apesar de muito restrito o uso direto da ACP pelas associações, este uso denota não somente um processo de transferência das demandas políticas para o judiciário, mas, também, como sugere Goodin (2008), pode ser entendido como um momento de um processo continuado de participação e de busca pela sua efetividade.

VIII. Considerações Finais

As conclusões desta análise apontam para a existência de um relevante conjunto de canais institucionais e não-institucionais de participação da sociedade civil na política ambiental durante o governo Lula. Mas, também que esses mecanismos têm implicações diferentes quanto às suas capacidades de influenciarem na política ambiental e nas decisões políticas mais amplas do governo. Também diferem quanto aos seus efeitos sobre a democratização dos debates acerca do meio ambiente. Em relação à efetividade, as Conferências são os espaços mais fracos, enquanto a atuação informal em cargos do MMA produz efeito direto sobre a formulação da política ambiental, mas não tem o mesmo poder quando entram em jogo interesses econômicos.

A participação no CONAMA encontra uma alta efetividade, naquilo que lhe compete, em função dos dispositivos legais que garantem o cumprimento das decisões, alcançando níveis institucionais mais amplos. Por fim, observamos que as ações civis públicas podem ser entendidas, também, como mecanismos de efetivação das deliberações produzidas no processo participativo, funcionando como um contrapeso às decisões de outros poderes.

A análise comparada dos diferentes tipos de participação, somada ao aspecto da heterogeneidade do Estado e dos profundos antagonismos que as questões ambientais enfrentam, nos permite sugerir que deliberações acerca da política ambiental podem encontrar maior efetividade se os processos participativos que as originam tiverem garantias institucionais para sua execução.

Outra forma de conquistar efetividade, porém sem as mesmas garantias, pode ser através da ampliação do debate público sobre temas ambientais. A existência da discussão de temas ambientais de forma pulverizada na sociedade pode servir como mecanismo de pressão nos processos eleitorais. Neste sentido, as Conferências são, entre todos os tipos de participação analisados, os mais promissores pela capacidade que têm de incluir novos atores, e fomentar a criação de lideranças locais motivadas por este tema. Ainda assim, apontamos a necessidade de garantias institucionais para a própria existência da Conferência, que, por enquanto, depende da convocação do próprio governo.

Como aspectos conclusivos adicionais, observamos que a sociedade civil no campo ambiental tem construído articulações entre várias instituições do Estado e da sociedade política que mostram um amadurecimento e apropriação de ferramentas institucionais para a construção de seus mecanismos de ação. Ou seja, ela tem o grau de organização necessário para perceber e usar os mecanismos institucionais disponíveis nas suas lutas por uma política ambientalmente orientada.

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A Linguistic Analysis of Zimbabwean Prime Minister Morgan Tsvangirai's Image Repair Discourse: Letter to the Zimbabwean Public (30 November 2011)

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Abstract - The reputations of politicians as well as other popular figures depend on public perceptions and once reputations are threatened, images repair becomes vital. This paper focuses on the image repair strategies used in the public letter of apology (30 November 2011) by Prime Minister Morgan Tsvangirai released shortly after divorcing his wife Lorcadia Karimatsenga. The major concern is to determine the effectiveness of the communication devices used in redeeming the PM's image in the public eye. Benoit's Image Repair Theory (1995) is used as theoretical guide and methodological impetus of the study. Benoit theory provides a mechanism for analyzing the communication strategies used. Five major impression management strategies are adopted: denial, evasion of responsibility, reducing the offensiveness of the event, corrective action and mortification. It is concluded in this study that despite the mistake of omitting some important details that could have assisted in clearing his name, the image repair strategies used by Tsvangirai were to a large extent effective.

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A Linguistic Analysis of Zimbabwean Prime Minister Morgan Tsvangirai's Image Repair Discourse: Letter to the Zimbabwean Public (30 November 2011)

Advice Chimbarange [α], Clemenciana Mukenge [σ] & Francisca Kombe [ρ]

Abstract - The reputations of politicians as well as other popular figures depend on public perceptions and once reputations are threatened, images repair becomes vital. This paper focuses on the image repair strategies used in the public letter of apology (30 November 2011) by Prime Minister Morgan Tsvangirai released shortly after divorcing his wife Lorcadia Karimatsenga. The major concern is to determine the effectiveness of the communication devices used in redeeming the PM's image in the public eye. Benoit's Image Repair Theory (1995) is used as theoretical guide and methodological impetus of the study. Benoit theory provides a mechanism for analyzing the communication strategies used. Five major impression management strategies are adopted: denial, evasion of responsibility, reducing the offensiveness of the event, corrective action and mortification. It is concluded in this study that despite the mistake of omitting some important details that could have assisted in clearing his name, the image repair strategies used by Tsvangirai were to a large extent effective. He was successful through this letter to present himself as a victim of political circumstances, a human being with flaws and a humble servant of the people who is able to admit to his errors.

I. Introduction

Political figures, constantly in the public eye, will doubtlessly face a crisis situation at some point. Since politicians are usually elected, reputations become extremely valuable.

The opening paragraph of the letter of apology admits that his private life is not private, he admits, "I have been a subject of intense media coverage regarding my relationship with Lorcadia Karimatsenga." Admitting mistakes may be difficult (Sheldom and Sallot 2009). A political figure, especially a party president is the face of his or her political party. Party presidents personify the party. They represent the brand that the party is. Whatever they do in public or in private have repercussions for the party. Scandals of any nature have the potential to hurt the party. In this situation Tsvangirai's conduct in the whole Tsvangirai-Karimatsenga saga threatened to harm MDC-T party. When the story came out in the news papers it left the public with many questions. Though Tsvangirai's image repair efforts came a bit late, they were a welcome relief for his publics since that was an opportunity for him to make an attempt clear himself.

II. Background To The Study

This letter of apology is released after Prime Minister Tsvangirai decides to divorce his wife Lorcadia Karimatsenga whose marriage lasted eleven days according to the media. Before this initiative a number of accusations had been thrown at the PM by the media for poorly handling his relationship with Ms Karimatsenga, which it claims was taboo, improper for some one of his social standing and un-Zimbabwean. He, according to the public media (The Herald, The Sunday Mail, The Chronicle) had married in November, which is a taboo in the Shona culture. The papers also sought to cast him as a bed hopper, women abuser, having poor judgment on women issues and big spender (US $10 000/ $30 000), therefore unfit to rule.The situation was compounded by the fact that the marriage debacle also drew in three other women that Tsvangirai was said to have dated, all insinuated to be of dubious character. The prime minister believed that he had to terminate the relationship immediately because he claimed he had been tricked into the marriage which he believed was a politically driven set-up. This study thus focuses on the image repair strategies used by Tsvangirai so as to determine the extent to which they are effective in repairing his reputation which had been wounded by negative publicity.

III. Theoretical Framework

The study employed Benoit (1995)'s theoretical framework as its basis for analysis. The theory provides a methodological impetus and theoretical guide to understanding crisis communication messages. The data used for analysis is based on the Zimbabwean Prime Minister Morgan Tsvangirai's letter he wrote to the public following his alleged marriage to Ms Leocadia Karimatsenga. The letter was published both on line and Zimbabwean Newspapers (private and public).

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a) Image Repair Theory

Benoit's (1995) Image Repair Theory (IRT) is used to guide the study of Prime Minister Morgan Tsvangirai's letter of apology. Image refers to how the individual or organization is perceived by its publics or stakeholders. IRT is a theory of crisis communication which emphasizes repairing the threat to the image of the accused. It also focuses on accounting for actions that caused the crises and features communication strategies for managing the account. Benoit (1997) explains that "the key to understanding image repair strategies is to consider the nature of attacks or complaints that prompt such responses" (p. 178). Benoit (1995) identifies fourteen impression management strategies, with five major strategies as: denial, evasion of responsibility, reducing the offensiveness of the event, corrective action and mortification. Sellnow and Ulmer, (1995) argue that each strategy can be used individually or in combination. Benoit's image repair strategies thus focus on how individuals respond to accusations or account for their actions after being accused of a transgression. In this study, Benoit's (1995) theory of image repair provides a guideline for analyzing the communication strategies used by the Prime Minister faced by a crisis to repair his image in the public eye. It also makes an assessment of the effectiveness of these strategies as communication devices in the image repair discourse

IV. Justification

Through the influence of globalization and developments in politics, high ranking personalities and party officials are showing accountability for their actions, thus, they may publicly apologize for their mistakes. Given the importance and prevalence of public apologies, it is significant that communication scholars pay attention to the rhetorical dimensions of image repair speeches made by such individuals. This study is thus important as it analyses the image repair strategies used by the Prime Minister in a statement of public apology. The communicative function of the letter is assessed and may stimulate further debate on image repair. One may find that the image repair discourse is central to the role of the media in political communication. A positive public image is the essence of any political figure, in fact the political discipline is preoccupied with image building or image destruction and the media plays the role of an umpire in this match

V. Methodology

This study identifies the specific image restoration strategies in a media release apology by Prime Minister Morgan Tsvangirai following allegations of immoral relations with his fiancé Lorcadia. as defined in the context of Benoit's (1995) Image Restoration Theory. This document therefore comprises the sample of the study. This research used content analysis methodology to gather data for analysis. This involved critically examining the language content of this document, and classifying information. While Walizer and Wienir (1978) define content analysis as a systematic procedure devised to examine the content of recorded information, Kerlinger (2000) defines it as a method of studying and analyzing communication in a systematic, objective and quantitative manner for the purposes of measuring variables. Data gathered through language content analysis technique was analyzed in an interpretative manner to deduce themes and motifs, and the units of analysis were words, phrases, and sentences used in the present document. These samples of language were understood according to context of use. Abrahamson (1983) suggests that in an interpretative approach, the researchers begin by immersing themselves in the text in order to identify the themes (inductive) and then use some categorical scheme or theoretical construct for assessment (deductive). This is the procedure employed by the present research where CDA was used to interpret and explain why language is used in the manner and frequency it is used, and to determine the effectiveness of the linguistic devices used for image reparation.

VI. Literature Review

Image is essential to individuals and organizations as it is the central element in the field of public relations (Benoit, 1997), hence the need for organizations, politicians, leaders etc, to take preventive and restorative approaches to image problems once their image has been threatened. According to Brinson and Benoit (1996), image problems may result from allegations and appearances of wrong doing and the need for image repair will follow as long as individuals or organizations are motivated to defend one's image through "explanations, justifications, rationalizations, apologies or excuses"(p. 30). The audience's perception is manipulated so that a politician's reputation is exposed and seen in ways that society does not approve of. It is this element of approval or disapproval that is detrimental to image. Some schools of thought have a established a link between image repair and conflict management (Benoit, 1997).Resolving conflict is synonymous with image repair, it could be a state's, image, an organization's, image or an individual s image.

Benoit (1995) presents a comprehensive and unified theory of image restoration discourse. Arguing that communication is a goal-directed activity to help an individual maintain a favorable reputation, Benoit presents his typology of image restoration with five strategies, three of which have subcategories: denial, evading responsibility, reducing offensiveness, corrective action, and mortification. Denials take the form of simple refusal to take responsibility or blaming

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the other party. Evading responsibility can involve claiming to be provoked, and reducing offensiveness may incorporate bolstering one's reputation, minimizing the grievousness of the act, differentiating the act and transcending the act (Benoit, 1995). Benoit also argues that corrective action can be implemented with or without admitting guilt by restoring the situation to what it was before the crisis, or by promising to make changes to prevent the reoccurrence of the crisis. Mortification according to Benoit's model includes admitting responsibility for wrong doing and asking for pardon.

Benoit's image repair theory has been used in analyzing image restoration discourse enacted by corporations, governments, religious, political, sport, and entertainment figures to mention a few. Thus, image repair discourse, when applied by individuals, exists across communication, political, and religious disciplines etc. (Miller, 2002). This study focuses on image restoration communication strategies used in the case of a political figure involved in a relationship scandal. Studies show that in Africa, the images of political figures are mainly threatened by factors such as fraud charges or mismanagement of state income or resources. In the Western politics, however, sex scandals are a common factor in damaging individual reputations. Examples are that of the former US president Bill Clinton who made a public apology regarding his affair with Monica Lewinsky and the New York Governor Eliot Spitzer who also apologized for cheating on his wife (Blaney and Benoit, 2001). Other examples of image repair within political spheres include that of Queen Elizabeth's speech released after the death of Princess Diana in 1997. Benoit and Brinson (1999) made an analysis of the Queen's speech. This speech was delivered in an effort by to counter suspicions that the British Royal Family did not share the sorrow of its publics and is not concerned for their subjects. In this speech, the Queen used two primary image repair strategies: denial of accusations and bolstering the image of the royals (Benoit and Brinson, 1999). Outside the political spheres, popular television personalities also find themselves in situations where they have to make public apologies. Hugh Grant, for instance, used bolstering, mortification, denial and attacked his accusers to redeem his injured reputation after he was arrested in 1995 for lewd behavior with a prostitute (Benoit (1997). From Benoit 's (ibid), discourse, it emerges that he bolstered his image by being honest with the audience, adopting a modest demeanor, expressing his concern for the welfare of his girlfriend, and employing humor.

