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Seeking Peace in Nigeria's War-Torn Niger Delta¹

Darren Kew and David L. Phillips

Update 2013: Much has happened in the Niger Delta since this article was first published in 2007. Two events in particular have changed the political dynamics of the region. At long last, Nigeria's federal government under then-President Umaru Yar'Adua negotiated a cease fire with the majority of the Niger Delta militias and instituted an amnesty package for their fighters. Shortly thereafter, President Yar'Adua died and his deputy Goodluck Jonathan became president in 2010, the first Niger Deltan to hold the nation's highest office in its history.

In one sense, these two events have transformed the region. The amnesty program ushered in a significant reduction in the level of violence in the region, and oil production soared. With President Jonathan taking office shortly after the amnesty, the political networks of the Niger Delta have assumed control of the massive resources of the presidency, such that they have captured its tremendous largesse and its political influence.

The reduction in militant activity in the Niger Delta, however, was achieved largely by putting the leaders of the militias on the federal payroll through buyout packages and government appointments. Rank-and-file members of the militias were promised educational opportunities, job training programs, and employment-generating projects, but many of these never materialized or were poorly funded when implemented. The presence of Goodluck Jonathan in the presidency raised expectations even further that a local leader would take better care of his own. Yet few of the heavy weapons or even the assault rifles were ever traded in by the militants.

The result was widespread feelings of dashed expectations among most of the members, who remain well armed. The mid-level commanders, meanwhile, saw their superiors bought off by the government and move to lavish lifestyles in the capital, creating an incentive for the next generation of militants to return to the insurgency in the hope that they too will shoot their way into a comfortable buyout package.

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Consequently, the militias have every incentive to resume their violent activities, and attacks on oil facilities and other government operations have recently increased.

Moreover, the roots of the conflict were never addressed. Although a host of government contracts have flowed to political leaders in the region through their connections to the Jonathan networks, few of these appear to have been implemented so as to spur the much-expected economic and social development in the region. Communities are still largely disempowered and sidetracked, and election quality in the Niger Delta is the worst in the federation. Consequently, the original recommendations of this article remain sadly as relevant as in 2007: initiate a process or processes of dialogue that engage local communities, continue election reform, and initiate comprehensive development in the region.

Abstract: Nigeria's oil-rich Niger Delta region has seen little benefit from the billions of dollars earned from oil over the last four decades, prompting a growing but disorganized insurgency across the region. Irresponsible oil companies and government actors have reduced the Niger Delta to one of the most polluted environments on earth. Corrupt local and national politicians, many of whom achieved power through rigged elections, have colluded to manipulate ethnic divisions and poverty in order to continue looting the region's wealth. Consequently, the people of the Niger Delta have no formal political voice in Nigeria's nascent democratic system, increasing the attractiveness of militias as alternatives for political influence and economic sustenance.

Reversing the governance crisis in the Niger Delta requires credible elections, respecting political opposition, and disarming the militias. In order to achieve these, a serious public dialogue process is necessary to address the fundamental governance crisis in the region and to build confidence among the many communities of the Niger Delta that the democratic system can meet their legitimate needs for socioeconomic development.

Nigeria's beleaguered Niger Delta region is the nation at its extremes: At once, it embodies both tremendous economic potential – earning Nigeria \$90 billion in 2011 alone – and the bitter betrayal of its people by its own political elite. Nigeria has earned over \$400 billion since 1970 from Niger Delta oil, yet the region still shows little sign of economic development. Indeed, oil production has created an environmental disaster for the Niger Delta, killing off local fish populations and polluting drinking water.

Brazenly rigged elections across the region in 1999, 2003, and 2007 rendered the people of the Niger Delta voiceless in all levels of the Nigerian government, while powerful politicians and their clients build increasingly armed camps to fight over who gets to steal more from the public coffers. Left with no alternatives, the region's youths turn to the growing militias for respect and economic sustenance,

despite a 2009 amnesty program, while mainstream community leaders ponder more radical solutions to the crisis. As one activist commented, “the militias know that the only language that this government listens to is violence.”²

International observers judged the most recent general elections in 2011 fairer across much of the nation than those in the past, but the Niger Delta contests were still marred by massive discrepancies and outright fraud. In one state, the number of votes cast exceeded the number of registered votes. President Jonathan’s win also upset the informal tradition of rotating the presidency every eight years between the Christian-dominated South and the Muslim-dominated North, prompting rioting in northern urban centers.³ The president’s likely effort to get reelected in 2015 is thus certain to keep the Niger Delta at the center of mounting North-South tensions in addition to the local dimensions of the conflict.