Blaney and Benoit (ibid), further note that it is typical of these apologies to often invoke the religious and moral value of forgiveness in asking the public to see beyond the failures of the individual. Because reputations are so valuable in the political sphere, when politicians are in the midst of a crisis, they will inevitably work to repair their embattled reputation. Thus, appropriate and effective image repair discourse is essential for politicians (Len-Rios and Benoit, 2004). According to Benoit and Brinson (1999), when public figures from different public spheres are faced with the publics' doubt or perception of wrong-doing, they normally use denial and bolstering as key image restoration strategies, along with variations of other strategies depending on the crisis nature, to redeem their injured reputation. It must also be noted that though much of the literature examines image repair discourse in Western contexts image repair rhetoric is relevant to African contexts as well. However, strategies that may work in Western contexts may not necessarily work in African contexts. For instance, the electorate did not punish the South African president Jacob Zuma for his unprotected sex escapades possibly because in an African context, though embarrassing, his behavior may be secretly admired by the ordinary African man and dismissed as typical male behavior by the generality of African women. This study therefore analyses the communication strategies employed by an African political figure so as to maintain a positive image in the public eye. The crucial question is: How does Benoit's image repair theory help us to assess the Prime Minister's letter of apology?

VII. Data Presentation, Analysis and Interpretation

Prime Minister Morgan Tsvangirai used a combination of image restoration strategies. The most apparent ones are mortification, evasion of responsibility, corrective action and reduction of offensiveness. These stratagies are apparently the same as those put forward by Benoit (1997).

VIII. Mortification

Morgan Tsvangirai apologized to his publics for the damage his relationship with Lorcadia Karimatsenga had caused.

"There are many things I have learnt in the process and one is that with the benefit of hindsight, I could have done things differently.

In this regard, I apologize to every single Zimbabwean for any discomfort caused by any of my actions."

By offering his apology Tsvangirai takes responsibility for the damage his relationship with Lorcadia has done to his reputation. However his apology is offered in the context of what he sees as a hijacked relationship by his political opponents who in his view have "choreographed" the whole crisis. One is persuaded to see a political figure that is making an

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apology but at the same time is claiming to be a victim of circumstances.

IX. Denial

Tsvangirai uses denial as another strategy to repair his damaged reputation. Though admitting that in deed he had a relationship with Lorcadia he argues that the accusations in the media are not entirely true but have a hidden political agenda. By so doing he shifts the blame and makes his audience understand the 'marriage' from the context of politics and the machinations of his political foes. Tsvangirai blames the short lived relationship with Lorcadia, on the state, Lorcadia herself and presumably his political opponents in the inclusive government. "…everything has been played in the press and I have remained an innocent bystander in what is supposed to be my relationship" (paragraph 6). Here Tsvangirai implicates that the publicity surrounding his alleged marriage is calculated and designed to cause political damage to his person. "Things are happening too fast, in camera and without my knowledge" "This has led me to conclude that there is a greater and thicker plot around this issue which has undermined my confidence in the relationship." (paragraph 7) By alleging that his political enemies have taken over the relationship Tsvangirai insinuates that Lorcadia herself could be part of a political conspiracy to damage his reputation. Such accusations justify his severing of his relationship with Lorcadia, which can also be damaging to his reputation in the circumstances. In order to also shift the blame Tsvangirai argues that Lorcadia herself had actually betrayed him "I also realized that sometimes when you are searching for a partner especially after losing your wife, there are many stakeholders in the process some of whom have their own ulterior intentions." "…mutual trust upon which such relations are built and maintained has been lost." Thus Tsvangirai argues that what has come out in the media is a result of the actions of his political foes. He sees these political enemies as benefiting from the crisis generated by his supposed marriage hence his argument that half truths have been peddled for political gain. He denies ever having gone to Christon Bank to pay "lobola" in person. Such discourse presents him as a victim of politics thereby eliciting empathy from his publics.

X. Evasion Of Responsibility

Tsvangirai also buttresses the denial image repair strategy by employing what is known in Benoit' s language (1997) as evasion of responsibility strategy. While admitting that something had indeed taken place regarding his relationship with Lorcadia he says that his intentions all along had been to rebuild his family since the death of his wife. Accordingly when he realized that their relationship had resulted in pregnancy he had tried to rectify things by sending a delegation to the Karimatsenga family to settle the issue the traditional way.

"Like every cultured Zimbabwean, on Friday, November 18, 2011, I sent a delegation to the Karimatsenga family homestead to perform traditional and cultural rites to formalize this relationship." (Paragraph 5) This statement, strongly supported by the word "cultured" is intended to persuade the reader to see Tsvangirai in positive light, a cultured citizen who deserves sympathy.

"I was well-meaning and had good intentions to rebuild my family and start a new lease of life following the tragic passing on of my wife on March 6, 2009."

"My original intention was to make this thing work, to rebuild my family once again and to serve my country with honor and distinction not only as a national leader, but as a respected family man who owned up to his responsibility by following cultural and traditional procedures." In this part of the letter Tsvangirai stresses his good intentions in sending a delegation to Lorcadia's family to settle issue of her pregnancy according to the tradition. This is a strategy that is aimed at bolstering his image. The rhetorical effect is to reduce offensiveness of the whole issue. This is meant to present him as somebody who has always had good intentions despite what the papers were saying. His good intentions in the whole issue are supposed to cast him in a good light. The tragic loss of his wife has been referred to in this instance for the purpose of evoking sympathy. Some Newspaper reports accused him of being a bed hopper and quick to take women to bed. By evading responsibility, Tsvangirai is also claiming that " I have become an innocent bystander" and "spectator". The publics are called to empathize and accept an apology from a "cultured" leader who has also become a victim of circumstances.

XI. Reducing Offensiveness

In order to reduce the offensiveness of the marriage debacle Tsvangirai employs bolstering and attack the accuser to persuade his publics to believe that he is not what the papers were suggesting. Bolstering is evident where he emphasizes that he had been married for thirty two years until he lost his wife in an accident. This is meant to counter the insinuations that he was a bed hopper who finds it difficult to stay in a single relationship, "Having been married for 31 years, the tendency is to want to use your experience as a yardstick for future relationships." This is a persuasive strategy that high lights his good behavior of staying married for thirty one years. Tsvangirai also attempts to reduce offensiveness by attacking his accusers. To achieve this he takes aim at his accusers by attacking their credibility. "State security agents have also weighed in to force and direct proceedings which has

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resulted in everything regarding this relationship now taking place in camera, with the public media journalists in tow " (Paragraph 9). Here Tsvangirayi accuses his political enemies for eliciting the help of the state media and state agency to manipulate the media frenzy surrounding the alleged marriage (paragraph 9). He further attacks his accusers for having no moral grounds to question his private life and asserts his commitment to carry on the fight for democracy in Zimbabwe. "I will not expose the people's struggle for democratic change to machinations of infiltration by those that have oppressed the people of Zimbabwe for the past 30 years." The strategy is to bolster his image by reminding his public that he has done greater good for the Zimbabweans and he remains resolute in his struggle for change in Zimbabwe. This has the effect of discrediting his political opponents (Brinson and Benoit 1996) whom he blames for using his relationship with Lorcadia for political gain. The strategy here is clear as he is asking his publics to not to judge him harshly as he has done good things for them in the past. Another strong message to the publics is "My private life is inevitably a public issue because of the public position that I hold" The implication is that the whole saga in question is private as he admits, but there are a number of implications for his political career.

XII. Corrective Action

Evident also in Tsvangirayi's message to his publics is Benoit (1997) strategy of taking corrective action in order to repair one's damaged image. According to Benoit an organization or individual tries to make amends for the act that was committed and takes measures to prevent the event from reoccurring.

"I have followed the traditional and cultural route and I have communicated my position through the same channel to inform the Karimatsengas of my position.

This relationship has been irretrievably damaged to a point where marriage is now inconceivable."

"I will not expose the people's struggle for democratic change to machinations of infiltration by those that have oppressed the people of Zimbabwe for the past 30 years.

Here Tsvangirai commits himself not to allow a similar incident to tarnish his image as this has repercussions on the bigger mission, "fighting for democracy". In this way he pleads for leniency in judgment to his publics. "When the time comes, and when the right person fit to be a reliable partner and mother of my children is found, I will advise the nation accordingly." His commitment to make sure that a similar lapse in judgment will not be repeated should be persuasive to his publics.

XIII. Evaluation

While Tsvangirai apologized for his marriage fiasco with Lorcadia Karimatsenga he fails to address other concerns raised about his conduct towards women. He does not say anything concerning the other three women that he has been linked to. His silence could thus be seen as confirmation that he had relationships with the named women. In his confession he admits" ….The dark patch in my private life will not dampen my commitment to serve my country and to deliver real change to people" The confession may be interpreted as admission of guilt, but what guilt precisely? He is very much aware of the damage done to his political life but he chooses not to address that directly and makes a blanket statement to leave people to read in between the lines. He is also not clear whether he had actually paid lobola as stated in the papers or that he had married in November against the Shona tradition that regards such an action a taboo. The real issues seem to have been left hanging." When times come….. and when the right person fit to be a reliable partner is found, I will advise the nation" It would appear then that the irregularity is the "unreliable partner" and not his actions seen in the political sphere.

However, despite his errors of omission, Tsvangirai is able to present himself as a victim of political chicanery, a fallible human being who is man enough to admit to his mistakes. He also admits the inevitable link between his private life and public life. This should win him empathy in a context where political figures have been traditionally known not to apologize for anything. On the overall however, his image repair efforts leave readers with a lot of questions.

XIV. Recommendations

It is recommended that image repair discourse adequately address the concerns their audiences in order to foster credibility, a significant factor for successfully communication. Also suggested is the concurrent use of different image repair communication strategies as stated by Benoit in order to effectively convince the hearer of the message. Lack of conviction may lead to rejection and may further damage the image of the concerned individual or group. However, there is need to avoid over evading of responsibility and to stress more on corrective action instead. Usually, the addressees are not interested on details as to whether one is responsible of the accusations or not, rather they need to know what measures are being put in place to remedy the situation.

Corrective action is thus crucial for settling dust on issues. Denial is important but it needs not be aggressive and confrontational, but remorseful and modest. This approach may draw sympathy and understanding from the audiences who should be

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carefully analyzed before any form of communication is sent.

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The Political Ecology of the Niger Delta Crisis and the Prospects of Lasting Peace in the Post- Amnesty Period

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I. Introduction

The situation in the Niger Delta which has engaged the attention of this paper is veritably a typical instance of political crisis. A crisis is an "occurrence that sufficiently seizes the attention of an individual, community, nation, organization, and international system at large, and which must elicit (urgent) responses" (Sessay, 2009:9). It is characterized by uncertainty, fear, tension, suspense and danger (Aji, 2009:4).

From the point of view of conflict studies, crisis is a function of unresolved conflict and social tension. As a social phenomenon, crisis is not spontaneous in occurrence. According to Roux-Dufort and Metais (in Sessay, 2009:11), "crises are not accidental phenomena but are the ultimate result of a long gestation period". In effect, crisis begins, becomes and breeds. This has been the case in respect of the Niger Delta crisis.

Indeed, the Niger Delta crisis has come a long way. In its dynamics of unfolding, it has represented the most critical threat to national security in contemporary Nigeria. From a somewhat negligible internal security concern, the crisis gravitated to a national emergency with far-reaching international implications (Okoli, 2007). The tragedy of this crisis was that, at a point, it tended to have defied every remedy in its continuum and dynamics of degeneration. The proclamation of state amnesty for the militants of the Niger Delta has largely attenuated the crisis; yet it still subsists in new patterns and dimensions. There have been cases of oil theft, popularly known in Nigerian parlance as oil bunkering; sporadic assaults on law enforcement agents by the dissident militant; as well as high incident of piracy on the shores of the Niger Delta.

A conceptual analogy has been alluded to between the Niger Delta problematic and HIV/AIDS pandemic. The deadly virus penetrates the human system unnoticed. Over time, it breeds and multiplies, thereby rendering the human immune system weak and vulnerable to sundry opportunistic diseases. The consequence of this malaise is AIDS, a pandemic that has so far defied all known cure (Okoli, 2008; Atelhe and Okoli, 2007).

In effect, the Niger Delta crisis has had the character and effects of a pandemic since the beginning of its occurrence; and indeed, the crisis has appeared to have defied all efforts at remedying it, the apparent gains of the Amnesty Programme notwithstanding. What are the factors that have precipitated and sustained this crisis? What is the objective socio-political and ecological circumstances underlying its occurrence and dynamics? And what could be done to ensure an enduring solution to the crisis? These questions define the salient issues which this paper seeks to address.

For convenience of organization and presentation, this paper is arranged into six parts in addition to the foregoing introduction, which constitutes the part one. Part two highlights the conceptual framework whereby the analytical scheme of the study is cast; while part three presents some historical insights into the subject matter. Part four analyzes the socio-political and ecological contexts and underpinnings of the Niger Delta crisis while part five considers the way forward, given the problem under review. Part six is the conclusion.

II. Analytical Framework: Political Ecology cum Philosophical Existentialism

A theoretical framework is germane in this study. This is to situate the discourse in proper theoretical perspective and analytical premise. The

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study therefore, subscribes to the theory of political ecology. This is juxtaposed to a perspective of philosophical existentialism, which considers the restive survival-driven dispositions of man in an unfriendly environment.

Political ecology is the study of the relationship between political, economic and social factors with environmental issues and changes (Wikipedia online, 2013). It seeks to interrogate ecological social sciences with political economy (Peet and Watts, 169:6) in an attempt to evolve a disciplinary synthesis.

As a theoretical tradition, political ecology was influenced by the scholarly contributions of development geography and cultural ecology in the 1970s and 1980s (Bryant, 1998:80). Since its fertilization as a theoretical tradition, political ecology has sought primarily to understand the political dynamics surrounding material and discursive struggles over the environment in the third world (Bryant, 1998:89).