Resolving the crisis in the Niger Delta requires a host of solutions as complex as the many communities that constitute the region. Yet the many facets of the conflicts in the region share a common thread: neither the Nigerian government nor the multinational oil companies are talking in a comprehensive, systematic fashion with the communities who live there and are affected by their actions. The president or governors meet on occasion with key militia leaders in response to hostage taking or outbreaks of violence, and individual oil companies negotiate with individual community leaders on occasion, but neither government nor business is working in a region-wide, participatory fashion. President Yar’Adua initiated a region-wide amnesty program in 2009, but only a small portion of the militants were disarmed, and more were added to state and federal government benefit packages that essentially bought the loyalties of the militias rather than dismantling them.

Prompt remedial action is required by the Nigerian government, opposition forces, civil society groups, oil corporations, and international actors in the Niger Delta. They must undertake serious measures to reverse the governance crisis in the oil-producing region by holding credible elections, respecting political opposition, and continuing efforts to disarm the militias. In order to achieve these, the Nigerian government must open a serious public dialogue process that addresses the fundamental governance crisis in the region and builds confidence among the many communities of the Niger Delta that the democratic system can meet their legitimate needs for socioeconomic development.

Background: A History of Exploitation

The concentration of Nigeria’s massive oil wealth in the Niger Delta has meant that the region has suffered severely from the nation’s overall governance failures. Despite the windfall of oil revenues over the last 41 years, Nigerian standards of living are worse than in the 1960s. The World Bank estimates that 84.5% of Nigerians in 2010 are living on less than \$2 per day,⁴ and the United

Kingdom's Department for International Development laments that "Nigeria has some of the worst social indicators in the world."⁵

Nowhere has this suffering been more evident than in the Niger Delta. Despite providing two-fifths of government revenues and roughly 95% of export earnings, the region's vast oil reserves have not resulted in socioeconomic development⁶. Bayelsa state, for instance, has only one multi-lane, paved road in the entire state, which leads only as far as the capital – most of its riverine areas remain unconnected either to national transportation networks or to electricity grids. Many of the schools or hospitals that have been built in the Niger Delta in recent years – usually directly by the oil companies themselves – have no staff, equipment, or necessary supplies.⁷

The Niger Delta region includes six states (with adjacent portions of three additional states also often included in some counts) of which Akwa Ibom, Bayelsa, Rivers, and Delta states produce the most oil and have the most significant violence problems. The region is a maze of creeks, streams, and swamps formed by the Niger River as it divides into six main tidal channels before spilling out into the Atlantic Ocean. Before oil was discovered, the Niger Delta region had the most extensive lowland tropical and fresh water forests, aquatic ecosystems, and biodiversity in West Africa. Residents cultivated rice, sugarcane, plantain, palm oil, yams, cassava, and timber.⁸ At least seven million Ijaw, Ogoni, Itsekiri, Andoni, Ibibio and a host of other peoples speaking distinct languages live in Bayelsa, Rivers, and Delta states alone.

Oil Windfall

Royal Dutch Shell discovered oil in 1956 near the village of Oloibiri. Nigeria has roughly 40 billion barrels of proven oil reserves. The oil's low sulfur content – so-called "sweet" crude – is much sought after by refineries in the United States, which purchases about 40% of current production, providing about 10% of American oil imports – the fifth largest source.⁹ This is down from previous years due to civil unrest and disruption to production efforts.¹⁰ Nigeria was estimated at having a capacity to produce about 2.9 million barrels of oil per day in 2010, but rates fell to between 1.7 and 2.1 million barrels of oil per day due to direct attacks on oil infrastructure.¹¹ In addition, Nigeria is home to the world's ninth largest supply of natural gas in the world and the largest in Africa.¹²

Nigeria's military governments centralized control of the oil industry under the presidency. The 1999 Constitution, which vests predominant powers in the executive branch, places the president in a commanding position over all Nigerian political and economic life. The Niger Delta was hit particularly hard by the 1969 Oil Revenue Act, which transferred all energy earnings to the federal government. This was compounded by the 1978 Land Use Act that made the Federal Government the ostensible owner of all land in the country, and which the government applies in practice far more than the 1999 Constitution's

individual right to own land. The constitution does, however, insist that 13% of oil revenues be returned to the oil-producing states in addition to their share of federal revenues given to all 36 states. More recent attempts to increase the Niger Delta's share of revenues have included debate over a 10% "equity" share that would go directly to oil-producing communities and a much-debated Petroleum Industry Bill, which could add further contributions from oil companies.¹³ Neither proposal, however, has so far been implemented.

Shell, ExxonMobil, Chevron, Total, Eni/Agip, Elf, and Texaco are some of the major partners with the Nigerian National Petroleum Company, which retains 55-60% of earnings from joint ventures and then heavily taxes the remaining profits of the oil companies. Nigerian and international human rights groups have criticized these companies for their environmental practices in the Niger Delta and for their direct and indirect assistance of the Nigerian military and its heavy-handed tactics.¹⁴ Consequently, kidnappings of Nigerian and foreign oil workers have been a constant problem.

At the urging of the United Kingdom, the Obasanjo administration developed the Nigerian Extractive Industries Initiative (NEITI) in 2005, and pushed oil companies active in Nigeria to join. The NEITI holds companies and the government to a series of rights standards and best practices, and promises to conduct regular audits of the industry. Several reports have followed, including one by the National Assembly and another commissioned by the Jonathan administration, both in 2012. Such information is tremendously important to provide the Nigerian public glimpses at the real revenue figures earned by the oil industry and paid to the Nigerian government. NEITI's first audit was held in 2005, and in early 2006 the Obasanjo administration revealed that it had discovered significant discrepancies between what the oil companies paid to government and what the government had recorded as its earnings. The 2012 reports found similar problems, alleging that Nigeria loses \$6 billion annually to oil theft and has lost \$29 billion since 2002 in price-fixing scams that involve some of the highest levels of government, including several oil ministers, and the multinational oil companies.¹⁵

Massive Corruption

These eye-popping losses are only the tip of the iceberg. Pervasive, systematic corruption is at the heart of Nigerian politics in a pattern of political behavior known across the developing world as neopatrimonialism – the so-called "Big Man" or godfather phenomenon, in which powerful individuals capitalize on political and economic centralization to develop strong, hierarchical loyalty networks. These pyramid-structured networks are fueled by patronage sourced both legitimately and illegally from government coffers: "The essence of neopatrimonialism is the award by public officials of personal favors, both within the state (notably public sector jobs) and in society (for instance, licenses,

contracts, and projects). In return for material rewards, clients mobilize political support and refer all decisions upward as a mark of deference to patrons.”¹⁶

As one Nigerian political analyst remarked: “No self-respecting Nigerian politician is without illegitimate business interests in Niger Delta oil.”¹⁷ “Big Men” from across the nation have sought to build their political empires on oil from the Niger Delta, either indirectly through access to federal and state government shares of the earnings, or directly through occasionally legitimate business interests in the region or, as they are more frequently accused, illegitimate oil smuggling and other operations.

Although half of all public revenues are taken by the federal government, the state governments have been receiving a steady flow of their share of the federal account, which is roughly a quarter. The constitution stipulates, however, that before the oil revenues are divided among the federal government, the 36 state governments, and the nation’s 774 local governments, the oil-producing states must receive a first cut of 13% of the total oil revenues in addition to their roughly 1/36th share of the allocations to all the states. Consequently, the Niger Delta state governments have received fabulous returns since global oil prices jumped in 2003.

*Table 1: Monthly Federal Allocations for January 2011 for the Niger Delta*¹⁸

<i>State</i>	<i>Statutory Allocation</i>	<i>Share of 13% Derivation</i>	<i>Total for July (in Naira)</i>	<i>US Dollar Value (N 152 = \$1)</i>	<i>Annual US\$ Projection (Jan. x 12) for 2011</i>
Akwa Ibom	2.28 billion	9.72 billion	12.0 billion	\$78.9 million	\$946.8 million
Bayelsa	1.81 billion	6.98 billion	8.79 billion	\$57.8 million	\$693.6 million
Cross River	2.12 billion	380 million	2.50 billion	\$16.4 million	\$196.8 million
Delta	2.28 billion	6.50 billion	8.78 billion	\$57.7 million	\$692.4 million
Edo	2.13 billion	357 million	2.49 billion	\$16.4 million	\$196.8 million
Rivers	2.50 billion	9.27 billion	11.8 billion	\$77.6 million	\$931.2 million
Non-Niger Delta states:					
Lagos	3.22 billion	0	3.22 billion	\$21.2 million	\$254.4 million

Table 1 demonstrates that the state governments of the Niger Delta, particularly the conflict-ridden states of Rivers, Bayelsa, and Delta, are in fact receiving a fantastic amount of revenue every month. Moreover, when local tax receipts are included, Rivers state will likely earn over four times what Lagos state, arguably Nigeria's most populous, will earn. The Obasanjo Administration also created a special Niger Delta Development Commission (NDDC) in 1999, which has received 35 billion naira (US\$230 million) on average annually to undertake development projects in the region.