The focus of political ecology revolving questions pertaining to "access to and control over resources'' (Human et al 2004:203). In this regard, Sutton (2004:311) sees political ecology as an inquiry into:

…the day-to-day conflicts, alliances, and negotiations that ultimately result in some sort of definitive behavours; how politics affects or structures resource use.

At its core, political ecology makes great strides in attempting to contextualize political and ecological implications of human behavior (Wikipedia online, 2013). In addition, it attempts to provide critiques as well as alternatives in the interplay of the environment and political, economic and social factors (Wikipedia online, 2013).

The political ecology theory is premised on a number of assumptions, viz:

- Costs and benefits associated with environmental change are distributed unequally.
- Changes in the environment do not affect society, in a homogenous way: political, social and economic differences account for uneven distribution it costs and benefits.
- The unequal distribution of costs and benefits inevitably reinforces or reduces existing social and economic inequalities.
- Any change in environmental conditions must affect the political and economic status –quo.
- The unequal distribution of lost and benefits and the reinforcing or reducing of pre-existing inequalities holds political implications in terms of the attired power relationship that now result (Bryant and Bailey, 1997:28; Wikipedia online, 2013).

Applied to the purpose of the study, it is to be pointed out that the Niger Delta crisis is a manifestation of the struggle of a people who are desperate to overcome the survival and livelihood crisis imposed on the through environmental despoliation and abuse arising from the activities of oil exploration and production in the region. This observation will be made sharper when considered against the shadow of the theory of existentialism.

The theory of existentialism was originally propounded by the Danish Pilosopher, Kierkegaard (1913 – 1955) to depict the natural tendency of man to freedom self determination and responsibility in a perceptibly unfriendly environment. Over the years, the theory has come to assume diverse cognate interpretations and applications based on scholarly extrapolations.

In its simplest understanding, however, the theory of existentialism is based on the postulate that man is a unique and isolated individual in an indifferent or hostile universe, responsible for his own actions and free to choose his destiny (cf 'existentialism' at http://www.google.ca). In its more contemporary understanding, the theory has been applied to explaining the objective attitude of man in an environment where his survival and subsistence are threatened. It is in the light of this that this study sees the Niger Delta crisis as a product of struggle for survival and self determination by the Niger Delta people in an environment that is perceptibly averse to their purposes.

The application of the existentialist theory to the present analysis may be problematic in view of its apparent conceptual and epistemological vagueness. Yet the theory, properly contextualized, would prove plausible in providing insights into the correlation between the perceived socio-political and ecological abuses of the Niger Delta and the rising restiveness, criminality and violence of the people of the area. When considered against the propositions of political ecology, the analytical utility of philosophical existentialism becomes clearer particularly in the context of the ongoing study.

With reference to the theoretical positions considered above, what could be gleaned in the foregoing is that the Niger Delta crisis has been motivates d sired by factors relating to the survival and existential conditions of the people of the region. This marks a major departure from the majority of the prevailing perspectives on the Niger Delta problematique, most of which have over-emphasized the inter-face of political (federalist) and economic conditions.

III. Study Area: The Niger Delta Region

The Niger Delta is a large region of the River Niger. The region is sometimes called the *Oil Rivers* in view of the fact that it was once a major producer of palm oil. The region was the British Oil Rivers Protectorate from 1885 until 1893, when it was

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expanded and became the Niger Coast Protectorate (Mifflin, 2000).

As currently defined officially by the Nigerian government, Niger Delta encompasses about 70,000 km^2 and makes up 7.5% of Nigeria's land mass. Historically and cartographically, it consists of present day Bayelsa, Delta, and Rivers States. However, in 2000 Obansanjo's regime included Abia, Akwa-Ibom, Cross River State, Edo, Imo and Ondo States as parts of the Niger Delta region, thus redefining the region. This development has led to controversy regarding the actual delimitation of Niger Delta. Today, it is fashionable to speak in terms of the 'core' and 'peripheral' in an attempt to resolve this controversy.

In effect, the core Niger Delta States would include Bayelsa, Delta and Rivers. On the other hand, peripheral Niger Delta States include the rest of the State in the above list, namely Abia, Akwa-Ibom, Cross River, Edo, Imo, and Ondo. The conception of Niger Delta in the light of the above categorization has been criticized as an exercise in politicization. Hence, it has been maintained by analysts that inclusion of the second set of States as members of the Niger Delta is simply political. The argument holds that the fact that a State is oil-producing does not qualify it as a component of the Niger Delta both historically and cartographically. Nonetheless, this paper sees Niger Delta in terms of the nine-state extraction, indicated above; although there is a need to recognize the differentiation between the inner (core) and outer (peripheral) categories of the region.

Niger Delta is a home for some 31 million people (CRS, 2008). Ethnographically, over forty (40) ethnic groups prominent among which is the Bini, Efik, Ibibio, Annang, Oron, Ijaw, Itsekiri, Isoko, Urhobo, Ukwuani, and Kalabari, are among the inhabitants in the Niger Delta. There are about two hundred and fifty (250) different dialects spoken by the people of the region.

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It is to be noted that the Niger Delta, and the "South South Zone", which includes Akwa Ibom State, Bayelsa State, Cross River State, Delta State, Edo State and Rivers State are two different entities; even though they are apparently synonymous. While the Niger Delta is the oil producing region the South-South Zone is a geo-political zone in contemporary Nigeria parlance. The Niger Delta has been geographically sub-divided into Western/Northern, Central, and Eastern regions. Below is a brief highlight on these specific sub-divisions.

1. Western (or Northern) Niger Delta: This is the western arm of the coastal South-South Nigeria which includes Delta, and the southernmost parts of Edo, and Ondo States. It is a heterogeneous society with several ethnic groups including the Urhobo, Igbo, Isoko, Itsekiri, Ijaw (or Ezon) and Ukwuani (Igbo) groups in Delta State, along with Yoruba (Ilaje) in Ondo State. The major occupations of the people of this area are fishing and farming. It has been observed by historians that the Western Niger was controlled by chiefs of the five primary ethnic groups the Itsekiri, Isoko, Ukwuani, Ijaw and Urhobo with whom the British government had to sign separate "Treaties of Protection" in their formation of "Protectorates" that later became southern Nigeria.
2. Central Niger Delta: This covers of the central section of the coastal South-South Nigeria which includes Bayelsa and Rivers States. The Central Niger Delta region predominantly inhabited by the Ijaws, with significant representations of the Ogoni and other groups which consist of the Igbo groups, viz: Ekpeye, Ndoni, Etche, Ikwerre and Ndoki in Rivers State.
3. Eastern Niger Delta: Eastern Niger Delta Section consists of the Eastern (or Atlantic) section of the coastal South-South Nigeria which includes Akwa Ibom and Cross River States. The Eastern Niger Delta region has the Efik, Ibibio, Annang, Oron, Ogoja (including Ekoi and Bekwara) people (Wikipedia online, 2013).

IV. The Niger Delta Crisis: Some Historical Insights

What is today known as the Niger Delta crisis has its roots in the age-long struggle of the Niger Delta people to 'rule' their destiny through self-determination and 'resource control' (Okoli, 2007:4). This has manifested in various forms and colorations over the years.

In the colonial era, the struggle was championed by some traditional rulers, prominent among whom were Kings Nana of Itsekiri, Jaja of Opobo and Koko of Nembe. These traditional rulers vehemently resisted the undue exploitation and subjugation by the British colonialists, and therefore, precipitated crisis in their domains. The 1895 Akasa Raid in Brass (now Bayelsa) was a veritable case in point (Ilagha, 2007).

Another important instance of the Niger Delta struggle was the radical activism that culminated in the declaration of the Niger Delta Republic in the mid 1960s by Isaac Adaka Boro. Boro, a former student leader and an ex-policeman, organized a rebellion which lasted for twelve days against the Nigerian state. His action was informed by the perceived marginalization and deprivations suffered by the Niger Delta people in the wake of oil exploration and exploitation in the region (cf. Sagay, 2001; Nwagbara, 2007).

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In the early 1990s the Niger Delta struggle assumed a rather critical dimension with the advent of the Movement for the Survival of Ogoni People (MOSOP), led by Ken Saro-Wiwa. This movement, in its agitations for ethnic and environmental rights, threatened to disrupt the operations of the oil companies if they failed to come to terms with their demands. The Ogoni activism was met with stiff state repression, which introduced great measure of violence and militarization to the Niger Delta crisis (cf. Okpe, 2004).

Since the 1990s, the situation in the Niger Delta has been most critically volatile. There have been serious occurrences of bloody conflict as exemplified in the Ijaw unrest of 1998 – 99, as well as the rising trends of militia activities that have been a dominant feature of the Niger Delta since the early 2000.

In retrospect, the Niger Delta crisis appears to be going through a decisive continuum of degeneration. From the level of civil activism characterized by legitimate agitations, the crisis has today metamorphosed into a full-brown insurrection featuring the most sophisticated patterns of arms bearing, hostage-taking, sabotage and subversion as well as brigandage. In the face of these, security and stability of Nigeria have been at stake.

V. The Dialectical Contexts of the Niger Delta Crisis

The roots of crisis in the Niger Delta are not far-fetched from the prevailing social, political, economic and ecological dialectics of the region. This has to do with state predation and terrorism, corporate buccaneerism and irresponsibility, environmental degradation and abuse, socio-economic and political deprivations and marginalization as well as mass impoverishment for which the Nigerian State and the oil multinationals are mutually culpable. A highlight of these issues is instructive in order to predicate the focus of this paper

a) State Predation and Terrorism

This comes in form of state repression of legitimate agitations as well as military invasion and occupation of host communities given the pretext of civil unrest. Cases in point in this respect include the invasion and occupation of Ogoniland by the Nigerian military forces in 1994; the murder of the 'Ogoni Nine' in 1995 by the Military Junta led by General Sani Abacha; the emergency rule and intensive military surveillance imposed on Bayelsa State in December 1998; the raiding of Opia and Ikiyam communities in Delta State in January, 1999 by Nigerian soldiers; the 'Odi massacre' of 1999, among others (Okonta, 2006; Wilkipedia, 2007; Omadjohwoefe, 2007, etc.)

b) Corporate Buccaneerism and Irresponsibility

This refers to the willful damage done to the ecosystem by the activities of oil multinationals, which include gas flaring, oil spillage, land expropriation and displacement of the peasants, intimidation of the local population, etc. (Epelle, 2004). This also refers to the gross neglect, dereliction and abdication by oil multinationals of their moral obligation to providing basic socio-economic amenities like gainful employment, good roads, electricity, portable water and schools to communities affected by their business activities (Epelle, 2004). The implication of this is economic exploitation without recompense, a situation that finds expression in acute infrastructural deficit as well as pervasive environmental deterioration in the Niger Delta.

c) Environmental Degradation and Abuse

The Niger Delta is apparently the most degraded environment in Africa (Sumenitari, 2003). This is as a result of gas flaring, oil spillage, deforestation, loss of bio-diversity and water pollution, all of which are associated with oil exploration and exploitation in the region. The impact of environmental degradation on the vegetation and population of the Niger Delta has been devastating (Aboribo, 2007; Ikenga, 2007). According to Akindele et al:

Oil exploration affects people living in oil producing areas negatively. Most farmers face the problem of displacement without resettlement during oil spills. Apart from loss of farms, oil spills have led to extensive deforestation with no adequate replanting practices. This in effect has shortened fallow periods, compounded land degradation and led to loss of soil fertility and consequently erosion of the top soil (in Aboriobo, 2007:10).

The incidence of oil spillage, gas flaring and industrial pollution in the Niger Delta contaminates the air and waters within the region thereby making them to be hazardous to public health.

d) Socio-economic Deprivation and Mass Impoverishment

Socio-economic conditions of the Nigeria Delta are particularly disheartening. A World Bank Report of 1995 captured the scenario thus:

Despite its vast resources, the (Niger Delta) region remains poor. GNP per capita is below the national average of US$280. Unemployment in Port-Harcourt, the Capital of Rivers State, is 30 percent and is believed to be equally high in the rural areas. The rural population commonly fish or practice subsistence agriculture, and supplement their diet and income with a wide variety of forest products. Educational levels are below national average and are particularly low for women. While 76 percent of Nigerian children attend primary school, this level drops to 30 – 40 percent in some parts of the Niger Delta. The poverty level on the Niger Delta is exacerbated by the high cost of living. In

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the urban areas of Rivers State, the cost of living index is the highest in Nigeria (World Bank, 1995 in Ilagha, 2007. 135).

The above trend has more or less subsisted over time. In effect, more recent facts tend to suggest some measure of degeneration in socio-economic conditions of the Niger delta people. The table below provides valuable insights in this respect.

Table 1 : The Niger Delta Human Poverty Index for 2005

S. No	State	Probability Birth of Not Surviving to age 40	Adult Literacy Rate	Unweighed Average	HP1 – 1
1.	Abia	26	26	34	29.169
2.	Akwa-Ibom	27	28	35.5	30.649
3.	Bayelsa	30	31	39	33.826
4.	Cross River	26	28	33	29.3
5.	Delta	20	18	27	22.355
6.	Edo	2	18	28	23.399
7.	Imo	25	29	32	28.949
8.	Ondo	30	31	42.5	35.442
9.	Rivers	24	24	30.5	26.53
10.	Niger Delta	25.556	25.889	33.4	28.847

Source: Grinding Poverty and Deprivation in the Niger Delta. Vanguard, August 26, 2007, in Agah and Ikenga, 2007:4

e) Political Marginalization

This has to do with the perceived short-changing of the Niger Delta in terms of political representation, resource allocation and resource control within the context of the Nigerian Federation. The peculiarities of Nigeria's federalism tend to encourage some sorts of inequities and imbalances in the processes of power and fiscal relations in the Nigerian Federation. The apparent peripheralization (Aboribo, 2007) and alienation of the Niger Delta vis-à-vis Nigeria's federalist relations is a crucial issue in the Niger Delta crisis (Ilagha, 2007; Nwagbara, 2007).