All of the state allocations go directly to the control of the governor. The local government allocations for each state are also given directly to the governor from the federation account, who is then supposed to distribute them to each local government in their states – Rivers state, for instance, received 11.8 billion naira (US\$77.6 million) for the month of January 2011 for its local governments. In practice, however, governors frequently withhold large portions of such allocations for predetermined expenses such as education. Some of these funds get partially lost in the state government bureaucracy, or on questionable construction and other projects given to gubernatorial allies who may never start or complete them. State governors also have important roles in the management of NDDC funds, for which there is little concrete evidence that actual money was spent on development projects in the Niger Delta.

Consequently, even with the federal government withholding the lion's share of oil wealth, the state governments of the Niger Delta are still flush with sufficient funding to make significant impacts on socioeconomic development in the region. Community leaders and civil society activists across the Niger Delta point to one clear explanation for why this wealth has not translated into regional progress: massive corruption on the parts of state governors, their supporters, and federal officials.

Emblematic of this looting is the former governor of Delta state (1999-2007), James Ibori, who received a jail sentence of 13 years in 2012 after a court in the United Kingdom found him guilty of 10 counts of fraud and money laundering totaling US\$77 million dollars. He used the money to purchase a fleet of vehicles and several properties in the UK and abroad.¹⁹ The former governor of Bayelsa state, who recruited President Jonathan as his deputy governor in 1999, owned several multimillion dollar properties in the United Kingdom, as well seven British bank accounts, and a yacht, all sourced from public funds. He was later impeached and jailed. The former Rivers state governor bought two private jets, a helicopter, and a host of private properties of his own. Rivers State in its 2006 budget set aside US\$3.6 million for gifts and souvenirs for gubernatorial visitors alone.²⁰

Although three presidents have taken modest steps to fight this systematic corruption through the NEITI, the 2012 reports, and other initiatives, little definitive action has been taken to alter it fundamentally, and the only major political figures jailed for graft were either indicted abroad or ran afoul politically of one of the presidents. For instance, President Jonathan fired the managing

director and several executives of the state oil company in 2012, but none of them have been indicted and their replacements have yet to show any sign of reforming the company.²¹

Oil Spills and Flares

While the politicians find personal bonanzas at the public's expense, health and environmental conditions in the Niger Delta continue to drop at an alarming rate. Over 4000 oil spills occurred in the Niger Delta between 1960 and 2005,²² with an estimated 1.5 million tons of oil spilled, making the region one of the five most polluted locations on earth.²³ Recent estimates place the total amount of oil spilled since the 1960s at 260,000 barrels per year. The Nigerian National Oil Spill Detection and Response Agency estimates that around 2,400 oils spills occurred between 2006 and 2010 alone.²⁴ Oil slicks cover the region; blow-outs and leaks affect creeks, streams, and related traditional sources of livelihood, destroying mangrove forests, eroding soil plots, and killing aqua life. Hundreds of well-sites have flares, which come from the burning of associated gas. The flares heat up everything nearby and turn day into night, releasing 5 million tons of CO₂ and 12 million tons of methane annually.²⁵ Resulting sulfuric acid mists damage plants and forests. Flares pollute rain water, cause acid rain, and contribute to climate change.²⁶

Amid this pollution, many Niger Delta residents suffer from oil poisoning. Crude oil enters the body through skin absorption, ingestion of food and water, and inhalation of oil and dust particles. Oil poisoning also causes respiratory ailments. In addition, residents suffer from a plethora of water borne diseases such as malaria, dysentery, tuberculosis, typhoid, and cholera. Life expectancy is low and child morbidity rates are sky-high.²⁷ With population growing at a rate of 3% annually and massive unemployment, impoverished and hopeless youths are migrating from their villages to Port Harcourt and other urban areas. The Niger Delta has the highest incidence of HIV/AIDS in Nigeria; prostitution and teenage pregnancies are on the rise. There is also a spiral of cults, gangs, robbery, and spontaneous violence.²⁸

Militancy

Amid abysmal living conditions in the face of spectacular oil wealth, a growing number of individuals in the Niger Delta have come to see violence as the solution to their problems. Militia activity exploded as many armed groups were nurtured and employed by politicians – including some governors – to assist in rigging elections. Most of the militias remain under the influence of the political elites, but some are growing increasingly autonomous and have moved into bargaining relationships with a variety of “godfathers” and other elite actors. They live off political patronage and security services they offer to protect oil bunkering (stealing) operations, as well as an increasing wave of ransom money

gained from kidnapping oil workers. A 2004 government amnesty and weapons buyback from the militias was brokered by civil society actors, but the Obasanjo administration allowed the program to lapse within six months, and the militias rearmed with even more sophisticated weaponry. Another amnesty and buyback program occurred in 2009-10, which included cash payments and trainings, particularly to the militia commanders. A temporary decrease in violence occurred, but crime and attacks on oil infrastructure rose again thereafter because of poor job creation and the lack of economic development.²⁹