It can be inferred from the above discussion that the prevailing socio-political and ecological atmosphere of the Niger Delta has been bad enough to precipitate and fuel crisis. As people's life and wellbeing are continually jeopardized, usually with reckless abandon, they are forced to resort to desperate 'tactics' to redress the situation. As Omadjohwoefe (2007:2) rightly observes:

Several decades of reckless multinational oil companies operations and the attendant incessant degradation of the environment breed frustrated expectations and foster widespread agitations. The host communities have decidedly adopted strategies, such as sabotage of oil installations, hostage taking, in drawing the attention of the multinational oil companies to the devastating impacts of their activities especially on their livelihood and the near inability of the environment to sustain life (corroborating Ogege, 2006).

It is against the backdrop of the above that one can meaningfully appreciate the spate of civil unrest in the Niger Delta region. It must be noted, however, that the activism in the Niger Delta has gone beyond the level of legitimate or objective cause. Over time, the 'struggle' has been overtaken by crass adventurism and opportunism driven by materialism, mischief and criminality.

VI. Situating the Political Ecology of Oil Production on Niger Delta

The activities of corporations in the Niger Delta constitute a veritable threat to the region's environmental security, ecological balance, and sustainable development (Uwuigbe and Ranti, 2008). This touches on survival and livelihood conditions of the people of the region. In effect, the people of the Niger Delta region tend to perceive these corporations and 'enemies of progress' whose operations at all levels are associated with untoward consequences on the land and people of the area. The table below highlights the actual and potential impact of the activities of oil corporations on the Niger Delta.

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Table 3 : Oil Activities and Their Impact on the Environment of Niger Delta

S/n	Activities/Event	Actual and Potential Impact on Environment
1	Exploration including geological survey, and geophysical investigations	- Destruction of forest land, vegetation and farm land as well as human settlement. - Noise pollution and vibration from seismic shooting. -Adverse effects on animals and human population (on shore) and on fisheries (near/offshore). –Disturbances/destruction of flora and fauna habitats. - Dislocation of economic activity. - Tension on social environment as a result of disagreement arising from compensation.
2	Product/Process	- Water pollution from long term effects of produced water (with high salinity). - Air pollution from gas and processing evaporation and flaring. - Production of heat that kills vegetation of the area, suppresses the growth and flowering of plans and reduces agricultural productivities and wildlife concentration in the area.
3.	Drilling	- Accumulation of toxic materials, oil pollution in the sea, beaches or land. - Destruction of fisheries production. - Destruction of breeding ground for marine fisheries. - Alteration of the taste of fish. - Killing of bottom dwellers. - Pollution of underground water (waste pots). - Adverse health effects on humans. - Social tension arising from compensation disagreements, etc.
4.	Refining	- Air pollution and waste water impacting negatively on human health and ecosystem.
5.	Oil spillage	- Destruction of farmland, fishery, and aquatic resources and mangrove ecosystem. - Water pollution. - Social tension as a result of disagreements over compensation.
6.	Tanker loading location	- Water pollution from ballast and tank washing. - Deck drainage, spillage during loading operation.
7.	Storage depot	- Land pollution from effluent water and solid waste of chemical cans, drums, etc. - Destruction of farmland for the establishment of storage depots. - Water pollution from effluent water. - Air pollution from gaseous fumes during loading.
8.	Transportation	- Disruption of sea-bed by dredging for pipeline installation. - Sedimentation along pipeline routes. - Water pollution from consequences of leaks from fracturing or breaking pipes. - Air pollution by transport tankers. - Destruction of environmentally sensitive area. - Erosion and flooding of the area exposed to activity.
9.	Marketing	- Pollution of immediate environments from retail routes. - High hazard potential where located near residential building.

Source: Adapted from Orubu and Ehwarieme (2004).

Apart from the issue of environmental abuse, the activities of oil multinationals have brought untold degree of improvements and livelihood crisis to the people of Niger Delta. In effect, far from bringing prosperity to the region, "oil exploration and production (have)) caused large scale environmental degradation, destroyed rural livelihoods, and aggravated poverty" (Ibeanu and Luckham, 2006:36).

There has been glaring immiseration judging from all social indicators in the Niger Deta region. As at early 2000, only about 27 percent of households in the Niger Delta had access to safe drinking water and 30 percent to electricity (Ibeanu, 2002: 153) Similarly, while 70 percent of Nigerian children attended primary school, only 30-40 percent attended in some parts of the Niger Delta (Ibeanu and Luckham, 2006: 37).

The impoverishment of the people of the Niger Delta has been worsened by social and political deprivation and marginalization. There was the issue of state neglect of the concerns of the Niger Delta, which was compounded by the skewed distribution of oil revenues, often diverted into development and elite accumulation elsewhere in Nigeria (Ibeanu and Luckham, 2006:37).

In addition to the above, there has been high incidence of state violence, kleptocracy, and corporate irresponsibility on the part of the Nigerian state and her unholy allies, the oil multinationals. All these have gone with far-reaching consequences on the land and people of the Niger Delta.

The point that we are vigorously seeking to establish in the foregoing writing is that the Niger Delta crisis has been motivated and sustained by the dialectics of environment-politics inter-face. In this regard, the crisis is to be understood as a reactionary movement by which the people of Niger Delta seeking

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to liberate themselves from the shackles of ecolo-political injustice perpetrated by the petro-state and oil multinationals. In the direction, Ibeanu and Luckham (2006:36) succinctly observe:

Protest movements developed new forms of popular mobilization, based on a political discourse of self-determination. They not only sought compensation for lost oil revenues and environmental damage. They also demanded local control of petroleum resources, corporate responsibility of oil firms and re-negotiation of the political contact between the state and its citizens ('true federalism').

So far in this section, an attempt is being made to situate the political ecology of the Niger Delta crisis. This perspective emphasizes the ecological and existential foundations of the Niger Delta crisis. The approach focuses on the political reactions to environmental harm in the Niger Delta with an eye on the socio-economic and political implications of this environmental harm (cf. Vayda and Walters, 0199).

Hence, the political ecology of the Niger Delta crisis vigorously seeks to interrogate the correlational interface between oil and conflict in the Niger Delta within the analytical scheme of what could be referred to as 'environmental determinism'. This is predicated on the assumption to the effect that "any change in environmental conditions must affect the political and economic status quo" (Bryant and Bailey, 1997:28)

VII. The Strategic Importance and Efficacy of the Amnesty Programme

The proclamation of state Amnesty on the Niger Delta militant in 2009 marked a water-shed in the search for a lasting resolution of the Niger Delta crisis. The Amnesty Programme was a well thought out policy designed to bring about cessation of active hostility in the Niger Delta region as well as disarming and reintegration of the militants into the society.

The Amnesty Programme essentially derived from the policy focus of the late Yaradua's administration. In his maiden Presidential address to the nation, President Yaradua devoted ample space and time to dwell on the Niger Delta challenge. According to him:

The crisis in the Niger Delta commands our urgent attention. Ending it is a matter of strategic importance to our country. I will use every resource available to me, with your help, to address this crisis in the spirit of fairness, justice, and cooperation. We have a good starting point because our predecessor already launched a master plan that can serve as a basis for a comprehensive examination of all the issues. We will involve all stakeholders in working out a solution. As part of this effort, we will quickly move to ensure security of life and property, and to make investments safe. In the meantime, we appeal to all aggrieved communities, groups, and individuals to immediately suspend all violent activities and respect law. Let us allow the impending dialogue to take place in a conducive atmosphere. We are all in this together, and we will find a way to achieve peace and justice (quoted in Ngare, 2012:107)

It was the above policy direction that inspired the amnesty project. The proclamation of the Amnesty was greeted with public skepticism and ambivalence. Only a few Nigerians saw hope in the mechanism, and so there was a general atmosphere of pessimism and ambivalence on its efficacy.

In the course of its implementation however, it became obvious that the Amnesty has some prospects at all. Contrary to the prevailing misgivings concerning the feasibility of the programme, scores of Niger Delta militant embraced the deal. They came out en masse to denounce violence and to surrender their instruments of aggression. According to Oluwaniyi:

By the end of the amnesty period in October 2009,20 192 ex-militants (and non-militants) had surrendered their weapons – consisting of 2 760 arms of different classes and calibre, 287 445 ammunitions, 3 155 magazines, 1 090 dynamite caps, 763 explosives and sticks of dynamite, and 18 gun boats – to the Presidential Amnesty Committee.11 With the closure of the amnesty window, other ex-militants – who were reluctant to participate in the amnesty programme but later realised the benefits accruing to those who disarmed – joined, increasing the total number by 6 166.12 (n.d:51).

In the immediate aftermath of the amnesty declaration, appreciable peace and stability which had hitherto eluded the Niger Delta, returned to the region. Consequently, oil production by Nigeria shot up from the low of about 700 barrels per day to more than 2,500 barrels in the early 2010. By the end of year 2010, activities of oil production in Niger Delta had almost normalized.

However, recent events tend to suggest that the peace process in respect of the Niger Delta debacle is yet to materialize. There appears to be a backlash leading to recrudescence of violence and criminality in the region. These acts have been largely orchestrated by dissident and criminal elements in the ranks of the erstwhile militant formations that are hell bent on sabotaging the state in view of self- regarding or political concerns.

In effect, there have been rising cases at organized crime, piracacy, oil theft (oil bunkering), kidnapping and the likes in the Niger Delta region over the recent months. The implication of this is that the peace process in the Niger Delta is yet to be actualized. This raises anxiety to the effect that the seeming gains of the amnesty project are being persistently jeopardized. The government must explore and further

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opportunities towards ensuring lasting peace and stability to the region.

Overall, the prospects of the amnesty project have been threatened in the following Instances:

1. The rise of dissident militants and criminal element who are currently sabotaging the amnesty initiative
2. Rising incidence of offshore criminality, such as piracy and oil theft
3. Renewed cases of anti-government hostility as exemplified in the abduction and killing of twelve (12) men of the Nigerian Police in April, 2013
4. Continued despoliation of land and environment of Niger Delta through oil spills and gas flaring
5. Bastardization of the Amnesty implementation through politicization and corruption
6. Sense of alienation and marginalization by a section of the Niger Delta youth who feel that they have been unjustly excluded or short-charged in the amnesty process
7. The seeming lethargy of the government in addressing the fundamental development concerns of the Niger Delta through affirmative policies and actions, etc

In addition to the above, there are some nagging outstanding issues which ought to be addressed too. According to Oluwaniyi:

Major critical issues such as the roots of alienation, marginalization, exploitation, corruption, unemployment, poverty, youth and women's issues are still not dealt with, and the y jeopardize the possibility of future peace, security and development in the Niger Delta region Moreover, no practical development has taken place, apart from the few developments handled by the NDDC and the Ministry of the Niger Delta – basically the construction and reconstruction of roads (n.d 53-54).

In the light of these setbacks, what is the prospect of the Amnesty deal? The position of this paper is that the answer lies with the steadfast of the government and relevant stakeholders in making the Amnesty work. The paper, however, makes a number of suggestions on the way forward. This is our concern in the following section.

VIII. The Way Forward

The Niger Delta crisis has degenerated to a level where its permanent resolution is problematic, the amnesty deal notwithstanding. While this paper entertains the pessimism that lasting resolution of the Niger Delta crisis is far-fetched, it nonetheless believes that something can be done to solve the crisis. To this end, the paper makes a case for the institution of an alternative development strategy for the Niger Delta region. This strategy should emphasize extensive grass-root participation. Under it, the States of the Niger Delta should be divided into special development areas, with each development area coinciding with a major oil producing community. The management of the development areas should be drawn from relevant community-based groups including the youths, the traditional rulers, religious groups as well as village or town associations. The management would be led by a credible philanthropist or community leader appointed by the Federal Government from within the jurisdiction of own development area

The development areas should be funded by the Federal Government through direct budgetary allocations. The development areas would have the mandate to ensure urgent infrastructural and socio-economic transformation of the Niger Delta. They should be domiciled in the oil producing communities, and should carry the locals along in the execution of their mandate. Activities of the development areas should be subjected to periodic review through a feed-back mechanism put in place by the Federal Government to ensure optimal performance.

It must stated, however, that any strategy designed to address the Niger Delta crisis must start with a comprehensive environmental clean-up and restoration of the spatial ambience of the region which has been desolated over the years by the activities of oil production. This will require the incorporation of the Niger Delta peace and development plans into the wider national development strategy. The extant statutory bodies dedicated to the transformation of the Niger Delta, such as the Niger Delta Development Commission (NDNC) and the Ministry of Niger Delta Affairs, should synergize in an attempt to work out credible modalities for delivering development dividends to the people of the Niger Delta. In doing this, care must be taken to ensure that local initiatives and inputs are sought for and elicited in such a manner that process is participatory and reflective of the aspirations of the people.

IX. Conclusion

The Niger Delta represents one of the worst degraded and worst impoverished environments in the contemporary world. For over five decades, the Nigerian State has connived with the oil multinational in ruining the Niger Delta in the name of oil exploration and production. The people of the region have been exposed to sundry socio-economic, political and ecological malaises for which there has been no proper recompense. The apparent insoluble instability in the Niger Delta, even in its post-amnesty phase, is a sort of retribution for decades of abuse of the land and people of the Niger Delta. It is on this note that this paper submits that the crisis will prevail, and may even degenerate the more, until and unless the organic context which precipitates and sustains it is comprehensively and adequately addressed. This is

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without any prejudice to the prospects of the amnesty programme.

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Youth Restiveness and Insecurity in Niger Delta: A Focus on Delta State

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Abstract - The paper examines the issue of youth restiveness and insecurity in the Niger Delta as a whole and Delta State in particular. Youth restiveness and insecurity began with agitation and demands by the youths in the Niger Delta societies for their rights (economic, political and environmental rights), crystallizing into the inducement of the evolution and activities of youth restiveness and insecurity in the Niger Delta states in general and Delta State in particular. The data used for the study were obtained from the secondary sources and were analyzed using a quantitative method to ascertain the level of the existence and effects of youth restiveness and insecurity in Niger- Delta and particularly in Delta State. The paper reveals that youth restiveness and the high spate of insecurity in the Niger- Delta states and Delta State in particular has a very negative impact on the Niger Delta states, economy and the Nigerian society in general.

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Dr. Patrick Oromareghake [α], Dr. (Mrs) R.O. Arisi [σ] & Osah Mark Igho [ρ]

Abstract - The paper examines the issue of youth restiveness and insecurity in the Niger Delta as a whole and Delta State in particular. Youth restiveness and insecurity began with agitation and demands by the youths in the Niger Delta societies for their rights (economic, political and environmental rights), crystallizing into the inducement of the evolution and activities of youth restiveness and insecurity in the Niger Delta states in general and Delta State in particular. The data used for the study were obtained from the secondary sources and were analyzed using a quantitative method to ascertain the level of the existence and effects of youth restiveness and insecurity in Niger- Delta and particularly in Delta State. The paper reveals that youth restiveness and the high spate of insecurity in the Niger- Delta states and Delta State in particular has a very negative impact on the Niger Delta states, economy and the Nigerian society in general. To this end the paper recommended frantic efforts by the government and all concerned stakeholders to tackle issues of youths related crises and insecurity through empowerment, job creation and placement cum engagement of the vibrant youths in Nigeria to redeem the nation from the menace.

I. Introduction

The history of the Niger Delta region is one characterised with violence and disharmony of various dimensions from ethic to religion, economic to political patronage and accommodation. The escalating state of violence between the Niger-Delta youths and the Nigerian government is that of the politics of access to the oil fund. The crisis over control of oil resources has assumed different dimension over time, with the state of youth restiveness in the Niger-Delta region. Historically, the search for crude oil in Nigeria goes as far back as 1903 when the mineral survey company began mineralogical studies. Oil spillage was discovered in Araromi (Okitipupa area) some 300km east of Lagos, attracted by this sign, a German company obtained license from the government in 1908 to exploit the oil deposits. The pioneer efforts unfortunately did not last long and the company stopped its operations at the outbreak of the First World War (1914 – 1918) having drilled 15 "wells dry". Three decades later another major exploration effort was undertaken, the Anglo- Dutch consortium, SHELL D'Arcy (the fore runner of the SHELL Petroleum Development Company of Nigeria (SPDC) commenced exploration activities in 1937. Having being granted the sole commission right for oil exploration in Nigeria but did not go before the second world war (1939 – 1945) broke out and aborted their operations, the company now decided to limit its operations to the tertiary areas. After having over 80million, SHELL hit oil deposit in commercial quantities at Olobiri (now in Bayelsa state). In 1950, the company started production at the rate of 5,100 barrels per day and this doubled in 1959. The scale of monopolistic concession policy was abrogated in 1959 and replaced by exclusive exploration rights which accelerated the place of oil exploration by encouraging the participation of other companies. For instance, being inspired by success of SHELL- BP, Mobil, Chevron Texaco were later jointed in the late sixties and early seventies by a few indigenous companies like Henry Stephen, Delta Oil Resources in the search of oil.

The resultant effect of the exploiting activities of these multinationals in the region is multiple environmental disorders, devastation of the ecosystem and most importantly deprivation through gas flaring and spillage, these coupled with non-sustainable resources and shrewd federal fiscal policy which favors non-oil producing majority ethnic majorities. On the basis of equalities of the state and population in reaction to this, a counter force to the states action, youth movement emerged to confront the governments and the multinational companies. Notable among the youth movement are Movement for the survival of Ogoni people (MOSOP),

Movement for the survival of Ijaw ethnic nationality in the Niger-Delta, Movement in preparations of Ogbia Ogbesu youths. These youth organizations in Delta State embarked on series of protest and demand against environmental degradation and total neglect thereby causing insecurity. They demanded for accelerated development of their area from oil generated revenue accrued to them; and accusing the government of economic disempowerment and handling of environmental consequences of oil exploration with levity hence they sorted to violence. Some of such violence activities include kidnapping and

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hostage taking of expatriates and other oil installations, incessant killings and other social crimes.

The armed insurrection against the Nigerian state was formally launched. After the 1998 Kiama Declaration, comprising mainly of ethnic militias of which over 70% are of the ijaws ethnic origin, the youths accuse the state of systematic looting of their God-given resources and marginalization (Onoyume 2007). The youths have therefore militarized the struggle to develop their backward environment and to secure greater control of oil revenue derived from the region, this led to the establishment of armed groups operating under such names as Egbesu boys, Meinbutu, Arobgo Freedom Fighters, Joint revolutionary council and most especially the dreaded Movement for the Emancipation of the Niger- Delta (MEHD) and the activities of this militant groups has serious implications to peace and security in the region, oil exploitation, national revenue profit and other derivatives and that will be the core of our study. Based on this, the country is facing numerous threats such as blowing up of oil wells, kidnapping of expatriates and oil workers thereby causing political instability and insecurity, most times the insecurity and crisis in Warri, Bomadi and other towns in Delta State is alarming. Youth restiveness is a phenomenon that has attracted both national and international attention in recent time. Conflict situations spearheaded by the youth and reported almost on daily basis in different parts of the country especially in the Niger- Delta which includes Delta state.Against this background, successive government and civilian alike have battled with Niger- Delta crisis with the accompanied monumental loss of human and material, and yet lasting solutions seems elusive. Youth restiveness and security in all its ramifications possess a serious challenge to the nation. The human development report (2006) summarizes the economic and social costs of conflict in the Niger - Delta region of Nigeria. Therefore, every successive government had introduced one measure or the other to curb, control, minimize and manage youth unrest in the Niger- Delta and the latest measure taken by Yar'Adua/ Jonathan civilian government to curb the menace in the programme of "Amnesty " where ex-militants and armed youths who have lived as fugitives in their country of birth are encouraged to lay down their illegally acquired arms and ammunitions to get rehabilitated and reabsorbed in to the Nigerian society as free born citizens.

Once again it is obvious that the refusal of the Nigeria state to respond positively to the pens and placards of the Harold Dappapriye and the Saro- Wiwas' era has created an environment of anger and desperation, more so, the dialogue option has equally failed because the Nigerian state have refused to adequately implement numerous blue prints for development in the region.

Nigeria is the jewel in the African oil crown, but oil, militancy and insecurity in Delta and in general the Niger - Delta has become a subject of discussion just like the British weather, whereas the oil produced in the Niger-Delta is the life blood of the Nigerian economy. Oil has failed to translate to national prosperity development in the Niger- Delta. The region has become a hot bed of crisis because the problem of neglect and marginalization has been pushing the people to resist deprivations, intimidation and domination, hegemony politics and injustice.

From the dialects of violent agitations (militancy) in Delta state, the Niger- Delta, two arguments appears a discernable one, that violent oil agitation is as a result of the Nigerian government application of force in unveiling non-violent agitation protests of Niger- Delta against the state of gross under-development of that area that arose from the neglect of both federal government and multinational oil companies operating in the area. We must reiterate the fact that the tremendous amount of oil revenue derived from the Niger- Delta costs the people their farmlands, fishing rivers and a host of other health hazards (like acid rain) due to the enormous environmental degradation caused by oil production activities of petrol business. Reference are usually made to government's violent actions such as the incarceration and execution of Ken Saro-Wiwa and eight other activists of 1995, the Aleibiri Demonstration crisis 1997, the Kiama Declaration crisis of 1998, the Opia/Ikiyan invasion of 1999, the deployment of naval war ships to Warri by the federal government to quall the Ijaw- Itshekiri crisis over the revocation of warri-south local government council headquarters from Ogbe-Ijoh and Ijaw town to Ogidegben an Itsekiri town, the arrest and detention of Asari Dokubo, Diepreye Alamieseigha, Henry Okah, etc (Oweila 2009).

The second state of argument asserts that militancy in the Niger- Delta and Delta state in form of hostage taking, kidnapping, pipeline vandalism, hijacking etc is a result of frustration due to lack of education, poverty, unemployment, idleness of the youths in the region, therefore contends that militants are not fighting for socio-economic and political emancipation of the region but simply to enrich themselves (Ibeanu 2000, Koroye 2007, Akanfa 2007, Igini 2008n Bariagh Amange 2009). The fundamental question that begs for answers is one which sides of the argument ' dose the truth lie?'

II. Conceptualisation

Youth Restiveness: The advanced learners' dictionary defines a youth as "when a person is young, especially the time before the child becomes an adult" this connotes looking at the bracket of between eighteen- twenty five years and young adults from

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twenty five years and young adults from twenty five to thirty five years. On the other hand "restive" is defined as unable to be still or quiet, difficult to control especially when one is not satisfied with something. Abdultabil Umar (1998) conceives youth restiveness as a symbolic parricide in which the young generation tiers to humilities and overthrows the instaurations of the parents regardless of issue or consequences. He maintained that most developing countries and Africa in particular, government represents the older generation and in many cases, provides an obstacle to ambitious youths seeking advancement. This inadvertently leads to a tendency towards activism. He further maintained that youths constitutes a force in any political system and that, this has shown that the youths views and interests must be heard and protected. Fever (1966) maintains the phenomenon of youth restiveness or militancy is neither new nor dangerous but natural, as time progresses, he observed that the youth will simply outgrow their militancy and radicalism because political action born of general revolt to be self terminating, it usually ends when some measure of generational independence is achieved. Consequently, Fever posits that, it is a sign of sickness, a malady in a society which arises where there is break down of generational equilibrium especially in societies where the political and economic power as well as the social status dominated by the older generations. This generational disequilibrium leads to the emergence of a generational consciousness of the parts of the youths.

In the words of Brown Ogbeifun (2007), youth restiveness comes under different headings as the motivation and orientation of actors differ. He identified there forms of restiveness based on actors, motivation and interests as youths engaged in genuine agitation for their rights and restoration of the dignity of their group or race; youths engaged in self seeking and criminal activities such as kidnapping or hostage taking in exchange for levied ransom; youths seeking revenge for the oppressive attitudes toward members of the elite class or a manner of responding to a repressive state. In all there is a unifying factor in the rationalizations of their actions as expressed in their definitions, which is not being satisfied with their present's state. Of all these categories, youth engaged in genuine agitation are seen as organising legitimate revolt or restiveness that attracts same coverage. The youths in this category see the prevalent socio-economic balance as skewing negatively against the interest of their people. This group of youths get started by using the dialog option before violence and confrontation will be considered as an attractive option. Theory of grievance according to Ogbeifun (2007) often centre around such issues as total disconnection between people and the state in terms of infrastructural development, inspire of spinning resources at the disposal of the state; poverty; unemployment; economic banditry and sabotage on the part of the government; unfaithful implementation of life affecting programmes; ethnic marginalization and insensitivity to the plights of the people suffering multiple negative effects of environments destruction of the ecosystem through gas flaring, oil spillage, which often render farmlands and rivers barren to the extent that the people may have no option or sources of veritable livelihood; decaying educational, health, water, electricity and road infrastructures. For Chukeuzi (2009) youth restiveness is a despicable act of being perpetrated by a significant portion of the youth in various communities that can no longer be ignored. As the name implies, it is a combination of any action or conduct that constitutes unwholesome socially acceptable and unworthy, while activities engaged in by youths in any community. It is a phenomenon which in practice has led to a near breakdown of law and order, low productivity due to disruption of production activities, increasing crime rate, intra ethnic hostilities, and harassment of prospective developers and other criminal tendencies. Youth restiveness becomes a national crisis going by its disruptive destructible tendencies

The above definitions show that youths have endowment of raw energy. They always bubble in high spirit, with high hope, big dreams, aspirations and ideas of what their tomorrow may bring. To achieving these, they must naturally stay still or quiet; especially when they anticipate or see their future on a totally collapsing social- economic landscape. They should work if the basic needs of life must be met. Therefore, in this context, they would naturally be restive within an acceptable limit in a continuum, in order to lay a solid foundation for the realization of their tomorrow.

The tendency towards restiveness is however heightened when there exists a feeling that the older generation has discredited itself and lost d moral standing to lead. This view was however criticized on the ground that, the older generation are responsively heterogeneous groups. The heterogeneity of the older generation is evidence by their division into different social classes and social groups. Besides, thousands and millions of thread tie the youths with the various social forces in the society. The conflict of the generation theory us also lacking in explaining the ideological and political differences within the old and young generation as well as the ideological and political alliance or unity that exists between them. Youth restiveness has sometimes been described as an expression of immaturity, irrationality, irresponsibility, indiscipline, youthful exuberance and a reaction to childhood protectionism. The conclusion has however attracted several critics especially as there as empirical evidences which demonstrate youth militancy is sometimes in sympathy with the working class agitations and the yearning and aspirations of other oppresses people and sometimes, even the ruling class.