So far, the militias are primarily a result of wide unemployment and general political frustration with the poor state of development in the region. “Most of the groups are formed as a result of attempts to rescue the society from the perceived excesses of community leaders, traditional authorities, oil companies or governments.”³⁰ Self-determination themes have been articulated, but mostly to strengthen bargaining positions of the militias rather than demonstrating deep commitment to autonomy or secession. These themes, however, do appear to have a growing resonance with the public, and sentiments for greater resource control are deeply popular across all sectors of Niger Delta society. The group with the most media savvy, Movement for the Emancipation of the Niger Delta (MEND), promised at its height in 2006-09 to continue attacking oil installations and Nigerian military units until the oil industry is under complete local control, and they advised all foreigners to leave Nigeria altogether. Nigeria’s overall oil production is estimated to fall by 1 million barrels a day due to attacked on oil infrastructure and theft.³¹

The militias have also shown a disturbing trend of hiring themselves out as mercenaries in other parts of Nigeria and Africa at large. Recent violence between two political kingpins in the Ogoni region of Rivers state saw militias hired from distant Delta state supporting one of the factions. Concern is rising that some of these militias will continue to be hired for political muscle outside the Niger Delta in other Nigerian states, and the US embassy in Abuja warned of this possibility.³²

Pirates in Power

Primary responsibility for the crisis in the Niger Delta lies with the Nigerian government itself, which clearly does not have the legitimately bestowed democratic mandate of the people of the region. Elections since 1999 across the Niger Delta were blatantly rigged, with brazen ballot stuffing, tally altering, and outright thuggery in the presence of local and international observers alike.³³

For instance, European Union observers declared that elections across the region in 2003 lacked credibility, while local monitors were more frank, stating flatly that there were no elections in much of the Niger Delta. Despite high ratings from international observers, election fraud in the region remained rampant in the most recent elections in 2011, particularly in President Jonathan’s

strongholds.³⁴ Opposition parties thus were completely shut out of nearly all layers of government in the region and intimidated into inaction on the campaign trail, leaving voters with no real political choices and no alternatives for social action.

Not surprisingly, election victors – nearly all members of the ruling PDP – have kept their loyalties firmly with the party barons that put them in office in true neopatrimonial fashion, rather than with the people they are obligated to represent. One local activist summed up the situation well: “We approached our local government chairman to ask him to do something for the community. He laughed at us and said: ‘Did you put me here?’”³⁵

Moreover, much of the oil bunkering operations have strong ties to the political elite. The militias typically provide security and cover for these operations; the actual technical expertise to ship the oil to the international market requires the complicity of an array of oil workers, military officers, bureaucrats, politicians, international business contacts, and others who profit from the trade. Local and international advocacy groups, Human Rights Watch among them, have noted that some of Nigeria’s most powerful politicians are benefiting from the oil bunkering operations, and are the likely kingpins controlling them.³⁶

Civil society actors continue to spearhead a variety of peace initiatives across the region, such as that of human rights activist Bishop Matthew Kukah for the Ogoni dispute with oil giant Shell, and local NGO efforts to manage community disputes. These efforts have had some impact on reducing the level of violence in the region, and have also succeeded in building some relationships between militia leaders on the one hand and government and civil society actors on the other.

Overall, however, the fundamental drivers in the governance crisis remain unaddressed. The Independent National Electoral Commission (INEC) was deeply beholden to the president and a host of powerful state politicians until 2010, when President Jonathan appointed a respected civil society reformer to head INEC, Prof. Attahiru Jega. Prof. Jega has made remarkable strides in improving INEC’s performance, but local political machines have so far continued to utilize enormous resources to influence results at the polling station and at the key early stages of the collation chain. Election violence in the Niger Delta is central to these rigging efforts, reinforcing the importance of the militias to the politicians.

Striking the Match: Frustration, Ethnicity, and Elites

Although parts of the Nigerian federation are struggling ahead with marginal democratic development, three of the states of the Niger Delta region – Rivers, Bayelsa, and Delta – are virtually failed states, while the rest of the region is not

far behind. The state governments have little presence outside their capitals, and local governments are non-existent except as depots for local patronage networks. The Nigerian military has a growing presence in the region, but they are increasingly outgunned by the Niger Delta militias, whose profits from oil bunkering have allowed them to buy the most sophisticated modern weaponry. These include rocket-propelled grenade launchers (RPGs) and Man-Portable Air Defense Systems (“manpads”) – bought from international arms dealers who brazenly pilot their ships right up to the Niger Delta coast for the transaction. The 2009-10 amnesty process made no impact on the advanced weaponry spread across the region, collecting primarily rifles and machine guns that have largely been replaced with fresh weapons.