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Fredric Engel (1978) buttressed that the revolutionist potentialities of the youths and the appropriateness of giving their views priority attention. In his words "Is it not natural that the youths should predominate in our party" the revolutionary party as a political party of the future and the future belongs to the youths, the future belongs to the youths, the innovators. He includes that the youths must eagerly trigger new innovations such as revolution wages, self sacrificing struggles.

Insecurity: The advanced learners dictionary defines insecurity as inadequately guarded or protected, unsafe, lacking stability, being plagued by anxiety or the state of being subject to danger and being exposed or susceptible to harm. This can be seen in the experience of the Niger- Delta people, and the country at large. Enochukwu, David (2000), holds that the roots of insecurity in the Niger-Delta lies in the history of struggles for self determination, local autonomy and democracy of the ethnic minorities in the region which goes as far back as the second decade of the 20th century. By the 1970s the Niger- Delta became the main source of oil, the new fiscal basis of the Nigerian state (replacing agriculture) accounting for over 80% of national revenues and 90% of export earnings.

According to a 2007 Center for Strategic and International Studies (CSIS) report, armed militant groups operating in the Niger- Delta have graduated to a new level of lethality. The report further estimates that the availability of AK-47 rifles in the Niger- Delta has increased fivefold in the past two to three years and militant groups likely possess remote detonation and night vision equipment's as well as anti-air craft missiles even more sophisticated than the ones handled by security agencies thereby causing insecurity.

Insecurity in Niger- Delta and Delta State in particular always emerge as a result of resistance campaigns through the kidnapping of expatriates and demonstrating the in ability of Nigerian Security Forces to stop attacks, as well as the Sabotage of oil Installations and the effective use of the global news Media. Oil has largely brought about escalating violence in the Niger Delta, which in 2006 resulted in the reduction of Nigeria's oil export by 25%. The general Insecurity caused by the activities of the restive youths and the Security agencies costs the country treasury billions of naira each year. It should also be noted that in order to control unrest and boost Production, the government has adopted strategies ranging from direct negotiation with the Militants to all-out Military assaults on them. However these methods have not been successful. Nigeria's government recently offered a sixty day amnesty to Militants willing to trade their weapons for promises of immunity from persecution and access to vocational training. The insecurity in the Niger-Delta region has grown to another level where everyone can be kidnapped. Today expatriates go through the agony when kidnapped and the trauma is unimaginable. Securing the pipelines and other oil and gas assets in the country has become a heavy burden to the government; because it is on record that this insecurity problem the federation loses about 120,000 to 150,000 BPD to smugglers talk more of refined products.

Since the hostility began in 1997, most especially in Warri North and South of Delta State, very few investors have come into the region because, no one will naturally invest in an insecure environment. Many companies with considerable investment in Warri have moved headquarters from the region to other parts of the country. The insecurity issue drifts off investors away from the aggravated region and now most of these companies now maintain only skeletal services in the region, which brings up the problem of unemployment and that in turn makes the youth to indulge in violent activities. The jobless youth roam about the streets and seem to device their livelihood from cycles of violence that has visited the region since 1997. Without the rehabilitation of these youths, they resulted into illegitimate occupational endeavors and it became extremely difficult to restore peace in the region.

III. Youth Restiveness And Insecurity In Delta

From 1999 youth restiveness in Niger - Delta took a new dimension. The new form of militancy and restiveness include, kidnapping of foreign oil workers, kidnapping of top notches in government and those supporting government, arson, assassination, and other forms of gruesome murder. Restiveness according to Abudah (2004) is a self generating theory of conflict process within social groups. He further stated that any restive acts of groups whether inter or intra in the nature of contemporary history of Nigeria is synonymous with conflict. Intra group restiveness or conflicts occurs when there is a competition for an interest (Onah, 1999). The relative deprivation theory asserts that psychological variables and deprivation is the basic product for conflict and restiveness of any kind. The more widespread and intense deprivation is among members of a population, the greater is the magnitude of violence in one form or the other (Famham and Pilmot, 1998). Coleman (1996) argues that the unequal socio- economic development of the various ethnic groups in Nigeria led to inter ethnic and intra ethnic conflict. Once there is an uneven development in all or some facets of human existence within a given society, the different groups will definitely become immersed in the competition for the goods of modernity which invariably leads to a conflict situation. Asobie (2004) says that there are approximately 300 spills per years in the Niger- Delta region. And he blames restiveness of the Niger- Delta youths on the oil multinational corporations that operates in the region that is not committed to the plight of their host communities. Again, he argues that the oil multinational

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corporation and Federal Government of Nigeria are implicated in the collaboration of militarizing the Niger-Delta region. In the view of Saro-Wiwa (1985), the root causes of conflicts in the Niger- Delta are inequitable distribution of revenue, uneven development among the Niger- Delta region. He goes on to say that development in the centre has been given much attention than the other levels of government and that there is evident inequality in the developmental approach in Nigeria.

Historically, youth restiveness has become transactional device used by Nigerian young adults to get what they want from the relevant authority. Origin credence to youth resistance to operating conditions, issues and unwelcome leadership regimes, dates back to 1934, when Herbert Macaulay floated a political party to kick against political dependency with fellow elite youths who had contact with the west. Other political parties like the NCNC, 1945; NPC, 1949 and AG 1951 had youth wings as vibrant as the mother parties. Thereafter students began to Unionize, campus cultism emerged, and organized gang actions, ethnic cliques and cleavages as well as clannish orientation among students seem to have legitimized restive reactions among the youths. Outside the campuses is proliferated youth initiated ethnic militia such as the Odua People's Congress (OPC) in the Western Nigeria, Movement for the Actualizations of the sovereign State of Biafra (MASSOB) in the Eastern Nigeria, Movement for the Survival of Ogoni People (MOSOP) and Movement for the Emancipation of the Niger Delta (MEND) both in Niger Delta, Arewa Consultative Forum (ACF) in the Northern Nigeria etc. This phenomenon, though not exclusive, is predominant in the Niger-Delta region of South-South Zone of Nigeria where the bulk of the country's oil revenue is obtained. Militant youth groups in this geo-political zone are reported to be over 200 in number within ages 15-46. This implies that they form the school age groups for Nigeria's institutions of learning, especially tertiary level and working class.

The Niger-Delta region of Nigeria is a densely populated region sometimes called the oil rivers because it was once a major producer of palm oil. It extends over about 70,000sq.km and makes up to 7.5% of Nigeria's land mass. It originally consists of Delta, Bayelsa, and Rivers states, until in the year 2000 when the government of (former) President Olusegun Obasanjo expanded it to include Abia, Edo, Imo, and Ondo States. Some 2 million barrels of oil are extracted in the Niger-Delta; hence the region has accounted for more than 75% of Nigeria's export earnings.

The youths constitute a large percentage of the Nigerian population. A few of them appear to have access to formal education while a larger majority do not seem to have access to formal education nor opportunity to benefit from non-formal/ vocational education and therefore do not possess skills necessary to guarantee their upkeep. Without proper guidance and promise for a better livelihood (despite the immense natural resources in the area and perceived benefits derived by the petroleum prospecting and marketing companies) some of these youths seem to engage in some destructive social vices as a way of registering their grievances. Many reasons have been adduced for the high spate of youth restiveness in our society. On the family front, parental neglect and/ control have been listed as contributing to youth restiveness. Togbolo, (2005) affirmed that 'most of our parents and guardians are not living up to expectation in teaching their children and inculcating in them norms and values'. The norms and values of any society are expected to be in the custody of the different levels of leadership in that society.

Youth restiveness, being a social phenomenon needs to be tackled at every specter of the society: Governmental (National, state and local levels); educational and religious institutions. Leaders at these different levels need a wide range of abilities and skills that would enable them work together with the people, perceive their dispositions and gain their confidence, in order to know how to deal with issues concerning them as they arise. At the school level, Ukeje et al (1992) advocated that to play a leadership role accurately, the school administrator needs to have a fairly accurate perception of his role-expectation, which is an accurate perception of the kind of activities and behaviors he should engage in, in order to perform his job well. This is because; role perception determines the direction in which the individual applies his efforts.

Youths seem to see the leadership in the nation to have failed them. With the long years of military rule in the country and high spate of political crisis, rights of individuals such as to education, health, etc are being neglected. Unemployment becomes a common feature, and the youths seem to be the worst hit. There is, therefore a tendency for them to look at their plight as the making of a government/ leadership that does not seem to care for them. Hence, Enyinnaya (2006), reported Spiff who advocated that 'the panacea to youth restiveness in the Niger-Delta is educating the youths in the region and ensuring that they pursued courses that are unique and relevant to the nation's needs'. Ofehe (2008) pointed out that the unemployment and sufferings among the Niger-Delta youths bring about youth restiveness which manifests in increase in armed robbery, hostility to companies' staff and family, prostitution, ritual killing etc. Supporting him, Alaibe (2008) noted that 'there is high population of unemployed, semi-skilled, half educated youths in the Niger-Delta', this makes a large number of them idle and vulnerable to negative influences. Many of these youths appear to be easily recruited by politicians as thugs, paid huge sums of money, armed, given promises for juicy packages and used for electioneering purposes. Only a few of them seem to be remembered

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after the elections are won, while many who may have squandered the money they got for the job are left to go back to their original poverty laden life conditions. The resultant effect is for them to revolt against the perceived injustice. Moreover, the arms that were given to them for the electioneering purposes often times do not get retrieved; in the absence of paid employment to keep them busy, the youths easily get attracted to wrong vices, with the acquired/ un-retrieved arms as somewhat confidence boosters. This is often worsened by the fact that some of these youths seem to have easy access to drugs, which obviously influences them negatively. Ekhomu (2008) noted that 'drug abuse' is becoming a pervasive problem and it is directly responsible for the increase in robbery, violence and youth restiveness being experienced in Nigeria today'.

The problem if youth restiveness has been a burning issue over some time now, especially in the minds of concerned citizens of the Nigerian society. The actions of the restive youths are inimical to peace and development of the region and the nation in general.

IV. Conclusion

Youth restiveness manifests in the form of students unrest, ethnic nationalism. And religious fundamentalism and quite often provokes lots of violence. Some acknowledged that there is a link between insecurity, poverty, unemployment and restiveness.

The paper has shown that the cause of the youth's retrogressive actions is traced to the government's neglect and lack of concern for the degradation of natural environment resulting from the continuing petroleum exploration and exploitation activities in the region. Government and indeed the oil companies are therefore advised to show more concern not only in the sustainability of the environment in which oil is produced but in the general development of the region (socially and economically) in order to avoid further insecurity. It is evident that after two years that the federal government introduced amnesty program. For militants in the Niger- Delta, the disbarment of the regions numerous private armies' remains a front burner issue following the sustained attacks and bombing that could evolve into anarchy. Peace is still elusive in the oil rich area and calls have continued to authorities to go back to the drawing board to fashion a better plan that will ensure lasting solution to the perennial insecurity in the region.

It is also pertinent to note that the amnesty lapsed since October 4th 2009, but the post amnesty period has not transformed into peace and progress in the region (The Guardian, April 20, 2010). On the 2010th May day edition of The Nation, it was reported that the militants still attacked shell's facility in rivers state declaring it was the beginning of "Operation Boro".

In the light of the foregoing, the study therefore recommends the following:

- This region produces the wealth of the nation, so the government and oil companies should show enough concern to the welfare and development of infrastructure in the host communities of the Niger-Delta in general.
- The existing environmental laws, which deprive the origin of ownership of their natural resources should be abrogated and replaced with resource control act.
- In order to tackle the problem of insecurity, the government should give a listening ear to the agitations of the restive youths.
- State executives, legislators and the entire political elites across the Niger- Delta should be collectively committed to the course of the Niger- Delta people, particularly with the lives and affairs of the people should be a thing of the past. The leadership including the traditional institutions and the option leaders should fulfill their natural covenant to the people by representing them sincerely, truthfully and responsibly if not for the present, but for the posterity and providence.

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Local Democracy Revisited

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Abstract - The reform of institutional arrangements at the local level, especially the personalisation of executive power and the implementation of new options to participate, was expected to reinforce local democracy. However, there were doubts from the start as to whether this goal could be achieved, because institutional reforms were combined with the implementation of New Public Management. After more than a decade, an evaluation of the adopted measures in major western democracies seems appropriate. The comparative analysis draws on empirical studies conducted over three decades. Because of available data that is extremely difficult to compose for all western democracies, decision making procedures have been neglected in comparative empirical research. The evaluation presented here includes a puzzle of findings, which underpin future prospects of continuing reforms. The result is that a lack of accountability and control prevents democratization. Furthermore, measures taken to improve direct citizen participation have not achieved their goal.

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Local Democracy Revisited

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Abstract - The reform of institutional arrangements at the local level, especially the personalisation of executive power and the implementation of new options to participate, was expected to reinforce local democracy. However, there were doubts from the start as to whether this goal could be achieved, because institutional reforms were combined with the implementation of New Public Management. After more than a decade, an evaluation of the adopted measures in major western democracies seems appropriate. The comparative analysis draws on empirical studies conducted over three decades. Because of available data that is extremely difficult to compose for all western democracies, decision making procedures have been neglected in comparative empirical research. The evaluation presented here includes a puzzle of findings, which underpin future prospects of continuing reforms. The result is that a lack of accountability and control prevents democratization. Furthermore, measures taken to improve direct citizen participation have not achieved their goal.

I. Local Democracy Revisited

In debates on the legitimacy of modern democracies, low voter turnout is frequently mentioned as the most important indicator for the growing distance between voters and political institutions. In the 1970s, however, with levels of formal education rising, political scientists observed a revolution in participation patterns. This is not necessarily a contradiction: people's increased political activity since the 1970s might have taken unconventional forms. The large increase of newly emerging associations is seen as an indicator for the rising number of citizens wishing to participate actively. Some scholars even talk about an explosion in this sector (Anheier et al. 1997: 13; Anheier 1997: 64). New small parties entered the political scene and often changed local party systems.

These developments may be interpreted as steps towards an active civil society, which social and political scientists have called for. Normative concepts, such as the theories of strong (Barber 1984) or reflexive (Schmalz-Bruns 1995) democracy, see a strong civil society as an indispensable basis for democracy. Likewise, numerous empirical studies have revealed the positive effects of participation, e.g. increased social confidence (Putnam 2000). But have such developments actually contributed to more democracy? After about thirty years' experience with these developments in many western countries, a hypothesis based based on theoretical considerations and empirical findings should be possible.

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II. Innovations at the Local Level

All western democracies have responded to citizen requests for more participation. New forms of participation might have been intended to fill the gap between existing opportunities and people's increased wish to participate. Since the 1970s the options for participation in democracies have been increased in many sectors, e.g. land use and infrastructure planning procedures, school boards, direct democracy. Regarding the most important facility of participation, namely elections, many countries extended suffrage to younger people, e.g. sixteen-year-olds. On the one hand new arrangements for the participation of individuals in the run up of decisions were added. On the other hand the right to vote directly for the mayor - responsible for the coordination and delivery of public services - curtailed the former position of the council, which till then had all legal power. This was underpinned by the major innovation in the 1990s: the implementation of New Public Management (NPM) (Bogumil 2001; Wollmann 1998: 400; King & Stoker 1996; Pratchett & Wilson 1996; Pratchett 1999; John 2001). New Zealand and the Netherlands were the front runners, followed by the US (Poister and Streib 1994; 2005) and the Northern European countries. New Public Management was meant to establish an efficient public administration, associated with decentralization, deregulation and delegation. Furthermore reforms of the political decision-making procedures should be implemented. Politicians should only focus on budgeting, goal setting, planning and general issues (Vabo 2000). In Germany the innovation was endorsed by the scientific community as well as the leading local government associations. Municipalities were forced to implement the major components of the initiative.

Although the primary goal of this innovative approach had been more efficiency in political and administrative procedures, it also included new forms of civil participation (Schedler&Proeller 2000: 205pp, especially 210-211). New Public Management has created new modes of governance and broader networks, requiring private firms, those operating in the third sector – called Non-Profit Organizations (NPOs) or Non-Government Organizations (NGOs) – and individual citizens to pursue problem-solving strategies that bring

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about more citizen-friendly decisions, to strengthen citizenship and to bring politics closer to the people.

Until the 1990s public participation at the local level had usually been limited to the input of the policy cycle, which relates to the preparation of the political decision-making process. The reforms of the 1990s offered a wider range of options for participation, which were not only related to the input of policy-making but also designed to strengthen public participation in the implementation of decisions (Pratchett 1999: 733; Lowndes et al. 2001: 447). Generally, engaging the public is now spreading through the public administration, as more individuals are invited to do voluntary work.

There is a consensus that voluntary work can help enhance democracy, because citizens take part in face-to-face meetings and learn to organize activities. This creates social confidence and provides the opportunity to practice moderation, find a compromise and create mutual understanding. However, critics of New Public Management argue that volunteering may not improve democracy. The volunteers are rather seen as "stopgaps" in times of a shortage of public funds (Nassmacher 2006: 47/48).

As outsourcing is an important goal of the reforms, it is anticipated that administrators will increase efforts to achieve greater public participation by acting more enabling, cooperative and supportive, particularly in sectors where - partly for lack of financial means - administrators are not able to satisfy public demand. For example, in social policies such as child care, youth policies and care for the elderly volunteer activities are appreciated. Private interest groups, citizen initiatives and all kinds of non-profit organizations fulfill demands on a short-term basis.

III. Major Impacts

Initially New Public Management gave rise to a variety of community-based groups. But eventually permanent institutions arose from these initiatives, e.g. child care homes that complement public nursery schools/kindergartens, or women's refuges. They fill in a gap as state authorities provide limited public resources for the new bodies and thus facilitate activities in these areas. In addition, governmental actors have tried to improve economic development by building alliances with the private sector through public-private partnerships. Investors are invited to be a sponsor for or to build new infrastructure, e.g. for shopping and leisure. However, one has to bear in mind that none of these actors and groups have any responsibility towards the general public. At the same time, the new arrangements have weakened the power of elected local authorities. Thus the clear channels of accountability that characterize western democracies have become blurred. Even elected officials "try to maintain that whatever is wrong is not their problem" (Margolis & Resnick 1996: 196).

Years ago the prognosis for future decision-making at the local level used to be a continuing trend towards parliamentarisation (Frey &Nassmacher 1975), which had started in Germany in the 1960s. A parliamentarian political system has the advantage of a division of power between the parliamentary majority and the executive on the one hand and the parliamentary opposition on the other. The majority is accountable for decisions and non-decisions during the legislative period, and its actions are observable by the public and the voters. In order to make its actions understandable, the majority has to advertise its views. The role of the opposition is to point out what went wrong and present alternatives.

By adopting New Public Management, the relationship between council and the administration should be streamlined according to the principal-agent model: after an election, the council formulates goals for the entire legislative period, and the administration has to implement policies. Critics have indicated again and again that this model is much too simplistic for real politics, as new, sudden challenges, e.g. the bankruptcy of a major firm, need flexible reactions based on longstanding values of each party. In addition the principal-agent model represents a shift towards the presidential system (with the separation of power between the president and parliament), where the mayor is the effective head of government and all power is concentrated in that one person. But can he or she be the centre of accountability, as some scholars (Severs et al. 2008: 136) assume? The mayor is acting in highly complex networks with centripetal and centrifugal forces, and he usually needs a majority of the councilors for decision-making. Without the discipline of a one-party majority or a stable coalition in the council, mayors are permanently struggling to secure support for their actions. At the same time, nobody knows who is responsible for decisions. Often mayors themselves, even in larger cities, deny that they are beholden to party policy and try to assure citizens that they are always working for the public's best.

The mayor's responsibility only covers important decisions for the entire community; but there are also a lot of decisions to be made on special policies, which are outsourced and implemented by private partners or non-profit organizations. Initiatives in all policy fields are incorporated more or less in preparing and implementation decisions. In addition, volunteers play a part in some trivial decisions. These relate to the production of the policy output and include - at all events - small adjustments with regard to small groups and a fistful of people, respectively. This promotes a disaggregation of decision-making. Network analysts point out that "policy emerges not from centrally concerted or programmed action but from the

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autonomous interaction of a plurality of independent organizations" (Pratchett 1999: 740). The incorporation of numerous agencies and organizations in decision-making in service delivery contributes to fragmentation within the overall system (Stoker 1996: 2).

This raises not only the question of public accountability of all these new bodies but also the question of local democratic control. Those who exercise public power or spend public money should be answerable to those on whose behalf they act. Even if under New Public Management the consumers are the focus of all activities of the administration, this should not replace the need for collective accountability for policy and use of resources. Legitimacy of decisions is withering away, and at the same time channels for corrupt practices open. This will likely contribute to growing resentment against democracy, and elections will become less and less interesting to the voter.

We are aware that new decentralized structures will bring about new rules and - in wider networks - new styles of decision-making. But first of all complexity dominates in an extremely badly arranged web of relationships. The new rules of the game will emerge from negotiations and a new consensus between actors in each policy field. But achieving coordination after decentralization and fragmentation takes time. Moreover there should be doubts that efficiency of decision-making and implementation will come to the fore. Meanwhile external observers can hardly assess the roles of the actors and their relations to one another. This does not fit with the other goal of the reform: to bring about more local mobilization and influence of the citizenry.

The results are - comparable to empirical studies on community power and corporatism (Hunter 1953; Dahl 1961; Bogumil&Holtkamp 2002; Nassmacher&Nassmacher 2007) carried out for centuries in all western democracies - that established non-profit organizations have an advantage over newly created initiatives and issue groups. Even agent-centered institutionalism points to the same powerful agents in local authorities, and projections predict a concentration of power and a strengthening of the major leaders (Prior et al. 1995: 119; John 2001). The mayors as the most visible agents of the local political system try to set the agenda in policies and politics, but this might be rather symbolic and does not mean that they are able to take control of each policy process.

IV. Prospects for the Future

Those who try to influence decision-making as well as the institutional arrangements have to be examined more closely, as do future changes that are likely to happen.

a) Personnel

At the local level, the directly elected mayor can be sure of overwhelming attention, and he or she is highly visible in the local media. This has not brought about a higher voter turnout in direct elections than in local council elections. In fact, just the opposite occurred in Germany.

It seems that citizens do not value direct elections as a measure of more democracy. Also, the powerful role of the mayor disadvantages the council. This may contribute to the assumption that standing as a councilor is not very attractive to a lot of people who are ready to engage politically. One group is well-educated women. An increasing number of women hold a job, even if they are married and have children. Deficits in the provision of public welfare services may contribute to the fact that women engage publicly, for example in the child care sector or in care for the elderly, to solve their own immediate problems. Consequently voluntary activities do not start in political parties but in other forms (Stöbe-Blossey 2001: 174; Phillips 1996: 115), where quick outcomes are expected. With growing difficulties in the transition from academic studies to paid occupation, many young and well-educated women view volunteer work as way to gain entrance to a paid job (Rabe-Kleberg 1992: 87, 90).

Other incentives for volunteering are to have fun, to form networks, to improve communication skills and to obtain managerial skills. To some degree this may the value of engagement in political parties. But only very few volunteers can achieve well-paid political party positions or have successful political careers. As a precondition continuing engagement is unavoidable. This makes activities in parties always very time consuming and especially younger people are more restricted according to the demanded flexibility on the labor market.

After years of debates on citizens' disenchantment with politics and politicians, participation in political parties is not very highly valued. In contrast, there is no lack of appreciation for voluntary work in social or cultural organizations or initiatives. Many well-educated people are pushed "into functionally-based arenas and patterns and this in turn undermines the support at both central and local levels for government for broad, community-based, local democratic policy-making." (Stoker 1991: 14) The result is that officeholders come from a severely limited spectrum of society. People at the end of their vocational career or those with a safe profession dominate in the councils, e.g. in Germany they come from the public sector or are small business owners. But as councilors they have to perform steering and controlling functions observed by a critical public. If people are not convinced of the councilors' competence, this may contribute to de-legitimizing democracies.

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The politicians' abilities to perform their tasks in the council derive from their profession or work. Only few councilors concede that making complex decisions requires additional training. This gives rise to calls for public authorities to transfer their resources and power to non-partisan entities designed to take on special issues. However, since voluntary work in political parties has become the major stepping stone for a political career and the gateway to more powerful positions in politics, the recruitment of qualified candidates is not only a problem for local democracy, but for each level of western democracies. Furthermore it contributes to the weakening of political parties.

b) Political Parties

Although options for direct democracy have been added, western democracies are still predominantly representative. Western democracies are also party democracies. The proper functioning of political parties is without alternative. Volunteering in political parties means that people with higher education and more managerial skills have to listen and talk to people of lower strata to increase their reputation in the group. The "socioeconomic disparities can be partially counteracted by this [sic] popularly rooted political parties." (Skocpol 2004: 10). Maybe traditional voluntary associations, through seeking large numbers of members and bringing together different strata of society, "conveyed knowledge and motivation that could be transferred to other endeavors" (Skocpol 2004: 11). Even if these associations largely stay out of politics, they may be able to bridge the gap to political parties and thus promote access to them. Mass democracies rely on symbols and organizations such as political parties to give the public guidance and orientation. Parties take positions on key issues in a society, and they channel as well as express interests. "Politics involves collective decision-making" (Stoker 1996: 192), not fighting for special interests. Those who neglect the importance of political parties disregard the results of empirical studies (Kunz 2000): it is evident that different values influence decisions of parties at the local level - not only in Germany.

However, the trend seems to be that political parties at the local level are questioned more and more. The traditional position – which is still defended in many rural areas – that local government is not a matter for party political activity comes to the fore again. Politics - the development and expression of voice and weighing of community objectives - is downplayed. The smaller the town, the more important are informal networks and consensual decision-making processes among the dominant actors.

But now the role of political parties seems to be challenged in larger municipalities as well, as conflicts about value-oriented visions in all policy fields are denied in the public debate. In this view policies in the cities have to follow a long-term model for the future development of the municipalities. It is argued that each city has an overriding general public interest that is superior to the interests of different groups or the values supported by political parties. This vision of development is not very clear-cut or concrete. Critics point out that politicians acting always under uncertainty have to react with a short-term view and make use of present-day opportunities when problems have to be solved.