Living in such failed-state conditions, most of the impoverished inhabitants of the Niger Delta offer a textbook case in frustration-aggression analysis: as expectations for improvements in standards of living – or in some perspectives, basic human needs – rise faster than the political system can deliver, frustrations rise. When these frustrations reach a critical level, aggressive behaviors can result, and if the government appears openly antagonistic to public aspirations, revolt can occur.³⁷

The fact that Nigeria earns billions of dollars in oil wealth every year from Niger Delta oil is common knowledge across the region, as is the abundant evidence that little of the earnings are being spent on socioeconomic development there. Many of the current militia leaders tell that their revolts were sparked by visits in the 1990s to Nigeria’s capital, Abuja. In Abuja they saw massive public works and infrastructure development bought with oil earnings, while their oil-producing communities continued to languish with no jobs, no infrastructure, and an increasingly polluted environment. Mujahid Dokubo-Asari, former leader of one of leading militias in Rivers State with close ties to MEND, puts it plainly: “The thieves are the people in Abuja... a thief cannot come into my house, take my property, sit down, because he is strong, and then turn back [to me] to say, oh, this is the actual thief.”³⁸

The people of the Niger Delta are not, however, a single unified polity. A vast mosaic of ethnic divisions across the Niger Delta overlay these fundamental public frustrations over the lack of development and, more so, the open government hostility to public aspirations for legitimate social change. At least 40 ethnic groups constituting over 20 million people speaking a host of distinct languages and dialects inhabit the region, making regional solidarity difficult and provide ample opportunities for divide-and-rule tactics by government actors and oil companies. Obi notes that much of the violence in the region “is impelled by horizontal struggles for oil and power by rival factional interests, or communities, manipulating the history of rights, entitlements, claims and ownership.”³⁹ The oil town of Warri in Delta State has become particularly notorious for frequent bouts of violence among resident Ijaw, Itsekiri, and Urohobo ethnic communities over control of local governments and oil producing areas, but the pattern of interethnic strife repeats across the Niger Delta.

Numerous theories have offered a variety of ways in which ethnic divisions can contribute to social conflict. Social identity theory and interdependence theories in social psychology focus on how members of groups bias in favor of their own group (their so-called in-group), and how perceived threats from out-groups to the interests that in-groups serve can lead to strong negative reactions from group members.⁴⁰ Ethnic groups, as complex cultural units, serve such a rich variety of fundamental identity, security, and community interests, particularly in a context of failed state conditions that perceived threats from one ethnic group against another can elicit strongly aggressive responses from aggrieved members.

Although material frustration and aggravated ethnic differences provide a conflict-prone context for the Niger Delta, the dysfunctional political process is what exacerbates and transforms them into violent conflict. Absent real elections in the Niger Delta, the communities have no legitimate political representation in government. Instead, they have a handful of powerful individuals from their communities engaged in neopatrimonial, personal patronage networks that owe their loyalties upward – toward their immediate “godfathers” – not downward to the people who are their constituents. Consequently, political leaders have little systemic incentive to address the interests of the public in the region, since they do not owe their offices to the electorate through genuine public votes. Politicians look only to take care of their immediate superiors and supporters in the neopatrimonial chain who provide local organization and political muscle via thugs and militias. In order to maintain their positions in a corrupt environment and lacking legitimate business opportunities, politicians have every incentive to steal public funds and oppress political opponents. Moreover, under this arrangement politicians also have a strong incentive to keep communities impoverished and to fan ethnic resentments in order to keep them docile and afraid of neighboring communities. This in turn maintains the status quo that benefits the political monopoly of the elite.

For example, political leaders from the Niger Delta have pushed strongly for increased “resource control,” meaning an increase in the percentage of oil wealth that is reserved for the region from 13 to 50%. No officeholder from the region has inquired where the allocated 13% has gone since the return to civilian rule in 1999, nor have they investigated the Niger Delta Development Commission, which has produced little demonstrable impact in the region. Instead, they have spent their energies pushing the federal government to return more oil revenues that are largely captured by their neopatrimonial networks.