A lot of scholars in the 1970s expected "that future parties will be less dependent on the functioning of their local subunits because new communication technologies ... will give them ample opportunities for campaigning" (Geser 1999: 34). Local gatherings seemed to be old-fashioned. However, recently scholars have paid more attention to the local chapters of political parties, and there is empirical information about their value (Geser 1999: 35-37; John &Saiz 1999: 47). This concerns not only campaigning but also raising their voices in deciding particular issues according to their values. The size of communities as well as the social-economic structure (class conflict) are strongly related to local party organizational strength (John &Saiz 1999: 44, 55, 69).

The political parties themselves have contributed to the under-valuing of their local chapters. However, the internal structures of political parties differ, and changes occur through a multitude of impulses. The US local parties, for example, vary widely in organizational strength. In the large towns they seem very influential. Usually the national party does not intervene in local affairs (Saiz 1999: 174, 177), which is also true for the Canadian parties. Until the 1990s the local Labour Party in Britain was part of the national hierarchy, following national guidelines and being subject to strong disciplinary measures (Game & Leach 1996: 130, 136). Contrary to that, local Conservatives and Liberals were more decentralized (Game & Leach 1996: 135) and there was no great influence of the party headquarters. They experienced more informal structures. This changed when the Conservatives became more centralized. In the 1990s Labor started to revitalize its local base. Individual party members were seen as the "lifeblood of the parties". Under Blair new individual members were welcomed to demonstrate the modern character of his party. Party leaders paid more attention to the activities in the constituencies, and the level of support for the parties in general elections increased (Seyd&Whiteley 2002: 32/ 33).

c) Changes in Party Competition

Fair competition in campaigns is a litmus test for local democracy. Communities are part of the political culture of their countries and regions. In particular, electoral systems and rules for the recruitment of candidates affect the party system.

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Especially under federalism, it is common that institutional arrangements vary between cities and towns, or between states (e.g. the states of Germany and US towns). Changes have taken place concerning the opportunities of parties to offer a personal tableau for their council factions, as in some places preferential voting for candidates has been introduced. A greater challenge for parties seems to be direct democracy or considerations of non-partisan communities.

As political parties are under pressure everywhere, the idea of non-partisanship is coming to the fore again. This is not a new idea. It was the most commonly adopted reform in North America in the early 20th century. About two-thirds of municipalities in the US are run without the political parties' names on the ballot. Canada followed soon. In the early 1970s in Alberta, most people still opted against parties at the local level, in larger as well as smaller municipalities (Masson 1985: 291). Firstly this was a measure against the turn-of-the-century party machines and thus against party power with corrupt practices and overwhelming patronage. In combination with elections at-large it was meant to reduce the impact of socio-economic cleavages and minority voting blocs in local politics. Secondly the reformers believed it would restrict local campaigns to local issues. Thirdly the municipalities should deliver services in an "efficient and businesslike" manner (Margolis &Resnick 1996:184). Last but not least, it should raise the caliber of the candidates.

Many scholars doubt that this measure has made local democracy stronger. Instead, its major impact in the US seems to be that the political process "tends to be dominated by well-organized, often well-endowed, interest groups with their own particular agenda" (Margolis &Resnick 1996: 183). Furthermore nonpartisanship has been accompanied by reduced voter turnout. As even in middle-sized towns only a small number of people know the candidates in person, most potential voters lack orientation (Kevenhörster 1979: 292). This brings about limited opportunities of minority groups and disproportionately represented minorities (Welch 1990). The problem is exacerbated in larger municipalities with at-large elections. Especially in large cities, council candidates have to put a lot of money into their campaigns. This means if no organization is willing to sponsor the campaign, only candidates from the middle or even upper middle class are wealthy enough to run. Consequently Republican candidates have an advantage in non-partisan elections, while the turnout for Democrats (generally citizens with lower income) is reduced. Therefore the Republicans in the US as well as the Conservatives in Canada prefer non-partisanship, while the Democrats in the US and the NDP3 in Canada fight against it. As voter turnout is widely regarded as a measure for grass-roots democracy, one may judge non-partisanship as a step in the wrong direction.

Political parties themselves have tried to solve the problem: their get-out-the-vote-drives are the strongest measure. Their organizational activity seems far higher today than it was in the past, and the effectiveness of parties is most likely increasing rather significantly. In some cities local civic organizations have sprung up that are loosely related to state and federal parties, which provided funds for the local campaigns. Soon the public became aware of this (Masson 1985: 298; Purcal 1993), so that non-partisanship often remains only a formality. The hurdle works at all events in edge-cities and suburbs with middle class inhabitants. As has been shown in non-partisan municipalities, it is impossible to take partisan considerations out of local politics. "Thus, local political decision making has a partisan component, even though it is covert rather than overt" (Masson 1985: 292).

However, political participation remains at a low level. Only a few scholars do research on local party activities, and the emerging picture is inconsistent. Some find that parties are mere electoral organizations: "Parties are simply trying to survive and make a good showing in the next election" (Margolis &Resnick 1996: 190). "...neither their leaders nor their public officeholders envision them fulfilling the active policy role called for by the strong model of party responsibility." "Local politicians are constantly searching for nonpolitical solutions that relieve them for [sic] responsibility for making tough decisions" (Margolis &Resnick 1996: 192). This does not increase the reputation of the council and contributes to a general loss of faith in the ability of government to solve political problems (Margolis &Resnick 1996: 190, 192).

Some scholars regard representation as a political feature of the past. As more and more people become better educated, they force the implementation of direct decision-making by the citizens. Advocates of direct democracy argue that democracy is government "by the people". In its purest form this means that people come together and make political decisions. Some experiences are at hand concerning town meetings, as traditionally held in very small villages in Switzerland. They have also been conducted in New England since the 1960s. However, attendance has always been very poor, except in very small towns or villages, and it has varied over the years and from issue to issue. In New England attendance was higher in the 1960s than in the 1990s (Zimmerman 1999: 46, 47). Decisions were strongly influenced by town officers and committees, and their recommendations were very often followed (Zimmerman 1999: 49). But there were good debates, and the participants felt better informed. Considering the large number of decisions that have to be made each day, as well as organizational problems and expenses for managing direct attendance at least for major issues, town meetings are useful only in small municipalities

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and in some policy fields, and as a supplement to a representative body.

Meanwhile, direct democracy by citizen-initiated ballot or referendum, or initiated by the public authorities, especially the council, is widely employed in western democracies, especially in Switzerland and the US. Germany has recently followed suit (Scarrow 1999a: 276-278) at the local and state levels. Ballots and referenda have increased during the last decades in these countries and world-wide. In a direct democracy, citizens both participate in discussions about different policies and then make the final choice. However, "it is unmediated participation in both policy formation and policy decision" (Dalton et al. 2003: 10). As the outcome of citizen-led initiatives can have important impacts on the operations of public organizations, local governments in the US choose strategic responses before particular issues has been placed on the ballot (Ely/Jacob 2013: 39).

As we know from numerous studies, those who participate in direct democracy are generally well educated and well off. Expectations that new issues would be raised and new arrangements for problem-solving would be tested were disappointed. Across countries the topics have been fairly similar (infrastructure development, environmental measures, land use), and most of the issues have been raised before in the political debate. Rent-seeking is a strong incentive for participants. Proposals that would result in higher taxes are usually turned down (Wagschal 1997). Slim budgets often lead to dismissal of personnel and/or termination of social programs. In addition, xenophobia has become evident.

Scholars who advocate direct democracy never consider the financial implications. Also, direct democracy is very time-consuming for both the administration and the citizens. Further problems are the impact of pressure groups and the push for minority interests. Many authors have pointed out negative effects for parties, which have to deal with all propositions put forward under direct democracy (Ladner/Brändle 1999: 284-286). Involvement of the political parties is unavoidable and an additional time-consuming burden for party activists (Nassmacher 2001). However, it forces parties to be active and visible between election campaigns, and this brings about a professionalization of the party staff (Ladner/Brändle 1999: 293). Therefore direct democracy does not automatically weaken the parties. Under some circumstances it may help combat citizens' dissatisfaction and "boost support for the process upon which the parties depend" (Scarrow 1999b: 358/359).

Direct democracy also increases the importance of smaller parties (Ladner/Brändle 1999: 295) and thus affects the party system. However, the major measure for shaping party systems is the electoral system. In the first-past-the-post-system (single member simple plurality systems) the voter has the best chance to hold candidates and their parties accountable through the ballot box. There seems to be only one counteracting factor: regional strongholds of parties built on specific socio-economic structures, e.g. ethnic minorities or historical communities. This can cause longstanding dominance of one party. Corrupt practices may be the most important problem that comes about in such cases.

Proportional representation systems are widely regarded as the most important explanation for centrifugal parliaments, as in Switzerland (Ladner 1991: 126) and Germany. For decades in Switzerland the local chapters of the national parties have been dominant (Ladner 1991: 259). The same has been true in Germany, where local, independent parties have played no important role in larger towns. A first step in changing these party systems may have been enabling the citizens to cast preference votes for local council candidates. This measure has been used in the southern states of Germany for decades. It has not weakened the dominant right-wing parties CDU and CSU, as their candidates (e.g. self-employed people with academic background such as pharmacists, lawyers, physicians and architects, as well as small employers) are well known among the public. Left-wing parties have found it difficult to find candidates with a comparable reputation. Therefore it seems to be safe to predict - supported by a small number of empirical findings - that preferential voting favors conservative parties. In contrast, the abolition of the five-percent hurdle seems to encourage splitting of local parties and the candidature of independents.

This may influence the diversity of perspectives included in the policymaking process and lead to early debate and action on new issues (Orellana 2010): 613). More than a few analysts see these recent developments as advantageous for western democracies. This has to be questioned. Has democracy really been enhanced? One has to keep in mind that the supposedly new actors in the councils are often not really new on the scene (Naßmacher2006: 142, 144). Many had problems in their old parties and were not able to accept political compromise. To a smaller degree they may be able to inject fresh perspectives and new expertise into public policy debates. In any case, personal tensions are now played out in the council as a whole and become a burden, as the public is prevented from giving their full attention to the problems that have to be solved. It is safe to say that if there is no aggregation of different views, the decision-making process will take more time. This may contribute to a decline of public satisfaction with local government and democracy.[3]

To a lesser degree the laws for party financing are important for the internal structure of party organizations and their activities at the local level. This

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may be true for German and Swedish parties. As state funds for German parties depend on the parties' own income and are provided as matching funds, parties have to look after their members and solicit new members and their dues as well as additional donations from citizens. In Sweden, state aid depends on votes, even in local elections, and this encourages activities of the local party chapters. My own findings confirm that activities and influence of parties in local politics depend very much on the party activists and councilors themselves, their motivation, social and political skills and policy expertise. It comes as no surprise that caucus members are dominant in local party organizations. They have more resources than regular party activists, who are usually not able or not willing to use their own wealth.

V. Conclusion

Bearing in mind that western democracies should balance freedom and equality, there must be institutional arrangements that grant equal access to all citizens who want to be involved in local affairs. This was introduced through the formula 'one man, one vote'. The range of options for participation has been expanded for some decades, but many measures are of minor importance for influencing decisions. Regarding the major and councilors, electoral systems allow for more individual choice of the voters. However, electing the mayor directly is not valued highly by voters, as the low turnout shows, and preferential voting for councilors has complicated the voting process. This would get even worse if non-partisan ballots were introduced. A larger turnout of well-educated voters and consequently increased votes for councilors of the upper middle class has strengthened the conservative and liberal camps. Direct democracy has the same impact. The mayors' visibility in the media hides the fact that public control of Decision-making is impossible, as in a disaggregated system nobody seems to be responsible. The universal practice for councilors of the same party to organize themselves in a political group with specific views on political issues is withering away, as multi-party systems become widespread. To summarize the impacts of the new institutional arrangements: freedom has been increased at the expense of equality and accountability.

1See, for instance, Norris, Pippa quoted in: Power to the People, A pervasive web will increase demands for direct democracy, in: The Economist, January 25th 2003:13.

2 Most councilors enter the local council on a party ticket, while initiatives and non-profit organizations provide the same opportunity only in smaller towns.

3 The consequence was that the NDP stronghold British Columbia had the smallest number of towns with non-partisan councils.

4 They have advantages not only in knowing what goes on in the town, but also because the caucuses employ publicly funded assistants.

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Content

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- If you desire, you may place your figures and tables properly within the text of your results part.

Figures and tables

- If you put figures and tables at the end of the details, make certain that they are visibly distinguished from any attach appendix materials, such as raw facts
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The Discussion is expected the trickiest segment to write and describe. A lot of papers submitted for journal are discarded based on problems with the Discussion. There is no head of state for how long a argument should be. Position your understanding of the outcome visibly to lead the reviewer through your conclusions, and then finish the paper with a summing up of the implication of the study. The purpose here is to offer an understanding of your results and hold up for all of your conclusions, using facts from your research and generally accepted information, if suitable. The implication of result should be visibly described. Infer your data in the conversation in suitable depth. This means that when you clarify an observable fact you must explain mechanisms that may account for the observation. If your results vary from your prospect, make clear why that may have happened. If your results agree, then explain the theory that the proof supported. It is never suitable to just state that the data approved with prospect, and let it drop at that.

- Make a decision if each premise is supported, discarded, or if you cannot make a conclusion with assurance. Do not just dismiss a study or part of a study as "uncertain."
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- Give details all of your remarks as much as possible, focus on mechanisms.
- Make a decision if the tentative design sufficiently addressed the theory, and whether or not it was correctly restricted.
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- One research will not counter an overall question, so maintain the large picture in mind, where do you go next? The best studies unlock new avenues of study. What questions remain?
- Recommendations for detailed papers will offer supplementary suggestions.

Approach:

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References	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring



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