Oil companies, meanwhile, also contribute to community disempowerment. The oil industry knows full well its centrality to the functioning of the Nigerian government, as well as the neopatrimonial pattern of politics that dominates. Since the international outcry over Shell’s alleged complicity in the Nigerian military’s hanging of Ogoni nationalist Ken Saro-Wiwa in 1995,⁴¹ Shell and the other major multinationals have taken steps to increase the amount of development aid they give to communities. Yet this aid is often selective and

inconsistent, and sometimes leads to conflict among local communities over who is to receive the funds. On other occasions village leaders accept the funding and then abscond with it. Many communities, however, complain that promised funds often do not arrive, or that the companies do not follow through on local agreements with them.

The companies, Chevron in particular, have also lent their helicopters and equipment to the Nigerian military for operations to protect oil facilities during which the military committed atrocities.⁴² One study has even found that “the oil companies have also contributed significantly to the build up of armed groups in the Delta.”⁴³ Shell itself admitted in 2004 that its business practices had contributed – inadvertently, in its estimation – to conflict, poverty, and corruption in the Niger Delta.⁴⁴

Time to Talk

Several fundamental structural problems must thus be addressed in the Niger Delta if the current crisis is to be reversed:

- The people of the Niger Delta have no duly elected representation at any level of Nigerian government, and thus have no formal political voice.
- The Niger Delta produces the majority of Nigeria’s wealth, but still enjoys only a fraction of its returns.
- The remaining wealth that does make it to the Niger Delta is in fact substantial, but it is largely being stolen by the region’s own political leaders and their supporters.
- The region’s deep ethnic diversity has been used by political leaders to keep communities from organizing region-wide popular policy platforms.
- Most of the oil bunkering networks are connected to powerful national and local politicians, who have a financial interest in continuing the crisis in the region.
- The rise of the militias is a direct result of massive unemployment and lack of socioeconomic development across the region, as well as a thriving West African arms bazaar.

The 2015 elections could bring these negative trends to their explosive conclusion. If President’s Jonathan’s bid for re-election is heavily resisted in other parts of the country, his supporters could push the militias to attack oil installations or initiate a wider scope of violent activities to threaten the rest of the federation’s access to oil revenues in retaliation. Alternatively, frustration over the poor implementation of the amnesty process and lack of substantive change could soon lead some of the militias to resume a broad-based insurgency.

Prof. Jega’s reforms at INEC, however, mark an important opportunity for change in the Niger Delta. The improved election system may open sufficient

space for political opposition to organize and offer an alternative outlet for public frustrations. Civil society and community associations would be essential actors in any such scenarios for political change.

Timely policy actions could halt the governance crisis in the Niger Delta and take advantage of the slim but best chance for sweeping change in the region. First, the Nigerian government, joined by the major oil corporations, should begin talking with the communities themselves. A region-wide Niger Delta conference, ideally hosted by the president himself, could be an important vehicle to hold such a dialogue.

Nearly every conflict resolution method begins with approaching the antagonists in conflict so that they can articulate their interests and concerns in regard to a dispute.⁴⁵ As individuals present these interests, deeper emotional needs are surfaced, thereby beginning a process of healing.⁴⁶ Of course, this process is fraught with uncertainty, but without the substantive participation of the Niger Delta communities themselves, no viable solution that requires their input can be developed. The lack of substantive communication also feeds frustration-aggression and perspectives of ethnic grievance that create an increasingly dangerous context that irresponsible political actors can manipulate and ignite.

By surfacing interests, community frustrations over the lack of local benefits from the oil wealth can be articulated and plans for addressing them developed. This step is essential, because legitimate community representatives themselves have yet to have the opportunity to say clearly what the communities want. Substantive talks also provide an essential vehicle for undermining the conflict potential of ethnic differences, so long as the process is open and inclusive of all the ethnic groups in the region.

Precisely because the communities have not been able to choose their own representatives, however, the choice of who should be invited to join a dialogue with the government and oil companies will be essential. Given the tradition of flawed elections, many of the regional politicians are unrepresentative of the communities they purport to serve. These elected officials must be invited to a government dialogue, but additional community representation will be required. Ethnic organizations already proliferate across the region, and these should be invited to ensure that ethnic concerns are well articulated.

The communities themselves, however, still may have significant concerns that will not be represented by the ethnic associations. Most villages in the region have their own self-help associations – these community associations could be invited on a self-selecting basis. Government initiatives in the past have tended to be exclusive affairs with participants chosen by the president and governors, leading to predictable, status quo results. Instead, any community association, regardless how it defines its boundaries, should be allowed to attend.

Once attendees join the region-wide conference, a series of open-membership committees could be established on specific issues. The committees would draft overarching recommendations for political reform and socioeconomic development, and could hold town-hall meetings across the Niger Delta to discuss their recommendations and solicit public input. The central goal of this process would be not only to generate these recommendations, but to provide the communities time and incentive to develop regional negotiating platforms toward government actors and the corporations. Based on these platforms, the new Nigerian president could lead a public negotiation process to address the community-driven needs and to undertake the necessary package of political reforms to improve elections, governance, and social policy in the region.

Political opposition must be allowed to operate freely within this process and in the region as a whole. Without functioning opposition parties, there is also no institutional check on government, and the public has no viable alternatives among which to choose to better serve its interests. Consequently, the militias become the *de facto* voice of the oppressed in the Niger Delta, capturing that legitimacy. Opposition parties are also the most forceful advocates for clean elections and anti-corruption initiatives, since these help them get into power. If a semblance of credible elections can be restored, the opposition can begin to provide the public with some political alternatives and undermine the attractiveness of militant activity. Opinion polls over the four election cycles since 1999 have consistently indicated that opposition parties in the Niger Delta would likely have done well and won several governorships in the region, not to mention state and federal legislative seats.⁴⁷ Even with the massive bias in favor of the ruling party, opposition parties fared better in the 2011 elections than they ever have in the region.⁴⁸

Beyond regional dialogue and respect for opposition, the president could also undertake additional efforts on his own to address the underlying sources of conflict in the region. The regional conference may also have recommendations on these efforts, of which the president should take account as he moves forward:

- Undertake new efforts to disarm the militias through a more comprehensive package of amnesty, weapons buyouts, job programs, and sensible law enforcement initiatives. Unlike the 2009-10 process, however, this time international observers should be invited to oversee its implementation and provide additional transparency.
- Demonstrate long-term government credibility by arresting the national political kingpins who benefit from oil bunkering and shutting down their personal empires.
- Publish the full results of the 2012 reports on corruption in the oil industry, and investigate the disparities cited. Ensure that all oil companies have joined the NEITI process and are fulfilling their obligations.

Oil companies should also support the public dialogue process, and provide sufficient production and financing data to the participants. Chevron and Shell have already held small-scale dialogues in some of the oil-producing communities and set up community development associations that could engage in a regional process. The foreign companies are also in a unique position to be able to pay particular attention to engaging the many women's movements in the Niger Delta in the public dialogue process, and ensuring that they are regular participants in all community negotiations between oil companies and the communities. The regional conference should also consider having the companies end payments to the NDDC, and instead channel aid directly to Niger Delta community associations, in a context of proper auditing procedures and community oversight.

Companies that have not signed onto NEITI, meanwhile, should be approached to do so, and all should live up to their obligations under NEITI. Moreover, the companies can work harder to fulfill their contractual obligations when communities and corporations reach local agreements. Direct financial assistance from oil corporations to the Nigerian military and any indirect assistance through lending of equipment or housing should also be halted, as should any support for local militia activity.

Foreign governments can also press the Nigerian government to engage in a substantive dialogue on these matters along the lines above. Foreign donors can assist community associations and local civil society groups to join in any government dialogue process. Foreign governments should also undertake more serious measures to block the international access of oil bunkering networks to the global market. Part of such efforts should include providing the Nigerian public with information on who are the international traders in stolen Nigerian oil, and who within Nigeria is engaged in this trade.

These suggestions are only the broad contours of a regional policy to stem the spiral of deadly violence in the Niger Delta. The essential element is political restructuring of regional governance in line with the interests of the many communities of the Niger Delta, as the communities themselves define these interests. A region-wide conference along the lines sketched above could articulate those interests and send the communities an immediate message that the government is serious about reforms that address their requirements.

Leading presidential candidates have stressed the importance of dialogue with the communities of the Niger Delta. President Jonathan made the conflict in the Niger Delta a top priority and continued the 2009 amnesty program, and also introduced the Petroleum Industry Bill that continues to be debated in the Nigerian parliament. Opposition candidate General Buhari has not spoken directly of dialogue with the Niger Delta, but has spoken extensively on the need for rapid development: "What I believe is that if the leadership... up to now had not abused public trust, the youths in the Niger Delta would have no cause to be

unhappy because there will be enough resources for social services, schools, housing, roads and health.”⁴⁹

Despite having a president from the Niger Delta, the Nigerian government still refuses to pay sufficient heed to the collapse in the oil-producing regions. Failed states, however, tend to export their anarchy to their neighbors, and if the Niger Delta is again allowed to burn unchecked, the rest of the fragile Nigerian political house may soon ignite, imperiling the entire West African region.

NOTES

¹ Portions of this article first appeared in a report for the *Commission of Nobel Laureates on Peace, Equity and Development in the Niger Delta Region of Nigeria* signed by 65 Nobel Laureates on December 1, 2006. Special thanks to Corey Brewer for helping to update this version of the article.

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